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Contents

Federal Register

Vol. 86, No. 76

Thursday, April 22, 2021

Agency for International Development
NOTICES
Senior Executive Service:
Membership of Performance Review Board, 21268

Agricultural Marketing Service
NOTICES
Meetings:
Grain Inspection Advisory Committee Meeting, 21268
United States Standards for Beans—Chickpeas, 21268–21269

Agriculture Department
See Agricultural Marketing Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21269–21271

Bureau of Consumer Financial Protection
RULES
Debt Collection Practices in Connection with the Global COVID–19 Pandemic (Regulation F), 21163–21181
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Emergency Processing Request, 21306–21307

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Data Collection Form for Reporting on Audits of States, Local Governments, Indian Tribes, Institutions of Higher Education, and Non-Profit Organizations, 21272–21273

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21321–21322

Children and Families Administration
NOTICES
Meetings, 21322–21323

Civil Rights Commission
NOTICES
Meetings:
Maryland Advisory Committee; Cancellation, 21271
Mississippi Advisory Committee, 21272
Tennessee Advisory Committee, 21271
Virginia Advisory Committee, 21271–21272

Coast Guard
PROPOSED RULES
Electrical Engineering Regulations; Update, 21440–21487

Commerce Department
See Census Bureau
See First Responder Network Authority
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration
See Patent and Trademark Office

Defense Department
See Navy Department

Education Department
RULES
American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund, 21195–21207
Calculation of the Endowment Factor for Allocations to Historically Black Colleges and Universities under the Coronavirus Response and Relief Supplemental Appropriations Act, 21190–21195

Employee Benefits Security Administration
NOTICES
Agency Information Collection Activities; Request for Public Comment, 21349–21350

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Request for Information:
Ensuring the Continued Security of the United States Critical Electric Infrastructure, 21309–21312
Revocation of Prohibition Order Securing Critical Defense Facilities, 21308–21309

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Illinois; Public Participation in the Permit Program, 21207–21208
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Iowa; State Implementation Plan and State Plans for Designated Facilities and Pollutants, 21254–21258
Tennessee; Removal of Vehicle I/M Program; Middle Tennessee Area and Hamilton County, 21248–21254
NOTICES
Clean Air Act Operating Permit Program:
Petition for Objection to State Operating Permit for AK Steel Dearborn Works, Wayne County, Michigan, 21316–21317
Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities April 2021, 21317–21318

Equal Employment Opportunity Commission
NOTICES
Meetings; Sunshine Act, 21318–21319

Federal Aviation Administration
RULES
Airspace Designations and Reporting Points:
Calais, ME, 21187–21188
Airworthiness Directives:
Pratt and Whitney Turbofan Engines, 21181–21185

Uninsured United Parachute Technologies, LLC Parachutes, 21185–21187
PROPOSED RULES
Airspace Designations and Reporting Points:
Vicinity of Neosho, MO, 21243–21246
Airworthiness Directives:
Airbus Helicopters, 21231–21233, 21238–21243
Airbus SAS Airplanes, 21228–21231
Rolls-Royce Deutschland Ltd and Co KG (Type Certificate previously held by Rolls-Royce plc) Turbofan Engines, 21233–21237

Federal Communications Commission
RULES
Establishing a 5G Fund for Rural America, 21216–21217
Rules Governing the Use of Distributed Transmission System Technologies, Authorizing Permissive Use of the Next Generation Broadcast Television Standard, 21217–21227
PROPOSED RULES
Television Broadcasting Services:
Freeport, IL, 21258–21259
NOTICES
Application for Renewal of License:
Vandalia Media Partners 2, LLC, AM Radio Station WJEH(AM), Gallipolis, OH, 21319–21320

Federal Emergency Management Agency
NOTICES
Request for Information on Programs, Regulations, and Policies, 21325–21328

Federal Energy Regulatory Commission
PROPOSED RULES
Managing Transmission Line Ratings; Correction, 21246
NOTICES
Combined Filings, 21315–21316
Environmental Assessments; Availability, etc.:
Cherokee Falls Hydroelectric Project, LLC, 21313
Records Governing Off-the-Record Communications, 21313–21315
Request under Blanket Authorization:
Columbia Gas Transmission, LLC, 21312–21313

Federal Motor Carrier Safety Administration
PROPOSED RULES
Extension of Compliance Dates for Medical Examiner's Certification Integration, 21259–21267
NOTICES
Qualification of Drivers; Exemption Applications:
Epilepsy and Seizure Disorders, 21431–21433

Federal Railroad Administration
NOTICES
Petition for Extension of Waiver of Compliance, 21434
Petition for Waiver of Compliance, 21433–21435

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 21320–21321

First Responder Network Authority
NOTICES
Meetings:
Combined Board and Board Committees, 21273–21274

Foreign Claims Settlement Commission
NOTICES
Meetings; Sunshine Act, 21348–21349

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Contract Financing Final Payment, Release of Claims; Correction, 21321

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See National Institutes of Health
RULES
National Vaccine Injury Compensation Program:
Rescission of Revisions to the Vaccine Injury Table, 21209–21213
NOTICES
Meetings:
COVID–19 Health Equity Task Force; Correction, 21323

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See Transportation Security Administration
See U.S. Citizenship and Immigration Services
RULES
Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada, 21188–21189
Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico, 21189–21190
NOTICES
Employment Authorization:
Syrian F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of Civil Unrest in Syria Since March 2011, 21333–21339
Venezuelan F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Humanitarian Crisis in Venezuela, 21328–21333

Interior Department
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
PROPOSED RULES
User Fee for Estate Tax Closing Letter; Correction, 21246

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium, 21274–21275
Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China, 21277–21281
Passenger Vehicle and Light Truck Tires from the People's Republic of China, 21275–21277

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Electronic Candle Products and Components Thereof, 21348

Justice Department
See Foreign Claims Settlement Commission
NOTICES
Proposed Consent Decree:
Clean Air Act, 21349

Labor Department
See Employee Benefits Security Administration
See Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Hazardous Energy Control Standard (Lockout/Tagout), 21350–21351
Voluntary Protection Program Information, 21353
Privacy Act; Systems of Records, 21351–21353

Maritime Administration
RULES
Admission and Training of Midshipmen at the Merchant Marine Academy:
Amendment Providing an Emergency Waiver for Scholastic Requirements, 21213–21216

Millennium Challenge Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Restricted Data Use Application, 21358–21359

National Highway Traffic Safety Administration
NOTICES
Receipt of Petition for Decision of Inconsequential Noncompliance:
Combi USA, 21435–21437

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Inclusion Enrollment Report Form, 21324
Meetings:
National Institute of General Medical Sciences, 21324–21325
National Institute on Aging, 21323

National Oceanic and Atmospheric Administration
NOTICES
Endangered and Threatened Species:
Initiation of 5-Year Review for Southern Resident Killer Whales, 21282–21284
Meetings:
Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel; Recreational Roundtable and Large Pelagics Survey Workshop, 21282
Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review, 21304–21305
New England Fishery Management Council, 21281–21282
North Pacific Fishery Management Council, 21284
Takes of Marine Mammals Incidental to Specified Activities:
Marine Site Characterization Surveys off of Coastal Virginia, 21298–21304
Marine Site Characterization Surveys off of New York and New Jersey, 21289–21298
U.S. Marine Corps Training Exercises at Cherry Point Range Complex, North Carolina, 21284–21289

National Park Service
NOTICES
Intent to Repatriate Cultural Items:
Gilcrease Museum, Tulsa, OK, 21341–21342
Hartwick College, Yager Museum of Art & Culture, Oneonta, NY, 21342–21343
Inventory Completion:
Arizona Museum of Natural History, Mesa, AZ; Correction, 21341
California Department of Transportation, Sacramento, CA, 21346–21347
California State University, Sacramento, Sacramento, CA, 21344–21345
Federal Bureau of Investigation, Indianapolis Field Office, Indianapolis, IN, 21343–21344
Repatriation of Cultural Items:
California State University, Sacramento, Sacramento, CA, 21345–21346
Federal Bureau of Investigation, Art Theft Program, Washington, DC, 21344

National Telecommunications and Information Administration
NOTICES
Meetings:
Combined Board and Board Committees, 21273–21274

Navy Department
NOTICES
Certificate of Alternate Compliance for USS FRANK E. PETERSON JR., 21307–21308
Certificate of Alternate Compliance for USS LYNDON B. JOHNSON, 21308

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 21359

Occupational Safety and Health Administration
NOTICES
Application for Expansion of Recognition:
MET Laboratories, Inc., 21355–21356
Grant of Expansion of Recognition and Modification to the Nationally Recognized Testing Laboratory (NRTL) Program's List of Appropriate Test Standards:
MET Laboratories, Inc., 21353–21355
Grant of Expansion of Recognition:
Bureau Veritas Consumer Products Services, Inc., 21356–21358

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21305–21306

Personnel Management Office
NOTICES
Senior Executive Service Positions That Were Career Reserved During CY 2020, 21490–21631

Postal Regulatory Commission
NOTICES
New Postal Products, 21359–21360

Postal Service
NOTICES
Product Change:
Priority Mail Express Negotiated Service Agreement, 21361
Priority Mail Negotiated Service Agreement, 21360

Presidential Documents
PROCLAMATIONS
Special Observances:
National Park Week (Proc. 10184), 21161–21162
ADMINISTRATIVE ORDERS
Refugee Admissions for Fiscal Year 2021; Emergency Presidential Determination (Presidential Determination No. 2021–05 of April 16, 2021), 21159–21160

Railroad Retirement Board
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21361–21363

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Exchange LLC, 21401–21405
Cboe BYX Exchange, Inc., 21363–21365
Cboe BZX Exchange, Inc., 21380–21384
ICE Clear Europe, Ltd., 21418–21429
MIAX PEARL, LLC, 21405–21410
New York Stock Exchange LLC, 21373–21380
NYSE American, LLC, 21365–21373
NYSE Arca, Inc., 21384–21391
NYSE Chicago, Inc., 21410–21418
NYSE National, Inc., 21393–21401
The Depository Trust Co., 21392–21393

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 21430
Major Disaster Declaration:
Oklahoma, 21430
Texas, 21429–21430

Social Security Administration
NOTICES
Privacy Act; Matching Programs, 21430–21431

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Regulatory Program:
Texas, 21246–21248

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
See Maritime Administration
See National Highway Traffic Safety Administration

Transportation Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Speaker Request Form, 21339–21340

Treasury Department
See Internal Revenue Service

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Replacement Naturalization/Citizenship Document, 21340–21341

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Change of Permanent Plan – Medical, 21437
On-The-Job Training Agreement, 21437–21438

Separate Parts In This Issue

Part II
Homeland Security Department, Coast Guard, 21440–21487

Part III
Personnel Management Office, 21490–21631

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

10184 21161

Administrative Orders:

Presidential Determinations: No. 2021–05 of April 16, 2021 21159

12 CFR

1006 21163

14 CFR

39 (2 documents) 21181, 21185

71 21187

Proposed Rules:

39 (5 documents) 21228, 21231, 21233, 21238, 21240

71 21243

18 CFR

Proposed Rules:

35 21246

19 CFR

Ch. I (2 documents) 21188, 21189

26 CFR

Proposed Rules:

300 21246

30 CFR

Proposed Rules:

943 21246

34 CFR

Ch. II 21195

677 21190

40 CFR

52 21207

Proposed Rules:

52 (2 documents) 21248, 21254

70 21254

42 CFR

100 21209

46 CFR

310 21213

Proposed Rules:

110 21440

111 21440

112 21440

113 21440

47 CFR

1 21216

73 21217

74 21217

Proposed Rules:

73 21258

49 CFR

Proposed Rules:

383 21259

384 21259

391 21259

Federal Register
Vol. 86, No. 76
Thursday, April 22, 2021

Presidential Documents

Title 3—

The President

Presidential Determination No. 2021–05 of April 16, 2021

Emergency Presidential Determination on Refugee Admissions for Fiscal Year 2021

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, in accordance with section 207(b) of the Immigration and Nationality Act (the ''Act'') (8 U.S.C. 1157(b)), and after appropriate consultation with the Congress, I have determined that subsequent to the signing of Presidential Determination 2021–02 on October 27, 2020 (Presidential Determination on Refugee Admissions for Fiscal Year 2021) (PD 2021–02), an unforeseen emergency refugee situation now exists due to new or increasing political violence, repression, atrocities, or humanitarian crises in countries including Burma, the Democratic Republic of the Congo, Ethiopia, Hong Kong and Xinjiang (China), South Sudan, Syria, and Venezuela, as well as changing conditions caused by the coronavirus disease 2019 pandemic. I have further determined that the allocation of admissions among refugees of humanitarian concern set forth in PD 2021–02 prevents the United States Refugee Admissions Program from responding to this unforeseen emergency refugee situation. I hereby make the following determinations and direct the following actions:

(a) In response to the emergency refugee situation, the Fiscal Year (FY) 2021 allocation of admissions among refugees of humanitarian concern to the United States shall be revised as set forth in section (b) of this determination. This action is justified by grave humanitarian concerns and is otherwise in the national interest. Further, the admission of refugees affected by the emergency refugee situation cannot be accomplished under section 207(a) of the Act.

(b) The revised allocations for FY 2021 are as follows:

Africa	7,000
East Asia	1,000
Europe and Central Asia	1,500
Latin America and the Caribbean	3,000
Near East and South Asia	1,500
Unallocated Reserve	1,000

The Secretary of State, upon notification to the Judiciary Committees of the Congress, is authorized to use the unallocated reserve where the need for additional admissions arises and to transfer unused allocations from a particular category to one or more other categories, if there is a need for greater admissions for the category or categories to which the allocations are being transferred.

(c) In accordance with section 101(a)(42)(B) of the Act (8 U.S.C. 1101(a)(42)(B)), and after appropriate consultation with the Congress, I specify that, for FY 2021, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

(i) Persons in Cuba;

(ii) Persons in Eurasia and the Baltics;

(iii) Persons in Iraq;

(iv) Persons in Honduras, Guatemala, and El Salvador;

(v) In special circumstances, persons identified by a United States Embassy in any location or initially referred to the Federal Government by a designated non-governmental organization.

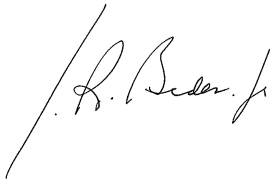
(d) The admission of up to 15,000 refugees remains justified by humanitarian concerns and is otherwise in the national interest. Should 15,000 admissions under the revised allocations for FY 2021 be reached prior to the end of the fiscal year and the emergency refugee situation persists, a subsequent Presidential Determination may be issued to increase admissions, as appropriate.

(e) Refugee resettlement pursuant to this determination shall be consistent with the requirements of Executive Order 14013 of February 4, 2021 (Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration).

(f) Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(b)(2)), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for the purpose of that provision.

(g) This determination supersedes PD 2021–02 of October 27, 2020.

(h) You are authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 16, 2021

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Presidential Documents

Proclamation 10184 of April 17, 2021

National Park Week, 2021

By the President of the United States of America

A Proclamation

The renowned environmentalist and author, Rachel Carson, wrote in her seminal book *Silent Spring* that, ''Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts. There is something healing in the repeated refrains of nature—the assurance that dawn comes after night, and spring after winter.'' Nowhere is the truth of her observation more evident than in America's national parks, which are irreplaceable treasures that amaze us, inspire us, fill us with pride, and belong to all of us in equal measure.

Even while maintaining social distancing and wearing masks to protect themselves and one another, 237 million people visited our national parks last year to enjoy these singular wonders of our Nation. Every visit leaves an indelible impression—due not only to the natural splendor of each park, but to the dedicated stewardship of the Department of the Interior and National Park Service.

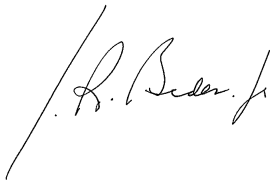
I will never forget one of my own such visits, which has long shaped my personal reverence for our national parks. In 1972, after my wife and daughter were killed in a car accident, my two young sons, Beau and Hunter, were hospitalized for an extended period. As they recovered, they became enamored of the idea of visiting Yellowstone—thanks in large part to a favorite TV show, Yogi Bear, which was set in a fictionalized version of America's first national park. In the summer of 1974, my boys and I flew into Salt Lake City, rented a camper, drove up through Dinosaur National Park and arrived for a week at Yellowstone. Our time there nourished us, filled us with awe, and restored in all of us a sense of the future that had been quieted by our loss. As I saw my sons reengage with the world after enduring so much pain, and felt our family begin to heal, I came to understand the truth of Rachel Carson's words—the power and promise of these extraordinary places to replenish something within us.

That power touches every American lucky enough to visit our national parks in some way, and it is our responsibility to ensure that our national parks reflect, honor, and serve all of our people and every community. Recent additions to the National Park System, such as the Medgar and Myrlie Evers Home National Monument, the Reconstruction Era National Historical Park, the Stonewall National Monument, and the César Chávez National Monument at the Chávez Residence in Delano, California—along with programs such as the African American Civil Rights Network, Underground Railroad Network to Freedom, and Tribal Heritage grants—reflect our commitment for our parks to serve as sources of support, validation, healing, and connection for people of color, Indigenous people, and others who have been historically marginalized and neglected. Our work to bring true equity to our parks is not yet done. The National Park System must continue to evolve to better reflect all of the people of our Nation, and to work in partnership with Tribal Nations whose historic and sacred lands often fall within the boundaries of National Parks and Monuments that have been dedicated through the years.

During National Park Week, let us dedicate ourselves to greater improvement, enjoyment, and preservation of our natural treasures, and to continue to find inspiration, strength, and all else we seek within them.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 17 through April 25, 2021, as National Park Week. I encourage all Americans to find their park, recreate responsibly, and enjoy the benefits that come from spending time in the natural world. I also ask all park visitors to do their part to stop the spread of the coronavirus by wearing masks and practicing social distancing.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



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Rules and Regulations

Federal Register
Vol. 86, No. 76
Thursday, April 22, 2021

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

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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1006

[Docket No. CFPB–2021–0008]

RIN 3170–AA41

Debt Collection Practices in Connection With the Global COVID–19 Pandemic (Regulation F)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Interim final rule; request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this interim final rule to amend Regulation F, which implements the Fair Debt Collection Practices Act (FDCPA) and currently contains the procedures for State application for exemption from the provisions of the FDCPA. The interim final rule addresses certain debt collector conduct associated with an eviction moratorium issued by the Centers for Disease Control and Prevention (CDC) in response to the global COVID–19 pandemic. The interim final rule requires that debt collectors provide written notice to certain consumers of their protections under the CDC eviction moratorium and prohibit misrepresentations about consumers' ineligibility for protection under such moratorium.

DATES: This interim final rule is effective on May 3, 2021. Comments must be received on or before May 7, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2021–0008, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: 2021-IFR-Eviction-Notice@cfpb.gov.* Include Docket No. CFPB–2021–0008 in the subject line of the message.
- *Hand Delivery/Mail/Courier:* Comment Intake, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID–19 pandemic, the Bureau discourages the submission of comments by hand delivery, mail, or courier.

Instructions: The Bureau encourages the early submission of comments. All submissions should include the agency name and docket number for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, and in light of difficulties associated with mail and hand deliveries during the COVID–19 pandemic, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *https://www.regulations.gov.* In addition, once the Bureau's headquarters reopens, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. At that time, you can make an appointment to inspect the documents by telephoning 202–435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers, Social Security numbers, or names of other individuals, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Seth Caffrey, Courtney Jean, Adam Mayle, Kristin McPartland, or Michael Silver, Senior Counsels, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of the Interim Final Rule

The Bureau issues this interim final rule to address certain debt collector conduct associated with an eviction moratorium issued by the CDC. This interim final rule applies to debt collectors, as that term is defined in the FDCPA. The FDCPA establishes broad consumer protections and prohibits debt collectors from engaging in harassment or abuse, making false or misleading representations, or engaging in unfair practices in debt collection.

On March 29, 2021, the CDC extended an existing agency order that imposes an eviction moratorium that generally limits the circumstances in which certain persons may be evicted from residential property. The Bureau is concerned that consumers are not aware of their protections under the CDC Order's eviction moratorium and that FDCPA-covered debt collectors may be engaging in eviction-related conduct that violates the FDCPA.

This interim final rule amends Regulation F, which implements the FDCPA, to require debt collectors to provide written notice to certain consumers of their protections under the CDC Order's eviction moratorium and to clarify that certain misrepresentations are prohibited. More specifically, § 1006.9 prohibits certain acts by debt collectors that undermine the purpose and effectiveness of the CDC Order's eviction moratorium to prevent the further spread of COVID–19. Section 1006.9(a) and (b) sets forth the purpose and coverage of subpart B and defines certain terms used in the subpart, and § 1006.9(c) identifies the prohibited acts. The Bureau is adopting § 1006.9 pursuant to its authority under FDCPA section 814(d) to write rules with respect to the collection of debts by debt collectors and, with respect to § 1006.9(c), pursuant to its authority to interpret FDCPA sections 807 and 808.

II. Background

A. The FDCPA

In 1977, Congress passed the FDCPA [1] to eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.[2] The statute was a response to ''abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt

[1] 15 U.S.C. 1692 *et seq.*

[2] 15 U.S.C. 1692e.

collectors.'' [3] According to Congress, these practices ''contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.'' [4] Among other things, the FDCPA establishes broad consumer protections and prohibits debt collectors from engaging in harassment or abuse,[5] making false or misleading representations,[6] and engaging in unfair practices in debt collection.[7]

The FDCPA, in general, applies to debt collectors as that term is defined under the statute.[8] The Bureau has authority under the FDCPA to prescribe substantive rules with respect to the collection of debts by debt collectors.[9] This interim final rule amends existing Regulation F, 12 CFR part 1006.[10]

B. COVID–19 Pandemic and CDC Order

On January 31, 2020, the Department of Health and Human Services declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to the 2019 novel coronavirus (COVID–19) pandemic.[11] By the end of August 2020, there were over 5,500,000 COVID–19 cases identified in the United States and over 174,000 deaths related to the disease.[12]

On September 4, 2020, the CDC published an agency order (CDC Order or Order) entitled ''Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID–19.'' [13] Citing the historic threat to public health posed by the COVID–19 pandemic, the CDC, pursuant to section 361 of the Public Health Service Act, issued an eviction moratorium that generally limits the circumstances in which certain persons may be evicted from residential property.[14] According to the CDC, eviction moratoria help protect public health in several ways. First, eviction moratoria encourage self-isolation by people who become ill or who are at risk for severe illness from COVID–19 due to an underlying medical condition.[15] Second, eviction moratoria allow State and local authorities to more easily implement stay-at-home and social distancing directives to mitigate the community spread of COVID–19.[16] Third, eviction moratoria limit the likelihood of individuals moving into close quarters in congregate or shared living settings, such as homeless shelters, which then puts individuals at higher risk of contracting COVID–19.[17]

The CDC Order initially was set to expire on December 31, 2020.[18] The CDC Order has been extended three times and currently is set to expire on June 30, 2021.[19] In the most recent extension on March 29, 2021, the CDC emphasized the continued threat to public health posed by COVID–19. The CDC stated that, as of March 25, 2021, over 29,700,000 cases had been identified in the United States and there were over 540,000 deaths due to the disease.[20] Further, the CDC stated that, although transmission of COVID–19 has decreased since a peak in January 2021, the number of cases per day has remained almost twice as high as the initial peak in April 2020 and transmission rates are similar to the second peak in July 2020.[21] The CDC stated in its most recent extension of the Order that despite higher rates of vaccine coverage, the relaxing of community mitigation efforts may continue to expose vulnerable populations to higher-than-average infection rates.[22] The Order also described the global emergence of new variants of the virus that studies have shown are more easily transmitted and may increase mortality.[23]

The CDC Order generally prohibits a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action from evicting for non-payment of rent any person protected by the CDC Order [24] from any residential property in any jurisdiction in which the CDC Order applies.[25] This prohibition applies, without limitation, to an agent or attorney acting on behalf of a landlord or owner of the residential property.[26] To be a ''covered person'' under the CDC Order's eviction moratorium, a person must submit a written declaration under penalty of perjury attesting to certain eligibility criteria generally establishing that, because of the person's financial situation, the person is unable to make full rental payments and, if evicted, likely would become homeless or would be required to move into a congregate or shared living setting.[27]

The CDC Order defines ''evict'' and ''eviction'' as any action by a landlord or owner of a residential property—which also includes an agent or attorney acting on behalf of the landlord or the owner of the residential property—or any other person with a legal right to pursue eviction or a possessory action, to remove or cause the removal of a person protected by the CDC Order from a residential property.[28] The CDC Order does not cover foreclosure on a home mortgage.[29] The CDC Order does not apply in any State, local, territorial, or tribal area with a moratorium on residential evictions that provides the same or greater level of public-health protection than the requirements listed in the CDC Order.[30] Moreover, the CDC Order does not preclude evictions unrelated to the non-payment of rent.[31]

[3] 15 U.S.C. 1692a.

[4] *Id.*

[5] 15 U.S.C. 1692d.

[6] 15 U.S.C. 1692e.

[7] 15 U.S.C. 1692f.

[8] The FDCPA generally provides that a debt collector is ''any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.'' 15 U.S.C. 1692a(6). FDCPA section 803(6) also sets forth several exclusions from the general definition. *Id.*

[9] 15 U.S.C. 1692*l*(d).

[10] Independent of this interim final rule, the Bureau has published two final rules that revise Regulation F, 12 CFR part 1006, which implements the FDCPA. *See* 85 FR 76734 (Nov. 30, 2020); 86 FR 5766 (Jan. 19, 2021). The original effective date for these final rules was November 30, 2021. *Id.* The Bureau has proposed extending the effective dates for these final rules to January 29, 2022. *See* Bureau of Consumer Fin. Prot., *CFPB Proposes Delay of Effective Date for Recent Debt Collection Rules* (Apr. 7, 2021), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-proposes-delay-of-effective-date-for-recent-debt-collection-rules/.*

[11] Press Release, U.S. Dep't of Health & Human Servs., *Secretary Azar Declares Public Health Emergency for United States for 2019 Novel Coronavirus* (Jan. 31, 2020), *https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html.*

[12] 85 FR 55292, 55292 (Sept. 4, 2020).

[13] *Id.*

[14] *See id.; see also* 42 U.S.C. 264 and its implementing regulation 42 CFR 70.2.

[15] 86 FR 16731, 16733 (Mar. 31, 2021).

[16] *Id.*

[17] *Id.* at 16734.

[18] 85 FR 55292, 55297 (Sept. 4, 2020).

[19] Section 502 of title V, Division N of the Consolidated Appropriations Act, 2021, Public Law 116–260, 134 Stat. 1182, 2078 (2020), extended the original Order until January 31, 2021. On January 29, 2021, following an assessment of the ongoing pandemic, the CDC Director renewed the CDC Order until March 31, 2021. 86 FR 8020 (Feb. 3, 2021). On March 29, 2021, the CDC Director extended the CDC Order until June 30, 2021. 86 FR 16731 (Mar. 31, 2021).

[20] *Id.* at 16732.

[21] *See id.*

[22] *See id.* at 16732–33.

[23] *See id.*

[24] The CDC Order defines those individuals who are covered by the CDC Order as ''covered persons,'' but this interim final rule generally refers to such persons as ''persons protected by the CDC Order'' for simplicity.

[25] *Id.* at 16732 n.3.

[26] *Id.*

[27] *Id.* at 16734.

[28] *Id.* at 16732.

[29] *Id.*

[30] *Id.* at 16736.

[31] Specifically, the CDC Order does not preclude evictions based on a tenant, lessee, or resident: (1) Engaging in criminal activity while on the premises; (2) threatening the health or safety of other residents; (3) damaging or posing an immediate and significant risk of damage to property; (4) violating

The CDC Order does not bar a landlord, residential property owner, or their representative, including an attorney, from filing an eviction action in court, but it does prohibit the physical removal of a person from the property if the person meets the criteria and submits the declaration.[32] Since the person must file a declaration to obtain this protection, however, a person must first be aware that the CDC Order exists and may apply to them.

To respond to the public health threat posed by the COVID–19 pandemic, Federal, State, and local governments have taken a variety of actions, including restrictions on travel, stay-at-home orders, and mask requirements.[33] In addition to the CDC Order's eviction moratorium, governments have established other eviction moratoria to alleviate the economic and public health consequences of the COVID–19 pandemic. For instance, section 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)[34] provided a temporary moratorium on eviction filings as well as other protections for tenants in certain rental properties with Federal assistance or federally related financing. State and local governments have also implemented temporary eviction moratoria, rent freezes, and rental assistance programs.[35]

In the wake of the COVID–19 pandemic, the Bureau has taken numerous steps to protect and assist consumers facing possible eviction and housing insecurity.[36] On March 29, 2021, the Bureau's Acting Director and the Federal Trade Commission's Acting Chairwoman issued a joint statement regarding their agencies' work to help stop illegal evictions and protect American consumers facing economic hardship due to COVID–19.[37] This interim final rule aims to complement this and other efforts the Bureau has initiated since the onset of the COVID–19 pandemic to assist consumers and to protect those most vulnerable to harms arising from violations of Federal consumer financial protection law.

C. Rental Evictions and Debt Collectors

When a consumer becomes delinquent on rental payments, landlords, residential property owners, or their agents (which may include attorneys acting on their behalf) typically seek to bring the consumer's account current. Landlords, residential property owners, or their agents may engage in oral or written communication with tenants and may arrange payment schedules or reduced payments.[38] The Bureau understands that a significant number of landlords and residential property owners hire debt collectors for pre-eviction collections.

If efforts to resolve the unpaid rent are not successful, a landlord, residential property owner, or their agent may seek to evict the tenant from the property. In order to remove a tenant from the property through legal process, the landlord, residential property owner, or their agent typically must first provide notice to the tenant of their intent to evict and, if the tenant does not bring the account current or leave the premises, then file an eviction action in court, often with a claim of back rent. These eviction processes are governed primarily by State or local law. While some landlords or residential property owners may represent themselves in court, the Bureau understands that a large segment of landlords or residential property owners hire an attorney to conduct eviction proceedings on their behalf.[39]

FDCPA section 803(5) defines ''debt'' as any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment. A consumer's unpaid residential rent would typically fall within the FDCPA's definition of debt because it is an obligation of a consumer to pay money arising out of a transaction for personal, family, or household purposes. FDCPA section 803(6) generally defines ''debt collector'' as any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.[40] Attorneys who regularly engage in debt collection activity, even when that activity consists of litigation, are debt collectors as defined in the FDCPA.[41] Therefore, attorneys who engage in eviction proceedings on behalf of landlords or residential property owners to collect unpaid residential rent may be

any applicable building code, health ordinance, or similar regulation relating to health and safety; or (5) violating any other contractual obligation, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest). *Id.* at 16733.

[32] Centers for Disease Control & Prevention, *FREQUENTLY ASKED QUESTIONS* (Apr. 13, 2021), *https://www.cdc.gov/coronavirus/2019-ncov/downloads/Eviction-Moratoria-Order-FAQs-02012021-508.pdf* (CDC Order FAQs).

[33] 86 FR 16731, 16733 (Mar. 31, 2021).

[34] CARES Act section 4024, Public Law 116–136, 134 Stat. 281, 492 (2020).

[35] *See, e.g.,* Eviction Lab, *COVID–19 HOUSING POLICY SCORECARD, https://evictionlab.org/covid-policy-scorecard/* (last visited Apr. 1, 2021); U.S. Dep't of the Treasury, *Emergency Rental Assistance Program, https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program* (last visited Apr. 1, 2021); Perkins Coie LLP, *COVID–19 Related Eviction and Foreclosure Orders/Guidance 50-State Tracker* (Mar. 29, 2021), *https://www.perkinscoie.com/en/news-insights/covid-19-related-eviction-and-foreclosure-ordersguidance-50-state-tracker.html.*

[36] *See generally* Bureau of Consumer Fin. Prot., *Help for homeowners and renters during the coronavirus national emergency, https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/* (updated Mar. 25, 2021); and *Protections for renters during COVID–19, https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/rent-protections-covid-19* (last visited Apr. 10, 2021). On April 5, 2021, the Bureau issued a notice of proposed rulemaking to amend Regulation X to establish a temporary COVID–19 emergency pre-foreclosure review period until December 31, 2021, for principal residences to help ensure that borrowers affected by the COVID–19 pandemic have an opportunity to be evaluated for loss mitigation before the initiation of foreclosure. 86 FR 18840 (Apr. 9, 2021).

[37] Press Release, Bureau of Consumer Fin. Prot., *CFPB Acting Director Uejio & FTC Acting Chairwoman Slaughter Issue Joint Statement on Preventing Illegal Evictions* (Mar. 29, 2021), *https://www.consumerfinance.gov/about-us/newsroom/cfpb-acting-director-uejio-and-ftc-acting-chairwoman-slaughter-issue-joint-statement-on-preventing-illegal-evictions/.*

[38] This interim final rule generally uses the terms ''tenant'' and ''renter'' interchangeably.

[39] Eric. S. Peterson & Cathy McKitrick *et al., Landlords evict hundreds of Utah renters each month despite a ban during the pandemic,* The Salt Lake Tribune (Dec. 12, 2020), *https://www.sltrib.com/news/2020/12/12/landlords-evict-hundreds/* (finding that in August 2020, nearly two-thirds of eviction filings in Utah appear to have been filed by one law firm) (Peterson & McKitrick); Bob Ivry, *Down and Out in Eviction Court,* The American Prospect (Mar. 18, 2021), *https://prospect.org/infrastructure/housing/down-and-out-in-eviction-court/* (''Philadelphia landlords were represented by legal counsel in 82 percent of eviction cases from 2015 to 2020, according to a study by Community Legal Services . . . . In Kansas City, 1.3 percent of tenants were represented from 2006 to 2016, while 84 percent of landlords had lawyers, according to the KC Eviction Project.'') (Ivry).

[40] FDCPA section 803(6)'s definition of ''debt collector'' also includes any creditor who, in the process of collecting its own debts, uses any name other than the creditor's own which would indicate that a third person is collecting or attempting to collect such debts.

[41] *See Heintz* v. *Jenkins,* 514 U.S. 291, 299 (1995) (holding that ''attorneys who 'regularly' engage in consumer-debt-collection activity'' are subject to the FDCPA, ''even when that activity consists of litigation''). In reaching this conclusion, the Supreme Court discussed the history of the FDCPA, which contained an express exemption for lawyers until Congress repealed the exemption in its entirety in 1986 ''without creating a narrower, litigation-related exemption to fill the void.'' *Id.* at 294–95.

''debt collectors'' as defined by the FDCPA.[42]

D. COVID–19 Pandemic Impacts on Renters, Evictions, and Debt Collectors

The COVID–19 pandemic has had extraordinarily widespread and adverse effects on the economy. Since the start of the COVID–19 pandemic, employment has fallen dramatically in response to public health measures and diminishing consumer demand.[43] Renters have been particularly impacted by these economic trends. Renters are more likely than homeowners to have become unemployed or experienced decreasing income during the COVID–19 pandemic.[44] In addition, renters tend to have less savings than homeowners and are therefore more vulnerable to economic shocks.[45] By the end of 2020, 8.8 million rental households were behind in their rental obligations.[46] The average delinquent rental household owed more than $5,000.[47] Even as the economy and the labor market have begun to improve in 2021, substantial rental debt remains.[48]

The COVID–19 pandemic, furthermore, has disproportionately impacted the housing security of minority and low-income households. Black and Hispanic households have been significantly more likely than other types of households to accrue rental debt.[49] As of December 2020, households with incomes below $75,000 were more than twice as likely to be behind on rental obligations than households with incomes above $75,000.[50]

Individuals and families who are at risk of losing their housing because of delinquent rent face dire personal and financial consequences. As the Bureau explained in the CFPB Housing Insecurity Report, families that do not have access to safe, affordable, and stable housing (also referred to as housing insecurity) face the prospects of homelessness as well as a host of other negative outcomes, such as higher rates of depression, higher rates of suspension and expulsion from school, and increased risks of chronic health conditions. In the midst of a global pandemic, housing insecurity can make it difficult for renters to comply with public health measures such as quarantining or restricting the number of close contacts.[51] Federal, State, and local eviction moratoria have slowed the pace of evictions, but thousands of renters are still evicted weekly.[52] According to the CFPB Housing Insecurity Report, as of December 2020, 9 percent of renters reported that it was likely they would be evicted in the next two months.[53] Approximately 16 percent of Black renters and 11 percent of Hispanic renters who were surveyed expressed this belief.[54] Data on eviction rates also suggests that minority renters are particularly vulnerable to eviction.[55]

In addition to formal evictions, informal evictions can occur outside the judicial eviction process. Evidence suggests that informal evictions may be common.[56] Tenants may preemptively move out of rental housing to avoid an eviction filing, which may have negative consequences for the tenant whether or not the filing ultimately leads to physical removal.[57] Tenants may take this preemptive step, for example, to prevent the mere possibility of having an eviction judgment on their records because subsequent landlords may refuse to rent to tenants with an eviction history. This practice is sometimes referred to as ''self-eviction.''[58] Such

[42] According to the National Creditors Bar Association, 52 percent of their members practice in the area of landlord and tenant law, *https://www.creditorsbar.org/about-ncba* (last visited Apr. 3, 2021) (NCBA).

[43] Lauren Bauer & Kristen Broady *et al., Ten facts about COVID–19 and the U.S. economy,* Brookings Inst. (Sept. 17, 2020), *https://www.brookings.edu/research/ten-facts-about-covid-19-and-the-u-s-economy/.*

[44] JPMorgan Chase Inst., *Renters* v. *Homeowners: Income and Liquid Asset Trends during COVID–19,* (Mar. 2021), *https://www.jpmorganchase.com/institute/research/household-debt/renters-homeowners-income-and-liquid-asset-trends-during-covid-19.*

[45] *Id.*

[46] Bureau of Consumer Fin. Prot., *Housing insecurity and the COVID–19 pandemic,* at 17 (Mar. 2021), *https://files.consumerfinance.gov/f/documents/cfpb_Housing_insecurity_and_the_COVID-19_pandemic.pdf* (CFPB Housing Insecurity Report).

[47] *Id.* at 17.

[48] The Federal Reserve Bank of Philadelphia estimated that renters owed $11 billion in rent in March 2021. *See* Federal Reserve Bank of Philadelphia, *Household Rental Debt During COVID–19: UPDATE FOR 2021,* at 8 (Mar. 2021), *https://www.philadelphiafed.org/community-development/housing-and-neighborhoods/household-rental-debt-during-covid-19-update-for-2021* (Household Rental Debt During COVID–19); *see also* Urban Inst., *Many People are Behind on Rent. How Much Do They Owe?* (Feb. 24, 2021), *https://www.urban.org/urban-wire/many-people-are-behind-rent-how-much-do-they-owe* (analyzing three estimates of back rent owed by U.S. households in January 2021 that ranged from $8.4 billion to $52.6 billion).

[49] As of December 2020, Black and Hispanic households were more than twice as likely to report being behind on their rental payments as White households. *See* U.S. Census Bureau, Census Household Pulse Survey, Week 21 (December 9–December 21) (Jan. 6, 2021), *https://www.census.gov/data/tables/2020/demo/hhp/hhp21.html* (Census Household Pulse Survey). As of March 2021, 7.8 percent of Hispanic/Latino households and 5.8 percent of Black households had rental debt, compared to 4.4 percent of White households. *See* Household Rental Debt During COVID–19, *supra* note 48, at 8.

[50] Census Household Pulse Survey, *supra* note 49.

[51] CFPB Housing Insecurity Report, *supra* note 46, at 3.

[52] *Id.* at 14.

[53] *Id.* at 15. This finding is consistent with other research on consumers' views about housing precarity. According to a study by the Mortgage Bankers Association, 2.3 million tenants said they feel at risk of eviction or would be forced to move in the next 30 days. Mortg. Bankers Ass'n, *MBA RIHA Study Reveals Progress, but 5 Million Renters and Homeowners Missed December Payments* (Feb. 8, 2021), *https://www.mba.org/2021-press-releases/february/mba-riha-study-reveals-progress-but-5-million-renters-and-homeowners-missed-december-payments.*

[54] CFPB Housing Insecurity Report, *supra* note 46, at 15.

[55] Reinvestment Fund, *Evictions in Philadelphia: Race (and Place) Matters,* at 2 (Feb. 2021), *https://www.reinvestment.com/wp-content/uploads/2021/02/ReinvestmentFund_PHL-Evictions-Race-and-Place-Matters.pdf* (between 2018 and 2019, Black and Hispanic Philadelphians experienced an annual eviction filing rate of 8.8 percent and 5.2 percent, respectively, compared to 3.1 percent of White Philadelphians); Jane Place Neighborhood Sustainability Initiative, *Unequal Burden, Unequal Risk: Households Headed by Black Women Experience Highest Rates of Eviction,* at 6, *http://www.jpnsi.org/evictions* (last visited Apr. 1, 2021) (from September 2019 to March 2020, 82.2 percent of tenants facing evictions in New Orleans were Black).

[56] *See* Matthew Desmond & Tracey Shollenberger, *Forced Displacement From Rental Housing: Prevalence and Neighborhood Consequences,* Demography, vol. 52, no. 5, at 1751–72 (Aug. 2015), *www.jstor.org/stable/43697545* (survey in Milwaukee between 2011 and 2013 found that informal evictions were twice as frequent as formal evictions) (Desmond & Shollenberger); Sophie Collyer & Lily Bushman-Copp, *Forced Moves and Eviction in New York City,* Robin Hood (May 2019), *https://www.robinhood.org/uploads/2019/08/HOUSING-REPORT_8.5.pdf* (study found that half of evictions in New York City resulted from forced moves, which include informal evictions).

[57] Desmond & Shollenberger, *supra* note 56, at 1751–72; Hous. Action Ill. & Lawyers' Comm. for Better Hous., *Prejudged: The Stigma of Eviction Records* (Mar. 2018), *https://lcbh.org/sites/default/files/resources/Prejudged-Eviction-Report-2018.pdf;* Reinvestment Fund, *Resolving Landlord-Tenant Disputes: An Analysis of Judgments by Agreement in Philadelphia's Eviction Process* (May 2020), *https://www.reinvestment.com/wp-content/uploads/2020/05/ReinvestmentFund_Report-2020_PHL-Evictions-Judgments-by-Agreement-Landlord-Court.pdf.*

[58] As an Eviction Lab report notes, ''[m]any tenants may move out before the eviction case concludes, even if they would qualify for protection under the eviction moratorium. Data from before the pandemic show that many tenants leave without the case going to court, perhaps aware that the vast majority of cases end with decisions in the landlord's favor. At the same time, just the presence of a filing on a tenant's record can prevent that tenant from accessing safe and healthy rental housing in the future.'' *https://evictionlab.org/moratorium-extended-evictions-continue/* (last visited Apr. 7, 2021). Furthermore, according to a legal services organization, ''[t]he consequences of eviction records go far beyond temporary displacement and loss of shelter. Eviction records mean loss of housing subsidy vouchers, ineligibility for other public housing programs, and being screened out of private housing, leading to dangerous cycles of poverty and instability.'' Cmty. Legal Servs. of Phila., *Breaking the Record: Dismantling the Barriers Eviction Records Place on Housing Opportunities,* at 1 (Nov. 2020), *http://www.phillytenant.org/breaking-the-record-dismantling-the-barriers-eviction-records-place-on-*

losses of rental housing may be comparable to evictions from the perspective of consumers, even if they are not evident in eviction filing statistics. Moreover, preliminary findings from one university research study indicate that informal evictions have increased during the COVID–19 pandemic, including situations where renters received texts, emails, or verbal communication from landlords telling them to leave; arrived home to find their doors locked or possessions removed; or moved even though they recognized their legal right to challenge the landlord's action, out of fear that the landlord would make their living situation difficult if they refused to leave.[59]

That consumers may be unaware of their eligibility for temporary protection under the CDC Order and potentially other moratoria may explain the continuing rates of formal and informal evictions during the COVID–19 pandemic. Stakeholders, including consumer advocates and legal aid organizations, have expressed concerns to the Bureau that many consumers at risk of eviction either do not know about the CDC Order or, if they are aware of it, they may be under the mistaken impression that the Order's protections automatically apply or they otherwise may be uncertain about what steps they must take to avail themselves of the CDC Order's eviction protections.[60]

A Government Accountability Office (GAO) report analyzing the effectiveness of COVID–19 eviction moratoria found that some renters may not fully understand that they have to take action to become protected under the CDC Order's eviction moratorium, and others may not understand all of the required steps, including how to submit the required declaration.[61] The GAO report included a comparison of jurisdictions subject to both the CDC Order and State or local moratoria with jurisdictions where only the CDC Order applied and found that the jurisdictions without separate State or local moratoria experienced larger increases in eviction filings. The GAO noted that, although comprehensive information does not exist on renter awareness of the CDC Order's protections, the increasing rate of eviction filings and the apparent need for State and local measures targeted at increasing awareness of the CDC Order's protections suggest that some renters and property owners may be unaware of the CDC Order or its requirements.[62] The GAO noted that ''clear, accurate, and timely information'' is ''essential to keep the public informed during the COVID–19 pandemic.''[63] The GAO concluded that, as the COVID–19 pandemic persists, potentially millions of renters and property owners will continue to experience financial challenges, and that while the CDC Order provides some measure of relief to struggling renters, some renters facing eviction may be unaware of and unable to exercise the moratorium, and therefore unnecessarily evicted.[64]

The Bureau also is aware of reports that even when renters are aware of the CDC Order and attempt to exercise their rights under the Order to halt evictions, they may be falsely informed that they are ineligible for temporary protection from eviction under the CDC Order or otherwise may be discouraged from submitting a declaration that could trigger a ''covered person'' designation under the CDC Order.[65] Numerous public reports and Bureau outreach with consumer advocates, legal aid organizations, and other stakeholders also suggest that parties to the eviction process may be engaged in other conduct in violation of Federal, State, or local eviction moratoria.[66]

Consumer advocacy groups, legal aid organizations, housing organizations, faith groups, and other stakeholders have expressed concerns to the Bureau that debt collectors under the FDCPA are not abiding by the CDC Order.[67] This feedback includes, among other things, allegations that debt collectors have engaged in eviction-related conduct that in their view violates the

housing-opportunities/. See also Eric S. Peterson & Ria Agarwal *et al., Renters can be haunted by past evictions or debt claims even if they never made it to court,* The Salt Lake Tribune (Feb. 22, 2021), *https://www.sltrib.com/news/2021/02/22/renters-can-be-haunted-by/*.

[59] Univ. of Washington Graduate Sch., *Informal evictions are on the rise during the pandemic, with people of color most at risk for housing insecurity* (Mar. 11, 2021), *https://www.grad.washington.edu/student-alumni-profiles/informal-evictions-are-on-the-rise-during-the-pandemic-with-people-of-color-most-at-risk-for-housing-insecurity/* (''If a landlord wants to evict a tenant and they're really intent on doing it, they are probably going to accomplish it without serving a formal eviction notice,' said Matt Fowle, one of the researchers of the study . . . . 'Tenants perceive that they have less power now compared to landlords than they did before the pandemic.' '').

[60] Letter to President Biden, Director Walensky, Secretary Fudge, and Secretary Vilsack from thousands of National and Multistate Organizations (Mar. 15, 2021), *https://nlihc.org/sites/default/files/Eviction-Moratorium-Letter_March.15.2021.pdf* (asserting that corporate and other landlords continue to evict tenants before tenants know about the moratorium protections or by finding reasons for eviction other than nonpayment of rent and urging, among other policy suggestions, that the Federal government at minimum require landlords to provide notice to renters of their rights under the CDC moratorium); Natalie Campisi, *Government Extends Eviction Moratorium For 3 Months. Here's What Renters Should Do,* Forbes (Mar. 29, 2021), *https://www.forbes.com/advisor/personal-finance/what-renters-should-do-when-eviction-moratorium-ends/* (''One of the problems with the CDC moratorium is that tenants need to know it exists and they need to apply for it—many renters don't realize this is an option,' says Marcus Roth, development director at the Coalition on Homelessness and Housing in Ohio. Unlike the eviction moratorium in the CARES Act, the CDC order is not automatic, which might have contributed to the lack of awareness for many tenants.'').

[61] *See* Gov't Accountability Office, *Covid–19 Housing Protections: Moratoriums Have Helped Limit Evictions, but Further Outreach Is Needed,* at 1 (Mar. 15, 2021), *https://www.gao.gov/products/gao-21-370* (GAO Report).

[62] *Id.* at 17.

[63] *Id.* at 1.

[64] *Id.* at 30.

[65] According to a study by the National Housing Law Project, 91 percent of tenants surveyed reported illegal evictions in their area during the pandemic, which included allegedly false statements that properties were not covered by eviction moratoria. *See* Nat'l Hous. Law Project, *Stopping COVID–19 Eviction Survey Results* (July 2020), *https://www.nhlp.org/wp-content/uploads/Evictions-Survey-Results-2020.pdf. See also* Peterson & McKitrick, *supra* note 39.

[66] *See, e.g.,* Press Release, Washington State Office of the Attorney General, *AG FERGUSON FILES LAWSUIT AGAINST NATIONAL SORORITY FOR CHARGING AND THREATENING UW STUDENTS IN VIOLATION OF EVICTION MORATORIUM* (Jan. 25, 2021), *https://www.atg.wa.gov/news/news-releases/ag-ferguson-files-lawsuit-against-national-sorority-charging-and-threatening-uw;* Annie Nova, *The CDC banned evictions. Tens of thousands have still occurred,* CNBC (Jan. 14, 2021), *https://www.cnbc.com/2020/12/05/why-home-evictions-are-still-happening-despite-cdc-ban.html;* Ashley Balcerzak, *NJ renters still being locked out by landlords despite COVID eviction freeze* (Mar. 11, 2021), *https://www.northjersey.com/story/news/2021/03/11/nj-rental-assistance-covid-eviction-freeze-ignored-some-landlords/6892203002/;* Sophie Nieto-Munoz, *N.J. announces new measures to protect tenants from illegal lockouts during eviction moratorium* (Apr. 5, 2021), *https://www.nj.com/coronavirus/2021/04/nj-announces-new-measures-to-protect-tenants-from-illegal-lockouts-during-eviction-moratorium.html* (noting that a spokesman for the New Jersey Attorney General said that the office ''has received 17 written complaints regarding landlords illegally evicting tenants since April 2020 . . . but stressed there are likely many, many more'' and that ''the Volunteer Justice Lawyers say there have been hundreds across the state, with illegal evictions ramping up since the fall''). The Bureau has not independently verified the allegations described in public news reports and stakeholder outreach.

[67] For example, a variety of consumer advocate, legal aid organization, civil rights organization, faith group, and other stakeholders urged the Bureau and FTC to explore use of FDCPA and Federal Trade Commission Act authorities, among other authorities, to take ''immediate'' action to ''prevent or limit imminent rental evictions,'' noting that, ''[w]hile the CDC eviction moratorium has been helpful, it still leaves many families unprotected, it has been inconsistently implemented, and some landlords have used questionable and sometimes abusive tactics to evade it.'' Letter from Nat'l Consumer Law Ctr. *et al.,* to Acting Bureau Director David Uejio & Fed. Trade Comm'n Acting Chair Rebecca K. Slaughter (Mar. 3, 2021), *https://www.nclc.org/images/pdf/special_projects/covid-19/CFPB_FTC_Moratorium_Ltr.pdf.*

FDCPA.[68] The Bureau has engaged in informal outreach with such groups and with industry participants.[69]

The Bureau has concluded that consumer harms associated with evictions during the COVID–19 pandemic necessitate immediate action, specifically pertaining to the activity of debt collectors who are involved in the evictions process during the pendency of the CDC Order. For these reasons and the reasons discussed below, the Bureau is amending Regulation F in this interim final rulemaking to require certain debt collectors to provide written notice to certain consumers of their protections under the CDC Order's eviction moratorium and prohibit certain misrepresentations.

The Bureau believes that this rulemaking is appropriate during the COVID–19 pandemic, which presents extraordinary circumstances.[70] The Bureau will evaluate comments received on the interim final rule to determine whether it is appropriate to revise the amendments. The Bureau also will continue to monitor the market to assess consumers' experiences under the interim final rule.

As part of this rulemaking, the Bureau consulted with, or offered to consult with, the appropriate prudential regulators and other Federal agencies.

III. Legal Authority

The Bureau is issuing this interim final rule pursuant to its authority under FDCPA section 814(d), which provides that the Bureau ''may prescribe rules with respect to the collection of debts by debt collectors,'' as defined in the FDCPA.[71] In particular, as discussed in part V, the provisions of this interim final rule are based on an interpretation of FDCPA sections 807 and 808. A debt collection rule published by the Bureau in November 2020 (the November 2020 Final Rule) provides an overview of how the Bureau interprets FDCPA sections 807 and 808.[72]

FDCPA section 807 generally prohibits a debt collector from ''us[ing] any false, deceptive, or misleading representation or means in connection with the collection of any debt.'' [73] Then, ''[w]ithout limiting the general application of the foregoing,'' section 807 lists 16 examples of conduct that violate that section.[74] Similarly, FDCPA section 808 prohibits a debt collector from ''us[ing] unfair or unconscionable means to collect or attempt to collect any debt.'' [75] Then, ''[w]ithout limiting the general application of the foregoing,'' FDCPA section 808 lists eight examples of conduct that violate that section.[76] Consistent with the approach in the November 2020 Final Rule,[77] the Bureau interprets FDCPA sections 807 and 808 in light of: (1) The FDCPA's language and purpose; (2) the general types of conduct prohibited by those sections and, where relevant, the specific examples enumerated in those sections; and (3) judicial decisions.

By their plain terms, FDCPA sections 807 and 808 make clear that their examples of prohibited conduct do not ''limit[ ] the general application'' of those sections' general prohibitions. The FDCPA's legislative history is consistent with this understanding,[78] as are opinions by courts that have addressed this issue.[79] Accordingly, the Bureau may interpret the general provisions of FDCPA sections 807 and 808 to prohibit conduct that the specific examples in FDCPA sections 807 and 808 do not address if the conduct violates the general prohibitions. In addition, the Bureau uses the specific examples to inform its understanding of the general prohibitions. The Bureau also interprets FDCPA sections 807 and 808 in light of the significant body of existing court decisions interpreting those sections, which provide instructive examples of collection practices that are not addressed by the specific prohibitions in those sections but that nonetheless run afoul of the FDCPA's general prohibitions in sections 807 and 808.[80] Consistent with the majority of courts, the Bureau interprets FDCPA sections 807 and 808 to incorporate an objective, ''unsophisticated'' or ''least sophisticated'' consumer standard.[81] Finally, courts have found that a debt collector collecting back rent is subject to the FDCPA, including the statute's prohibitions on deception and unfairness.[82]

IV. Administrative Procedure Act

Under the Administrative Procedure Act (APA),[83] notice and opportunity for public comment are not required if the Bureau for good cause finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.[84] Similarly, publication of this interim final rule at least 30 days before its effective date is not required where the Bureau has identified good cause for a different effective date.[85]

The Bureau finds that prior notice and public comment are impracticable and contrary to the public interest in consideration of the public health emergency caused by the COVID–19 pandemic and its effects on consumers. In particular, renters may be vulnerable to the negative economic impacts of the pandemic, which include an elevated risk of eviction, and the immediate health and safety consequences that are likely to ensue.[86] Citing the continuing health and safety risks posed by the COVID–19 pandemic, the CDC Order, as extended on March 29, 2021, maintains the eviction moratorium until June 30, 2021. As the CDC Order extension noted, although COVID–19 transmission has decreased since a peak in January 2021, the current number of cases per day remains almost twice as high as the initial peak in April 2020 and transmission rates are similar to the second peak in July 2020.[87] Since the CDC Order's eviction moratorium went into effect in September 2020, some

[68] Consumer advocates and legal aid organizations have reported, among other conduct, instances (which the Bureau has not independently verified) of landlords' attorneys refusing to accept a signed tenant declaration when presented with one or advising landlords to have their property managers tell tenants who present a signed declaration that they are not eligible under the CDC Order as means of avoiding compliance with the CDC Order.

[69] Apart from this rulemaking, the Bureau will continue to monitor debt collector conduct with respect to the eviction process for any potential consumer harm or compliance concerns and consider taking additional action at a later time if needed.

[70] *See also* part IV.

[71] 15 U.S.C. 1692*l*(d).

[72] *See* 85 FR 76734, 76739–41 (Nov. 30, 2020).

[73] 15 U.S.C. 1692e.

[74] 15 U.S.C. 1692e(1)–(16).

[75] 15 U.S.C. 1692f.

[76] 15 U.S.C. 1692f(1)–(8).

[77] *See* 85 FR 76734, 76738–41 (Nov. 30, 2020).

[78] *See, e.g.,* S. Rep. No. 382, 95th Cong., 1st Sess. 4 (1977), *reprinted in* 1977 U.S.C.C.A.N. 1695, 1698 (''[T]his bill prohibits in general terms any harassing, unfair, or deceptive collection practice. This will enable the courts, where appropriate, to proscribe other improper conduct which is not specifically addressed.''). Courts have also cited legislative history in noting that, ''in passing the FDCPA, Congress identified abusive collection attempts as primary motivations for the Act's passage.'' *Hart* v. *FCI Lender Servs., Inc.,* 797 F.3d 219, 226 (2d Cir. 2015).

[79] *See, e.g., Stratton* v. *Portfolio Recovery Assocs., LLC,* 770 F.3d 443, 450 (6th Cir. 2014) (''[T]he listed examples of illegal acts are just that—examples.'').

[80] 85 FR 76734, 76740 (Nov. 30, 2020).

[81] *Id.;* 84 FR 23274, 23282–83 (May 21, 2019).

[82] *See, e.g., Romea* v. *Heiberger & Assocs.,* 163 F.3d 111, 115–16 (2d Cir. 1998) (''[U]nder the FDCPA, back rent is debt.''); *Lipscomb* v. *The Raddatz Law Firm, P.L.L.C.,* 109 F. Supp. 3d 251, 258–59 (D.D.C. 2015) (concluding that ''the FDCPA applies where eviction proceedings include an attempt to recover back rent'').

[83] 5 U.S.C. 551 *et seq.,* 701 *et seq.*

[84] 5 U.S.C. 553(b)(B).

[85] 5 U.S.C. 553(d)(3).

[86] *See also* 86 FR 16731, 16737 (Mar. 31, 2021) (in describing how it would be impracticable to provide notice and comment, the CDC wrote in the extension of the CDC Order that, ''The rapidly changing nature of the pandemic requires not only that CDC act swiftly, but also deftly to ensure that its actions are commensurate with the threat.'').

[87] *See id.* at 16732.

debt collectors have engaged in evicting consumers from residential properties.

As discussed more fully in parts II and V, the Bureau has become aware in the months following the initial institution of the CDC Order's eviction moratorium that consumers who interact with these debt collectors may not be aware of their protections under the CDC Order and the steps they must take to avail themselves of such protections.[88] As explained below, the failure of debt collectors to disclose these protections can violate the FDCPA with immediate consequences to health and safety. At the same time, debt collectors who otherwise might disclose these protections may lack clear direction about how to do so to comply with the FDCPA. The Bureau also understands that some debt collectors may be engaging in misrepresentations regarding consumers' ineligibility for the CDC Order's protections. These challenges have emerged only after the CDC Order initially took effect, and the eviction moratorium effectuated by the CDC Order has recently been extended for a limited period. To provide necessary protection for consumers, particularly in light of the health and safety consequences of eviction, as well as clarity for debt collectors, it is critical that the interim final rule take effect as soon as practicable.

For similar reasons, the Bureau also finds that delaying this rulemaking to allow for prior public comment would be contrary to the public interest, because the interim final rule is necessary to avoid the harm to consumers and to address the lack of clarity for debt collectors that would result if the interim final rule did not take effect a short time after issuance. By identifying a practice that violates the FDCPA and identifying the means by which a debt collector may comply with the FDCPA while engaging in certain actions related to residential evictions, the interim final rule will benefit consumers while minimizing the burden on debt collectors.

For these reasons, the Bureau also finds that there is good cause for this interim final rule to be effective less than 30 days after publication, to ensure that this interim final rule is effective on May 3, 2021 and for the duration of the CDC Order's effective period and any extension thereof.

[88] *See, e.g.,* GAO Report, *supra* note 61, at 1.

V. Section-by-Section Analysis

Subpart B—Rules for Debt Collectors Subject to the Fair Debt Collection Practices Act

Section 1006.9 Debt Collection Practices in Connection With the Global COVID–19 Pandemic

Section 1006.9 prohibits certain debt collection practices by debt collectors related to the global COVID–19 pandemic. More specifically, § 1006.9 prohibits certain acts by debt collectors that, by interfering with consumers' ability to protect themselves from eviction pursuant to the CDC Order, undermine the purpose of the CDC Order's eviction moratorium to prevent the further spread of COVID–19. Section 1006.9(a) and (b) sets forth the purpose and coverage of subpart B and defines certain terms used in the subpart, and § 1006.9(c) identifies the prohibited acts. The Bureau is adopting § 1006.9 pursuant to its authority under FDCPA section 814(d) to write rules with respect to the collection of debts by debt collectors and, with respect to § 1006.9(c), pursuant to its authority to interpret FDCPA sections 807 and 808.

9(a) Purpose and Coverage

Section 1006.9(a) identifies the purpose of subpart B of part 1006 and is consistent with FDCPA section 802, which sets forth the purpose of the FDCPA.[89] Pursuant to section 802, the purpose of the FDCPA is to eliminate abusive debt collection practices by debt collectors, to ensure that debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses. Section 1006.9(a) thus provides that the purpose of subpart B is to eliminate certain abusive debt collection practices by debt collectors related to the global COVID–19 pandemic, to ensure that debt collectors who refrain from using such abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against such debt collection abuses.

Section 1006.9(a) also identifies the coverage of subpart B. Section 1006.9(a) provides that subpart B applies to debt collectors, as defined in FDCPA section 803(6),[90] other than a person excluded from coverage by section 1029(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[91] Section 1006.9(a) reflects the Bureau's FDCPA rulemaking authority as set forth in FDCPA section 814(d).[92]

[89] 15 U.S.C. 1692(e).

[90] 15 U.S.C. 1692a(6).

9(b) Definitions

9(b)(1)

Section 1006.9(b)(1) provides that the terms ''consumer,'' ''debt,'' and ''debt collector'' have the meaning given to them in FDCPA section 803.[93] FDCPA section 803(3) defines ''consumer'' as any natural person obligated or allegedly obligated to pay any debt.[94] FDCPA section 803(5) defines ''debt'' as any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.[95] A consumer's unpaid residential rent would typically fall within the FDCPA's definition of debt because it is an obligation of a consumer to pay money arising out of a transaction for personal, family, or household purposes.[96] FDCPA section 803(6) generally defines ''debt collector'' as any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. FDCPA section 803(6)'s definition of ''debt collector'' also includes any creditor who, in the process of collecting its own debts, uses any name other than the creditor's own which would indicate that a third person is collecting or attempting to collect such debts.

9(b)(2)

Section 1006.9(b)(2) provides that the term ''CDC Order'' means the order issued by the CDC titled *Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID–19,* as

[91] Public Law 113–203, 124 Stat. 1376, 2004 (2010) (12 U.S.C. 5519(a)).

[92] FDCPA section 814(d) provides, in part, that the Bureau may not prescribe rules under the FDCPA with respect to motor vehicle dealers as described in section 1029(a) of the Dodd-Frank Act. 15 U.S.C. 1692*l*(d). Any motor vehicle dealers who are FDCPA-covered debt collectors still need to comply with the FDCPA.

[93] 15 U.S.C. 1692a.

[94] 15 U.S.C. 1692a(3).

[95] 15 U.S.C. 1692a(5).

[96] *See, e.g., Romea,* 163 F.3d at 115–16 (''[U]nder the FDCPA, back rent is debt.''); *Lipscomb,* 109 F. Supp. 3d at 258–59 (concluding that ''the FDCPA applies where eviction proceedings include an attempt to recover back rent'').

extended by the CDC.[97] As explained in part II, the CDC Order generally prohibits a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action from evicting for non-payment of rent any covered person from any residential property in any jurisdiction in which the Order applies during the effective period of the Order.[98] The CDC Order will remain in effect until June 30, 2021, unless extended, modified, or rescinded.

9(b)(3)

Section 1006.9(b)(3) provides that the term ''eviction notice'' means the earliest of any written notice that the laws of any State, locality, territory, or tribal area require to be provided to a consumer before an eviction action against the consumer may be filed. Not all jurisdictions require such a notice, and some jurisdictions may require more than one. The definition clarifies that, for purposes of this interim final rule, the term eviction notice refers to the earliest of any such notice that must be provided. Jurisdictions that do require such a notice may refer to the notice using different names.[99] The definition of eviction notice is meant to encompass all such required notices, regardless of the names by which those notices are known. Thus, comment 9(b)(3)–1 clarifies that the term eviction notice includes, for example, notices to quit, notices to pay rent or quit, and notices to terminate tenancy. As explained in the section-by-section analysis of § 1006.9(c)(1), a debt collector who provides a consumer with an eviction notice while the CDC Order is in effect may be required at that time to disclose to the consumer certain information about the CDC Order.

9(c) Prohibitions

Section 1006.9(c) prohibits certain deceptive and unfair acts by debt collectors. As discussed further below, § 1006.9(c)(1) generally prohibits debt collectors from filing an eviction action against a consumer to whom the CDC Order reasonably might apply without disclosing that the consumer may be eligible for temporary protection from eviction under the CDC Order. Section 1006.9(c)(2) prohibits debt collectors from falsely representing or implying to a consumer that the consumer is not eligible for temporary protection from eviction under the CDC Order.

The prohibitions in § 1006.9(c) apply only if certain initial conditions are satisfied. First, because this interim final rule is designed to address deceptive and unfair debt collection practices with respect to the CDC Order, the prohibitions apply only during the effective period of the CDC Order, and only in jurisdictions in which the CDC Order is effective. As already noted, the CDC Order is set to expire on June 30, 2021, unless extended, modified, or rescinded. The CDC Order does not apply in any State, local, territorial, or tribal area with a moratorium on residential evictions that provides the same or greater level of public-health protection than the requirements listed in the CDC Order.[100]

Second, the prohibitions in § 1006.9(c) apply only to a debt collector's conduct in connection with the collection of a debt. That is because the Bureau is adopting § 1006.9(c) pursuant to its authority to interpret FDCPA sections 807 and 808, which prohibit certain conduct by debt collectors in connection with the collection of a debt.[101]

9(c)(1)

According to the CDC, an eviction moratorium—like quarantine, isolation, and social distancing—can be an effective public-health measure to prevent the spread of COVID–19.[102] Evicted renters must move, which can increase the risk of COVID–19 spread, particularly given that, according to the CDC, a large number of evicted renters may move into close quarters in shared housing or become homeless.[103] In addition, according to the CDC, the risk of eviction for non-payment of rent is related to factors such as suffering a job loss, having limited financial resources, low income, or high out-of-pocket medical expenses.[104] As noted in part II, to qualify for the CDC Order's eviction moratorium, a person must submit a written declaration under penalty of perjury attesting to certain eligibility criteria generally establishing that, because of the person's financial situation, the person is unable to make full rental payments and, if evicted, likely would become homeless or would be required to move into a congregate or shared living setting.[105]

Based on informal outreach to consumer advocates and other stakeholders discussed in part II, and the GAO report discussed in part II,[106] the Bureau understands that many consumers are unaware that they may be temporarily protected from eviction for nonpayment of rent under the CDC Order, or, if they are aware of the Order, they may believe its protections apply automatically or may not otherwise understand the steps needed to avail themselves of such protections. Consumers who are unaware of the CDC Order cannot evaluate whether they qualify for protection under the eligibility criteria set forth in the Order. Consumers who assume the protections apply automatically or do not understand the steps needed to exercise their protections may fail to take such necessary steps, including submitting a declaration. As a result, some consumers who otherwise might be permitted to remain in their homes during the pendency of the CDC Order may be evicted because they fail to claim such protection or may choose to leave before being evicted (*i.e.,* either before any eviction action is filed, or after an eviction action is filed but before any physical eviction takes place). And, as discussed in the CDC Order, evictions can undermine public health by contributing to the spread of COVID–19. Requiring debt collectors to disclose the existence of the CDC Order to certain consumers in certain circumstances will help to address these harms by increasing the likelihood that

[97] 86 FR 16731 (Mar. 31, 2021). In the event the CDC further extends the CDC Order, the Bureau expects that the requirements and prohibitions in this interim final rule will continue to apply until the expiration of any such extension.

[98] This prohibition applies, without limitation, to an agent or attorney acting on behalf of a landlord or owner of the residential property. *Id.* at 16732 n.3.

[99] *See, e.g.,* Ala. Code 35–9A–421 (''Noncompliance with rental agreement; failure to pay rent.''); Ariz. Rev. Stat. Ann. 33–1368 (''Noncompliance with rental agreement by tenant; failure to pay rent; utility discontinuation; liability for guests; definition.''); DC Code Ann. 42–3505.01(a) (providing that ''[a]ll notices to vacate shall contain a statement detailing the reasons for the eviction''); Fla. Stat. Ann. 83.56(3) (''Termination of rental agreement.''); 735 Ill. Comp. Stat. 5/9–209 (''Demand for rent—eviction action.''); Kan. Stat. Ann. 58–2564(b) (''Material noncompliance by tenant; notice; termination of rental agreement; limitations; nonpayment of rent; remedies.''); N.C. Gen. Stat. 42–3 (''Term forfeited for nonpayment of rent.''); Tex. Prop. Code Ann. 24.005 (''Notice to Vacate Prior to Filing Eviction Suit.''); Vt. Stat. Ann. tit. 9, 4467 (''Termination of tenancy; notice.''); Wis. Stat. Ann. 704.17 (''Notice terminating tenancies for failure to pay rent or other breach by tenant.'').

[100] 86 FR 16731, 16736 (Mar. 31, 2021). *See also* CDC Order FAQs, *supra* note 32. State, local, territorial, and tribal moratoria are discussed further in the section-by-section analysis of § 1006.9(c)(1).

[101] As discussed elsewhere in this interim final rule, FDCPA section 807 generally prohibits debt collectors from using any false, deceptive, or misleading representation or means in connection with the collection of any debt, and FDCPA section 808 generally prohibits debt collectors from using unfair or unconscionable means to collect or attempt to collect any debt.

[102] 86 FR 16731, 16733 (Mar. 31, 2021).

[103] *Id.* at 16734–35.

[104] *Id.* at 16731 n.2.

[105] *Id.* at 16731–32.

[106] *See* GAO Report, *supra* note 61, at 1 (describing how ''clear, accurate, and timely information'' is ''essential to keep the public informed'' during the COVID–19 pandemic).

consumers will become aware of the Order, and that consumers eligible for protection under the Order will take the steps necessary to obtain and invoke that protection.

For these reasons, § 1006.9(c)(1) provides that, during the effective period of the CDC Order, a debt collector collecting a debt in any jurisdiction in which the Order applies must not, in connection with the collection of that debt, file an eviction action for non-payment of rent against a consumer to whom the CDC Order reasonably might apply without disclosing to that consumer clearly and conspicuously in writing, on the date that the debt collector provides the consumer with an eviction notice or, if no eviction notice is required by applicable law, on the date that the eviction action is filed, that the consumer may be eligible for temporary protection from eviction under the CDC Order.

Section 1006.9(c)(1) specifies that a debt collector must provide the disclosure only if the debt collector files an eviction action for non-payment of rent by the consumer. A debt collector who files an eviction action unrelated to the payment of rent would typically not be acting ''in connection with the collection of a debt,'' which is required for the FDCPA to apply. The disclosure requirement is consistent in this respect with the CDC Order, which specifies that the Order does not preclude evictions based on certain conduct by a tenant, lessee, or resident unrelated to the non-payment of rent. Specifically, the CDC Order does not preclude evictions based on a tenant, lessee, or resident: (1) Engaging in criminal activity while on the premises; (2) threatening the health or safety of other residents; (3) damaging or posing an immediate and significant risk of damage to property; (4) violating any applicable building code, health ordinance, or similar regulation relating to health and safety; (5) or violating any other contractual obligation, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).[107]

Comment 9(c)(1)–1 clarifies that a debt collector does not file an action to evict a consumer for non-payment of rent if the debt collector files the action based solely on the consumer engaging in one or more of the actions specified in the CDC Order as unrelated to the payment of rent. If a debt collector files an eviction action for non-payment of rent and other reasons unrelated to non-payment, the disclosure requirement applies. For ease of reference, this interim final rule refers to an eviction action that meets all of the conditions of § 1006.9(c)(1) (*i.e.,* filed by a debt collector during the effective period of the CDC Order, in a jurisdiction in which the Order applies, and for nonpayment of rent against a consumer to whom the Order reasonably might apply) as an ''eviction action.''

Section 1006.9(c)(1) requires debt collectors to provide the disclosure only to consumers to whom the CDC Order reasonably might apply. Comment 9(c)(1)–2 clarifies that a consumer to whom the CDC Order reasonably might apply is a consumer who reasonably might be eligible to be a covered person as defined in the CDC Order.[108] Comment 9(c)(1)–2 also clarifies that a consumer is not reasonably eligible to be a covered person if the debt collector has knowledge that the consumer is not eligible for protection under the CDC Order. If a particular consumer would not actually qualify for temporary eviction protection under the CDC Order, then there is likely no deception or unfairness to cure, no consumer benefit from receiving a disclosure about the Order, and no reason to cause debt collectors to incur the expense of providing such a disclosure.

The Bureau recognizes that, given the multiple factual assertions to which a consumer must attest in the declaration before the protections of the CDC Order attach, in many circumstances it will be difficult for a debt collector to identify the consumers to whom the CDC Order reasonably might apply. Accordingly, § 1006.9(c)(1) does not require a debt collector to make an individualized determination as to a consumer's eligibility for protection under the CDC Order in connection with providing the disclosure. Comment 9(c)(1)–2 clarifies that nothing in § 1006.9(c)(1) prohibits a debt collector from providing the disclosure to a consumer even if the consumer might not reasonably be eligible to be a covered person. In addition, comment 9(c)(1)–2 clarifies that a debt collector may comply with the § 1006.9(c)(1) disclosure requirement by, for example, providing the disclosure to each consumer against whom the debt collector files an eviction action for non-payment of rent.[109] Comment 9(c)(1)–2 also clarifies that a debt collector does not violate FDCPA sections 807 or 808 merely because the debt collector provides the disclosure to consumers as described in comment 9(c)(1)–2 even if the consumer is not reasonably eligible to be a covered person.

Given that eligibility under the CDC Order depends on the consumer's personal circumstances and actions, the Bureau expects that, in most situations involving non-payment of rent, a debt collector will not know whether a consumer reasonably might be eligible for protection under the Order. The Bureau therefore expects that most debt collectors will provide the disclosure to most or all consumers to whom they provide an eviction notice for non-payment of rent or against whom they file an eviction action for non-payment of rent. The Bureau notes that § 1006.9(c)(1) requires debt collectors to disclose to consumers that the consumers ''may'' be eligible for temporary protection from eviction under the CDC Order. The Bureau believes that, in this context, the disclosure does not convey, impliedly or expressly, that the debt collector has determined that the consumer is eligible for protection under the CDC Order. Accordingly, nothing in the disclosure constitutes legal advice, and a debt collector does not violate the FDCPA by providing the disclosure to a consumer to whom the protection is not reasonably likely to apply or to whom the protection does not ultimately apply.

Section 1006.9(c)(1) requires a debt collector to provide the disclosure on the date that the debt collector provides the consumer with an eviction notice or, if no eviction notice is required by applicable law, on the date that the eviction action is filed.[110] Formal notices and court filings are likely to command a consumer's attention and crystallize the threat of eviction. Thus, requiring debt collectors to provide the disclosure on the same date as they provide these documents helps ensure that consumers receive information about the CDC Order when that information may be especially salient to

[107] 86 FR 16731, 16736 (Mar. 31, 2021).

[108] *See supra* note 24.

[109] For example, under the interim final rule, if a debt collector concludes that the CDC Order would not reasonably apply to a particular consumer, the debt collector need not provide the disclosure to that consumer. However, the debt collector also would not violate the interim final rule if the debt collector provided the disclosure to that consumer out of an abundance of caution. More generally, a debt collector would not violate the interim final rule if the debt collector provided the disclosure to a consumer against whom the debt collector files a covered eviction action without making an individualized determination whether the CDC Order is reasonably likely to apply to that consumer.

[110] If, as of the date this interim final rule takes effect, a debt collector has provided the consumer an eviction notice but not yet filed an eviction action, the debt collector would comply by providing the disclosure on the date that the eviction action is filed.

them and they may be most likely to act on that information. Information about the CDC Order may be especially salient and important to a consumer when the consumer receives an eviction notice. Consumers who believe they qualify for protection under the CDC Order and receive the disclosure at that time may be less likely to leave the property of their own accord in the mistaken belief that the debt collector can physically evict them.[111] For consumers who do not receive an eviction notice, information about the CDC Order may be especially salient and important when an eviction action is filed. As noted above, the CDC Order does not prohibit the filing of eviction actions; the Order prohibits only the actual, physical removal of persons covered by the Order from their homes.[112] Thus, a consumer who receives the disclosure at the time an eviction action is filed will still be able to take action to obtain the CDC Order's protection before the harm the Order addresses (*i.e.,* physical removal) takes place.[113]

Section 1006.9(c)(1) requires a debt collector to disclose to the consumer on the same date that—but not necessarily at the same time as—the debt collector provides the consumer with an eviction notice or files an eviction action. Accordingly, comment 9(c)(1)–3 clarifies that a debt collector may satisfy this requirement by, for example, delivering the disclosure to the address that is the subject of eviction proceedings; the debt collector is not required to ensure that the consumer actually receives the disclosure. Delivering the disclosure to the address that is the subject of the eviction proceedings, particularly if provided with the notice of eviction or eviction filing, makes it highly likely that the consumer will receive the disclosure. In light of this, requiring debt collectors to ensure that consumers actually receive the disclosure would be unduly burdensome for debt collectors. The Bureau also notes that the FDCPA's disclosure requirements generally do not require debt collectors to ensure actual receipt.[114]

Additionally, the Bureau recognizes that, to minimize costs, a debt collector may wish to provide the disclosure at the same time that the debt collector provides the consumer with an eviction notice or serves the consumer with an eviction action. The Bureau does not believe that this would reduce the effectiveness of the disclosure for consumers. Therefore, comment 9(c)(1)–3 clarifies that a debt collector may provide the disclosure at the same time that the debt collector provides the consumer with any eviction notice or serves the consumer with any eviction action. For example, a debt collector may, but is not required to, include the disclosure in an envelope either on or with the eviction notice or in the same mailing in which the debt collector serves the consumer with an eviction action.[115]

Comment 9(c)(1)–4 clarifies that § 1006.9(c)(1) does not require a debt collector to provide the disclosure more than once. Nevertheless, the Bureau also believes that a consumer who has been provided the disclosure once would not be harmed by receiving the disclosure again. Accordingly, comment 9(c)(1)–4 also clarifies that nothing in § 1006.9(c)(1) prohibits a debt collector from providing the disclosure more than once, such as in each subsequent communication with the consumer. Comment 9(c)(1)–4 further clarifies that, in addition, a debt collector does not violate FDCPA sections 807 or 808 merely because the debt collector provides the disclosure more than once.

As noted, § 1006.9(c)(1) requires the debt collector to disclose that the consumer may be eligible for temporary protection from eviction under the CDC Order. Comment 9(c)(1)–5 provides sample language that a debt collector may use to comply with this disclosure requirement. The sample language alerts consumers to the possibility of protection from eviction, prompts them to take follow-up steps, and directs them to further resources available on the Bureau's website and by telephone through the Department of Housing and Urban Development's Housing Counseling Program. Specifically, comment 9(c)(1)–5.i provides sample language that a debt collector may use to comply with this disclosure requirement if the debt collector is disclosing that the consumer may be eligible for temporary protection from eviction *solely* under the CDC Order. The sample language in comment 9(c)(1)–5.i states: ''Because of the global COVID–19 pandemic, you may be eligible for temporary protection from eviction under Federal law. Learn the steps you should take now: visit *www.cfpb.gov/eviction* or call a housing counselor at 800–569–4287.''[116] Comment 9(c)(1)–5.i also clarifies that a debt collector does not violate FDCPA sections 807 or 808 merely because the debt collector provides the sample language in comment 9(c)(1)–5.i to a consumer in a jurisdiction in which the CDC Order does not apply.

The Bureau recognizes that the CDC Order does not apply in any State, local, territorial, or tribal area with a moratorium on residential evictions that provides the same or greater level of public-health protection than the CDC Order.[117] Section 1006.9(c)(1) does not require debt collectors collecting debts in such jurisdictions to disclose such protections, but debt collectors may nevertheless wish to do so.[118] The Bureau also recognizes that a debt collector may be uncertain about whether the CDC Order or a State, local, territorial, or tribal moratorium applies in a particular jurisdiction because it may be unclear whether the CDC Order is more protective than any such moratorium. As a result, a debt collector may wish to disclose that the consumer may be eligible for temporary protection from eviction under the CDC Order or under State, local, territorial, or tribal law. Comment 9(c)(1)–5.ii provides alternative sample language that a debt collector may use to make such a disclosure while satisfying § 1006.9(c)(1). The sample language in

[111] *See* part II.D for discussion of informal evictions.

[112] *See* CDC Order FAQs, *supra* note 32.

[113] If the landlord or the property manager rather than the debt collector provides the eviction notice, § 1006.9(c)(1) requires the debt collector to provide the disclosure on the date that the debt collector files the eviction action—even if the landlord or the property manager separately disclosed the existence of the CDC Order.

[114] *See* 15 U.S.C. 1692g.

[115] In the case of eviction actions, service of process often happens shortly after filing, so providing the disclosure at the time of service still ensures that consumers receive the disclosure when information about the CDC Order is likely to be relevant to them.

[116] Section 1006.9(c)(1) requires a debt collector to disclose that the consumer may be eligible for temporary protection from eviction under the CDC Order. The Bureau believes that consumers may be more familiar with the term ''Federal law'' than the term ''CDC Order,'' particularly given the Bureau's concern that consumers may be unaware of the CDC Order's existence. To aid consumer comprehension, the sample language in comment 9(c)(1)–5 therefore uses the term ''Federal law.''

[117] 86 FR 16731, 16736 (Mar. 31, 2021).

[118] In light of the large number of potential State, local, territorial, and tribal moratoria, the Bureau has not made a finding in this interim final rule that it is unfair or deceptive under the FDCPA for a debt collector in a jurisdiction in which such a moratorium applies to file an eviction action against a consumer without disclosing that moratorium to the consumer. Nevertheless, a debt collector's failure to disclose such information to a consumer may violate the FDCPA's prohibitions on deception or unfairness (or both) for the same reasons discussed in this interim final rule with respect to the failure to disclose the CDC Order, particularly if State, local, territorial, or tribal law offers greater protection than the CDC Order. Providing the disclosure in comment 9(c)(1)–5.ii likely cures any deception or unfairness under FDCPA sections 807 or 808 that would arise from the failure to disclose a more protective State, local, territorial, or tribal law. Nothing in § 1006.9(c)(1) affects a debt collector's obligation to provide any moratorium-related disclosure required by State, local, territorial, or tribal law.

comment 9(c)(1)–5.ii states: ''Because of the global COVID–19 pandemic, you may be eligible for temporary protection from eviction under the laws of your State, territory, locality, or tribal area, or under Federal law. Learn the steps you should take now: visit *www.cfpb.gov/eviction* or call a housing counselor at 800–569–4287.'' Comment 9(c)(1)–5.ii also clarifies that a debt collector does not violate FDCPA sections 807 or 808 merely because the debt collector provides the sample language in comment 9(c)(1)–5.ii to a consumer in a jurisdiction in which only the CDC Order applies or in which the CDC Order does not apply.

Section 1006.9(c)(1) requires the debt collector to make the disclosure clearly and conspicuously in writing. Requiring debt collectors to provide the disclosure to consumers clearly and conspicuously and in writing rather than electronically (such as by email) increases the likelihood in the context of eviction during the global COVID–19 pandemic that consumers will actually receive and understand the disclosure, since the Bureau expects that most debt collectors will provide the disclosure to the address that is the subject of eviction proceedings. Requiring debt collectors to provide the disclosure to consumers clearly and conspicuously and in writing rather than orally (such as during a telephone call) increases the likelihood that consumers will retain the disclosure, refer back to it if necessary, and act upon it if appropriate. Comment 9(c)(1)–6 clarifies that clear and conspicuous means readily understandable. In addition, the comment clarifies that the location and type size also must be readily noticeable and legible to consumers, although no minimum type size is mandated.

The Bureau is finalizing § 1006.9(c)(1) as an interpretation of FDCPA sections 807 and 808, pursuant to its authority under FDCPA section 814(d) to prescribe rules with respect to the collection of debts by debt collectors. FDCPA section 807 generally prohibits debt collectors from using any false, deceptive, or misleading representation or means in connection with the collection of any debt. In addition, FDCPA section 807(2)(A) specifically prohibits falsely representing the character, amount, or legal status of any debt; FDCPA section 807(4) specifically prohibits representing or implying that non-payment of a debt will result in, among other things, the seizure or sale of any property unless such action is lawful and the debt collector or creditor intends to take such action; and FDCPA section 807(5) specifically prohibits threatening to take any action that cannot legally be taken or that is not intended to be taken.

Because of the continuing health and safety risks posed by the COVID–19 pandemic, the CDC Order provides temporary protection to certain consumers against whom a covered eviction action is filed. A debt collector who nevertheless files a covered eviction action against a consumer may explicitly or implicitly represent to the consumer that the consumer is not eligible, and could not become eligible, for protection under the CDC Order.[119] This representation is false or misleading when made to consumers who are eligible, or could become eligible, for protection under the CDC Order (such as if they submitted a declaration). Further, such a misrepresentation is similar to a false representation of the character and legal status of a debt, which FDCPA section 807(2)(A) specifically prohibits. It is also similar to a false representation that non-payment will result in the seizure or sale of property. And it is similar to a threat to take an action that cannot legally be taken, which FDCPA section 807(5) specifically prohibits. The disclosure required by § 1006.9(c)(1) corrects this false representation by informing consumers that temporary protection from eviction may be available under the CDC Order.

FDCPA section 808 generally prohibits a debt collector from using unfair or unconscionable means to collect or attempt to collect any debt. In addition, FDCPA section 808(6)(C) specifically prohibits a debt collector from taking or threatening to take any nonjudicial action to effect dispossession or disablement of property if the property is exempt by law from such dispossession or disablement. As explained above, the Bureau believes that many consumers are unaware that they may be temporarily protected under the CDC Order from eviction for non-payment of rent. As also explained above, the Bureau believes that lack of awareness about the CDC Order, including that the protections are not automatic and the requirement that the consumer provide a declaration, causes some consumers who would be eligible for such temporary protection to forgo it. For such consumers—and for public health more broadly—this harm is significant. Furthermore, evicting a consumer who would have been protected under the CDC Order, had the consumer known about the CDC Order, is similar to taking an action to effect dispossession of property that is exempt from such dispossession. For these reasons, the Bureau concludes that a debt collector violates FDCPA section 808's prohibition on unfairness by filing a covered eviction action against a consumer without disclosing to the consumer clearly and conspicuously in writing, on the date that the debt collector provides the consumer with an eviction notice or, if no eviction notice is required by applicable law, on the date that the eviction action is filed that the consumer may be eligible for temporary protection from eviction under the CDC Order.

9(c)(2)

The Bureau understands, based on informal outreach to consumer advocates and other stakeholders, that some debt collectors may have falsely represented or implied to consumers that those consumers are ineligible for protection under the CDC Order.[120] False statements about a consumer's ineligibility for protection under the CDC Order may cause an eligible consumer to forgo that protection, possibly leading to the consumer's departure or eviction from residential property in which the consumer otherwise would have been entitled to remain for the duration of the CDC Order's eviction moratorium. Such departures or evictions can contribute to the spread of COVID–19 by forcing consumers to move, often into close quarters in shared or congregate housing settings.[121]

For these reasons, § 1006.9(c)(2) provides that, during the effective period of the CDC Order, a debt collector collecting a debt in any jurisdiction in which the Order applies must not, in connection with the collection of that debt, falsely represent or imply to a consumer that the consumer is ineligible for temporary protection from eviction under the CDC Order. The Bureau is finalizing § 1006.9(c)(2) as an interpretation of FDCPA section 807, pursuant to its authority under FDCPA section 814(d) to prescribe rules with respect to the collection of debts by debt collectors. As noted above, FDCPA section 807

[119] Similarly, as the Bureau and many courts have recognized, the filing of a legal action to collect a time-barred debt explicitly or implicitly misrepresents to the consumer that the debt is legally enforceable. *See* 86 FR 5766, 5778 (Jan. 19, 2021).

[120] For example, as described in part II, consumer advocates and legal aid organizations have reported, among other conduct, instances (which the Bureau has not independently verified) of landlord attorneys refusing to accept a signed tenant declaration when presented with one or advising landlords to have their property managers tell tenants who present a signed declaration that they are not eligible under the CDC Order.

[121] 86 FR 16731, 16734–35 (Mar. 31, 2021).

generally prohibits debt collectors from using any false, deceptive, or misleading representation or means in connection with the collection of any debt. A debt collector who, in connection with the collection of a debt, falsely represents or implies to a consumer that the consumer is ineligible for protection under the CDC Order uses false, deceptive, or misleading means to collect the debt. Such activity therefore violates FDCPA section 807.

Supplement I to Part 1006—Official Interpretations

The interim final rule adds Supplement I to Regulation F to publish official interpretations of the regulation (*i.e.,* commentary). Comment I–1 explains that the commentary is the Bureau's vehicle for supplementing Regulation F and that the provisions of the commentary are issued under the same authorities as the corresponding provisions of Regulation F and in accordance with the notice-and-comment procedures of the APA.

VI. Effective Date

This interim final rule is effective on May 3, 2021. Although this interim final rule is being issued without notice and opportunity for comment for the good cause reasons described in part IV above (*i.e.,* the vulnerability of renters to the negative economic impacts of the pandemic, the risk of eviction, and the health and safety consequences that may ensue), the interim final rule will impose a new disclosure requirement on debt collectors. Consequently, debt collectors may need some time to become aware of the new disclosure requirement and implement it into their processes and systems to the extent they are engaged in the evictions process. The Bureau does not believe that a lengthy compliance period is necessary, however, in view of the disclosure's short length and simplicity, and because the disclosure does not need to be customized to the specific consumer.[122] The Bureau also plans on engaging in robust regulatory implementation and consumer education efforts to increase stakeholder awareness of the interim final rule. The compliance period thus balances these considerations.

VII. Dodd-Frank Act Section 1022(b) Analysis

A. Overview

In developing this interim final rule, the Bureau has considered the potential benefits, costs, and impacts as required by section 1022(b)(2)(A) of the Dodd-Frank Act.[123] Specifically, section 1022(b)(2)(A) of the Dodd-Frank Act requires the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services, the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act, and the impact on consumers in rural areas. The Bureau consulted with appropriate prudential regulators and other Federal agencies regarding the consistency of this interim final rule with prudential, market, or systemic objectives administered by such agencies, as required by section 1022(b)(2)(B) of the Dodd-Frank Act.

This interim final rule amends Regulation F, which implements the FDCPA. The interim final rule addresses certain debt collector conduct associated with an eviction moratorium issued by the CDC in response to the COVID–19 pandemic. The amendments would require that debt collectors provide written notice to certain consumers of their protections under the CDC Order and prohibit misrepresentations about consumers' ineligibility for protection under such moratorium.

This interim final rule's purpose is to prevent debt collectors from making false or misleading representations or engaging in unfair practices associated with the eviction moratorium issued by the CDC. As stated above, the CDC Order generally prohibits consumers protected by the CDC Order from physical removal from residential property for non-payment of rent. To be covered by the CDC Order, a person must submit a written declaration under penalty of perjury attesting to certain eligibility criteria generally establishing that, because of the person's financial situation, the person is unable to make full rental payments and, if evicted, would likely become homeless or would be required to move into a congregate or shared living setting.

Despite the eviction moratorium, physical removals of consumers from residential property have continued, potentially including consumers who may have been eligible for protection under the CDC Order. As discussed above, the GAO found that some renters may not fully understand that they have to take action to become protected under the CDC Order's eviction moratorium, and others may not understand all of the required steps, including how to submit the required declaration.[124] The GAO concluded that, as the COVID–19 pandemic persists, potentially millions of renters and property owners will continue to experience financial challenges, and that while the CDC Order provides some measure of relief to struggling renters, some renters facing eviction may be unaware of and unable to exercise the moratorium, and therefore unnecessarily evicted.[125] This interim final rule prohibits debt collectors, in certain circumstances, from filing an eviction action for non-payment of rent against a consumer to whom the CDC Order reasonably might apply without disclosing to that consumer in writing that the consumer may be eligible for temporary protection from eviction under the CDC Order. The interim final rule also clarifies that debt collectors, in certain circumstances, must not falsely represent or imply to a consumer that the consumer is ineligible for temporary protection from eviction under the CDC Order. Therefore, this interim final rule may increase awareness of the CDC Order for consumers who do not know about the CDC Order or who do not understand the specific steps needed to avail themselves of the CDC Order's temporary protections. This, in turn, may encourage consumers to invoke the CDC Order's protections and subsequently reduce the number of physical removals that the CDC Order is intended to prevent.

1. Data and Evidence

The discussion below relies on publicly available sources, including reports published by the Bureau. These sources form the basis for the Bureau's consideration of the likely impacts of the interim final rule. To the extent possible, the Bureau provides estimates of the potential benefits and costs to consumers, covered persons, and landlords and residential property owners of this interim final rule given available data. However, the data with which to quantify the potential costs, benefits, and impacts of the interim final rule are generally limited.

For the purpose of this analysis, the Bureau uses, among other sources, publicly available data on eviction filings provided by the Eviction Lab at Princeton University. The Bureau analyzed two datasets from the Eviction Lab. The Eviction Lab Eviction Tracking System (ETS) collects records of eviction case filings weekly for 27 cities

[122] In addition, the Bureau notes that debt collectors may, but are not required to, comply with the interim final rule's disclosure requirement before the effective date.

[123] 12 U.S.C. 5512(b)(2)(A).

[124] *See* GAO Report, *supra* note 61, at 1.

[125] *Id.* at 30.

across the United States. The Bureau analyzed data from those 27 cities through March 20, 2021. Second, the Bureau analyzed Eviction Lab data from 2000 to 2016 that counts eviction filings nationally.

However, the Bureau does not have sufficient data that would allow it to reliably estimate the national quantity of other relevant aspects of the eviction process, such as eviction notices or the physical removal of consumers from residential property. As explained below, a more complete characterization of the benefits and costs of this interim final rule requires a full catalog of eviction-related events and the economic circumstances of the affected consumers. The Bureau is not aware of the existence of such data.

In light of these data limitations, the analysis below generally includes a qualitative discussion of the benefits, costs, and impacts of the interim final rule, rather than a quantitative analysis. General economic principles and the Bureau's expertise in consumer financial markets, together with the limited data that are available, provide insight into these benefits, costs, and impacts.

2. Description of the Baseline

The Bureau considers the benefits, costs, and impacts of the interim final rule against a current law baseline that assumes the Bureau takes no action. Under the baseline, the CDC Order continues to be in effect until June 30, 2021.[126] The assumed baseline assumes that rental assistance remains available to eligible consumers through the Department of Treasury's Emergency Rental Assistance Program along with eviction moratoria, rent freezes, and rental assistance programs implemented by State and local governments.[127] These policies affect the number of renters at risk of eviction under the baseline.

The analysis of this interim final rule's benefits and costs separately examines consumers and covered persons. Specifically, the analysis of the costs and benefits associated with this interim final rule examines the direct and indirect effects on consumers, their landlords and other residential property owners, and debt collectors, as defined by the FDCPA.

3. Benefits to Consumers

The interim final rule is intended to help ensure that consumers who may face an eviction proceeding as a result of non-payment of rent are aware of temporary eviction protections under the CDC Order and are not misled about their ineligibility for such protections.

Under the baseline, consumers who are unaware of the CDC Order may be removed from the property even though they would have been eligible for the Order's protection had they taken certain steps.[128] Some consumers may be unaware of the eviction protections available under the CDC Order and therefore may move out following receipt of an eviction notice but before a formal eviction action is filed or judgment issued.[129] Some consumers may be falsely informed that they are ineligible for the CDC Order's protections.

This interim final rule prohibits debt collectors from filing an eviction action in a jurisdiction in which the CDC Order applies without disclosing to certain consumers in writing that they may be eligible for protections from eviction. The interim final rule further clarifies that debt collectors are prohibited from falsely representing or implying to a consumer that the consumer is ineligible for temporary protection from eviction under the CDC Order. Therefore, this interim final rule may help to ensure that consumers learn about the CDC Order and take advantage of its temporary protections when appropriate. In turn, the interim final rule may reduce physical removals that the CDC Order is intended to prevent. Accordingly, this interim final rule may subsequently reduce the number of consumers who become homeless or are required to move into a congregate or shared living setting, the related spread of COVID–19, and other related negative economic as well as health and safety consequences.[130]

Number of Consumers Directly Affected

The Bureau expects that the consumers who will be most directly affected by the interim final rule are those in jurisdictions in which the CDC order applies who would receive eviction notices or be the subject of a covered eviction action between the effective date of this interim final rule and June 30, 2021. These renters may not currently be aware of the temporary protection from eviction under the CDC Order. This interim final rule would prohibit a debt collector from filing a covered eviction action against a consumer without disclosing to the consumer that the consumer may be eligible for temporary protection from eviction under the CDC Order.[131] The disclosure must be provided on the date that the debt collector provides the consumer with an eviction notice or, if no eviction notice is required by applicable law, on the date that the eviction action is filed.

Ideally, an analysis of the benefits and costs of this interim final rule would separately include quantitative information on eviction notices, eviction filings, and physical removals, both under the baseline and with the disclosure mandated by this interim final rule. However, the Bureau does not have sufficient data to estimate the number of eviction notices issued by debt collectors or the number of physical removals that occurred in either the period before the beginning of the pandemic or since. The Bureau has some limited data on eviction filings, which may not speak to effects on other covered eviction actions or physical removals of the CDC Order or the interim final rule.

Of the 27 cities for which data on eviction filings are available from the Eviction Lab, 16 did not have an active local moratorium one month prior to the

[126] At a date subsequent to the publication of this interim final rule, the CDC may decide to extend the temporary protections beyond its scheduled expiration on June 30, 2021. If extended, the number of evictions delayed or prevented would likely increase, and this would likely increase the benefits to consumers and the costs to landlords, residential property owners, and covered persons.

[127] *See, e.g.*, Eviction Lab, *COVID–19 HOUSING POLICY SCORECARD, https://evictionlab.org/covid-policy-scorecard/* (last visited Apr. 1, 2021); U.S. Dep't of the Treasury, *Emergency Rental Assistance Program, https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program* (last visited Apr. 1, 2021); Perkins Coie LLP, *COVID–19 Related Eviction and Foreclosure Orders/Guidance 50-State Tracker* (Mar. 29, 2021), *https://www.perkinscoie.com/en/news-insights/covid-19-related-eviction-and-foreclosure-ordersguidance-50-state-tracker.html.*

[128] Minority renters, renters with lower income, and renters with lower educational attainment are more likely to be behind on rent payments than other consumers and therefore face a greater risk of eviction. Based on Census Household Pulse Survey data from March 2021, about 12 percent of White renters reported being behind on their rent, compared to 20 to 22 percent of non-White renters. About 19 percent of renters with pre-tax income less than $35,000 reported being behind on their rent, compared to about 12 percent for consumers with income between $35,000 and $75,000. Of renters without a high school degree, over 26 percent reported being behind on rent, compared to 17 percent for renters with a high school degree and 7 percent for renters with a college degree.

[129] *See supra* note 55.

[130] 86 FR 16731, 16734 (Mar. 31, 2021).

[131] Some renters may also benefit if landlords choose to delay eviction proceedings as a result of the required disclosure. The Bureau does not have the data to measure what fraction of landlords of renters potentially covered by the CDC Order's eviction moratorium would choose not to initiate an eviction proceeding as a result of this interim final rule. As discussed below, the Bureau expects that the direct costs of providing the disclosure are not large. However, if landlords or residential property owners anticipate that consumers are more likely to be covered by the CDC Order as a result of the required disclosure, then the interim final rule may reduce their incentive to initiate eviction proceedings.

effective date of the CDC Order.[132] Analyzing trends in eviction filings among these cities, the data suggest that the CDC Order standing alone did not have an immediate and measurable effect on the rate of eviction filings. Eviction filings in the five weeks following the effective date of the CDC Order continued at rates that were similar to or higher than those immediately before.[133]

From the analysis of eviction filings around the effective date of the CDC Order, the finding that filings did not decline does not necessarily imply that physical removals did not decline. However, it does imply that if eviction filings continue at recent rates, many consumers will receive a disclosure and may be directly affected by this interim final rule. In the first 11 weeks of 2021, there were approximately 5,000 eviction filings per week in the 27 cities for which the Eviction Lab has made data available. Using the Eviction Lab's historical annual data, between 2000 and 2016 these 27 cities accounted for a roughly constant fraction of 5 percent of eviction filings nationally.

To estimate the number of consumers that would receive the disclosure and may be affected by this interim final rule, the Bureau makes two assumptions. First, the Bureau assumes that, absent this interim final rule, the rate of weekly eviction filings would continue to be about 5,000 per week in the 27 cities. Second, the Bureau assumes that the share of evictions accounted for nationally in the 27 cities is 5 percent, the same as the share between 2000 and 2016. Under these two assumptions, the Bureau estimates that at publication of this interim final rule, there are roughly 100,000 eviction filings per week, nationally. The interim final rule only applies to jurisdictions where the CDC Order applies; the Bureau does not have a comprehensive catalog of jurisdictions where more protective moratoria apply. Somewhat fewer households would be subject to an eviction filing and would receive the disclosure to the extent filings were made by debt collectors in a jurisdiction where the CDC Order applies.[134] Somewhat more households may receive a disclosure accompanying another covered eviction action. Nevertheless, the Bureau does not have data to estimate what fraction of those households would invoke eviction protections absent this interim final rule.

Direct Benefits: Evictions Delayed or Prevented

This interim final rule directly benefits consumers if it delays or prevents consumers who are eligible for temporary eviction protection under the CDC Order from physical removal from housing. For instance, a physical removal may be delayed but not prevented if consumers invoke their eviction protections but are nevertheless evicted following the expiration of the CDC Order. An eviction may be prevented entirely if, during the moratorium period, consumers who are delinquent on rent become current, possibly through use of rental assistance funds made available through the Department of Treasury's Emergency Rental Assistance Program, and are not evicted after June 30, 2021. Delaying or preventing evictions results in important health benefits during the COVID–19 pandemic, which is the motivation for the CDC Order.[135]

Despite the CDC eviction moratorium, data available to the Bureau indicate that evictions have continued.[136] By requiring debt collectors to provide a written disclosure about the CDC Order and by clarifying that debt collectors are prohibited from making misrepresentations about consumers' ineligibility for eviction protection, this interim final rule may prevent or delay evictions between the effective date and June 30, 2021.

The number of physical removals that will be delayed or prevented as a result of this interim final rule is uncertain, and the Bureau is not aware of data that could help to estimate it. The number of evictions that might be prevented by the interim final rule depends on: (1) The number of consumers who will receive an eviction notice or be subject to an eviction action for non-payment of rent between the effective date and June 30, 2021; (2) the share of those consumers who will receive the disclosure (*i.e.,* be covered by the interim final rule); and (3) the extent to which the disclosure causes consumers who receive it to avail themselves of the temporary protection afforded under the CDC Order when they otherwise would not have. As discussed above, there may be as many as 800,000 renters at risk of eviction between the effective date of the interim final rule and June 30, 2021. The Bureau does not have data to estimate how many of these renters would receive the required disclosure under the interim final rule and meet the criteria for protection under the CDC Order.[137] This number depends, among other things, on whether the source of eviction risk is non-payment of rent and whether, if evicted, these renters likely would become homeless or would be required to move into a congregate or shared living setting.

The number of evictions prevented by the interim final rule also depends on the effectiveness of the disclosure. For renters receiving the required disclosure, its effect depends on whether they are already aware of the CDC Order and, if they are not, on whether the renters read, understand, and act on the disclosure. The effectiveness of a disclosure depends on factors including consumers' comprehension of the disclosure, consumers' beliefs in the authenticity of the disclosure, and consumers' receipt of the disclosure at a time when they can act on its information.[138] Existing

[132] These cities are Charleston, SC; Cincinnati, OH; Cleveland, OH; Columbus, OH; Fort Worth, TX; Gainesville, FL; Greenville, FL; Houston, TX; Jacksonville, FL; Kansas City, MO; Memphis, TN; Milwaukee, WI; New York, NY; St. Louis, MO; Tampa, FL; and Wilmington, DE.

[133] Specifically, there were 20,741 eviction filings in those 16 cities over the period beginning August 23, 2020 and ending August 29, 2020. Between September 6, 2020 and October 10, 2020, there were 22,011 eviction filings. While evictions generally increased through the summer of 2020, the effective date of the CDC Order does not appear to coincide with a discrete change in the number of eviction filings. This finding is consistent with an analysis conducted by the GAO. *See* GAO Report, *supra* note 61.

[134] The Bureau also does not have data to estimate the number of renters who would receive the required disclosure because the person providing the eviction notice or filing is a debt collector covered by the interim final rule. Some landlords or residential property owners may represent themselves in court, in which case the interim final rule likely would not apply. However, the Bureau understands that a large majority of landlords or residential property owners hire an attorney to conduct eviction proceedings on their behalf and that, therefore, the interim final rule would apply to most eviction proceedings to which the CDC Order would apply between the effective date and June 30, 2021. *See* Peterson & McKitrick, *supra* note 39 (finding that in August 2020, nearly two-thirds of eviction filings in Utah appear to have been filed by one law firm); Ivry, *supra* note 39 (''Philadelphia landlords were represented by legal counsel in 82 percent of eviction cases from 2015 to 2020, according to a study by Community Legal Services . . . In Kansas City, 1.3 percent of tenants were represented from 2006 to 2016, while 84 percent of landlords had lawyers, according to the KC Eviction Project.'').

[135] *See* 86 FR 16731, 16737 (Mar. 31, 2021). The CDC Director has determined that ''extending the temporary halt in evictions . . . constitutes a reasonable measure . . . to prevent the further spread of COVID–19 throughout the United States.'' *Id.*

[136] Data from Eviction Lab show that there have been approximately 5,000 eviction filings per week in 27 cities in the first 11 weeks of 2021. *See https://evictionlab.org/eviction-tracking/* (last visited Apr. 12, 2021).

[137] *See supra* note 134.

[138] The Bureau is aware of evidence that many tenants may not have knowledge of the CDC Order. Stakeholders, including consumer advocates and legal aid organizations, have expressed concerns to the Bureau that many consumers at risk of eviction either do not know about the CDC Order or are uncertain about what steps they must take to avail themselves of the CDC Order's eviction protections.

studies of the effectiveness of disclosures in other settings suggest that a disclosure's effectiveness may be limited, depending on how effectiveness is measured and the context of the disclosure.[139] Here, the fact that the interim final rule not only requires a disclosure but also prohibits certain misrepresentations by debt collectors about consumer ineligibility for protection under the CDC moratorium may increase the effectiveness of the disclosure.[140]

To the extent that the interim final rule does delay or prevent evictions that would otherwise take place prior to June 30, 2021, it will benefit consumers by reducing their exposure to the risk of COVID–19 infection, disease, and death. The Bureau cannot quantify the change in exposure to COVID–19, nor the economic cost of COVID–19-related morbidity and mortality.[141] Recent research suggests that eviction moratoria that predate the current CDC moratorium were associated with significant reductions in the number of COVID–19 infections and deaths.[142] These reductions occurred while few U.S. adults had been vaccinated and were due in large part to the continued ability of renters to practice social distancing and good hygiene. Potentially affected renters are those who would be evicted before June 30, 2021 under the baseline where the Bureau does not issue this interim final rule.

This interim final rule may decrease COVID–19-related risk for several reasons. First, consumers who have not been evicted and transitioned to a shared living situation or homelessness may be better able to practice social distancing and good hygiene, one primary hypothesis for the effectiveness of pandemic-related eviction moratoria in recent academic research. Second, even if this interim final rule only delays eviction, renters will face the housing challenges of eviction—including limited ability to social distance—later, in a period expected to have increased herd immunity and lower COVID–19 case prevalence. It also means that these renters will have more opportunity to become vaccinated before being exposed to higher-risk environments such as those associated with group housing.[143] As such, the Bureau expects that renters who experience delayed eviction as a result of the interim final rule will be at a lower overall risk of infection. Nevertheless, the Bureau is not aware of data that may help to estimate the number of COVID–19-related infections and deaths prevented as a result of this interim final rule with any degree of precision.

Consumers whose eviction is delayed or prevented by the interim final rule may also benefit directly in other ways from decreased housing insecurity. Evictions impose direct costs associated with moving and may disrupt the lives of consumers. Evicted consumers are subject to uncertain and unstable environments and often find housing with family, in temporary group housing, or even become homeless.[144] Notably, researchers have even hypothesized that the acute stress associated with evictions may explain negative health outcomes in children whose mothers experienced eviction while pregnant.[145] To the extent that eviction is delayed by the CDC Order, consumers may further benefit from the delay by having the opportunity to make plans in anticipation of being removed from housing. Some consumers may also be able to take advantage of rental assistance programs and stay in their homes beyond June 30, 2021. However, that benefit may be reduced if consumers accrue additional rental debt, since the CDC Order does not stop unpaid rent from accruing. The Bureau does not have data that can be used to estimate the cost of the stresses associated with eviction-related housing insecurity.

Indirect Benefits

As described previously, the potential direct beneficiaries of this interim final rule are consumers who would be removed from their residence for non-payment of rent but who, because of the interim final rule, acquire information about the CDC Order and utilize the Order's temporary protection against eviction. However, consumers may also indirectly benefit from this interim final rule. Although the Bureau does not have data with which to quantify the magnitude of these additional indirect

Notably, a GAO report analyzing the effectiveness of COVID–19 eviction moratoria found that some renters may not fully understand how to use the CDC moratorium or complete the required declaration.

[139] *See* Alicia Chin & Dustin H. Beckett, *Don't watch me read: How mere presence and mandatory waiting periods affect consumer attention to disclosures,* Behavioural Pub. Policy (Jan. 28, 2019), *https://www.cambridge.org/core/journals/behavioural-public-policy/article/abs/dont-watch-me-read-how-mere-presence-and-mandatory-waiting-periods-affect-consumer-attention-to-disclosures/D429B9196FC7C1DEAEB1C4ED609A0E7F. See also* Mark A. LeBoeuf, Jessica M. Choplin, & Debra Pogrund Stark, *Eye See What You Are Saying: Testing Conversational Influences on the Information Gleaned from Home-Loan Disclosure Forms,* Journal of Behavioral Decision Making (May 17, 2015), *https://onlinelibrary.wiley.com/doi/full/10.1002/bdm.1881.*

[140] The extent to which the disclosure may affect whether consumers obtain the CDC Order's eviction protections may depend on a number of factors. For example, consumers who expect that they will continue to be unable to make rental payments may choose to seek new housing before they have an opportunity to see the disclosure. The disclosure's design and timing as well as consumers' economic circumstances may also affect whether the disclosure would change behavior. The Bureau is not aware of research quantifying the extent to which factors such as these might limit the effect of the disclosure.

[141] Among other data, morbidity and mortality estimates would require health, demographic, and employment data on the population of households that would benefit from the disclosures mandated by this interim final rule.

[142] *See* Kay Jowers & Christopher Timmins *et al., Housing Precarity & the COVID–19 Pandemic: Impacts of Utility Disconnection and Eviction Moratoria on Infections and Deaths Across US Counties* (Jan. 2021), *https://www.nber.org/papers/w28394* (estimating that eviction moratoria are associated with a 3.8 percent reduction in COVID–19 infections and a 11 percent reduction in deaths). *See also* Kathryn M. Leifheit & Sabriya L. Linton *et al., Expiring Eviction Moratoriums and COVID–19 Incidence and Mortality* (Nov. 30, 2020), *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576* (cited by CDC in its Order, 86 FR 16731, 16734 n.32 (Mar. 30, 2021), estimating that lifting eviction moratoria was associated with approximately 434,000 excess COVID–19 cases and 11,000 excess deaths nationally).

[143] As of the publication of the interim final rule, the United States has currently fully vaccinated roughly 20 percent of the adult population, is administering roughly 3 million vaccine doses per day, and is on pace to reach 4 million doses per day by April 30, 2021. *See How the Vaccine Rollout Is Going in Your County and State, https://www.nytimes.com/interactive/2020/us/covid-19-vaccine-doses.html* (Apr. 11, 2021). *See also Press Briefing by White House COVID–19 Response Team and Public Health Officials* (Apr. 5, 2021), *https://www.whitehouse.gov/briefing-room/press-briefings/2021/04/05/press-briefing-by-white-house-covid-19-response-team-and-public-health-officials-24/.* At this pace, more than a third of adults will be vaccinated by this interim final rule's effective date. At 4 million doses per day, between May 1 and June 30, another 240 million doses and 120 million more adults will be vaccinated, suggesting that more than three quarters of Americans will be vaccinated before the expiration of the CDC Order.

[144] 86 FR 16731, 16734 (Mar. 31, 2021).

[145] Gracie Himmelstein & Matthew Desmond, *Association of Eviction with Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016,* JAMA Pediatrics (Mar. 1, 2021), *https://jamanetwork.com/journals/jamapediatrics/fullarticle/2776776.* The physical and mental health consequences of physical removal are likely to be greater for larger households with children and for consumers without health insurance. *See* Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health,* Social Forces (Feb. 24, 2015), *https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf,* and Matthew Desmond, *Evicting Children,* Social Forces (May 17, 2013), *https://scholar.harvard.edu/files/mdesmond/files/social_forces-2013-desmond-303-27.pdf.* There is evidence that these groups are more likely to be at risk of eviction. Based on Census Household Pulse Survey data from March 2021, about 21 percent of renter households that include children under 18 were behind on their rent, compared to about 11 percent of other households. About 25 percent of renters without health insurance reported being behind on rent, compared to about 13 percent of renters with health insurance.

benefits, where possible, the Bureau describes describe some of these indirect benefits below.

The CDC Order's eviction moratorium is premised, in part, on the prediction that eviction limits consumers' ability to follow adequate social distancing recommendations. Eviction potentially forces consumers into shared living situations, housing with friends and family, or homelessness; these circumstances may expose evicted consumers to increased risk of COVID–19 infection.[146]

In turn, evicted consumers themselves may expose broader populations of consumers to COVID–19 infection. When evicted consumers move, they may spread COVID–19 to individuals in their new housing situations and the community at large.[147]

Thus, even if this interim final rule's effect on evictions and the resulting direct reduction of renters' exposure to COVID–19 infection is relatively small, the effects on public health could be significant more broadly. Nevertheless, the Bureau does not have data required to ascertain how evictions affect the direct and indirect risks of COVID–19 infection.

4. Benefits and Costs to Landlords

Landlords and residential property owners (collectively in this section, ''landlords'') generally are not debt collectors and therefore generally will not be covered by the interim final rule.[148] However, landlords will be indirectly affected by the interim final rule to the extent that they employ debt collectors to provide eviction notices or engage in in eviction actions. The Bureau does not have data to reliably estimate the number of landlords that employ debt collectors for eviction-related activities but understands that in some jurisdictions a majority of eviction filings are made by attorneys (who in many cases are FDCPA-covered debt collectors).[149]

Landlords may benefit along with the general population from the interim final rule's direct and indirect effects, especially those related to health. However, landlords bear costs of evictions that are delayed or prevented as a result of this interim final rule.

Specifically, the disclosure required by this interim final rule may cause consumers to invoke their protections under the CDC Order and prevent or delay physical removal from housing despite landlords serving eviction notices or filing eviction lawsuits. Delaying physical removal has different effects on landlords than preventing physical removal. To understand why, suppose that this interim final rule causes a consumer to invoke eviction protections. First, consider the case in which protections under the CDC Order only delay physical removal for non-payment of rent until after June 30, 2021. In that case, the landlord may be delayed in replacing lost rental revenue streams, meaning that the landlord would lose some rental income from their property. Landlords may not be able to recover this income through subsequent collection efforts.[150] Second, consider the case in which protections under the CDC Order prevent physical removal for non-payment of rent altogether, because the delay permits renters to become current on rent prior to the completion of an eviction proceeding. For instance, renters' economic situations may improve, or they may benefit from rental assistance programs such as the Department of Treasury's Emergency Rental Assistance Program. In this case, the landlord's revenue may not be lost, only delayed. Relative to the baseline where the renter is removed, the landlord bears the cost of a late payment but may avoid costs associated with replacing the renter.[151]

Landlords are generally unable to predict whether renters fall into the first or second category above. If they were able to, they may not take eviction actions against the latter category because the cost of a delayed payment may be small relative to the cost of replacing the renter.[152] To the extent that this interim final rule prevents evictions, it may offset some of the economic costs to landlords caused by delayed evictions.

The Bureau is unaware of data that would allow it to estimate the lost revenue that landlords would experience as a result of this interim final rule. Specifically, the Bureau does not have data to estimate which renters would invoke their protections under the CDC Order, which renters would be able to eventually become current on their rent, or the rent of their respective rental units.

5. Benefits and Costs to Covered Persons

Debt collectors who engage in eviction-related activities on behalf of landlords may be subject to three costs as a result of this interim final rule. First is the direct cost of providing the required disclosure. The Bureau does not have direct evidence on costs of eviction notices but believes that the cost associated with providing the required disclosure is negligible, given that: (1) The disclosure requires at most one additional printed page; (2) the disclosure is required in connection with a notice that already must be provided to the consumer; and (3) the disclosure does not need to be customized to the specific consumer.[153] Even for larger debt collectors that serve automated eviction notices *en masse,* the Bureau does not anticipate large costs associated with including a disclosure that does not include consumer-specific information.

Second, debt collectors may incur one-time costs to train staff and update systems to ensure that the disclosure is provided and to demonstrate compliance. These costs are unlikely to be large, given that the disclosure requirement is tied to existing legal processes that already require debt collectors to comply with State, local, or court rules. Debt collectors are likely to already have systems in place to ensure that renters are provided with certain information required by the relevant jurisdiction at the time of the disclosure. Debt collectors in certain jurisdictions may also incur a one-time legal or compliance cost associated with determining the CDC Order's interaction with applicable State, local, territorial,

[146] *See* 86 FR 16731, 16737 (Mar. 31, 2021). The CDC Director has determined that ''extending the temporary halt in evictions . . . constitutes a reasonable measure . . . to prevent the further spread of COVID–19 throughout the United States.'' *Id.*

[147] *See id.* at 16734–35.

[148] In addition to the CDC Order, landlords and residential property owners also may be affected by other government policies undertaken in response to the COVID–19 pandemic, such as eviction moratoria imposed by State or local governments. This interim final rule does not address such government policies and the costs and benefits of those interventions are not considered in this interim final rule.

[149] *See* NCBA, *supra* note 42.

[150] It may be difficult for landlords to recover unpaid rent owed by consumers who eventually vacate the property, for example, because it is difficult for landlords or their agents to locate consumers who have moved and because those consumers may not have funds from which they can pay amounts owed.

[151] Landlords, especially smaller ones, may rely on rental income to service other debt or liabilities. If the interim final rule interrupts rental income by causing renters to invoke eviction protections, landlords may bear additional costs associated with becoming delinquent or defaulting on other debts. However, mortgage forbearance programs in the baseline may help landlords mitigate some of those costs.

[152] The opportunity costs of eviction may be exacerbated by external factors. For example, the landlord may be liquidity constrained, the unit may be rent controlled, or the local rental market may experience extremely high demand.

[153] The Bureau has previously estimated that debt collectors face estimated ongoing printing and mailing costs from providing validation notices to consumers of $0.50 to $0.80 per notice. *See* 86 FR 5848 (Jan. 19, 2021). The Bureau anticipates that such costs will be significantly lower here, in particular because the notice can be provided with other required notices, reducing postage costs associated with the required notice.

or tribal eviction moratoria, in the event they did not already do so since the CDC Order initially went into effect.

Third, debt collectors who represent landlords as attorneys in eviction actions may collect decreased legal fees to the extent that the required disclosure leads to a decrease in eviction filings. As described in greater detail above, this interim final rule may lead to both delayed and prevented evictions. In the case of a delayed eviction, attorneys' legal fees may be delayed until after the expiration of the moratorium on June 30, 2021. The Bureau does not anticipate that the cost of a months-long delay is substantial. In the case of prevented evictions, attorneys would lose legal fees, a benefit to landlords.

B. Potential Impact on Depository Institutions and Credit Unions With $10 Billion or Less in Total Assets, as Described in Section 1026

Depository institutions and credit unions with $10 billion or less in total assets are not covered under this interim final rule and are not expected to be directly impacted.

C. Potential Impact on Consumers in Rural Areas and on Access by Consumers to Consumer Financial Products or Services

Generally, rural areas are characterized by having fewer renters, which would imply fewer evictions by itself. However, the Bureau does not have data that would allow it to evaluate how the benefits and costs detailed above would differ in rural areas, especially those related to health.

In part because of the temporary nature of the interim final rule's effects, the Bureau does not expect that this interim final rule will materially affect access by consumers to consumer financial products or services.

VIII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA)[154] does not apply to a rulemaking where general notice of proposed rulemaking is not required.[155] As noted previously, the Bureau has determined that it is unnecessary to publish a general notice of proposed rulemaking for this interim final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

IX. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[156] Federal agencies are generally required to seek approval from the Office of Management and Budget (OMB) for information collection requirements prior to implementation. Under the PRA, the Bureau may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to, an information collection unless the information collection displays a valid control number assigned by OMB.

The interim final rule amends 12 CFR part 1006 (Regulation F), which implements the FDCPA. This interim final rule adds a new disclosure requirement and the Bureau is requesting a new OMB control number for this disclosure requirement.

Under the interim final rule, the Bureau temporarily requires debt collectors to make certain disclosures in connection with an eviction proceeding. These information collections are required to provide benefits for consumers and will be mandatory. Because the Bureau does not collect any information, no issue of confidentiality arises. The likely respondents are for-profit businesses that are FDCPA debt collectors.

The collections of information contained in this interim final rule, and identified as such, have been submitted to OMB for review under section 3507(d) of the PRA. A complete description of the information collection requirement, including the burden estimation methods, is provided in the information collection request (ICR) supporting statement that the Bureau has submitted to OMB under the requirements of the PRA. The Bureau will publish a separate notice in the **Federal Register** when these information collections have been approved by OMB.

Please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Bureau of Consumer Financial Protection. Send these comments by email to *oira_submission@omb.eop.gov* or by fax to (202) 395–6974. If you wish to share your comments with the Bureau, please send a copy of these comments as described in the Addresses section above. The ICR submitted to OMB requesting approval under the PRA for the information collection requirements contained herein is available at *www.regulations.gov* as well as on OMB's public-facing docket at *www.reginfo.gov.*

Title of Collection: Debt Collection Practices in Connection with the Global COVID–19 Pandemic (Regulation F).

OMB Control Number: 3170–00xx.

Type of Review: Request for a new OMB Control Number. Affected Public: Private Sector.

Estimated Number of Respondents: 500.[157]

Estimated Total Annual Burden Hours: 3,000.

The Bureau has a continuing interest in the public's opinion of its collections of information. At any time, comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, may be sent to the Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, or by email to *CFPB_PRA@cfpb.gov.*

Where applicable, the Bureau will display the control number assigned by OMB to any documents associated with any information collection requirements adopted in this interim final rule.

X. Congressional Review Act

Pursuant to the Congressional Review Act,[158] the Bureau will submit a report containing this interim final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the interim final rule's published effective date. The Office of Information and Regulatory Affairs has designated this interim final rule as a ''major rule'' as defined by 5 U.S.C. 804(2). As discussed in part IV, the Bureau finds that there is good cause for the interim final rule to take effect without prior notice and comment. Accordingly, this interim final rule may take effect at such time as the Bureau determines.[159]

XI. Signing Authority

The Acting Director of the Bureau, David Uejio, having reviewed and approved this document, is delegating the authority to electronically sign this document to Laura Galban, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

List of Subjects in 12 CFR Part 1006

Administrative practice and procedure, Consumer protection, Credit, Debt collection, Intergovernmental relations.

[154] 5 U.S.C. 601 *et seq.*

[155] 5 U.S.C. 603(a), 604(a).

[156] 44 U.S.C. 3501 *et seq.*

[157] The Bureau shares enforcement authority under the FDCPA with the Federal Trade Commission. To avoid double-counting, the Bureau allocates to itself half of the estimated paperwork burden under the interim final rule by dividing the burden hours even between the agencies. However, since the Bureau has joint authority over the respondents themselves, the Bureau retains the entity count of all affected respondents as shown above.

[158] 5 U.S.C. 801 *et seq.*

[159] 5 U.S.C. 808(2).

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation F, 12 CFR part 1006, as set forth below:

PART 1006—FAIR DEBT COLLECTION PRACTICES ACT (REGULATION F)

■ 1. The authority citation for part 1006 is revised to read as follows:

Authority: 12 U.S.C. 5512; 15 U.S.C. 1692*l*(d), 1692o.

■ 2. Subpart B, consisting of § 1006.9, is added to read as follows:

Subpart B—Rules for Debt Collectors Subject to the Fair Debt Collection Practices Act

§ 1006.9 Debt Collection Practices in Connection with the Global COVID–19 Pandemic.

(a) *Purpose and coverage.* The purpose of this subpart is to eliminate certain abusive debt collection practices by debt collectors related to the global COVID–19 pandemic, to ensure that debt collectors who refrain from using such abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against such debt collection abuses. This subpart applies to debt collectors, as defined in FDCPA section 803(6), 15 U.S.C. 1692(a)(6), other than a person excluded from coverage by section 1029(a) of the Consumer Financial Protection Act of 2010, title X of the Dodd-Frank Act, 12 U.S.C. 5519(a).

(b) *Definitions.* For purposes of this subpart, the following definitions apply:

(1) The terms *consumer, debt,* and *debt collector* have the same meaning given to them in FDCPA section 803, 15 U.S.C. 1692a.

(2) The term *CDC Order* means the order issued by the Centers for Disease Control and Prevention titled *Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID–19* (86 FR 16731 (Mar. 31, 2021)), as extended by the Centers for Disease Control and Prevention.

(3) The term *eviction notice* means the earliest of any written notice that the laws of any State, locality, territory, or tribal area require to be provided to a consumer before an eviction action against the consumer may be filed.

(c) *Prohibitions.* During the effective period of the CDC Order, a debt collector collecting a debt in any jurisdiction in which the CDC Order applies must not, in connection with the collection of that debt:

(1) File an eviction action for non-payment of rent against a consumer to whom the CDC Order reasonably might apply without disclosing to that consumer clearly and conspicuously in writing, on the date that the debt collector provides the consumer with an eviction notice or, if no eviction notice is required by applicable law, on the date that the eviction action is filed, that the consumer may be eligible for temporary protection from eviction under the CDC Order; or

(2) Falsely represent or imply to a consumer that the consumer is ineligible for temporary protection from eviction under the CDC Order.

■ 3. Supplement I to part 1006 is added to read as follows:

Supplement I to Part 1006—Official Interpretations

Introduction

1. *Official status.* This commentary is the vehicle by which the Bureau of Consumer Financial Protection supplements Regulation F, 12 CFR part 1006. The provisions of the commentary are issued under the same authorities as the corresponding provisions of Regulation F and have been adopted in accordance with the notice-and-comment procedures of the Administrative Procedure Act (5 U.S.C. 553). Unless specified otherwise, references in this commentary are to sections of Regulation F or the Fair Debt Collection Practices Act (FDCPA) (15 U.S.C. 1692 *et seq.*). No commentary is expected to be issued other than by means of this Supplement I.

Subpart B—Rules for Debt Collectors Subject to the Fair Debt Collection Practices Act

Section 1006.9—Debt Collection Practices in Connection With the Global COVID–19 Pandemic

9(b) Definitions.

9(b)(3).

1. *Examples.* Section 1006.9(b)(3) defines eviction notice as the earliest of any written notice that the laws of any State, locality, territory, or tribal area require to be provided to a consumer before an eviction action against the consumer may be filed. The term eviction notice includes, for example, notices to quit, notices to pay rent or quit, and notices to terminate tenancy.

9(c) Prohibitions.

9(c)(1).

1. *Eviction action for non-payment of rent.* Section 1006.9(c)(1) provides that, during the effective period of the CDC Order, a debt collector collecting a debt in any jurisdiction in which the CDC Order applies must not file an eviction action for non-payment of rent against a consumer to whom the CDC Order reasonably might apply without making the disclosure described in § 1006.9(c)(1). A debt collector does not file an eviction action for non-payment of rent if the debt collector files the eviction action based solely on the consumer engaging in one or more of the following actions: Criminal activity while on the premises; threatening the health or safety of other residents; damaging or posing an immediate and significant risk of damage to property; violating any applicable building code, health ordinance, or similar regulation relating to health and safety; or violating any other contractual obligation, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).

2. *Reasonably might apply.* Section 1006.9(c)(1) requires a debt collector to provide the disclosure described in § 1006.9(c)(1) to any consumer to whom the CDC Order reasonably might apply. A consumer to whom the CDC Order reasonably might apply is a consumer who reasonably might be eligible to be a covered person as defined in the CDC Order. A consumer is not reasonably eligible to be a covered person if the debt collector has knowledge that a consumer is not eligible for protection under the CDC Order. However, nothing in § 1006.9(c)(1) prohibits a debt collector from providing the disclosure to a consumer even if the consumer might not reasonably be eligible to be a covered person. A debt collector therefore may comply with the requirement to provide the disclosure to any consumer to whom the CDC Order reasonably might apply by, for example, providing the disclosure to each consumer against whom the debt collector files an eviction action for non-payment of rent. A debt collector does not violate FDCPA sections 807 (15 U.S.C. 1692e) or 808 (15 U.S.C. 1692f) merely because the debt collector provides the disclosure to consumers as described in this comment 9(c)(1)–2 even if the consumer is not reasonably eligible to be a covered person.

3. *Provision of disclosure.* Section 1006.9(c)(1) requires a debt collector to disclose to the consumer, on the date that the debt collector provides the consumer with an eviction notice or, if no eviction notice is required by applicable law, on the date that the eviction action is filed, that the consumer may be eligible for temporary protection from eviction under the CDC Order. A debt collector may satisfy this requirement by, for example, delivering the disclosure to the address that is the subject of eviction proceedings; the debt collector is not required to ensure that

the consumer actually receives the disclosure. A debt collector may, but is not required to, provide the disclosure at the same time that the debt collector provides the consumer with any eviction notice or serves the consumer with any eviction action. For example, a debt collector may, but is not required to, include the disclosure in an envelope either on or with the eviction notice or in the same mailing in which the debt collector serves the consumer with an eviction action.

4. *Frequency of disclosure.* Section 1006.9(c)(1) does not require a debt collector to provide the disclosure described in § 1006.9(c)(1) more than once. However, nothing in § 1006.9(c)(1) prohibits a debt collector from providing the disclosure more than once, such as in each subsequent communication with the consumer. In addition, a debt collector does not violate FDCPA sections 807 (15 U.S.C. 1692e) or 808 (15 U.S.C. 1692f) merely because the debt collector provides the disclosure more than once.

5. *Sample language.* Section 1006.9(c)(1) requires a debt collector to disclose that the consumer may be eligible for temporary protection from eviction under the CDC Order.

i. A debt collector may use, but is not required to use, the following language to satisfy § 1006.9(c)(1): ''Because of the global COVID–19 pandemic, you may be eligible for temporary protection from eviction under Federal law. Learn the steps you should take now: visit *www.cfpb.gov/eviction* or call a housing counselor at 800–569–4287.'' A debt collector does not violate FDCPA sections 807 (15 U.S.C. 1692e) or 808 (15 U.S.C. 1692f) merely because the debt collector provides the sample language in this comment 9(c)(1)–5.i to a consumer in a jurisdiction in which the CDC Order does not apply.

ii. Alternatively, a debt collector may use, but is not required to use, the following language to satisfy § 1006.9(c)(1): ''Because of the global COVID–19 pandemic, you may be eligible for temporary protection from eviction under the laws of your State, territory, locality, or tribal area, or under Federal law. Learn the steps you should take now: visit *www.cfpb.gov/eviction* or call a housing counselor at 800–569–4287.'' A debt collector does not violate FDCPA sections 807 (15 U.S.C. 1692e) or 808 (15 U.S.C. 1692f) merely because the debt collector provides the sample language in this comment 9(c)(1)–5.ii to a consumer in a jurisdiction in which only the CDC Order applies or in which the CDC Order does not apply.

6. *Clear and conspicuous.* A debt collector must provide the disclosure described in § 1006.9(c)(1) clearly and conspicuously in writing. Clear and conspicuous means readily understandable. The location and type size also must be readily noticeable and legible to consumers, although no minimum type size is mandated.

Dated: April 16, 2021.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2021–08303 Filed 4–21–21; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1116; Project Identifier AD–2020–00784–E; Amendment 39–21524; AD 2021–09–10]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2012–04–15 for all Pratt & Whitney (PW) JT9D–3A, JT9D–7, JT9D–7A, JT9D–7AH, JT9D–7F, JT9D–7H, JT9D–7J, JT9D–7Q, JT9D–7Q3, JT9D–7R4D, JT9D–7R4D1, JT9D–7R4E, JT9D–7R4E1, JT9D–7R4E4, JT9D–7R4G2, JT9D–7R4H1, JT9D–20, JT9D–20J, JT9D–59A, and JT9D–70A (JT9D) model turbofan engines. AD 2012–04–15 required revisions to the Airworthiness Limitations Section (ALS) of the manufacturer's Instructions for Continued Airworthiness (ICA) to include required enhanced inspection of selected critical life-limited parts at each piece-part opportunity. AD 2012–04–15 also required additional revisions to the ALS of the manufacturer's ICA for JT9D model turbofan engines. This AD requires revising the required inspections of selected critical life-limited parts specified in the ALS of the manufacturer's ICA and, for air carriers, to the existing continuous airworthiness air carrier maintenance program (CAMP). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 27, 2021.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1116; 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: Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7742; fax: (781) 238–7199; email: *nicholas.j.paine@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–04–15, Amendment 39–16971 (77 FR 15939, March 19, 2012), (AD 2012–04–15). AD 2012–04–15 applied to all PW JT9D model turbofan engines. The NPRM published in the **Federal Register** on December 15, 2020 (85 FR 81162). The NPRM was prompted by the need to require enhanced inspection of selected critical life-limited parts of PW JT9D model turbofan engines. Since the FAA issued AD 2012–04–15, PW identified errors in the list of mandatory inspections to add to the ALS. During review of the AD, PW found that AD 2012–04–15 did not include eddy current inspections of the fan hubs. Additionally, PW identified duplicate inspections of the HPT Stage 2 disk tie rod and web cooling holes. In the NPRM, the FAA proposed to require revising the required inspections of selected critical life-limited parts specified in the ALS of the manufacturer's ICA and, for air carriers, to the existing CAMP. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two commenters. The commenters were Atlas Air Inc. (Atlas Air) and Boeing Commercial Airplanes (Boeing). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Add Missing Figure Label

Atlas Air requested that the FAA add the figure label to paragraph (g), Required Actions, of this AD.

The FAA agrees and notes that a formatting issue resulted in the missing figure label from Figure 1 to paragraph (g) in the NPRM. The FAA expects this formatting issue will be corrected with the publication of this final rule.

Addition of Engine Models to Figure

The FAA determined the need to update Figure 1 to paragraph (g) of this AD to specifically reference PW JT9D–7R4G2, and JT9D–7R4H1 model turbofan engines. AD 2012–04–15 included these engines under ''7R4 ALL,'' however, the FAA inadvertently left these engines out of Figure 1 when identifying the individual engine models in the proposed rule. This revision does not change the number of affected engines that the FAA estimated in the NPRM and imposes no additional burden on operators of U.S. airplanes.

Support for the AD

Boeing expressed support for the AD as written.

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. Except for minor editorial changes and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Costs of Compliance

The FAA estimates that this AD affects 27 engines installed on airplanes of U.S. registry. Based on updated information since the publication of AD 2012–04–15, the FAA reduced the estimated number of engines installed on airplanes of U.S. registry from 438 in AD 2012–04–15 to 27 in this final rule.

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
Update ALS	1 work-hour × $85 per hour = $85	$0	$85	$2,295

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 2012–04–15, Amendment 39–16971 (77 FR 15939, March 19, 2012); and

■ b. Adding the following new airworthiness directive:

2021–09–10 Pratt & Whitney: Amendment 39–21524; Docket No. FAA–2020–1116; Project Identifier AD–2020–00784–E.

(a) Effective Date

This airworthiness directive (AD) is effective May 27, 2021.

(b) Affected ADs

This AD replaces AD 2012–04–15, Amendment 39–16971 (77 FR 15939, March 19, 2012).

(c) Applicability

This AD applies to all Pratt & Whitney (PW) JT9D–3A, JT9D–7, JT9D–7A, JT9D–7AH, JT9D–7F, JT9D–7H, JT9D–7J, JT9D–7Q, JT9D–7Q3, JT9D–7R4D, JT9D–7R4D1, JT9D–7R4E, JT9D–7R4E1, JT9D–7R4E4, JT9D–7R4G2, JT9D–7R4H1, JT9D–20, JT9D–20J, JT9D–59A, and JT9D–70A (JT9D) model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by the need to require enhanced inspection of selected critical life-limited parts of PW JT9D model turbofan engines. The FAA is issuing this AD to prevent the failure of critical life-limited rotating engine parts. The unsafe condition, if not addressed, could result in uncontained part release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Within 30 days after the effective date of this AD, add Figure 1 to paragraph (g) of this AD to the Airworthiness Limitations Section (ALS) of the manufacturer's Instructions for Continued Airworthiness (ICA) and, for air carrier operations, to the existing continuous airworthiness air carrier maintenance program.

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Figure 1 to Paragraph (g) – *Mandatory Inspections*

Mandatory Inspections

(1) Inspect the following life-limited parts at each piece-part opportunity in accordance with the instructions provided in the applicable manual provisions:

Engine Model (JT9D-xxx)	Engine Manual Part Number (P/N)	Part Nomenclature	Inspect per Manual Section	Inspection/ Check
3A/7/7A/7AH/7F/7H/7J/20/20J	*646028 (or the equivalent customized versions, 770407 and 770408)	All Fan Hubs	72-31-04	Inspection-03
		All Fan Hubs	72-31-04	Inspection-02
		All HPC Stage 5 – 15 Disks and Rear Compressor Drive Turbine Shafts	72-35-00	Inspection-03
		All HPT Stage 1-2 Disks and Hubs	72-51-00	Inspection-03
		**All HPT Stage 1 Disk Web Cooling Holes	72-51-02	Inspection -06
		All HPT Stage 2 Disk Web Tie rod Holes	72-51-02	Inspection- 05
		All LPT Stage 3 – 6 Disks and Hubs	72-52-00	Inspection-03
59A/70A	754459	All Fan Hubs	72-31-04	Check-00
		All Fan Hubs	72-31-00	Check-00
		All HPC Stage 5 – 15 Disks and Rear Compressor Drive Turbine Shafts	72-35-00	Check-00
		All HPT Stage 1-2 Disks and Hubs	72-51-00	Check-03
		All HPT Stage 1 Disk Web Cooling Holes	72-51-02	Check-03
		**All HPT Stage 2 Disk Tie rod and Web Cooling Holes	72-51-02	Check-04
		All LPT Stage 3 – 6 Disks and Hubs	72-52-00	Check-03

Engine Model (JT9D-xxx)	Engine Manual (P/N)	Part Nomenclature	Inspect per Manual Section	Inspection/ Check
7Q/7Q3	777210	All Fan Hubs	72-31-02	Inspection-02
		All Fan Hubs	72-31-00	Inspection-03
		All HPC Stage 5 – 15 Disks and Rear Compressor Drive Turbine Shafts	72-35-00	Inspection-03
		All HPT Stage 1-2 Disks and Hubs	72-51-00	Inspection-03
		All HPT Stage 1 Disk Web Cooling Holes	72-51-06	Inspection-03
		**All HPT Stage 2 Disk Tie rod and Web Cooling Holes	72-51-07	Inspection-03
		All LPT Stage 3 – 6 Disks and Hubs	72-52-00	Inspection-03
7R4D/7R4D1/7R4E/7R4E1/7R4E4/7R4G2/7R4H1	785058, 785059, and 789328	All Fan Hubs	72-31-00	Inspection/Check-03
		**All Fan Hub Slots	72-31-01	Inspection/Check-02
		All HPC Stage 5 – 15 Disks and Rear Compressor Drive Turbine Shafts	72-35-00	Inspection/Check 03
		All HPT Stage 1-2 Disks and Hubs	72-51-00	Inspection/Check 03
		All LPT Stage 3 – 6 Disks and Hubs	72-52-00	Inspection/Check 03
		**All HPT Stage 2 Disk Tie rod and Web Cooling Holes	72-51-07	Inspection/Check-02
7R4D/7R4D1/7R4E/7R4E1	785058 and 785059	All HPT Stage 1 Disk Web Cooling Holes	72-51-06	Inspection/Check-02

* P/N 770407 and 770408 are customized versions of P/N 646028 engine manual.
** Two asterisks identify the part nomenclatures and inspections added to the table.

(2) For the purposes of these mandatory inspections, piece-part opportunity means:

(i) The part is considered completely disassembled when disassembly is in accordance with the disassembly instructions in the manufacturer's engine shop manual; and

(ii) The part has accumulated more than 100 cycles-in-service since the last piece-part opportunity inspection, provided that the part was not damaged or related to the cause for its removal from the engine.

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(h) 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.

(i) Related Information

For more information about this AD, contact Nicholas Paine, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7742; fax: (781) 238–7199; email: *nicholas.j.paine@faa.gov.*

(j) Material Incorporated by Reference

None.

Issued on April 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08327 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0336; Project Identifier AD–2021–00293–Q; Amendment 39–21523; AD 2021–09–09]

RIN 2120–AA64

Airworthiness Directives; Uninsured United Parachute Technologies, LLC Parachutes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Uninsured United Parachute Technologies, LLC (UPT) parachutes. This AD results from reserve pin covers (RPCs) catching on the parachute container flaps and preventing the reserve parachute from deploying. This AD requires modifying the RPC before the next parachute jump and replacing the RPC at the next reserve parachute packing. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 7, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 7, 2021.

The FAA must receive comments on this AD by June 7, 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 UPT service information identified in this final rule, contact Uninsured United Parachute Technologies, LLC, Engineering Department, 1645 Lexington Avenue, Deland, FL 32724; phone: (386) 736–7589; email: *upt@uptvector.com;* website: *https://uptvector.com/product-service-bulletins/.* 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–2021–0336.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0336; 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: Samuel Kovitch, Aerospace Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5570; fax: (404) 474–5605; email: *samuel.kovitch@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA was notified by the Directorate General for Civil Aviation, which is the civil aviation authority for France, of an unsafe condition on certain UPT reserve parachute pin covers.

Subsequent analysis revealed that, between May 2013 and January 2021, the container was manufactured with a redesign that increased the length of the RPC, causing it to catch and prevent the reserve parachute from deploying. UPT determined the affected parachutes are UPT Vector 3 SE containers manufactured between May 1, 2013, and January 31, 2021, in any of the following sizes: V3SE–360–1, V3SE–360–2, V3SE–360–3, V3SE–361, V3SE–364, and V3SE–364–1. This condition, if not corrected, could cause failure of the reserve parachute to deploy when needed. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Uninsured United Parachute Technologies, LLC, INSTRUCT–064, Revision 1, dated February 10, 2021. This service information specifies procedures for modifying the bottom tuck tab of the RPC on the parachute container.

The FAA also reviewed Uninsured United Parachute Technologies, LLC, INSTRUCT–065, REV 0, dated February 12, 2021. This service information specifies procedures for replacing the RPC on the parachute container.

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**.

AD Requirements

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

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because failure of the reserve parachute to deploy when needed will lead to the parachutist freefalling to the surface without being slowed, resulting in serious injury or death. Accordingly, notice and opportunity for prior public comment are impracticable and contrary

to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0336 and Project Identifier AD–2021–00293–Q'' 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 Samuel Kovitch, Aerospace Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 86 parachute containers used in the United States.

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
Modify RPC	1 work-hour × $85 per hour = $85	Not applicable	$85	$7,310
Replace RPC	1 work-hour × $85 per hour = $85	$28.50	113.50	9,761

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–09–09 Uninsured United Parachute Technologies, LLC: Amendment 39–21523; Docket No. FAA–2021–0336; Project Identifier AD–2021–00293–Q.

(a) Effective Date

This airworthiness directive (AD) is effective May 7, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Uninsured United Parachute Technologies, LLC Vector 3 SE parachute containers approved under Technical Standard Order C23b, part number Vector SE, with a date of manufacture after April 30, 2013, and before February 1, 2021, in any of the following sizes: V3SE–360–1, V3SE–360–2, V3SE–360–3, V3SE–361, V3SE–364, and V3SE–364–1.

(d) Subject

Joint Aircraft System Component (JASC) Code: None.

(e) Unsafe Condition

This AD results from reserve pin covers (RPCs) catching on the parachute container flaps and preventing the reserve parachute from deploying. The FAA is issuing this AD to correct the length of RPCs that were designed and manufactured with too long of a flap. The unsafe condition, if not addressed, could result in failure of the reserve parachute to deploy when needed.

(f) Compliance

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

(g) Corrective Actions

(1) Before the next parachute jump after the effective date of this AD, modify the bottom tuck tab of the RPC by following the Procedure in Uninsured United Parachute Technologies, LLC, INSTRUCT–064, Revision 1, dated February 10, 2021. Before the next parachute jump after the effective date of this AD, you may do the RPC replacement required by paragraph (g)(2) of this AD in lieu of doing this modification.

(2) At the next reserve parachute packing after the effective date of this AD, replace the RPC by following the Procedure in Uninsured United Parachute Technologies, LLC, INSTRUCT–065, Revision 0, dated February 12, 2021.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta 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 Samuel Kovitch, Aerospace Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5570; fax: (404) 474–5605; email: *samuel.kovitch@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Uninsured United Parachute Technologies, LLC, INSTRUCT–064, Revision 1, dated February 10, 2021.

(ii) Uninsured United Parachute Technologies, LLC, INSTRUCT–065, Revision 0, dated February 12, 2021.

(3) For the service information identified in this AD, contact Uninsured United Parachute Technologies, LLC, Engineering Department, 1645 Lexington Avenue, Deland, FL 32724; phone: (386) 736–7589; email: *upt@uptvector.com;* website: *https://uptvector.com/product-service-bulletins/.*

(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 April 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08460 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0935; Airspace Docket No. 20–ANE–4]

RIN 2120–AA66

Establishment of Class E Airspace; Calais, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Calais Regional Heliport, Calais, ME. The FAA discovered that necessary language was inadvertently omitted to the description of the airspace that excluded airspace outside of the United States.

DATES: Effective 0901 UTC, April 22, 2021. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to 14 CFR part 71 amends Class E airspace for Calais Regional Heliport, Calais, ME, by correcting the airspace description. The description is amended from 'That airspace extending upward from 700 feet above the surface of the earth within a 6-mile radius of Calais Regional Heliport' to 'That airspace extending upward from 700 feet above the surface of the earth within a 6-mile radius of Calais Regional Heliport excluding that airspace outside of the United States'. Accordingly, since this is an administrative change, and does not affect the boundaries, altitudes, or operating requirements of the airspace, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

Class E airspace designations are published in Paragraph 6005, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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. 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 only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 20, 2020, 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.

* * * * *

ANE ME E5 Calais, ME [Corrected]

Calais Regional Heliport, ME
(Lat. 45°10′38″ N, long. 67°16′05″ W)

That airspace extending upward from 700 feet above the surface of the earth within a 6-mile radius of Calais Regional Heliport excluding that airspace outside of the United States.

Issued in College Park, Georgia, on April 2, 2021.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–08349 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of continuation of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border. Such travel will be limited to ''essential travel,'' as further defined in this document.

DATES: These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on April 22, 2021 and will remain in effect until 11:59 p.m. EDT on May 21, 2021.

FOR FURTHER INFORMATION CONTACT: Stephanie Watson, Office of Field Operations Coronavirus Coordination Cell, U.S. Customs and Border Protection (CBP) at 202–325–0840.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2020, DHS published notice of its decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel,'' as further defined in that document.[1] The document described the developing circumstances regarding the COVID–19 pandemic and stated that, given the outbreak and continued transmission and spread of the virus associated with COVID–19 within the United States and globally, DHS had determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Canada posed a ''specific threat to human life or national interests.'' DHS later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on April 21, 2021.[2]

DHS continues to monitor and respond to the COVID–19 pandemic. As of the week of April 12, 2021, there have been over 135 million confirmed cases globally, with over 2.9 million confirmed deaths.[3] There have been over 31 million confirmed and probable cases within the United States,[4] over one million confirmed cases in Canada,[5] and over 2.2 million confirmed cases in Mexico.[6]

Notice of Action

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Canada poses an ongoing ''specific threat to human life or national interests.''

U.S. and Canadian officials have mutually determined that non-essential travel between the United States and Canada poses additional risk of transmission and spread of the virus associated with COVID–19 and places the populace of both nations at increased risk of contracting the virus associated with COVID–19. Moreover, given the sustained human-to-human transmission of the virus, returning to previous levels of travel between the two nations places the personnel staffing land ports of entry between the United States and Canada, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID–19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),[7] I have determined that land ports of entry along the U.S.-Canada border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in ''essential travel,'' as defined

[1] 85 FR 16548 (Mar. 24, 2020). That same day, DHS also published notice of its decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel,'' as further defined in that document. 85 FR 16547 (Mar. 24, 2020).

[2] *See* 86 FR 14812 (Mar. 19, 2021); 86 FR 10815 (Feb. 23, 2021); 86 FR 4969 (Jan. 19, 2021); 85 FR 83432 (Dec. 22, 2020); 85 FR 74603 (Nov. 23, 2020); 85 FR 67276 (Oct. 22, 2020); 85 FR 59670 (Sept. 23, 2020); 85 FR 51634 (Aug. 21, 2020); 85 FR 44185 (July 22, 2020); 85 FR 37744 (June 24, 2020); 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020). DHS also published parallel notifications of its decisions to continue temporarily limiting the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel.'' *See* 86 FR 14813 (Mar. 19, 2021); 86 FR 10816 (Feb. 23, 2021); 86 FR 4969 (Jan. 19, 2021); 85 FR 83433 (Dec. 22, 2020); 85 FR 74604 (Nov. 23, 2020); 85 FR 67275 (Oct. 22, 2020); 85 FR 59669 (Sept. 23, 2020); 85 FR 51633 (Aug. 21, 2020); 85 FR 44183 (July 22, 2020); 85 FR 37745 (June 24, 2020); 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020).

[3] WHO, Coronavirus disease 2019 (COVID–19) Weekly Epidemiological Update (Apr. 13, 2021), available at *https://www.who.int/publications/m/item/weekly-epidemiological-update-on-covid-19-13-april-2021.*

[4] CDC, COVID Data Tracker (accessed Apr. 13, 2021), *https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days.*

[5] WHO, COVID–19 Weekly Epidemiological Update (Apr. 13, 2021).

[6] *Id.*

[7] 19 U.S.C. 1318(b)(1)(C) provides that ''[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,'' is authorized to ''[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.'' On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities ''related to Customs revenue functions'' were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep't Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that ''[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.'' Congress has vested in the Secretary of Homeland Security the ''functions of all officers, employees, and organizational units of the Department,'' including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

below. Given the definition of ''essential travel'' below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Canada border shall be limited to ''essential travel,'' which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (*e.g.,* to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (*e.g.,* individuals working in the farming or agriculture industry who must travel between the United States and Canada in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (*e.g.,* government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID–19 or other emergencies);
- Individuals engaged in lawful cross-border trade (*e.g.,* truck drivers supporting the movement of cargo between the United States and Canada);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of ''essential travel'' for purposes of this Notification—

- Individuals traveling for tourism purposes (*e.g.,* sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Canada, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Canada. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on May 21, 2021. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat.[8]

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute ''essential travel'' under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in ''essential travel.''

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2021–08484 Filed 4–21–21; 8:45 am]

BILLING CODE 9112–FP–P

[8] DHS is working closely with counterparts in Mexico and Canada to identify appropriate public health conditions to safely ease restrictions in the future and support U.S. border communities.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico

AGENCY: Office of the Secretary, U.S. Department of Homeland Security; U.S. Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: Notification of continuation of temporary travel restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security (Secretary) to continue to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border. Such travel will be limited to ''essential travel,'' as further defined in this document.

DATES: These restrictions go into effect at 12 a.m. Eastern Daylight Time (EDT) on April 22, 2021 and will remain in effect until 11:59 p.m. EDT on May 21, 2021.

FOR FURTHER INFORMATION CONTACT: Stephanie Watson, Office of Field Operations Coronavirus Coordination Cell, U.S. Customs and Border Protection (CBP) at 202–325–0840.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2020, DHS published notice of its decision to temporarily limit the travel of individuals from Mexico into the United States at land ports of entry along the United States-Mexico border to ''essential travel,'' as further defined in that document.[1] The document described the developing circumstances regarding the COVID–19 pandemic and stated that, given the outbreak and continued transmission and spread of the virus associated with COVID–19 within the United States and globally, DHS had determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico posed a ''specific threat to human life or national interests.'' DHS later published a series of notifications continuing such limitations on travel until 11:59 p.m. EDT on April 21, 2021.[2]

DHS continues to monitor and respond to the COVID–19 pandemic. As of the week of April 12, 2021, there have been over 135 million confirmed cases globally, with over 2.9 million confirmed deaths.[3] There have been over 31 million confirmed and probable cases within the United States,[4] over one million confirmed cases in Canada,[5]

[1] 85 FR 16547 (Mar. 24, 2020). That same day, DHS also published notice of its decision to temporarily limit the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel,'' as further defined in that document. 85 FR 16548 (Mar. 24, 2020).

[2] *See* 86 FR 14813 (Mar. 19, 2021); 86 FR 10816 (Feb. 23, 2021); 86 FR 4967 (Jan. 19, 2021); 85 FR 83433 (Dec. 22, 2020); 85 FR 74604 (Nov. 23, 2020); 85 FR 67275 (Oct. 22, 2020); 85 FR 59669 (Sept. 23, 2020); 85 FR 51633 (Aug. 21, 2020); 85 FR 44183 (July 22, 2020); 85 FR 37745 (June 24, 2020); 85 FR 31057 (May 22, 2020); 85 FR 22353 (Apr. 22, 2020). DHS also published parallel notifications of its decisions to continue temporarily limiting the travel of individuals from Canada into the United States at land ports of entry along the United States-Canada border to ''essential travel.'' *See* 86 FR 14812 (Mar. 19, 2021); 86 FR 10815 (Feb. 23, 2021); 86 FR 4969 (Jan. 19, 2021); 85 FR 83432 (Dec. 22, 2020); 85 FR 74603 (Nov. 23, 2020); 85 FR 67276 (Oct. 22, 2020); 85 FR 59670 (Sept. 23, 2020); 85 FR 51634 (Aug. 21, 2020); 85 FR 44185 (July 22, 2020); 85 FR 37744 (June 24, 2020); 85 FR 31050 (May 22, 2020); 85 FR 22352 (Apr. 22, 2020).

[3] WHO, Coronavirus disease 2019 (COVID–19) Weekly Epidemiological Update (Apr. 13, 2021), available at *https://www.who.int/publications/m/item/weekly-epidemiological-update-on-covid-19-13-april-2021.*

[4] CDC, COVID Data Tracker (accessed Apr. 13, 2021), *https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days.*

[5] WHO, COVID–19 Weekly Epidemiological Update (Apr. 13, 2021).

and over 2.2 million confirmed cases in Mexico.[6]

Notice of Action

Given the outbreak and continued transmission and spread of COVID–19 within the United States and globally, the Secretary has determined that the risk of continued transmission and spread of the virus associated with COVID–19 between the United States and Mexico poses an ongoing ''specific threat to human life or national interests.''

U.S. and Mexican officials have mutually determined that non-essential travel between the United States and Mexico poses additional risk of transmission and spread of the virus associated with COVID–19 and places the populace of both nations at increased risk of contracting the virus associated with COVID–19. Moreover, given the sustained human-to-human transmission of the virus, returning to previous levels of travel between the two nations places the personnel staffing land ports of entry between the United States and Mexico, as well as the individuals traveling through these ports of entry, at increased risk of exposure to the virus associated with COVID–19. Accordingly, and consistent with the authority granted in 19 U.S.C. 1318(b)(1)(C) and (b)(2),[7] I have determined that land ports of entry along the U.S.-Mexico border will continue to suspend normal operations and will only allow processing for entry into the United States of those travelers engaged in ''essential travel,'' as defined below. Given the definition of ''essential travel'' below, this temporary alteration in land ports of entry operations should not interrupt legitimate trade between the two nations or disrupt critical supply chains that ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

For purposes of the temporary alteration in certain designated ports of entry operations authorized under 19 U.S.C. 1318(b)(1)(C) and (b)(2), travel through the land ports of entry and ferry terminals along the United States-Mexico border shall be limited to ''essential travel,'' which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (*e.g.,* to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (*e.g.,* individuals working in the farming or agriculture industry who must travel between the United States and Mexico in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (*e.g.,* government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID–19 or other emergencies);
- Individuals engaged in lawful cross-border trade (*e.g.,* truck drivers supporting the movement of cargo between the United States and Mexico);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

The following travel does not fall within the definition of ''essential travel'' for purposes of this Notification—

- Individuals traveling for tourism purposes (*e.g.,* sightseeing, recreation, gambling, or attending cultural events).

At this time, this Notification does not apply to air, freight rail, or sea travel between the United States and Mexico, but does apply to passenger rail, passenger ferry travel, and pleasure boat travel between the United States and Mexico. These restrictions are temporary in nature and shall remain in effect until 11:59 p.m. EDT on May 21, 2021. This Notification may be amended or rescinded prior to that time, based on circumstances associated with the specific threat.[8]

The Commissioner of U.S. Customs and Border Protection (CBP) is hereby directed to prepare and distribute appropriate guidance to CBP personnel on the continued implementation of the temporary measures set forth in this Notification. The CBP Commissioner may determine that other forms of travel, such as travel in furtherance of economic stability or social order, constitute ''essential travel'' under this Notification. Further, the CBP Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in ''essential travel.''

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2021–08485 Filed 4–21–21; 8:45 am]

BILLING CODE 9112–FP–P

[6] *Id.*

[7] 19 U.S.C. 1318(b)(1)(C) provides that ''[n]otwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) or to a specific threat to human life or national interests,'' is authorized to ''[t]ake any . . . action that may be necessary to respond directly to the national emergency or specific threat.'' On March 1, 2003, certain functions of the Secretary of the Treasury were transferred to the Secretary of Homeland Security. *See* 6 U.S.C. 202(2), 203(1). Under 6 U.S.C. 212(a)(1), authorities ''related to Customs revenue functions'' were reserved to the Secretary of the Treasury. To the extent that any authority under section 1318(b)(1) was reserved to the Secretary of the Treasury, it has been delegated to the Secretary of Homeland Security. *See* Treas. Dep't Order No. 100–16 (May 15, 2003), 68 FR 28322 (May 23, 2003). Additionally, 19 U.S.C. 1318(b)(2) provides that ''[n]otwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Protection, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.'' Congress has vested in the Secretary of Homeland Security the ''functions of all officers, employees, and organizational units of the Department,'' including the Commissioner of CBP. 6 U.S.C. 112(a)(3).

[8] DHS is working closely with counterparts in Mexico and Canada to identify appropriate public health conditions to safely ease restrictions in the future and support U.S. border communities.

DEPARTMENT OF EDUCATION

34 CFR Part 677

RIN 1840–AD63

Calculation of the Endowment Factor for Allocations to Historically Black Colleges and Universities Under Section 314(a)(2)(A) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Department of Education (Department) issues this final rule so that it may determine final allocations to Historically Black Colleges and Universities (HBCUs) awarded under section 314(a)(2) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA).

DATES: These regulations are effective April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Karen Epps, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Ave. SW, Room 2B133, Washington, DC 20202. Telephone: (202) 453–6337. Email: *Karen.Epps@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 (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

The CRRSAA was enacted on December 27, 2020, to help Americans cope with the ongoing economic and health crises created by the novel coronavirus disease (COVID–19) outbreak. Section 314 of the CRRSAA authorizes supplemental awards to institutions of higher education (IHEs) through the Higher Education Emergency Relief Fund (HEERF) initially established by section 18004 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (March 27, 2020). Section 314 of the CRRSAA also authorizes, in paragraph (a)(2)(A), additional awards to HBCUs eligible to receive assistance under two programs authorized by the Higher Education Act of 1965, as amended (HEA): The Strengthening HBCUs program authorized by part B of title III of the HEA, and the HBCU Masters program authorized by subpart 4 of part A of title VII of the HEA. Section 314 further specifies, in paragraph (a)(2), the amounts available for these additional awards and, in paragraph (a)(2)(A), the three-part formula for determining the allocations to each eligible HBCU.

This formula calls for the allocation of—

(1) 70 percent of funds according to a ratio equivalent to the number of Pell Grant recipients in attendance at the institution at the end of the school year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(2) 20 percent of funds according to a ratio equivalent to the total number of students enrolled at the institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

(3) 10 percent of funds according to a ratio equivalent to the total endowment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the total endowment size at the institution.

The first two elements for determining allocations to HBCUs under section 314(a)(2)(A) of the CRRSAA reflect a familiar and straightforward methodology: Institutions receive a share of funds commensurate with their respective shares of Pell Grant recipients and total overall enrollment at all eligible institutions. However, the third element, also known as the endowment factor, calls for allocating 10 percent of funds based on an inverse proportion of an institution's share of the total endowment funding at all eligible institutions. In other words, institutions with the smallest endowments receive the largest share of funds. This inverse proportion formula reflects the intent of Congress to direct additional funding to institutions unable to tap endowment resources to meet needs arising from the COVID–19 pandemic. Such institutions often have smaller enrollments or serve highly disadvantaged populations; consequently, they have not been able to build up significant endowment funds over time that might have been used to respond to the COVID–19-related disruptions to teaching and learning on campus.

In fact, some institutions reported an endowment value of zero, which contributed to the circumstances requiring this final rule. Specifically, endowment data collected by the Department for the purpose of determining the allocation of funds through the endowment factor showed that, of 97 eligible institutions, nine reported an endowment value of zero. While it seems clear that Congress intended for such institutions to receive the largest share of endowment factor funding because of their complete lack of endowment resources to call upon in responding to the COVID–19 pandemic, it is not possible to generate the endowment ratios described in section 314(a)(2)(A)(iii) of the CRRSAA for these schools due to the mathematic principle that division by zero yields an undefined result and thus has no meaning. Therefore, it would be impossible to implement this formula in a manner consistent with the statutory text for certain eligible entities.

Excluding these schools entirely from the endowment factor calculation would seem contrary to the plain language of the statute, as the Act does not expressly exclude these entities and is meant to include all eligible institutions under part B of title III and subpart 4 of part A of title VII of the HEA. Moreover, even if the nine HBCUs with zero endowments could be excluded from the formula, there is a large enough gap between the institution with the lowest non-zero endowment and other institutions with non-zero endowments that the institution with the lowest non-zero endowment would garner nearly all of the program funding ($72.8 million) allocable through the endowment factor. The Department does not believe such an inequitable outcome would be consistent with the design of the endowment factor formula; rather, it indicates a technical oversight in developing the endowment factor.

In response to the inability to implement this formula in a manner consistent with the statutory text for certain eligible entities, the Department consulted with Congress to determine options for calculating awards to HBCUs under section 314(a)(2) of the CRRSAA. These discussions were focused on two goals: (1) Ensuring that all eligible institutions with relatively low endowment values benefited from the endowment factor, and (2) ensuring that the endowment factor operated as intended, delivering significantly greater amounts of funding to those institutions with the smallest endowments rather than to those institutions with the largest endowments. This consultation took on additional urgency because of the possibility that additional HEERF appropriations for HBCUs would be provided on the basis of the formula in section 314(a)(2)(A) of the CRRSAA as part of the American Rescue Plan Act of 2021 (ARP).

Ultimately, Congress provided such additional appropriations in the ARP and directed IHEs to make allocations in accordance with the same terms and conditions as those provided in section 314 of the CRRSAA, with several exceptions. Of relevance here, Congress established a ''floor'' on the endowment value used when allocating the ARP-provided HEERF funds based on the endowment factor. Section 2003(3) of the ARP specifies that an institution ''that has a total endowment size of less than $1,000,000 (including an institution that does not have an endowment) shall be treated by the Secretary as having a total endowment size of $1,000,000'' for the purposes of section 314(a)(2)(A)(iii) of the CRRSAA, which is used to determine allocations under the ARP. However, this provision does not apply to the HEERF funds appropriated in the CRRSAA. Consequently, the Department determined that the best course of action would be to issue regulations on the endowment factor under section 314(a)(2). In the interim, on February 26, 2021, the Department awarded 90 percent of the funds provided to HBCUs under section 314(a)(2) of the CRRSAA—the funds allocated on the basis of factors 1 and 2 of the formula in section 314(a)(2)(A).

In considering alternatives for refining the methodology for implementing the endowment factor, the Department relied on analyses of options developed both prior to and during consultation with Congress regarding the challenges

presented by the endowment factor under the CRRSAA.

We considered exclusion of the nine entities that reported an endowment position of zero. As stated above, we determined this was inconsistent with the plain language of the statute. Further, it would exclude the institutions with the greatest need—*i.e.,* those institutions reporting endowment amounts of zero—while allocating virtually all funds apportioned to the endowment factor to just two of the 88 eligible institutions with non-zero endowments. Such an outcome would be contrary to the purpose of any funding formula based on proportionality, which is to provide benefits to all eligible entities in proportion to one or more characteristics of those entities, and not to merely direct all or nearly all applicable funding to a few such entities.

Given that we cannot implement the formula in a manner consistent with the statutory text for certain eligible entities, we considered a variety of approaches. A rule that imputed a small dollar amount to the nine eligible institutions reporting zero endowment funding, such as $1, would result in the allocation of nearly all funding to those institutions, effectively preventing the accrual of any benefits from the endowment factor to any other eligible institutions (approximately $8.1 million would be awarded to each of the nine institutions with zero endowments and a balance of less than $1,500 would be distributed among the remaining eligible institutions). Again, such an outcome would not, in the Department's view, be consistent with the basic equity principles that generally underlie the funding formulas enacted by Congress for the many formula grant programs administered by the Department.

The Department also explored an option that considered the relationship between the amount institutions receive through the endowment factor and the sum of that value in combination with the institution's reported (or imputed, in the case of the institutions reporting $0 endowments) endowment. The underlying principle of this approach was that while the endowment factor was to direct additional funding to institutions with the smallest endowments, such institutions should not benefit disproportionately when compared to other institutions with small endowments. For example, it would be both inequitable and inconsistent with the design of the endowment factor if an institution with a reported endowment of $100,000 received $3,000,000 from the endowment factor—effectively increasing its endowment-based resources to $3,100,000—while another institution with a reported endowment of $1,000,000 received $500,000 from the endowment factor, effectively ending up with just half ($1,500,000) of the endowment-based resources as the first institution. In other words, no institution's allocation from the endowment factor should exceed the resources available to any other institution based on the sum of its allocation from the endowment factor and its reported endowment. The Department's preliminary modeling of an option based on this principle produced an appropriately graduated distribution of endowment factor allocations to all 97 institutions, while directing 72 percent of funds to the bottom quartile of institutions ranked by endowment size, a result that the Department deemed both equitable and consistent with the core purpose of the endowment factor.

Importantly, for the purposes of this final rule, the $1,000,000 floor endowment amount set by Congress for use in calculating endowment factor allocations under the ARP yields an equitable distribution of funds nearly identical to that of the Department's ''imputed endowment size'' model. Specifically, applying the ARP's $1,000,000 endowment floor to the endowment factor in the CRRSAA would allocate $54.3 million, or 75 percent of funds, to the bottom quartile of institutions ranked by endowment size.

Consequently, the Department has concluded that the equitable impact of the $1,000,000 floor endowment threshold adopted by Congress for the purpose of calculating endowment factor allocations under the ARP, combined with its simplicity and the benefits of a uniform approach to determining endowment factor allocations across the ARP and the CRRSAA, make that same $1,000,000 endowment floor the most appropriate manner to implement the endowment factor formula in section 314(a)(2)(A)(iii) of the CRRSAA, which cannot otherwise be implemented in a manner consistent with the statutory text for certain eligible entities.

Significant Regulations

Statute: Section 314 of the CRRSAA (division M of Public Law 116–260, December 27, 2020) provides for funding for eligible HBCUs. Specifically, section 314(a)(2)(A) specifies a three-part formula for determining the allocations to each eligible HBCU, including an endowment factor that allocates 10 percent of the available funding according to a ratio equivalent to the total endowment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the total endowment size at the institution.

Current Regulation: None.

New Regulation: In new § 677.1, we provide that, for the purpose of calculating allocations under section 314(a)(2)(A)(iii) of the CRRSAA, an institution that has a total endowment of less than $1,000,000, including an institution that does not have an endowment, will be treated by the Secretary as having an endowment of $1,000,000.

Reasons: The Department is making this regulatory change to remedy a technical defect in the statute; allocate funds consistent with its best interpretation of the statutory purpose of the endowment factor; make the allocation methodology related to endowment size under the CRRSAA consistent with the refined methodology under the ARP; and ensure that the endowment factor operates to equitably deliver funding to eligible institutions based on the relative size of their endowments. See the *Background* section for a more detailed discussion of our reasons for this regulatory change.

Waiver of Proposed Rulemaking and Delayed Effective Date Under the Administrative Procedure Act

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed rules. However, the APA provides that an agency is not required to conduct notice and comment rulemaking when the agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)).

Congress enacted the CRRSAA to help Americans cope with the urgent economic and health crises created by the COVID–19 outbreak and created the HEERF to provide emergency financial aid grants to students and institutions. Section 314(b)(2)(B) of the CRRSAA requires the Secretary, to the extent practicable, to make awards to HBCUs under section 314(a)(2) by February 25, 2021. In the absence of this final rule, the Department would be unable to timely award the final 10 percent of funds appropriated by Congress to HBCUs under section 314(a)(2) of the CRRSAA in a manner that equitably benefits those HBCUs with limited endowments serving large numbers or percentages of students from low-

income families. In light of the urgent economic challenges facing IHEs as a result of the current national emergency and the importance of awarding all available emergency funds appropriated by Congress as quickly as possible, particularly to those institutions without access to much-needed resources that can help address the disruption to teaching and learning caused by the COVID–19 pandemic, it would be impracticable and contrary to the public interest to conduct notice-and-comment rulemaking. Accordingly, there is good cause to waive the notice and comment requirements of the APA.

Moreover, the APA generally requires that regulations be published at least 30 days before their effective date, unless the *agency* has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). As described above, good cause exists for this rule to be effective upon publication in light of the current national emergency and the importance of awarding HEERF allocations to eligible institutions in a timely manner consistent with statutory intent.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

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

(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 final regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866. Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a ''major rule'', as defined by 5 U.S.C. 804(2).

We have also reviewed these regulations 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 upon 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 this final rule only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that these regulations are consistent with the principles in Executive Order 13563.

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

Need for Regulatory Action

The Department is issuing this final rule to clarify the methodology for calculating allocations to HBCUs in accordance with the endowment factor described in section 314(a)(2)(A)(iii) of the CRRSAA. The endowment factor is intended to provide additional funding to institutions with limited endowment resources available to address institutional and student needs arising from the COVID–19 pandemic. This final rule addresses a defect in the statutory allocation formula and permits the allocation of all available funds to eligible institutions as quickly as possible.

As detailed in the preamble of this final rule, in light of the current national emergency and the importance of delivering HEERF awards to institutions as soon as possible, notice-and-comment rulemaking would be impracticable and contrary to the public interest. Absent immediate implementation of this final rule, the Department would be unable to timely award the remaining HBCU funding in a manner consistent with the intent to provide funding to eligible HBCUs based on relative endowment size, with a potentially serious negative impact on both institutions and the students they serve.

Costs, Benefits, and Transfers

As noted elsewhere in this final rule, this regulatory change affects only the allocation of funding under the HEERF program. It does not impose or relieve any regulatory or compliance burden on regulated entities. In general, we do not anticipate this final rule to impose any net costs on affected entities. However, to the extent that the receipt of funding under this program affects the marginal cost of administering funds, there may be some effects on participating institutions, but given the overall amount of funding administered under this program and the relatively small amount implicated by this rule, we expect those effects to be de minimis.

As noted above, this final rule will allow the Department to operationalize the statutory requirements of the CRRSAA relative to the endowment factor and limit unintended consequences. Since this rule is only intended to implement existing statutory requirements, we assess the impacts of this final rule relative to a pre-statutory baseline. In the absence of passage of the CRRSAA, none of the affected entities would have received additional funding under the HEERF program. Passage of CRRSAA resulted in additional funds being made

available to these entities. Specific to this final rule, approximately $72.8 million in additional funds will be made available to affected entities through the endowment factor implicated by this final rule. As noted above, we do not anticipate this rule resulting in any increased regulatory burden for affected entities and, even if the additional funding provided under the endowment factor did result in such increased costs, those costs would be far outweighed by the additional funding received. We do not anticipate this rule to result in any transfers between regulated entities given that, as described above, the Department would not be able to implement the statutory requirements in a manner consistent with the statutory text for certain eligible entities without this final rule. As a result, in the absence of this rule, no entity would have received funds under the endowment factor.

Regulatory Alternatives Considered

The Department considered a wide range of options to address the issues posed by the statutory requirements. Initially, we considered whether it was possible to resolve the issue without regulating. As described elsewhere, we determined that it would not be possible to allocate funds for certain eligible entities under the endowment factor in a manner consistent with the statutory requirements because doing so would require the agency to divide by zero.

Alternatively, the Department could have pursued a rule where it sought to divide the entire amount of funds equally among the nine entities with zero-dollar endowments. Such an approach would have focused resources on entities with smaller endowments but would have created sizable disparities among entities. For example, an entity without an endowment would have received approximately $8.1 million, while the entity with the smallest non-zero endowment (with an endowment of only $6,400) would have received no funding.

The Department also could have pursued a rule that imputed a $1 endowment for all of the entities without endowments, the minimum required adjustment to allow for formula allocations in accordance with the statutory requirements. Using this approach, approximately 55 institutions would receive funds under the endowment factor. Of those, 45 would receive allocations of less than $100. While this approach would be more equitable than the prior alternatives, we still do not believe such an approach would meet the spirit of the statutory requirement.

Under this final rule, all 97 eligible entities would receive funding, with the smallest allocation being approximately $7,300. We believe that this final rule, which ensures that all entities receive at least some funding under the endowment factor while also heavily preferencing those entities with small or no endowments, best meets the statutory intent.

Regulatory Flexibility Act Certification

This analysis, required by the Regulatory Flexibility Act, presents an estimate of the effect of the final regulations on small entities. The U.S. Small Business Administration (SBA) Size Standards define proprietary IHEs 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 and local educational agencies are defined as small organizations if they are operated by a government overseeing a population below 50,000.

For purposes of this analysis, the Department proposes to define a small institution as a two-year IHE with an enrollment of less than 500 FTE or a four-year IHE with an enrollment of less than 1,000 FTE. Under this proposed definition, we would identify 27 of the 97 affected entities as small. As noted above, we estimate that this final rule will result in benefits for all affected entities with no regulatory burden. Small institutions would, on average, see an increase of approximately $952,400 and non-small institutions receiving an increase would see an increase of approximately $407,900.

As such, the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1995

There are no information collection requirements associated with this regulatory action.

Intergovernmental Review: This program is 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 this program.

Assessment of Educational Impact

Based on our own review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Federalism

Executive Order 13132 requires us to ensure meaningful and timely input by State and local elected officials in the development of regulatory policies that have federalism implications. ''Federalism implications'' means substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This final regulation may have federalism implications.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package 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, and 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 this 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 for free on 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.

List of Subjects in 34 CFR Part 677

Colleges and universities, Grant programs-education, Reporting and recordkeeping requirements.

Miguel Cardona,
Secretary of Education.

■ For the reasons discussed in the preamble, the Secretary adds part 677 to title 34 of the Code of Federal Regulations to read as follows:

PART 677—HIGHER EDUCATION EMERGENCY RELIEF FUND PROGRAMS

Subpart A—Provisions Related to Historically Black Colleges and Universities

Sec.
677.1 Calculations.
677.2 [Reserved]

Subpart B—Reserved

Authority: 20 U.S.C. 1221e–3; section 314(a)(2), Pub. L. 116–260, Division M, 134 Stat. 1182.

Subpart A—Provisions Related to Historically Black Colleges and Universities

§ 677.1 Calculations.

For the purpose of calculating allocations under section 314(a)(2)(A)(iii) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (division M of Pub. L. 116–260, December 27, 2020), an institution that has a total endowment of less than $1,000,000, including an institution that does not have an endowment, will be treated by the Secretary as having a total endowment of $1,000,000.

§ 677.2 [Reserved]

Subpart B—Reserved

[FR Doc. 2021–08379 Filed 4–21–21; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED–2021–OESE–0061]

RIN 1810–AB64

American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund

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

ACTION: Interim final requirements.

SUMMARY: The Department of Education (''Department'') establishes interim final requirements for the American Rescue Plan Elementary and Secondary School Emergency Relief (''ARP ESSER'') Fund, under section 2001 of the American Rescue Plan (''ARP'') Act of 2021. These requirements are intended to promote accountability, transparency, and the effective use of funds by: Ensuring that each State educational agency (''SEA'') meaningfully engages in stakeholder consultation and takes public input into account in the development of its ARP ESSER plan; ensuring that each local educational agency (''LEA'') develops a plan for the use of its ARP ESSER funds and engages in meaningful consultation and seeks public input as it develops the LEA ARP ESSER plan; and clarifying how an LEA must meet the statutory requirement to develop a plan for the safe return to in-person instruction and continuity of services.

DATES: *Effective date:* These interim final requirements are effective April 22, 2021.

Comment due date: We must receive your comments on or before May 24, 2021.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or by 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.

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Adobe Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. Please do not submit the PDF in a scanned format. Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions.

- *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:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the interim final requirements, address them to: Britt Jung, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W113, Washington, DC 20202.

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

FOR FURTHER INFORMATION CONTACT: Britt Jung, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W113, Washington, DC 20202. Telephone: (202) 453–5563. Email: *ESSERF@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:* Although the Department has decided to issue these interim final requirements without first publishing proposed requirements for public comment, we are interested in whether you think we should make any changes in these requirements. We invite your comments. We will consider these comments in determining whether to revise the requirements.

To ensure that your comments may be most effectively considered, we urge you to clearly identify the specific section or sections of the interim final requirements that each comment addresses and to arrange your comments in the same order as the interim final requirements.

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 these interim final requirements. Please let us know of any further ways by which we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about these interim final requirements by accessing *www.regulations.gov.* Due to the current COVID–19 public health emergency, the Department buildings are not open to the public. However, upon reopening, you may also inspect the comments in person at 400 Maryland Avenue SW, Washington, DC 20202, between 8:30 a.m. and 4:00 p.m., Eastern Time, Monday through Friday of each week except Federal holidays. To schedule a time to inspect comments, please contact the person

listed under **FOR FURTHER INFORMATION CONTACT**.

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 these interim final requirements. To schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The ARP ESSER Fund provides a total of nearly $122 billion to SEAs and LEAs to help safely reopen and sustain the safe operation of schools and address the impacts of the coronavirus disease 2019 (''COVID–19'') pandemic on the Nation's students by addressing students' academic, social, emotional, and mental health needs.

Program Authority: The American Rescue Plan Act of 2021, Public Law 117–2, March 11, 2021.

Background: In early 2020, COVID–19 swept through the world, resulting in major upheaval to all aspects of life. In the United States, this resulted in unprecedented school closures in the spring of 2020. For tens of millions of students, learning was abruptly interrupted. For many students who were already facing limited educational opportunities and disengagement—including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students—losing access to reliable in-person instruction and the many supports schools can provide has led to significant challenges.

Since spring of 2020, the opportunities for students to learn have varied significantly across the country. Some schools have remained fully virtual and still have not physically reopened, while others have been providing in-person instruction for months. Many schools are providing a hybrid approach, with virtual instruction for a portion of the school week, and in-person instruction for the remainder of the week. As the initial 2021 National Assessment of Educational Progress (''NAEP'') School Survey revealed, there are significant disparities in both access to and enrollment in in-person instruction across the country, with white students much more likely than students of color to be learning in person as of February.[1] Many of the most disadvantaged students have frequently encountered barriers to accessing virtual learning.[2] Students across virtual and in-person settings are facing significant academic, social, emotional, and mental health challenges as a result of the interrupted education and the trauma caused by the COVID–19 pandemic.

In recognition of the immense challenges facing students, educators, staff, schools, LEAs, and SEAs right now, Congress has made emergency funds available to SEAs and LEAs to prevent, prepare for, and respond to COVID–19, first through the Coronavirus Aid, Relief, and Economic Security (''CARES'') Act, Public Law 116–136, div. B, tit. VIII, section 18003, enacted on March 27, 2020; next through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021, Public Law 116–260, section 313, enacted on December 27, 2020; and, most recently and significantly, through the ARP Act, Public Law 117–2, section 2001, enacted on March 11, 2021.

The ARP Act provides a total of nearly $122 billion via the ARP ESSER Fund to SEAs and LEAs to help schools return safely to in-person instruction, maximize in-person instructional time, sustain the safe operation of schools, and address the academic, social, emotional, and mental health impacts of the COVID–19 pandemic on the Nation's students. ARP ESSER provides funds to each SEA in the same proportion as each State received under part A of title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') in fiscal year 2020.[3] An SEA must allocate at least 90 percent of its ARP ESSER grant funds to its LEAs (including charter schools that are LEAs) in the State in the same proportion that the LEAs received under part A of title I of the ESEA in fiscal year 2020.[4] Each SEA is required to reserve at least 5 percent of its total ARP ESSER funds to carry out activities to address the academic impact of lost instructional time;[5] at least 1 percent for the implementation of evidence-based summer enrichment programs; and at least 1 percent for the implementation of evidence-based comprehensive afterschool programs.[6] Each of these reservations requires that the SEA use evidence-based interventions that respond to the academic, social, emotional, and mental health needs of students, particularly groups of students disproportionately impacted by the pandemic.[7] The SEA may reserve no more than half of 1 percent of its total ARP ESSER allocation for administrative costs.[8] The SEA may use any remaining funds for emergency needs as determined by the SEA to address issues responding to COVID–19.[9]

An LEA may use its ARP ESSER funds for a wide variety of activities related to educating students during the COVID–19 pandemic and addressing the impacts of the COVID–19 pandemic on students and educators. For example, an LEA may use the ARP ESSER funds to maintain the health and safety of students and school staff as they return to in-person instruction (*e.g.,* adopting policies consistent with guidance on reopening schools from the Centers for Disease Control and Prevention (''CDC''), available at *https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html,* including universal and correct wearing of masks; modifying facilities to allow for physical distancing (*e.g.,* use of cohorts/podding); handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials). The Department released related resources to assist schools in safely reopening for in-person learning as part of the ED COVID–19 Handbook. Volume 1 of the ED COVID–19 Handbook is available at *https://www2.ed.gov/documents/coronavirus/reopening.pdf.* Most

[1] NAEP 2021 School Survey, released by the Department of Education Institute of Education Sciences (March 24, 2021), available at *https://nces.ed.gov/nationsreportcard/about/covid19.aspx.*

[2] Korman, H., O'Keefe, B., Repka, M., (2020, Oct. 21). *Missing in the Margins: Estimating the Scale of the COVID–19 Attendance Crisis.* Bellweather Education Partners. Retrieved from: *https://bellwethereducation.org/publication/missing-margins-estimating-scale-covid-19-attendance-crisis#Why%20aren't%20students%20attending%20school?.*

[3] Section 2001(c) of the ARP Act.

[4] Section 2001(d)(1) of the ARP Act.

[5] ''Academic impact of lost instructional time'' has the same meaning as ''learning loss,'' which is the term that is used in the ARP Act.

[6] Section 2001(f)(1)–(3) of the ARP Act.

[7] Id.

[8] Section 2001(f)(4) of the ARP Act.

[9] Id.

recently, the Department released Volume 2 of the ED COVID–19 Handbook to assist schools in addressing critical student needs. Volume 2 of the ED COVID–19 Handbook is available at *https://www2.ed.gov/documents/coronavirus/reopening-2.pdf.*

An LEA may also use the ARP ESSER funds to address the academic, social, emotional, and mental health needs of its students by, for example, hiring additional personnel such as school counselors, psychologists, and nurses and implementing strategies to accelerate learning and to make investments in teaching and learning that will result in lasting improvements in the LEA. An LEA may also use the funds for activities that are necessary to maintain the operation of services in LEAs, for example, to stabilize the workforce and avoid layoffs. In December 2020, the Bureau of Labor Statistics reported an 8.6 percent decline in the local government education workforce over the previous 12 months, to its smallest size for the same month since 1999.[10]

In addition to the wide range of allowable uses of ARP ESSER funds, an LEA that receives ARP ESSER funds must reserve at least 20 percent of the funds to measure and address the academic impact of lost instructional time on all students, through the implementation of evidence-based interventions, such as interventions implemented through summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs. The LEA must also ensure that such interventions respond to students' academic, social, emotional, and mental health needs and address the impact of the COVID–19 pandemic on groups of students disproportionately impacted by the pandemic.[11]

On March 24, 2021, the Department made available two thirds of each SEA's ARP ESSER allocation to support ongoing efforts to reopen schools safely for in-person learning, keep schools safely open once students are back, and address the academic, social, emotional, and mental health needs of all students. To receive the remaining third of an SEA's ARP ESSER allocation and to comply with the terms and conditions of the ARP ESSER funds the SEA has already received, the Department is requiring that the SEA develop and submit an ARP ESSER plan that describes, among other things, the current education needs within the State, the SEA's intended uses of ARP ESSER funds, and the plans for supporting LEAs in their planning for and use of ARP ESSER funds.

As described in more detail below, the Secretary is establishing interim final requirements for ARP ESSER related to SEA consultation, LEA ARP ESSER plans, and the statutory requirement that LEAs receiving ARP ESSER funds develop plans for the safe return to in-person instruction and continuity of services.

SEA Consultation with Stakeholders; Public Input Statute: Under 20 U.S.C. 1231g, unless otherwise limited by law, the Secretary is authorized to require the submission of applications for assistance under any applicable program. ''Applicable program'' is defined in 20 U.S.C. 1221(c)(1) as any program for which the Department has administrative responsibility, which includes ARP ESSER. Title VIII of Division B of the CARES Act directs the Department to carry out the Education Stabilization Fund, of which the ARP ESSER funds are a part. Section 2001 of the ARP Act provides for the Department to make grants to each SEA from the ARP ESSER funds. Under 20 U.S.C. 1221e–3, the Secretary has the authority to promulgate rules governing the programs administered by the Department.

Interim Final Requirement: Under this requirement, an SEA must engage in meaningful consultation with various stakeholder groups on its ARP ESSER plan and give the public an opportunity to provide input on the development of the plan and take such input into account.Specifically, an SEA is required to consult with students; families; Tribes (if applicable); civil rights organizations (including disability rights organizations); school and district administrators (including special education administrators); superintendents; charter school leaders (if applicable); teachers, principals, school leaders, other educators, school staff, and their unions; and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students in the development of its ARP ESSER plan. Under the requirement, an SEA must also provide the public with the opportunity to provide input in the development of the plan and take such input into account.

To facilitate consultation on an SEA's ARP ESSER plan and ongoing communication with the public, under the requirement, an SEA must also make information publicly available on its website as soon as possible but no later than June 21, 2021, and regularly provide updated available information on its website, on the numbers of schools in the State providing each mode of instruction (*i.e.,* fully remote or online-only instruction, both remote/online instruction and in-person instruction (hybrid model), and full-time in-person instruction). The SEA must also make publicly available student enrollment data and, to the extent available, student attendance data for all students and disaggregated by students from low-income families, students from each racial and ethnic group, gender, English learners, children with disabilities, children experiencing homelessness, children in foster care, and migratory students for each mode of instruction.

Reasons: As explained in the background text above, the ARP ESSER program provides significant resources to SEAs and LEAs to respond to the educational disruptions caused by the COVID–19 pandemic. Given the unprecedented funding available and the widespread impacts of the COVID–19 pandemic, ARP ESSER funding presents a unique opportunity not only to help students and educators overcome the trauma and the loss of instructional time that they may have experienced, but also to make investments in student achievement and success. With strategic investment, ARP ESSER funding can build the capacity of States, LEAs, and schools to sustain meaningful and effective teaching and learning and address the needs of underserved students. Taking full advantage of this opportunity is consistent with the President's determination to ''build back better'' in response to the COVID–19 pandemic.

We believe diverse stakeholders will have significant insight into the effects of the COVID–19 pandemic on teaching and learning that will be critical to informing an SEA's plan for ARP ESSER, including how it will use its ARP ESSER funds, support LEAs in the use of their ARP ESSER funds, and evaluate the effectiveness of ARP ESSER. For that reason, under the requirement, an SEA must engage with students; families; Tribes (if applicable); civil rights organizations (including disability rights organizations); school and district administrators (including special education administrators); superintendents; charter school leaders (if applicable); teachers, principals,

[10] Bureau of Labor Statistics. (2021). Employment, Hours, and Earnings from the Current Employment Statistics survey (National) for all employees, local government education, seasonally adjusted. Data extracted on April 1, 2021. *https://beta.bls.gov/dataViewer/view/timeseries/CES9093161101.*

[11] Section 2001(e)(1) of the ARP Act.

school leaders, other educators, school staff, and their unions; and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students in the development of the SEA's ARP ESSER plan. The SEA must also provide the general public with the opportunity to provide input (*e.g.,* by requesting input on its website) and must take the public input it receives into account. By seeking input from these diverse stakeholders and the general public, an SEA will be better positioned to fully understand and adequately respond to the education needs in the State and the impact of the COVID–19 pandemic on all students, and particularly the groups of students most significantly impacted by the COVID–19 pandemic. The SEA will also be better positioned to make critical investments not just to recover, but also to implement and improve effective approaches for teaching and learning that accelerate student learning outcomes and address the needs of underserved students most impacted by the COVID–19 pandemic.

The requirement that the SEA make information publicly available on its website about the number of schools offering fully remote or online-only instruction, both remote/online instruction and in-person instruction (hybrid), and full-time in-person instruction is an important initial step toward transparency and understanding of the continued impact of the pandemic on learning and teaching. Disaggregated enrollment and, if available, attendance data will allow the public to provide more informed input on the SEA's ARP ESSER plan and initial approaches for targeting of federal resources to address the impact of interrupted instruction and the needs of students and teachers.

LEA ARP ESSER Plans

Statute: Title VIII of Division B of the CARES Act directs the Department to carry out the Education Stabilization Fund, of which the ARP ESSER funds are a part. Section 2001 of the ARP Act provides for the Department to make grants to each SEA from the ARP ESSER funds. An SEA must allocate at least 90 percent of its ARP ESSER grant funds to its LEAs (including charter schools that are LEAs) in the State in the same proportion that the LEAs received under part A of title I of the ESEA in Fiscal Year 2020, as required by section 2001(d)(1) of the ARP Act; and section 2001(e) of the ARP Act prescribes certain mandatory and permissive uses of LEAs' funds. Under 20 U.S.C. 1221e–3, the Secretary has the authority to promulgate rules governing the programs administered by the Department.

Interim Final Requirement: Under this requirement, each LEA that receives ARP ESSER funds must develop, submit to the SEA on a reasonable timeline determined by the SEA, and make publicly available on the LEA's website, a plan for the LEA's use of ARP ESSER funds. The plan, and any revisions to the plan submitted consistent with procedures established by the SEA, must include at a minimum a description of—

(1) The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, in order to continuously and safely open and operate schools for in-person learning;

(2) How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;

(3) How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and

(4) How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID–19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

Under this requirement, an LEA must engage in meaningful consultation with stakeholders and give the public an opportunity to provide input in the development of its plan. Specifically, an LEA must engage in meaningful consultation with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions. Additionally, an LEA must engage in meaningful consultation with each of the following, to the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students.

Finally, under the requirement, each LEA's ARP ESSER plan must be: In an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and, upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

Reasons:

LEA ARP ESSER Plan—

Under the ARP ESSER program, LEAs are receiving significant resources to respond to student and educator needs as schools continue to safely reopen. LEA plans are necessary to ensure transparency and accountability for use of the funds. As discussed in more detail below, the public and in particular students, their families, and educators, have a vested interest in understanding an LEA's priorities and plans for the funds and whether and how the LEA will use the funds to address their students' academic, social, emotional, and mental health needs. Requiring the development and posting of the LEA's plan will result in important transparency.

Additionally, ARP ESSER provides significant federal resources to respond to the COVID–19 pandemic that, for some LEAs, comprise millions of dollars of emergency funding. Requiring each LEA to develop a plan for the use of those funds will provide a mechanism for SEAs and the Department to ensure that the ARP ESSER funds are being used consistent with statutory requirements and to meet the needs of schools, students, and educators, in particular those students most impacted by the COVID–19 pandemic.

The minimum requirements for the ARP ESSER plans ensure that LEAs are using ARP ESSER funds for their intended purposes, including whether and how they will use the funds specifically for COVID–19 prevention and mitigation strategies, how the funds will be used to address the academic impact of lost instructional time through the implementation of evidence-based interventions, consistent with the requirement in section 2001(e)(1) of the ARP Act that each LEA reserve at least 20 percent of its ARP ESSER funds for that purpose, and how the LEA will ensure that those interventions respond

to the academic, social, emotional, and mental health needs of all students and particularly those students disproportionately impacted by the COVID–19 pandemic. Given the unique circumstances in each State, we believe each SEA is best situated to determine what additional requirements to include in the LEA ARP ESSER plan. For example, an SEA might require that the LEA ARP ESSER plan include data that illustrates the LEA's most pressing needs or descriptions of promising practices that the LEA has implemented to accelerate learning. The SEA might also require that the LEA's ARP ESSER plan contain the information required in the LEA's plan for the safe return to in-person instruction and continuity of services, in which case the LEA may develop one plan that addresses both sets of requirements rather than two separate plans (*i.e.,* one plan that addresses use of ARP ESSER funds and the safe return to in-person instruction and continuity of services). The SEA also establishes the deadline by which the LEA must submit its ARP ESSER plan, which must be reasonable and should be within no later than 90 days after receiving its ARP ESSER allocation.

LEA ARP ESSER Plan Meaningful Consultation

COVID–19 has had a dramatic impact on the Nation's education system. In addition to disrupting teaching and learning, it has exacerbated existing inequities in our schools and school districts. Every aspect of student life has been impacted by the COVID–19 pandemic: Students' classes and courses of study have been interrupted and/or delayed and students' social, emotional, and mental health have been negatively impacted by the isolation and anxiety of living through a pandemic and quarantine along with the additional associated stresses placed on their families.[12]

As students and teachers continue to return to full-time in-person education, they will have important insights into how schools should approach prevention and mitigation of COVID–19, and into what may be needed to support student success. For this reason, in developing their ARP ESSER plans, LEAs will be required to meaningfully consult with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions. Additionally, an LEA is also required to engage in meaningful consultation with each of the following, to the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students. An LEA's decisions about how to use its ARP ESSER funds will directly impact the students, families, and stakeholders in their school district, and thus the LEA's plans must be tailored to the specific needs faced by students and schools within the district. These diverse stakeholders will have significant insight into what prevention and mitigation strategies should be pursued to keep students and staff safe, as well as how the various COVID–19 prevention and mitigation strategies impact teaching, learning, and day-to-day school experiences.

With regard to addressing the academic, social, emotional, and mental health needs of all students, particularly those most impacted by the pandemic, we believe that it is critical that LEAs solicit and consider the input of students and their families to identify their most pressing needs. Close coordination with Tribes is critical to effective support for Native American students, so LEAs need to consult Tribes, as applicable. In addition, the Department understands educators and students' families will have important insights into and observations of students' academic, social, emotional, and mental health needs garnered from their experiences during the COVID–19 pandemic. Stakeholders will similarly have critical insights into how best to address the academic impact of lost instructional time that LEAs are required to address with at least 20 percent of their ARP ESSER funds. For all of these reasons, through this consultation, LEAs will be better positioned to fully plan to use ARP ESSER funds to adequately respond to the needs of all students, particularly those most impacted by the COVID–19 pandemic.

LEA ARP ESSER Plan Accessibility

The requirement also mandates that LEA ARP ESSER plans be accessible, including to parents with limited English proficiency and individuals with a disability. This requirement is intended to help ensure that all parents, including parents with limited English proficiency or individuals with disabilities, are able to access and understand the information in an LEA's ARP ESSER plan, consistent with the Department's interpretation of Title VI of the Civil Rights Act of 1964 and existing obligations to parents with disabilities under the Americans with Disabilities Act (ADA).

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

Statute: Section 2001(i)(1) of the ARP Act requires each LEA that receives ARP ESSER funds to develop and make publicly available on the LEA's website, not later than 30 days after receiving ARP ESSER funds, a plan for the safe return to in-person instruction and continuity of services for all schools, including those that have already returned to in-person instruction. Section 2001(i)(2) of the ARP Act further requires that the LEA seek public comment on the plan and take those comments into account in the development of the plan. Finally, section 2001(i)(3) of the ARP Act states that an LEA that developed a plan for the safe return to in-person instruction and continuity of services prior to the date of enactment of the ARP Act will be deemed to have met the requirement to develop a plan under section 2001(i)(1) as long as the plan meets the statutory requirements (*i.e.,* is publicly available on the LEA's website and was developed after the LEA sought and took into account public comment).

Interim Final Requirement: As described in more detail below, this requirement clarifies what an LEA's plan for the safe return to in-person instruction and continuity of services must address and requires periodic review and, when needed, revision of the plan to ensure it remains relevant and meets statutory and regulatory requirements.

[12] *See* Korman, H., O'Keefe, B., & Repka, M., (2020, Oct. 21). Missing in the Margins: Estimating the Scale of the Covid-19 Attendance Crisis. Bellweather Education Partners. Retrieved from: *https://bellwethereducation.org/publication/missing-margins-estimating-scale-covid-19-attendance-crisis#Why%20aren't%20students%20attending%20school?*; Sparks, S., (2020, Nov. 12) Children's Mental Health Emergencies Skyrocketed After COVID–19 Hit. What Schools Can Do, *Education Week.* Retrieved from: *https://www.edweek.org/leadership/childrens-mental-health-emergencies-skyrocketed-after-covid-19-hit-what-schools-can-do/2020/11*; Dorn, E., Hanckock, B., Sarakatsannis, J., & Viruleg, E. (2020). COVID–19 and Learning Loss—Disparities Grow and Students Need Help. *https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-learning-loss-disparities-grow-and-students-need-help#*; Kuhfeld, M., Tarasawa, B., Johnson, A., Ruzek, E., & Lewis, K. (2020, Nov.). Learning During COVID–19: Initial Findings on Students' Reading and Math Achievement and Growth. NWEA. Retrieved from: *https://www.nwea.org/research/publication/learning-during-covid-19-initial-findings-on-students-reading-and-math-achievement-and-growth/.*

First, the requirement clarifies that an LEA's plan must include how it will maintain the health and safety of students, educators, and other school and LEA staff, and the extent to which it has adopted policies, and a description of any such policies, on each of the CDC's safety recommendations including: Universal and correct wearing of masks; modifying facilities to allow for physical distancing (*e.g.,* use of cohorts/podding); handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.

Second, the requirement further clarifies that the plan must describe how the LEA will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health and other needs, which may include student health and food services.

Third, the requirement provides that, during the period of the ARP ESSER award established in section 2001(a) of the ARP Act (*i.e.,* until September 30, 2023),[13] an LEA must periodically, but no less frequently than every six months, review and, as appropriate, revise its plan. Consistent with section 2001(i)(2) of the ARP Act, which requires an LEA to seek public comment on the development of its plan, an LEA must seek public input and take such input into account in determining whether to revise its plan and, if it determines revisions are necessary, on the revisions it makes to its plan, *i.e.,* the LEA must seek public input on whether to revise its plan and on any revisions to its plan no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools). The requirement clarifies that, if the LEA revises its plan, the revised plan must address each of the aspects of safety currently recommended by the CDC or, if the CDC has updated its safety recommendations at the time the LEA is revising its plan, each of the updated safety recommendations. The requirement also clarifies that an LEA that developed a plan prior to enactment of the ARP Act that meets the requirements under section 2001(i)(1) and (2) of the ARP Act but does not address each of the required aspects of safety established in this requirement must, as part of the required periodic review, revise its plan consistent with these requirements no later than six months after it last reviewed its plan.

Fourth, under the requirement, the plans must be: In an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

Reasons: The statutory requirements for each LEA to develop a plan for the safe return to in-person instruction and continuity of services, to seek and incorporate public comment on the plan, and to make the plan publicly available are important for planning and transparency as LEAs work to return to, or continue, the safe operation of in-person instruction. However, the statute does not explicitly define what it means for a plan to provide for a safe return to and continuity of in-person instruction.

Because safe return to and continuity of in-person instruction is fundamental to addressing the lost instructional time and disengagement that many students have experienced during the COVID–19 pandemic, it is essential that these plans contain precise information about how LEAs will focus on prevention and mitigation of COVID–19 specific to their communities, in order to keep students, staff, and families healthy and to avoid future shutdowns. To ensure that each plan contains a sufficient level of specificity, the requirement sets forth several aspects of safety that each LEA plan must address.[14] These elements are consistent with current, relevant guidance from the CDC related to the safe reopening of schools.[15] The requirement does not mandate that an LEA adopt the CDC guidance, but only requires that the LEA describe in its plan the extent to which it has adopted the key prevention and mitigation strategies identified in the guidance. The requirement also ensures that each plan will specifically address how it will continue to provide services that meet student and staff needs. Section 2001(i) of the ARP Act requires that the plan address ''continuity of services,'' but does not specifically identify those services. The requirement clarifies that, in addition to meeting academic needs, the plan must also address how the LEA will continue to provide services to meet students' academic needs and students' and staff social, emotional, mental health, and other needs through, for example, continuing to provide students meals and access to medical services. According to the National School Lunch Program, before COVID–19, schools provided free or reduced-priced lunches to approximately 22 million students each day.[16] This is just one example of the many essential services that schools provide. For this reason, the requirement ensures that each LEA separately addresses continuity of services as a discrete prong of the plan.

The statute does not explicitly specify when or how often an LEA's plan must be reviewed and revised. To help an LEA adapt to the constantly evolving status of the COVID–19 pandemic, the requirement mandates that, during the period of the grant, an LEA review its plan at least every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools), and seek public input in determining whether, and what, revisions are necessary. The requirements also make clear that a revised plan must continue to address safety recommendations from the CDC, which must include updated CDC guidance, to ensure that the plans continue to provide useful information that addresses the most up-to-date research on COVID–19 prevention and mitigation. This requirement will also ensure that an LEA that developed a safe return to in-person instruction and continuity of services plan prior to enactment of the ARP Act and the requirement will, at least within six months of receipt of its grant, revise, as

[13] ARP ESSER funds are subject to the Tydings amendment in section 421(b) of the General Education Provisions Act, 20 U.S.C. 1225(b), and are therefore available to SEAs and LEAs for obligation through September 30, 2024. Review and revisions, if necessary, are not required during the Tydings period.

[14] As described above, each plan must address: Universal and correct wearing of masks; modifying facilities to allow for physical distancing (*e.g.,* use of cohorts/podding); handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.

[15] *https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html.*

[16] ED COVID–19 Handbook Vol. 2, *Roadmap to Reopening Safely and Meeting All Students' Needs,* page 8, available at: *https://www2.ed.gov/documents/coronavirus/reopening-2.pdf.*

necessary, and post its plan so that it addresses all of the safety recommendations included in the requirement.

The rationale for requiring that LEA plans for the safe return to in-person instruction and continuity of services be accessible, including to parents with limited English proficiency and individuals with disabilities, is described above with respect to the same requirement as it applies to LEA ARP ESSER plans.

Interim Final Requirements: The Secretary establishes the following interim final requirements for the ARP ESSER Fund.

(1) *SEA Consultation with Stakeholders; Public Input.* An SEA receiving ARP ESSER funds must, in the development of its ARP ESSER plan—

(a) Engage in meaningful consultation with stakeholders, including, but not limited to, students; families; Tribes (if applicable); civil rights organizations (including disability rights organizations); school and district administrators (including special education administrators); superintendents; charter school leaders (if applicable); teachers, principals, school leaders, other educators, school staff, and their unions; and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students;

(b) Provide the public the opportunity to provide input and take such input into account; and

(c) To facilitate consultation on its ARP ESSER plan and ongoing communication with the public, make information publicly available on its website as soon as possible but no later than June 21, 2021, and regularly provide updated available information on its website, on—

(i) The numbers of schools in the State providing each mode of instruction (*i.e.,* fully remote or online-only instruction, both remote/online instruction and in-person instruction (hybrid model), and full-time in-person instruction); and

(ii) Student enrollment data and, to the extent available, student attendance data for all students and disaggregated by students from low-income families, students from each racial and ethnic group, gender, English learners, children with disabilities, children experiencing homelessness, children in foster care, and migratory students for each mode of instruction listed in paragraph (i).

(2) *LEA ARP ESSER Plan.*

(a) Each LEA that receives ARP ESSER funds must submit to the SEA, in such manner and within a reasonable timeline as determined by the SEA, a plan that contains any information reasonably required by the SEA. The plan, and any revisions to the plan submitted consistent with procedures established by the SEA, must describe—

(i) The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, in order to continuously and safely open and operate schools for in-person learning;

(ii) How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time [17] through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs;

(iii) How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e) of the ARP Act; and

(iv) How the LEA will ensure that the interventions it implements,including but not limited to the interventions under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID–19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

(b) In developing its ARP ESSER plan, an LEA must—

(i) Engage in meaningful consultation—

(A) With stakeholders, including: Students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions; and

(B) To the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students; and

(ii) Provide the public the opportunity to provide input and take such input into account.

(c) An LEA's ARP ESSER plan must be—

(i) In an understandable and uniform format;

(ii) To the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent;

(iii) Upon request by a parent who is an individual with a disability as defined by the ADA, provided in an alternative format accessible to that parent; and

(iv) Be made publicly available on the LEA's website.

(3) *LEA Plan for Safe Return to In-Person Instruction and Continuity of Services.*

(a) An LEA must describe in its plan under section 2001(i)(1) of the ARP Act for the safe return to in-person instruction and continuity of services—

(i) how it will maintain the health and safety of students, educators, and other staff and the extent to which it has adopted policies, and a description of any such policies, on each of the following safety recommendations established by the CDC:

(A) Universal and correct wearing of masks.

(B) Modifying facilities to allow for physical distancing (*e.g.,* use of cohorts/podding).

(C) Handwashing and respiratory etiquette.

(D) Cleaning and maintaining healthy facilities, including improving ventilation.

(E) Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments.

(F) Diagnostic and screening testing.

(G) Efforts to provide vaccinations to school communities.

(H) Appropriate accommodations for children with disabilities with respect to health and safety policies.

(I) Coordination with State and local health officials.

(ii) how it will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health, and other needs, which may include student health and food services.

(b)(i) During the period of the ARP ESSER award established in section

[17] ''Academic impact of lost instructional time'' has the same meaning as ''learning loss,'' which is the term that is used in section 2001 of the ARP Act.

2001(a) of the ARP Act, an LEA must regularly, but no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools), review and, as appropriate, revise its plan for the safe return to in-person instruction and continuity of services.

(ii) In determining whether revisions are necessary, and in making any revisions, the LEA must seek public input and take such input into account.

(iii) If at the time the LEA revises its plan the CDC has updated its guidance on reopening schools, the revised plan must address the extent to which the LEA has adopted policies, and describe any such policies, for each of the updated safety recommendations.

(c) If an LEA developed a plan prior to enactment of the ARP Act that meets the statutory requirements of section 2001(i)(1) and (2) of the ARP Act but does not address all the requirements in paragraph (a), the LEA must, pursuant to paragraph (b), revise and post its plan no later than six months after receiving its ARP ESSER funds to meet the requirements in paragraph (a).

(d) An LEA's plan under section 2001(i)(1) of the ARP Act for the safe return to in-person instruction and continuity of services must be—

(i) In an understandable and uniform format;

(ii) To the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent; and

(iii) Upon request by a parent who is an individual with a disability as defined by the ADA, provided in an alternative format accessible to that parent.

Waiver of Notice and Comment Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (''APA'') (5 U.S.C. 551–559), the Department generally offers interested parties notice of and the opportunity to comment on proposed requirements. However, the APA provides that an agency is not required to conduct notice and comment rulemaking ''when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). Here, there is good cause to waive notice and comment rulemaking. The requirements in this notice are critical to ensuring that SEAs and LEAs urgently and effectively develop plans to use the ARP ESSER resources that reflect a full understanding of student needs and support a strong response to those needs. In addition, to ensure an effective and sustained return to in-person instruction, it is imperative that LEA return to in-person instruction plans address specific areas of safety and are adjusted as needed in response to evolving COVID–19 pandemic circumstances. However, going through the full rulemaking process would delay an SEA's ability to submit a plan for its remaining ARP ESSER funds, which are emergency funds intended to meet the immediate needs of students, educators, staff, schools, LEAs, and SEAs. Notice and comment rulemaking would be contrary to the public interest because the time involved would preclude emergency funds being available to meet exigent need for summer learning and effective, timely planning for the upcoming school year, both of which are critical to mitigate and prevent the continued impact of lost instructional time as well as to meet academic, social, and emotional needs. Nonetheless, the Department is issuing interim final requirements instead of final requirements to allow the members of the public to provide their input about the content of the requirements.

The COVID–19 pandemic continues to present extraordinary circumstances, including widespread school closures, significant loss of instructional time, and trauma for students, educators, and other staff. Various provisions of section 2001 of the ARP Act describe the emergency caused by the COVID–19 pandemic and encourage quick dispersal of ARP ESSER funds. Establishing these interim final requirements now, without the delay of notice and comment rulemaking, enables SEAs and LEAs to effectively use ARP ESSER funds to address the immediate safety, academic, social, and emotional needs of students and help schools safely return to or continue in-person instruction.

The APA also requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). Again, because the ARP ESSER funds are needed to address the immediate needs of students, educators, schools, LEAs, and SEAs due to the COVID–19 pandemic, the Secretary also has good cause to waive the 30-day delay in the effective date of these requirements under 5 U.S.C. 553(d)(3).

Executive Orders 12866 and 13563

Regulatory Impact Analysis

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

(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 ''economically significant'' regulations);

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

(3) Materially alter the budgetary impacts of entitlements, 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 regulatory action is an economically significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Pursuant to section 804(2) of the Congressional Review Act (5 U.S.C. 804(2)), the Office of Information and Regulatory Affairs designated this rule as a ''major rule.''

We have also reviewed these regulations 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, section 1(b) of Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon 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 taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;

(3) Select, in choosing among alternative regulatory approaches, 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 providing economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or providing 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.'' [18] 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.'' [19]

The Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action, and we are issuing these interim final requirements only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows and the reasons stated elsewhere in this document, the Department believes that the interim final requirements are consistent with the principles set forth in Executive Order 13563.

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

In this regulatory impact analysis, we discuss the need for regulatory action, the potential costs and benefits, and the net budget impacts.

Elsewhere, under *Paperwork Reduction Act of 1995*, we identify and explain burdens specifically associated with information collection requirements.

Need for Regulatory Action and Analysis of Benefits

These interim final requirements are intended to provide two critical benefits: State and local plans under the ARP ESSER program that are informed by and meaningfully address the academic, social, emotional, and mental health needs of our Nation's students, particularly those students disproportionately impacted by the COVID–19 pandemic; and local plans required under the ARP Act that effectively guide a safe return to in-person instruction and ensure continuity of services during and after the COVID–19 pandemic. As discussed elsewhere in this document, the ARP ESSER program provides significant resources to SEAs and LEAs to respond to the unprecedented educational disruptions caused by the COVID–19 pandemic. The Department believes this regulatory action is needed to ensure that the plans SEAs and LEAs develop to use these resources reflect a full understanding of student needs and support a strong, urgent response to these pressing needs. In addition, to ensure an effective and sustained return to in-person instruction, it is imperative that LEA plans address specific areas of safety and adjust as needed in response to evolving COVID–19 pandemic circumstances.

Analysis of Costs

This regulatory action establishes interim final requirements for an SEA to meaningfully consult with various stakeholder groups on its ARP ESSER plan, give the public an opportunity to provide input on the development of the plan, and facilitate consultation and public input by publishing and regularly updating information on school modes of instruction and student enrollment and, to the extent available, attendance. It also requires an LEA receiving ARP ESSER funds to develop and make publicly available a plan for the use of those funds; meaningfully consult with stakeholders and consider public input in developing its plan; and make its plan accessible, including to parents with limited English proficiency and individuals with disabilities. Finally, with respect to the LEA plan for the safe return to in-person instruction and continuity of services required under section 2001(i) of the ARP Act, this action specifies what the plan must address; requires periodic review and, when needed, revision of the plan, with consideration of public input in each case, to ensure it meets statutory and regulatory requirements and remains relevant to the needs of schools; and requires that the plan be accessible, including to parents with limited English proficiency and individuals with disabilities. We estimate the costs of complying with these interim final requirements in the paragraphs that follow. Throughout, we use mean wages for Education and Childcare Administrators [20] to monetize costs associated with SEA and LEA staff time, and we assume that the total dollar value of labor, including overhead and benefits, is equal to 200 percent of the wage rate.

SEAs and LEAs may use ARP ESSER funds to defray costs associated with these interim final requirements, including funds that an SEA reserves for administration under section 2001(f)(4) of the ARP Act.

SEA Consultation With Stakeholders; Public Input

The Department expects that SEAs generally will rely on previously established procedures for consulting with stakeholders and considering public input and that any burden in adapting those procedures to comply with these interim final requirements for ARP ESSER plans would be negligible. We estimate that, in implementing its procedures, an SEA will need, on average, 80 staff-hours to engage in meaningful consultation with identified stakeholder groups and 40 staff-hours to consider public input, for a total estimated average of 120 staff-hours. At $97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately $12,000. For 52 SEAs (including the District of Columbia and the Commonwealth of Puerto Rico), the total estimated cost is $607,000.

Under the interim final requirements, an SEA must facilitate consultation with stakeholders and ongoing communication with the public by posting on its website information on the number of schools in the State providing different modes of instruction and on student enrollment and (if available) attendance, and it must update such information regularly. We expect that SEAs generally possess much of this information and estimate that the average SEA will need 100 hours to comply with the facilitation requirement, including initial posting and six updates. At $97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately $9,700. For 52 SEAs, the total estimated cost is $505,900.

LEA ARP ESSER Plans

Under the interim final requirements, an LEA must develop an ARP ESSER plan that describes, at a minimum, how the LEA will use ARP ESSER funds to implement prevention and mitigation strategies in school opening and operations, address the academic impact

[18] Executive Order 13563, section 1(c).

[19] U.S. Office of Management and Budget (2011, Feb. 2). Memorandum for the Heads of Executive Departments and Agencies and of Independent Regulatory Agencies on Executive Order 13563, ''Improving Regulation and Regulatory Review''. Office of Information and Regulatory Affairs. Washington, DC.

[20] See *https://www.bls.gov/oes/2020/may/oes_nat.html.*

of lost instructional time, carry out other allowable activities, and identify and meet student needs resulting from the COVID–19 pandemic. The Department expects that the majority of LEAs have already devoted significant time and resources toward identifying activities that are responsive to these requirements and that, for these LEAs, the burden associated with ARP ESSER plan development would consist primarily in determining how best to use ARP ESSER funds for these purposes. We estimate that an LEA will need, on average, 40 staff-hours (exclusive of time to consult with stakeholders and consider public input, which is estimated in the following paragraph) to develop an ARP ESSER plan that meets the requirements and to make its plan publicly available. At $97.28 per LEA staff-hour, the average estimated cost to comply with the ARP ESSER plan development requirement is approximately $3,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is $58,368,000.

We anticipate that, as with SEAs, LEAs receiving ARP ESSER funds largely will use existing processes for stakeholder consultation and public input and that any adaptations of those processes for purposes of the final requirement would impose minimal burden. The Department estimates that, in carrying out its process, an LEA will need, on average, 30 staff-hours to engage in meaningful consultation with identified stakeholder groups and consider public input. At $97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately $2,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost for stakeholder consultation and public input is $43,776,000.

Finally, we estimate that an LEA will need an average of 10 hours to comply with the requirement that its ARP ESSER plan be accessible, including to parents with limited English proficiency and individuals with disabilities. At $97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately $1,000. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is $14,592,000.

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

The Department believes that the majority of LEAs developed plans for the safe return to in-person instruction and continuity of services prior to enactment of the ARP Act. We estimate that one-third of LEAs receiving ARP ESSER funds, or an estimated 5,000 LEAs, will need to develop or revise such plans to meet statutory and regulatory requirements, using an average of 40 staff-hours. At $97.28 per LEA staff-hour, the average estimated cost for complying with the requirements is approximately $3,900, and the total estimated cost is $19,456,000.

Under these interim final requirements, an LEA must review its plan at least every six months, revise its plan as needed, and consider public input in plan review and revision. Assuming LEAs implement their plans through Fiscal Year 2023, an LEA will need to review its plan a minimum of five times—more specifically, at least once in Fiscal Year 2021 and twice in each of Fiscal Years 2022 and 2023—to meet the plan review requirement. We estimate that each review, including consideration of public input using customary methods, will require an average of 10 staff-hours, for a total average of 50 staff-hours. Further, we estimate that the average LEA will revise its plan once and require an average of 20 staff-hours for plan revision, including consideration of public input. The total average estimated staff-hours for complying with plan review and revision requirements is 70 staff-hours, and at $97.28 per LEA staff-hour, the average estimated cost is approximately $6,800. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost for complying with the plan review and revision requirements is $102,144,000.

Finally, we estimate that an LEA will need an average of 15 hours to comply with the requirement that its plan (including revisions) for the safe return to in-person instruction and continuity of services be accessible, including to parents with limited English proficiency and individuals with disabilities. At $97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately $1,500. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is $21,888,000.

Net Budget Impacts

We estimate that the discretionary elements of these interim final requirements will not have an impact on the Federal budget. This regulatory action establishes requirements for SEAs and LEAs receiving ARP ESSER funds but does not affect the amount of funding available for this program. We anticipate that the nearly $122 billion in ARP ESSER funds will be disbursed in Fiscal Year 2021, and therefore estimate $122 billion in transfers in Fiscal Year 2021 relative to a pre-statutory baseline.

Accounting Statement

ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED IMPACTS

[In millions]

Category	Benefits
SEA and LEA ARP ESSER plans that are informed by and successfully address student needs	Not Quantified
LEA plans that ensure a safe return to in-person instruction and continuity of services	Not Quantified
	Costs
SEA consultation with stakeholders; public input	$1.1
LEA plan for use of ARP ESSER funds	$117
LEA plan for safe return to in-person instruction and continuity of services	$143
	Transfers
Activities to help safely reopen and sustain the safe operation of schools and address the impact of the coronavirus pandemic on the Nation's students	$121,975

Regulatory Flexibility Act Certification

The Regulatory Flexibility Act does not apply to this rulemaking because there is good cause to waive notice-and-comment rulemaking under the Administrative Procedure Act (5 U.S.C. 553).

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 these regulations easier to understand, including answers to questions such as the following:

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

To send any comments that concern how the Department could make these interim final requirements easier to understand, see the instructions in the **ADDRESSES** section.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*). This helps ensure that the public understands the Department's collection instructions, respondents provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of the law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently-valid OMB control number.

As discussed in the *Analysis of Costs and Benefits* section of the *Regulatory Impact Statement*, this regulatory action establishes interim final requirements for an SEA to meaningfully consult with various stakeholder groups on its ARP ESSER plan and to give the public an opportunity to provide input on the development of the plan. It also requires an LEA receiving ARP ESSER funds to develop and make publicly available a plan for the use of those funds; meaningfully consult with stakeholders and consider public input in developing its plan; and make its plan accessible, including to parents with limited English proficiency and parents with a disability. Finally, with respect to the LEA plan for the safe return to in-person instruction and continuity of services required under section 2001(i) of the ARP Act, this action specifies what the plan must address; requires periodic review and, when needed, revision of the plan, with consideration of public input in each case, to ensure it meets statutory and regulatory requirements and remains relevant to the needs of schools; and requires that the plan be accessible, including to parents with limited English proficiency and parents with disabilities. We estimate the costs and burden hours associated with complying with these interim final requirements in the paragraphs that follow. The estimates below for the costs and burden hours are the same as the costs and staff-hours discussed in the *Regulatory Impact Statement* unless otherwise noted. Differences between the estimates in the *Regulatory Impact Statement* and this section are due to differences in calculating the net impact and annual impact of these requirements.

In the notice of final requirements, we will display the control number assigned by OMB to any information collection activities proposed in these interim final requirements and adopted in the notice of final requirements.

For SEA consultation with stakeholders and seeking public input, we estimate that an SEA will need, on average, 80 staff-hours to engage in meaningful consultation with identified stakeholder groups and 40 staff-hours to consider public input, for a total estimated average of 120 staff-hours. At $97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately $12,000. For 52 SEAs (including for the District of Columbia and the Commonwealth of Puerto Rico), the total estimated cost is $607,000, and the total estimated burden is 6,240 hours.

Under the interim final requirements, an SEA must facilitate consultation with stakeholders and ongoing communication with the public by posting on its website information on the number of schools in the State providing different modes of instruction and on student enrollment and (if available) attendance, and it must update such information regularly. We expect that SEAs generally possess much of this information and estimate that an SEA will need, on average, 33 hours to comply with the facilitation requirement, including information updates. At $97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately $3,200. For 52 SEAs, the total estimated cost is $166,800 and the total burden is 1,716 hours. This estimate differs from the estimate in the *Regulatory Impact Statement* due to calculating the annual impact, rather than the net impact.

We estimate that an LEA will need, on average, 40 staff-hours to develop an ARP ESSER plan that meets the requirements and to make its plan publicly available. At $97.28 per LEA staff-hour, the average estimated cost to comply with the ARP ESSER plan development requirement is approximately $3,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is $58,368,000, and the total burden is 600,000 hours.

For LEA consultation with stakeholders and seeking public input, we estimate that an LEA will need, on average, 30 staff-hours to engage in meaningful consultation with identified stakeholder groups and to consider public input, for a total of 30 staff-hours. At $97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is $3,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is $43,776,000, and the total estimated burden is 450,000 hours. We estimate that an LEA will need an average of 10 hours to comply with the requirement that its ARP ESSER plan be accessible, including to parents with limited English proficiency and individuals with disabilities. At $97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately $1,000. For an estimated

15,000 LEAs receiving ARP ESSER funds, the total estimated cost is $14,592,000, and the total estimated burden is 150,000 hours.

We estimate that 5,000 LEAs will need to develop or revise safe return to in-person instruction and continuity of services plans to meet statutory and regulatory requirements, using an average of 40 staff-hours. At $97.28 per LEA staff-hour, the average estimated cost for complying with the requirements is $3,900. The total estimated cost is $19,456,000, and the total estimated burden is 200,000 hours.

Under these interim final requirements, an LEA must review its plan at least every 6 months, revise its plan as needed, and consider public input in the review and revision. Under these interim final requirements, an LEA will need to review its plan twice per year. We estimate that each review will require an average of 15 staff-hours for a total burden of 30 hours per year. We estimate that the average LEA will revise its plan once over the course of the next three years and require an average of 20 staff-hours for plan revision, an average of 7 burden hours per year. The total average estimated staff-hours for complying with plan review and revision requirements is 27 staff-hours annually, and at $97.28 per LEA staff-hour, the average estimated cost is $2,600. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost for complying with the plan review and revision requirements is $39,398,000, and we estimate a total burden of 405,000 hours. This estimate differs from the estimate in the *Regulatory Impact Statement* due to calculating the annual impact, rather than the net impact.

Finally, we estimate that an LEA will need an average of 15 hours to comply with the requirement that its plan for the safe return to in-person instruction and continuity of services be accessible, including to parents with limited English proficiency and individuals with disabilities. At $97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately $1,500. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is $21,888,000, and we estimate a total burden of 225,000 hours.

Collectively, we estimate that these new information collection activities will result in a total estimated cost of $198,791,800 and a total estimated burden of 2,037,956 hours to the public annually. The Department is requesting an emergency paperwork clearance from OMB on the data collections associated with these interim final requirements.

We must receive your comments on the collection activities contained in these interim final requirements on or before [INSERT DATE 30 DAYS FROM THE DATE OF PUBLICATION IN THE **FEDERAL REGISTER**]. Comments related to the information collection activities must be submitted electronically through the Federal eRulemaking Portal at *www.regulations.gov* by selecting the Docket ID number ED–2021–OESE–0061 or via postal mail, commercial delivery, or hand delivery by referencing the docket ID number and the title of the information collection request at the top of your comment. Comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

Note: The Office of Information and Regulatory Affairs in OMB and the Department review all comments related to the information collection activities posted at *www.regulations.gov.*

We consider your comments on these proposed collection activities in—

- Deciding whether the proposed collection activities are necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection activities, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

COLLECTION OF INFORMATION

Information collection activity	Estimated number responses	Hours per response	Total estimated burden hours	Estimated cost at an hourly rate of $97.28
SEA Consultation with Public	52	120	6,240	$607,000
SEA Facilitation and Updates	52	33	1,716	166,800
LEA ARP ESSER Plan Creation	15,000	40	600,000	58,368,000
LEA Consultation with Public	15,000	30	450,000	43,776,000
LEA ARP ESSER Plan Accessibility	15,000	10	150,000	14,592,000
LEA Plan for Safe Return *Creation*	5,000	40	200,000	19,456,000
LEA Safe Return Plan Review	15,000	27	405,000	39,938,000
LEA Plan for Safe Return Accessibility	15,000	15	225,000	21,888,000
Annualized Total	80,104	315	2,037,956	198,791,800

In addition to the information collection activities that are a result of these interim final requirements, the Department is issuing an ARP ESSER State Plan application template that creates burden for the public. The content of the template is based on the ARP ESSER statute, in particular the required SEA and LEA set asides (see ARP sections 2001(e)(1) (LEA set aside) and (f)(1)–(3) (SEA set asides)), as well as the regulatory requirements in these interim final requirements. The estimated burden hours for completing the ARP ESSER State Plan application template are accounted for in a separate emergency information collection request to OMB.

Intergovernmental Review

The ARP ESSER program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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, compact disc, or other accessible format.

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Miguel Cardona,

Secretary of Education.

[FR Doc. 2021–08359 Filed 4–21–21; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2020–0467; FRL–10022–84–Region 5]

Air Plan Approval; Illinois; Public Participation in the Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Illinois State Implementation Plan (SIP) that were submitted on August 27, 2020 by the Illinois Environmental Protection Agency (IEPA). These revisions affect the public notice rule provisions for the New Source Review (NSR) and title V Operating Permit programs (title V) of the Clean Air Act (CAA). The revisions remove the mandatory requirement to provide public notice of draft CAA permits in a newspaper and allow electronic notice (e-notice) as an alternate noticing option. EPA proposed to approve this action on February 26, 2021 and received no adverse comments.

DATES: This final rule is effective on May 24, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2020–0467. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Daniel Wolski, Physical Scientist, at 312–886–0557 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Daniel Wolski, Physical Scientist, Air Permitting Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0557, *wolski.daniel@epa.gov.*

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

I. Background Information

On February 26, 2021, EPA proposed to approve revisions to Illinois' public notice for CAA permitting rules contained in Chapter 35 Illinois Administrative Code (IAC) part 252. *See* 86 FR 11680. An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (NPRM) and will not be restated here. The public comment period for this proposed rule ended on March 29, 2021. EPA received one supportive comment on the proposal.

II. Final Action

EPA is approving IEPA's August 27, 2020, SIP program revisions addressing public notice requirements for CAA permitting. EPA has concluded that the State's submittal meets the plan revisions requirements of CAA section 110 and the implementing regulations at 40 CFR 51.161, 40 CFR 70.4, and 40 CFR 70.7.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

IV. Statutory and Executive Order Reviews

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

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

[1] 62 FR 27968 (May 22, 1997).

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Administrative practice and procedure Incorporation by reference, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: April 15, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.720, the table in paragraph (c) is amended by revising the entries ''252.201'' and ''252.204'' to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
Part 252: Public Participation in the Air Pollution Permit Program for Major Sources in Nonattainment Areas				
*	*	*	*	*
Subpart B: Procedures for Public Review				
252.201	Notice and Opportunity to Comment	8/1/2018	4/22/2021, [INSERT **Federal Register** CITATION].	
*	*	*	*	*
252.204	Opportunity for Public Hearing	8/1/2018	4/22/2021, [INSERT **Federal Register** CITATION].	
*	*	*	*	*

* * * * *

[FR Doc. 2021–08261 Filed 4–21–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 100

RIN 0906–AB24

National Vaccine Injury Compensation Program: Rescission of Revisions to the Vaccine Injury Table

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Final rule; withdrawal.

SUMMARY: This action rescinds in its entirety the rule entitled ''National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table,'' published in the **Federal Register** on January 21, 2021 (January 21, 2021 Final Rule).

DATES: As of April 22, 2021, the January 21, 2021 Final Rule, published in the **Federal Register** at 86 FR 6249, which was delayed at 86 FR 10835 on February 23, 2021, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Please visit the National Vaccine Injury Compensation Program's website, *https://www.hrsa.gov/vaccinecompensation/,* or contact Tamara Overby, Acting Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, HRSA, Room 08N146B, 5600 Fishers Lane, Rockville, MD 20857; by email at *vaccinecompensation@hrsa.gov;* or by telephone at (855) 266–2427.

SUPPLEMENTARY INFORMATION:

I. Background

The National Childhood Vaccine Injury Act of 1986, title III of Public Law 99–660 (42 U.S.C. 300aa–10 *et seq.*) (Vaccine Act), established the National Vaccine Injury Compensation Program (VICP) to ensure an adequate supply of vaccines, stabilize vaccine costs, and establish and maintain an accessible and efficient forum for individuals found to be injured by certain vaccines to be compensated. The Vaccine Act has been amended several times since it was first enacted in 1986.

Petitions for compensation under this Program are filed in the United States Court of Federal Claims (Court), with a copy served on the Secretary of Health and Human Services (the Secretary), who is the ''Respondent.'' The Court, acting through judicial officers called Special Masters, makes findings as to eligibility for, and the amount of, compensation. To be found entitled to an award under the VICP, a petitioner must establish a vaccine-related injury or death, either by proving that a vaccine actually caused or significantly aggravated an injury (causation-in-fact) or by demonstrating the occurrence of what has been referred to as ''a Table injury.'' That is, a petitioner may show that the vaccine recipient suffered an injury of the type enumerated in the regulations at 42 CFR 100.3—the Vaccine Injury Table [1] (Table)—corresponding to the vaccination in question, and that the onset of such injury took place within a time period also specified in the Table. The Table is accompanied by, among other provisions, the Qualifications and Aids to Interpretation (QAI), which defines the injuries and conditions listed on the Table. If these criteria are met, the injury is presumed to have been caused by the vaccination, and the petitioner is entitled to compensation (assuming that other requirements are satisfied),[2] unless the respondent affirmatively shows that the injury was caused by some factor other than the vaccination (*see* 42 U.S.C. 300aa–11(c)(1)(C)(i), 300aa–13(a)(1)(B)), and 300aa–14(a)). Currently, cases are often resolved by negotiated settlements between the parties and approved by the Court. In such situations, HHS and the Court have not reached a conclusion, based upon review of the evidence, whether the vaccine caused the alleged injury.

Revisions to the Table are authorized under the Vaccine Act (42 U.S.C. 300aa–14(c)–(e)). The Vaccine Act prohibits the Secretary from proposing a revision to the Table's list of injuries, disabilities, illnesses, conditions, and deaths for which compensation may be provided, or to the time periods for the first symptom or manifestation of the onset or the significant aggravation of any such injury, disability, illness, condition, or death, ''unless the Secretary has first provided to the [Advisory] Commission [on Childhood Vaccines] a copy of the proposed regulation or revision, requested recommendations and comments by the Commission, and afforded the Commission at least 90 days to make such recommendations'' (42 U.S.C. 300aa–14(d)). The Advisory Commission on Childhood Vaccines (ACCV) advises and makes recommendations to the Secretary on issues relating to the operation of the VICP (*see generally* 42 U.S.C. 300aa–19). Further, once the proposed revision is published, the Vaccine Act requires the Secretary to provide for a public hearing and at least 180 days of public comment (42 U.S.C. 300aa–14(c)(1)). To add a new category of vaccines to the Table, that category also must be recommended for routine administration to children or pregnant women by the Centers for Disease Control and Prevention (CDC), be made subject to an excise tax by Federal law, and be added to the VICP by the Secretary within two years of the CDC's recommendation (42 U.S.C. 300aa–14(e)).

HHS added Shoulder Injury Related to Vaccine Administration (SIRVA) and vasovagal syncope to the Table in March 2017, following an extensive, multi-year process that involved nine HHS workgroups comprising HRSA and CDC medical staff reviewing the 2012 Institute of Medicine report, ''Adverse Effects of Vaccines: Evidence and Causality,'' [3] as well as other then-newly published scientific literature not contained in the report (82 FR 6294–95). The ACCV considered the proposed changes to add SIRVA and vasovagal syncope to the Table in its meetings on March 8, 2012, September 5, 2013, December 5, 2013, June 5, 2014, and September 4, 2014 (80 FR 45134). On July 29, 2015, a notice of proposed rulemaking (NPRM) was published (80 FR 45132), which provided a 180-day public comment period that resulted in the receipt of 14 written comments; 13 from individuals and one from a national organization (82 FR at 6296). In addition, a public hearing on the proposed rule was held on January 14, 2016 (*Id.*). Almost a year after considering the 14 written comments and the remarks at the public hearing, on January 19, 2017, HHS issued the final rule that added SIRVA and vasovagal syncope to the Table, with an effective date of February 21, 2017 (*Id.* at 6294). Pursuant to a January 20, 2017 memorandum from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review,'' the effective date of the final rule adding SIRVA and vasovagal syncope to the

[1] *https://www.hrsa.gov/sites/default/files/hrsa/vaccine-compensation/vaccine-injury-table.pdf.*

[2] These requirements generally include that: (1) The person bringing the petition qualifies as a petitioner under the Vaccine Act; (2) the petitioner filed the petition within the statute of limitations; (3) the individual who sustained the vaccine-related injury has not collected a prior award or settlement of a civil action for the vaccine-related injury (or no prior award or settlement of a civil action was made on their behalf); (4) the vaccine was administered within the United States or its trust territories; and, (5) the individual who sustained the vaccine-related injury suffered the residual effects or complications of the injury for more than six months, died, or was hospitalized and underwent surgical intervention in response to the vaccine-related injury. *See generally* 42 U.S.C. 300aa–11(b)–(c), 300aa–16(a)–(b).

[3] *https://www.ncbi.nlm.nih.gov/books/NBK190024/.*

Table was delayed until March 21, 2017 (82 FR 11321).

On July 20, 2020, HHS published an NPRM proposing to amend the Table by removing SIRVA, vasovagal syncope, and the new vaccines category, Item XVII (85 FR 43794). A final rule amending the Table was published on January 21, 2021 (86 FR 6249). Pursuant to the Regulatory Freeze Memorandum dated January 20, 2021, and after a brief public comment period, effective February 22, 2021, HHS delayed the effective date of the January 21, 2021 Final Rule until April 23, 2021, so that the new Administration could review the final rule for ''any questions of fact, law, and policy the rule may raise'' (86 FR 10835). Specifically, HHS delayed the January 21, 2021 Final Rule to determine whether its promulgation raised any legal issues, including but not limited to (1) whether the ACCV was properly notified of the proposed rule pursuant to 42 U.S.C. 300aa–14(c) and (d), and (2) whether the public was properly notified of the entire revised regulation, 42 CFR 100.3(b)–(e) (including the QAI and the coverage provisions), given that both the proposed and final rules published in the **Federal Register** included only the revised Vaccine Injury Table itself, but not the entire revised regulation (*Id.* at 10835–36). On March 17, 2021, HHS published an NPRM to rescind the January 21, 2021 Final Rule (86 FR 14567).

Summary of the Final Rule

This final rule rescinds the January 21, 2021 Final Rule entitled ''National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table'' (86 FR 6249), which, if it were to go into effect, would amend the provisions of 42 CFR 100.3 by removing SIRVA, vasovagal syncope, and the new vaccines category (Item XVII) from the Table.

HHS is rescinding the January 21, 2021 Final Rule for both procedural and policy reasons. HHS had already been alerted, and commenters to the March 17, 2021 NPRM reiterated, that members of the public believe that the promulgation of the January 21, 2021 Final Rule was irregular in its haste, and that HHS did not fully engage with either the ACCV or the public regarding its rationale behind the July 20, 2020 NPRM and its proposed amendments to the Table. The promulgation of the January 21, 2021 Final Rule stands in contrast to the extensive, multi-year process HHS followed to add SIRVA and vasovagal syncope to the Table in March 2017.

Specifically, the July 20, 2020 NPRM stated that HHS provided its proposal to remove SIRVA, vasovagal syncope, and Item XVII from the Table to the ACCV for its comments ''on or about February 15, 2020,'' and that ''[a]s part of its mandate under the [Vaccine] Act, the ACCV considered the proposed changes set forth in this NPRM on March 6, 2020, and May 18, 2020'' (85 FR 43799 & n. 19). However, the draft NPRM was not officially provided to the ACCV as a group in mid-February 2020, and, while the statute requires the Secretary to request ''recommendations and comments by the Commission,'' instead the draft NPRM was mailed in hard copy to each of the ACCV members, marked ''privileged and confidential,'' with a request for comments from the individual members. Although the then-Chair started the first brief discussion of the draft NPRM at the ACCV meeting on March 6, 2020, the draft NPRM was not on the agenda (*see https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2020/accv-agenda-march2020.pdf),* and no members of the ACCV other than the then-Chair knew in advance that it would be discussed. One ACCV member commented at the meeting that she thought that the members were not permitted to discuss the draft NPRM. Several members stated that they had questions about the draft NPRM and wished to have further discussion (*see https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2020/accv-march-meeting-minutes.pdf*).

At the May 18, 2020 ACCV meeting, three ACCV members expressed their concern that no HHS representative was present to explain the draft NPRM, provide scientific evidence in support, or discuss the recommendations with the ACCV members (*see https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2020/accv-may-meeting-minutes.pdf*). In the past, when HHS has proposed a revision to the Table, it has sent an agency representative to discuss the proposal with the ACCV. The ACCV unanimously voted to oppose the proposed changes to the Table, and sent a recommendation to the Secretary opposing the draft NPRM for many reasons including: (1) No representative from HHS was made available to provide the evidence and reasoning behind the draft NPRM; (2) SIRVA and vasovagal syncope, though rare, are injuries caused by vaccines; (3) exposing vaccine administrators to civil liability could be a disincentive to vaccine administration and result in lower vaccination rates; and (4) the explanation in the draft NPRM did not meet the ACCV's guiding principles for recommending changes to the VICP Table (*see https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/reports/accv-recommendation-may-2020.pdf*).

On October 29, 2020, HHS published in the **Federal Register** a Notification that a hearing on the July 20, 2020 NPRM would be held on November 9, 2020 (85 FR 68540). Unfortunately, that **Federal Register** Notification incorrectly gave a deadline of October 26, 2020 (three days earlier than the Notice was published) for individuals to register to speak at the hearing (*Id.*). A correction extending the deadline to November 5, 2020, was published in the **Federal Register** on November 6, 2020 (one day after the deadline) (85 FR 71046). Despite these notification issues, 26 individuals spoke at the public hearing; all were opposed to the NPRM (*see https://www.regulations.gov/document/HRSA-2020-0002-0373*).

Both the January 21, 2021 Final Rule and the July 20, 2020 NPRM included the following instruction: ''In § 100.3, revise paragraph (a) and remove paragraphs (c)(10) and (13) and (e)(8). The revision reads as follows:'' Removing paragraphs (c)(10) and (13) would strike the definitions of SIRVA and vasovagal syncope, respectively, from the QAI, and removing paragraph (e)(8) would strike the new vaccines category (Item XVII of the Table) from the Coverage Provisions section of the regulation. What followed the instruction was paragraph (a) and the Table itself. The rest of the regulation, including the revised paragraph (c) QAI and paragraph (e) Coverage Provisions, which are a critical part of the regulation (86 FR 6267; 85 FR 43804), were not included in the instruction and therefore were not included in the revised regulations set out following the instruction. The version of the Vaccine Injury Table that is currently displayed on the eCFR includes a link titled ''Link to an amendment published at 86 FR 6267, Jan. 21, 2021.'' This link displays only the Vaccine Injury Table that was published in the January 21, 2021 Final Rule (*see https://www.ecfr.gov/cgi-bin/text-idx?SID=f5f03d551be5379a43b4de00614dafaa&mc=true&node=20210121y1.4*). It also does not include paragraph (b) Provisions that apply to all conditions listed, paragraph (c) QAI, paragraph (d) Glossary for purposes of paragraph (c), and/or paragraph (e) Coverage Provisions sections of the Table, because those revisions were not included in the instruction and therefore were not included in the

revised regulations set out following the instruction.

As a policy matter, HHS is rescinding the January 21, 2021 Final Rule because it is concerned that it would have a negative impact on vaccine administrators, which would be at odds with the Federal Government's efforts to increase confidence in vaccinations in the United States, particularly in light of efforts to respond to the Coronavirus Disease 2019 (COVID–19) pandemic, as detailed in the March 17, 2021 NPRM. On March 16, 2021, the then-Acting Secretary issued a Seventh Amendment to the Public Readiness and Emergency Preparedness (PREP) Act Declaration to, among other things, add additional categories of qualified people authorized to prescribe, dispense, and administer COVID–19 vaccines authorized by the U.S. Food and Drug Administration, including dentists, EMTs, midwives, optometrists, paramedics, physician assistants, podiatrists, respiratory therapists, and veterinarians (86 FR 14462).

Given this unprecedented vaccination effort and the concern that the January 21, 2021 Final Rule's revisions to the Table could negatively impact the COVID–19 vaccination campaign, as well as other campaigns such as annual influenza vaccination efforts, and the January 21, 2021 Final Rule's associated procedural issues, HHS is rescinding that rule.

Section 553(d) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) requires that Federal agencies provide at least 30 days after publication of a final rule in the **Federal Register** before making it effective, unless good cause can be found not to do so. HHS finds that there is good cause for making this final rule effective less than 30 days after publication in the **Federal Register** given that failure to do so would result in the removal of SIRVA and vasovagal syncope from the Table for 30 days, which would result in logistical and legal uncertainty regarding injuries allegedly received, petitions filed, and petitions adjudicated during that 30-day period. That same uncertainty also applies to the status of 42 CFR 100.3(b)–(e) during such period, given the January 21, 2021 Final Rule's conflicting instructions regarding these provisions. For these reasons, HHS finds there is good cause to make this final rule effective before the January 21, 2021 Final Rule goes into effect on April 23, 2021.

II. Analysis and Responses to Public Comments

The March 17, 2021 NPRM provided a 30-day comment period, and HRSA received 121 comments during that time, none of which supported the January 21, 2021 Final Rule. HRSA received comments from: Nurses and patients; law and other graduate school students; petitioners' attorneys (including a former member of the ACCV), law firms, and a bar association; a Member of Congress; a biotech trade association; pharmacist and drug store associations; a national drug store chain; non-profit organizations; and other individuals. While the Secretary only sought public comment on rescinding the January 21, 2021 Final Rule, many commenters offered comments beyond the scope of the request. We have summarized the relevant comments received, all of which support rescinding the January 21, 2021 Final Rule, and provided our responses below.

Comment: Several commenters supported the rescission of the January 21, 2021 Final Rule because they believe that rule did not adequately consider the recommendations of the ACCV or the public, or because they had other concerns regarding the January 21, 2021 Final Rule's promulgation. Several commenters pointed out irregularities in how HHS consulted with the ACCV as required by 42 U.S.C. 300aa–14(d). For example, then-ACCV Vice Chair raised concerns about the fact that the draft NPRM he received was marked privileged and confidential, and that he had ''never been given permission by anyone from HHS or anywhere else to talk about that document prior to the March 2020 meeting.'' He went on to state ''a discussion about the Proposed Rule was not on the agenda, and we [the ACCV] had absolutely zero notice that the Proposed Rule was going to be a topic of [consideration], even if the privileges and confidentiality had been waived by HHS.''

In addition, some commenters noted that HHS received more than 760 comments, the vast majority of which were opposed to the July 20, 2020 NPRM, and that more than 150 of those comments were posted on the last day of the comment period. These commenters contended that HHS did not address various substantive comments in the January 21, 2021 Final Rule. For example, one commenter pointed to six specific comments (three from petitioners' attorneys, one from an orthopedic surgeon, one from a commercial pharmacy, and one from a biotechnology trade association) that ''were substantial and challenged key premises of the [July 20, 2020] NPRM'' to which the January 21, 2021 Final Rule did not adequately respond.

Response: HHS agrees that there were irregularities in how HHS consulted with the ACCV, and there is a legitimate question as to whether the ACCV received the full 90 days to make recommendations. HHS also shares the commenters' other concerns related to the January 21, 2021 Final Rule's promulgation, as detailed above, including whether all public comments were adequately considered and addressed as required by the APA. Given the numerous concerns that have already been raised and the questions that surround the January 21, 2021 Final Rule's promulgation, HHS agrees that rescinding that rule is proper.[4]

Comment: Many patients and individuals supported the rescission of the January 21, 2021 Final Rule because they stated they had suffered SIRVA or other injuries related to vaccinations and wanted others to be able to submit petitions for their own alleged SIRVA injuries. Some individuals raised concerns about COVID–19 vaccines and expressed their view that any potential vaccine-related injuries from that vaccination should be covered by the Program.

Response: The VICP was created in the 1980s, after lawsuits against vaccine companies and health care providers threatened to cause vaccine shortages and reduce U.S. vaccination rates, which could have caused a resurgence of vaccine preventable diseases. HHS understands the important role the VICP plays by allowing any individual, of any age, who received a covered vaccine and believes he or she was injured as a result, to seek compensation. HHS regrets that it is unable to comment on individual pending or potential claims for compensation. Further, HHS notes that COVID–19 vaccines are covered countermeasures under the Countermeasures Injury Compensation Program (CICP),[5] not the VICP. As long as Item XVII is included on the Table, for a new category of vaccines to be

[4] One commenter expressed concern regarding the following sentence in the March 17, 2021 NPRM: ''HHS proposes rescinding the final rule so that, if it chooses to proceed with removing SIRVA, vasovagal syncope, and the new vaccines category (Item XVII) from the Table, it does so with sufficient time to carefully and methodically review the policy, science, and law regarding these items and creates a transparent record of the process that clearly complies with all Vaccine Act and APA requirements.'' HHS wants to clarify that the quoted sentence was intended merely to be a hypothetical statement.

[5] The Public Readiness and Emergency Preparedness Act (PREP Act) authorizes the CICP to provide benefits to certain individuals or estates of individuals who sustain a covered serious physical injury as the direct result of the administration or use of covered countermeasures identified in and administered or used under a PREP Act declaration.

covered under the VICP, the following three things must happen: (1) Congress must enact an excise tax on the vaccine, (2) the CDC must recommend it for routine administration to children or pregnant women, and (3) the Secretary must publish a notice of coverage in the **Federal Register** (*see* 42 CFR 100.3(a), (e)(8)).

Comment: Many commenters supported the rescission of the January 21, 2021 Final Rule because they believe it contravenes the science surrounding SIRVA. For example, a group of registered nurses stated: ''Shoulder injury related to vaccine [administration] (SIRVA) and vasovagal syncope are legitimate vaccine-related injuries that should remain on the Vaccine Injury Table. The 2011 Institute of Medicine Report provided convincing evidence through extensive literature reviews that vaccine administration had a causal relationship with both SIRVA and vasovagal syncope. It is necessary that the Vaccine Injury Table [retain] injuries proven by evidence that have the potential to adversely affect American lives.''

Response: HHS is rescinding the January 21, 2021 Final Rule before it goes into effect in part so that the agency can have sufficient time to carefully and methodically consider the state of the science regarding SIRVA since it last completed its comprehensive review of the literature before adding SIRVA to the Table in March of 2017.

Comment: Various commenters supported the rescission of the January 21, 2021 Final Rule because they disagreed with the policy and legal rationales outlined in that rule. For example, some commenters argued that the cited financial considerations in the July 20, 2020 NPRM and the January 21, 2021 Final Rule did not support the removal of SIRVA and vasovagal syncope from the Table because these two injuries have minimal impact on the compensation funds available. Further, some commenters posited that the stated legal basis for removing SIRVA and vasovagal syncope from the Table, *i.e.,* that the VICP only covers injuries attributable to the contents of a vaccine, and for removing Item XVII from the Table, *i.e.,* that the item was contrary to law, represented changes in HHS's interpretation of the Vaccine Act that HHS did not adequately explain.

Response: HHS agrees that compensation paid for SIRVA and syncope claims under the VICP are not currently threatening the solvency of the Vaccine Injury Compensation Trust Fund.[6] Additionally, HHS agrees that the legal interpretation outlined in the January 21, 2021 Final Rule represented a change from HHS's historical interpretation of the Vaccine Act.[7] Such a change in interpretation would deserve a more thorough review and public discussion by HHS with the ACCV and the general public than occurred during the development of the January 21, 2021 Final Rule.

Comment: Some commenters supported the rescission of the January 21, 2021 Final Rule because removing Item XVII from the Table would significantly lengthen the process of adding any new vaccine in the future—such as COVID–19 vaccines—to the Table for coverage under the VICP. Other commenters supported moving coverage for COVID–19 vaccines to the VICP from the CICP.

Response: HHS agrees that, without Item XVII on the Table, the process for adding a vaccine to the Table could be more drawn out. With Item XVII in place, if HHS were to want to add a vaccine to the Table, it could do so if (1) Congress enacts an excise tax on the vaccine, (2) the CDC recommends it for routine administration to children or pregnant women, and (3) the Secretary publishes a notice of coverage in the **Federal Register** (*see* 42 CFR 100.3(a), (e)(8)). The January 21, 2021 Final Rule stated incorrectly that, if Item XVII were removed from the Table, notice and comment rulemaking to add a new vaccine to the VICP would *require* that any proposed addition of a new vaccine to the Table be presented to the ACCV for its consideration for 90 days prior to publication of an NPRM, with a 180-day comment period for the NPRM, and a public hearing.[8]

As stated above, COVID–19 vaccines are covered countermeasures under the CICP, not the VICP. For COVID–19 vaccines to be covered under the VICP, the process described above would have to occur.

Comment: Many commenters supported the rescission of the January 21, 2021 Final Rule because they are concerned that it would be particularly detrimental to vaccine administrators, which would be at odds with the Federal Government's efforts to increase COVID–19 vaccinations, influenza vaccinations, and routine childhood vaccinations, the latter of which have significantly dropped during the pandemic. For example, the American Pharmacists Association and the National Alliance of State Pharmacy Associations commented that ''during a pandemic is not the time to make changes to the Vaccine Injury Table, when we are working as a nation to implement the Administration's National Strategy for the COVID–19 Response and Pandemic Preparedness, including optimizing the manufacture, distribution, and administration of COVID–19 and other critical vaccinations.'' Another comment pointed out that many states are already suffering from nursing shortages, and increasing nurses' risk of liability for vaccine administration could exacerbate that shortage. Commenters also expressed concern that removing SIRVA and vasovagal syncope may increase vaccine hesitancy as individuals who already distrust vaccinations may decide to avoid being vaccinated if they believe they will not be compensated for SIRVA or vasovagal syncope injuries.

Response: Although the COVID–19 vaccine is not covered under the VICP, HHS recognizes that any action taken that concerns administration of other vaccines could impact the Federal Government's efforts to combat COVID–19.[9] For example, as discussed above,

[6] The Vaccine Injury Compensation Trust Fund provides funding for the VICP to compensate vaccine-related injury or death petitions for covered vaccines administered on or after October 1, 1988. Funded by a $.75 excise tax on vaccines recommended by the CDC for routine administration to children or pregnant women, the excise tax is imposed on each dose of a vaccine.

[7] Prior to the addition of SIRVA to the Table, SIRVA was a recognized vaccine injury in the VICP, with the Court of Federal Claims awarding compensation to petitioners based on a finding of causation in fact. *See, e.g., Vessey* v. *Secretary of HHS,* No. 14–556V, 2014 WL 5408975 (Fed. Cl. Sept. 26, 2014); *Grant* v. *Secretary of HHS,* No. 13–743V, 2013 WL 6913004 (Fed. Cl. Dec. 11, 2013); *Simpson* v. *Secretary of HHS,* No. 13–068V, 2013 WL 2454365 (Fed. Cl. May 9, 2013); *Godlewski* v. *Secretary of HHS,* No. 12–396V, 2012 WL 6830374 (Fed. Cl. Dec. 17, 2012); *Gainey* v. *Secretary of HHS,* No. 09–597V, 2010 WL 2483748 (Fed. Cl. May 12, 2010); *Ali* v. *Secretary of HHS,* No. 09–660V, 2010 WL 1010027 (Fed. Cl. Feb. 26, 2010).

[8] Specifically, the January 21, 2021 Final Rule states: ''This final rule has zero impact on inclusion of the COVID–19 vaccine on the Table. The COVID–19 vaccine can separately be added to the Table, but the Department needs to follow the process specified in 42 U.S.C. 300aa–14(c)—(d) to do so. This includes that the ACCV recommend that the COVID–19 vaccine be added, or opine on the Department's recommendation to add the COVID–19 vaccine to the Table'' (86 FR 6251).

However, the process described in 42 U.S.C. 300aa–14(c)—(d) does not apply to adding vaccines to the Table; rather, it only applies to Table modifications that ''add to, or delete from, the list of injuries, disabilities, illnesses, conditions, and deaths for which compensation may be provided or [ ] change the time periods for the first symptom or manifestation of the onset or the significant aggravation of any such injury, disability, illness, condition, or death.'' 42 U.S.C. 300aa–14(c)(3). Subsection 300aa–14(e)(2)—(3), by contrast, provides the process for adding new vaccines to the Table.

[9] *See* National Strategy for the COVID–19 Response and Pandemic Preparedness (Jan. 2021), available at *https://www.whitehouse.gov/wp-content/uploads/2021/01/National-Strategy-for-the-*

on March 16, 2021, the then-Acting Secretary issued a Seventh Amendment to the Public Readiness and Emergency Preparedness (PREP) Act Declaration to, among other things, add additional categories of qualified people authorized to prescribe, dispense, and administer COVID–19 vaccines authorized by the U.S. Food and Drug Administration. HHS has determined it is not appropriate to remove categories of vaccines and types of injuries from the Table in the midst of the pandemic, especially in light of the Federal Government's unprecedented vaccination effort and data showing lower rates of routine immunizations during this period.[10] In addition, HHS agrees that the January 21, 2021 Final Rule's revisions to the Table could negatively impact the vaccine administrators carrying out this massive COVID–19 vaccination campaign by increasing their exposure to liability for administering non-COVID vaccines, without ample opportunity for vaccine administrators to engage in dialogue with HHS about their concerns. HHS agrees that removing compensable Table injuries, like SIRVA and vasovagal syncope, might run counter to public health goals and increase vaccine hesitancy because doing so could remove the possibility of an accessible and efficient forum for compensation for these injuries.

III. Regulatory Impact Analysis

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when rulemaking is necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety, distributive, and equity effects). In addition, under the Regulatory Flexibility Act, if a rule has a significant economic effect on a substantial number of small entities, HHS must specifically consider the economic effect of a rule on small entities and analyze regulatory options that could lessen the impact of the rule.

The Office of Information and Regulatory Affairs has determined that this rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866.

HHS has determined that no resources are required to implement the requirements in this rule because compensation will continue to be made consistent with the status quo. Therefore, in accordance with the Regulatory Flexibility Act of 1980 (RFA), and the Small Business Regulatory Enforcement Act of 1996, which amended the RFA, HHS certifies that this rule will not have a significant impact on a substantial number of small entities.

HHS has also determined that this rule does not meet the criteria for a major rule under the Congressional Review Act *or* Executive Order 12866 and would have no major effect on the economy or Federal expenditures. Similarly, it will not have effects on State, local, and tribal governments and on the private sector such as to require consultation under the Unfunded Mandates Reform Act of 1995. Nor on the basis of family well-being will the provisions of this rule affect the following family elements: Family safety; family stability; marital commitment; parental rights in the education, nurture and supervision of their children; family functioning; disposable income or poverty; or the behavior and personal responsibility of youth, as determined under section 654(c) of the Treasury and General Government Appropriations Act of 1999.

Impact of the New Rule

This rule rescinds the final rule titled ''National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table.'' This rescission is reasonable and will not be disruptive because the underlying rule has not yet been implemented or taken effect.

Paperwork Reduction Act of 1995

This rule has no information collection requirements.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–08478 Filed 4–21–21; 8:45 am]

BILLING CODE 4165–15–P

COVID-19-Response-and-Pandemic-Preparedness.pdf.

[10] Santoli JM, Lindley MC, DeSilva MB, et al. Effects of the COVID–19 Pandemic on Routine Pediatric Vaccine Ordering and Administration — United States, 2020. MMWR Morb Mortal Wkly Rep 2020;69:591–593. DOI: *http://dx.doi.org/10.15585/mmwr.mm6919e2.*

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 310

[Docket No. MARAD–2020–0142]

RIN 2133–AB92

Admission and Training of Midshipmen at the United States Merchant Marine Academy; Amendment Providing an Emergency Waiver for Scholastic Requirements

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule; response to comments on interim final rule.

SUMMARY: This final rule adopts, without change, an October 22, 2020, interim final rule (IFR) amending Maritime Administration (MARAD) regulations governing admission to the United States Merchant Marine Academy (USMMA). The amendments allow the MARAD Administrator to waive the requirement for USMMA applicants to have taken the College Board's Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT) examination in the event of a State or national emergency. The ability to waive SAT and ACT requirements for prospective students is necessary to address testing disruptions caused by the coronavirus disease 2019 (COVID–19) pandemic and to provide for future emergencies.

DATES: This final rule is effective April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Mitch Hudson, Office of the Chief Counsel, at (202) 366–9373 or *Mitch.Hudson@dot.gov.* The mailing address for the Maritime Administration, Office of the Chief Counsel is 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
II. Background
III. Agency's Response
IV. Comments and Immediate Effective Date
V. Regulatory Analyses and Notices

I. Executive Summary

Institutions of higher education across the Nation have been severely impacted by the coronavirus disease 2019 (COVID–19) pandemic, which has not only required them to adapt teaching methods and practices, but also admissions processes and criteria. USMMA, along with many other institutions, is faced with the dilemma

of how to ensure the selection of qualified candidates given the current situation. The USMMA admissions policy is currently governed by 46 CFR 310.55—*Scholastic requirements,* which provides in paragraph (b)(1) that ''[a]pplicants shall qualify in either the College Board's Scholastic Aptitude Tests (SAT) or the American College Testing Program (ACT) examinations, administered nationally on scheduled dates at convenient testing centers.'' Prior to the Department's October 22, 2020 IFR (85 FR 67299), paragraph (d) further provided that ''[n]o waivers of scholastic requirements will be granted.''

Due to the COVID–19 pandemic, student access to test centers and the opportunity to take the SAT and ACT have been greatly reduced. Requiring SAT or ACT test scores from students during the COVID–19 pandemic by strictly adhering to the regulation as currently written will significantly affect the application process, selection, and appointment of prospective candidates.

This final rule adopts as final without change, the interim final rule published on October 22, 2020, in response to an emergency waiver request submitted by USMMA seeking a revision to its governing regulations that would provide for a waiver of the scholastic requirements in an emergency situation. After considering the issues raised in the USMMA request and public comments received on the IFR, MARAD agrees that the unprecedented disruptions caused by the COVID–19 pandemic continue to make compliance by prospective candidates with the requirement impracticable and warrant appropriate regulatory relief. Accordingly, MARAD issues this final rule to give the MARAD Administrator the ability to issue a waiver of the scholastic requirements in the event of a State or national emergency that significantly limits the ability of applicants to take either the SAT or ACT.

II. Background

USMMA operates on a rolling admissions cycle. Aside from a limited number of appointments made by the Secretary of Transportation, candidates for admission must first be nominated by their respective Senator or Representative to receive an appointment to the Academy. The nomination process is independent from the application process; each nominating official decides what requirements they deem appropriate. However, nominating officials often take into consideration a candidate's standardized test scores. Therefore, the lack of ACT/SAT standardized testing availability could prevent candidates from even receiving a nomination.

An application is considered complete when all required documents are submitted, the required standardized test scores are received, and the Candidate Fitness Assessment has been passed. Only then will candidates be offered an appointment. The process will end when the candidate submits acceptance of the offer in late Spring.

According to the ACT website, there will be continued limitations in test center capacity and inevitable cancellations throughout the remainder of the 2021 test dates.[1] In a February 2021 post on its website, ACT stated, ''To mitigate COVID-related test cancellations, ACT added three national test dates to its fall 2020 national testing schedule, increased school day testing (state and district testing) and unveiled strategically placed pop-up testing sites across the nation to meet customer demand. Where possible, we [ACT] provided make-up testing for students who were displaced by last-minute cancellations and/or weather-related events.'' The College Board, which administers the SAT, also reported that a substantial number of students who registered were unable to take the test as a result of testing center closures or reduction in capacity due to COVID–19 mitigation measures.[2] This is on top of the College Board cancelling SAT administrations from March through May of 2020.[3] Test sites continue to face issues of capacity for Spring 2021, as they need to test all students whose testing was postponed due to COVID–19 plus all future high school graduates who will require scores for college entrance in 2022. For example, according to the College Board, each of the 41 SAT test centers in New York State was closed for the most recent test date (March 13); only one of those centers projected a re-opening date.[4] As of February 1, 2021, USMMA had received 1792 applications, of which 897 (or 50%) were submitted without ACT or SAT scores.

III. Discussion of Comments to the Docket

In response to the October 22, 2020 interim final rule, MARAD received two timely submitted comments to the docket from private individuals. One was in support of the revision to USMMA admissions regulations and one was opposed.

With respect to the comment supporting the revision, MARAD and the USMMA agree that students should not be made ineligible for admission to the USMMA on the sole basis that they were unable to take the SAT/ACT exams due to the COVID19 pandemic. This final rule will ensure that COVID19 and any other national emergency does not adversely impact our ability to consider otherwise qualified applicants for admission to the USMMA.

The comment opposing the regulatory revision stated that MARAD should instead work to assist applicants in locating available test locations and to facilitate applicants taking the standardized examinations. MARAD and the USMMA are not positioned to undertake such an expansive process. Instead, because it remains imperative that we are not deterred from our mission to foster and maintain a strong U.S. merchant marine, we are taking this action to protect against disruptions to the USMMA admission process when faced with a national emergency.

IV. Justification for the Final Rule

After considering the information provided in the USMMA request and the public comments received, evaluating the risks posed to maintaining a vibrant and qualified U.S. merchant marine, and assessing the ongoing hardships stemming from the pandemic, MARAD has decided that there exists a need to add flexibility to the regulations governing USMMA admissions by giving the MARAD Administrator the ability to waive SAT and ACT testing requirements in emergency situations.

The College Board stated in 2020 that many schools and test centers would have reduced capacity because of social distancing guidelines and may encounter unexpected closures.[5] ACT

[1] Rescheduled Test Centers. (September 19, 2020). *www.ACT.org.* Retrieved September 22, 2020, from *https://www.act.org/content/act/en/products-and-services/the-act/test-day/rescheduled-test-centers.html.*

[2] What to Know Before the September and October SAT Administration, (September 22, 2020). *www.collegeboard.org. https://www.collegeboard.org/releases/2020/what-to-know-sept-oct-sat-admins.*

[3] College Board Cancels May SAT in Response to Coronavirus, (March 16, 2020), *www.collegeboard.org, https://www.collegeboard.org/releases/2020/college-board-cancels-may-sat-response-coronavirus.*

[4] Retrieved March 22, 2021 from *https://collegereadiness.collegeboard.org/sat/register/test-center-closings.*

[5] *College Board Asks Colleges to Show Flexibility in Admissions This Year to Reduce Stress for Students, Citing Challenges in Providing Universal Access to the SAT During the Coronavirus Pandemic.* (2020, June 2). *www.College Board.org.* Retrieved September 22, 2020 from *https://www.collegeboard.org/releases/2020/cb-asks-colleges-show-flexibility-admissions-reduce-stress-students-challenges-universal-access-sat-coronavirus-*

rescheduled its April 2020 national and international tests in response to concerns about the spread of the coronavirus.[6] All students registered for April 2020 test dates were notified of the postponement with instructions for rescheduling to future test dates.[7] Both the ACT and SAT websites continue to show many postponed/cancelled exams across the 50 States. These exams are conducted in high schools and other public buildings, some of which are not yet re-opened and many of which when re-opened have reduced capacity.

The SAT and ACT are typically taken in the Spring, but due to the COVID–19 pandemic, Spring test dates in 2020 were canceled and rescheduled for the Summer or Fall. There are continued limitations in test center capacity, and there are likely to be additional cancellations throughout the remainder of the 2021 test dates. The decision on whether a test center closes rests largely within a State's own discretion, based on guidelines set forth by the Centers for Disease Control and Prevention. Simply stated, as it was in 2020, the availability of testing in 2021 is highly unpredictable.

In response, many colleges and universities have now resorted to making the SAT/ACT test optional for admissions. More than 60% of 4-year colleges and universities in the U.S. will not require applicants to submit ACT or SAT scores for Fall 2021 admission.[8] All of the Federal service academies were confronted with this situation brought on by the COVID–19 pandemic. United States Air Force Academy (USAFA), United States Military Academy (USMA), United States Naval Academy (USNA), and the United States Coast Guard Academy (USCG) have all modified their own requirements for standardized tests from applicants making SAT and ACT scores optional again for the Fall 2022 admission.

Based on the foregoing, MARAD similarly concludes that there is a need to revise its regulations governing USMMA scholastic requirements by giving the MARAD Administrator the ability to waive SAT and ACT testing requirements for USMMA applicants in emergency situations. Due to forces beyond the control of prospective students, the uniform availability of standardized testing is not assured, and therefore, the strict requirement to include such test scores with applications is detrimental to USMMA's ability to offer admission to worthy student candidates.

Accordingly, MARAD issues this final rule providing an exemption to the scholastic requirements. This final rule is intended to provide needed relief to prospective students because of the COVID–19 pandemic and to ensure that the Maritime Administrator can take similar action in the future if the need arises.

V. Regulatory Analyses and Notices

a. Executive Orders 12866, 13563, and DOT Rulemaking Procedures

Executive Order (E.O.) 12866, E.O. 13563, and the Department of Transportation's administrative rulemaking procedures set forth in 49 CFR part 5, subpart B, provide for determining whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of E.O. 12866.

Today's final rule is not significant and has not been reviewed by OMB under E.O. 12866. This rule is limited to giving the MARAD Administrator the ability to waive the regulatory requirement to include SAT or ACT scores in applications for admission to USMMA in emergency situations. This rule does not actually waive any regulatory requirements. Therefore, this rule does not result in any costs or benefits.

b. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA), MARAD has considered the impacts of this rulemaking action on small entities (5 U.S.C. 601 *et seq.*). Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. *See* 5 U.S.C. 603(a). Because this rule adopts as final, without change, the interim final rule previously published as exempt from the APA notice and comment requirements, MARAD is not required to conduct a regulatory flexibility analysis.

c. Executive Order 13132, Federalism

MARAD has examined the final rule pursuant to E.O. 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments, or their representatives is mandated beyond the rulemaking process. The Agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule will not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

d. The Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. This action will not result in additional expenditures by State, local, or tribal governments or by any members of the private sector. Therefore, the Agency has not prepared an economic assessment pursuant to the Unfunded Mandates Reform Act.

e. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This final rule includes no new collection of information and will not change any existing collections of information as it does not actually waive any regulatory requirements.

f. Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

List of Subjects in 46 CFR Part 310

Grant programs-education, Reporting and recordkeeping requirements, Schools, Seamen.

pandemic?fbclid=IwAR3SbHTa4VIKpryc95KqFDeOTnCktwy0q4NOlcd8StS3Wrx1Bj6MOzFkAy0.

[6] *ACT Reschedules April 2020 National ACT Test Date to June.* (2020, March 16). ACT News Room and Blog. Retrieved September 22, 2020 from *https://leadershipblog.act.org/2020/03/act-reschedules-april-2020-national-act.html.*

[7] *Id.*

[8] *Three-Fifths of Four-Year Colleges and Universities Are Test-Optional for Fall 2021 Admission; Total of Schools Not Requiring ACT/SAT Exceeds 1,450.* (2020, August 12). *www.fairtest.org* Retrieved September 22, 2020 from *https://www.fairtest.org/threefifths-fouryear-colleges-and-universities-are.*

PART 310—MERCHANT MARINE TRAINING

■ In consideration of the foregoing, MARAD adopts the interim final rule amending 46 CFR part 310 that published at 85 FR 67299 on October 22, 2020, as final without changes.

Signed in Washington, DC.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–08265 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GN Docket No. 20–32; FCC 20–150; FRS 21794]

Establishing a 5G Fund for Rural America

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 has approved a revision to the information collection requirements under OMB Control Number 3060–1166 associated with new or amended rules adopted in the Federal Communications Commission's *5G Fund Report and Order* concerning the contents of applications to participate in competitive bidding for universal service support and reporting prohibited communications during the universal service support competitive bidding process, and that compliance with the rules is now required. This document is consistent with the *5G Fund Report and Order,* FCC 20–150, which states that the Commission will publish a document in the **Federal Register** announcing the effective date for these new or amended rule sections and revise the rules accordingly.

DATES: The amendments to 47 CFR 1.21001(b)(1) through (13) and (e) and 1.21002(e) and (f), published at 85 FR 75770 on November 25, 2020, are effective April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Valerie Barrish, Auctions Division, Office of Economics and Analytics, at (202) 418–0354 or *Valerie.Barrish@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that the Office of Management and Budget (OMB) approved the information collection requirements in 47 CFR 1.21001(b)(1) through (13) and (e) and 1.21002(e) and (f), on April 14, 2021. These rules were adopted in the *5G Fund Report and Order,* FCC 20–150. The Commission publishes this document as an announcement of the effective date for these new or amended rules. OMB approval for all other new or amended rules adopted in the *5G Fund Report and Order* for which OMB approval is required will be requested, and the effective date for those rules will be announced following OMB's approval. *See* 85 FR 75770 (Nov. 25, 2020).

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 Cathy Williams, Federal Communications Commission, Room 3.317, 45 L Street NE, Washington, DC 20554, regarding OMB Control Number 3060–1166. Please include the OMB Control Number 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 Commission is notifying the public that it received final OMB approval on April 14, 2021, for the information collection requirements contained in 47 CFR 1.21001(b)(1) through (13) and (e) and 1.21002(e) and (f). 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 Number for the information collection requirements in 47 CFR 1.21001(b)(1) through (13) and (e) and 1.21002(e) and (f) is 3060–1166.

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: 3060–1166.

OMB Approval Date: April 14, 2021.

OMB Expiration Date: April 30, 2024.

Title: Section 1.21001, Participation in Competitive Bidding for Support; Section 1.21002, Prohibition of Certain Communications During the Competitive Bidding Process.

Form Number: N/A.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: 750 respondents; 750 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 254 and 303(r).

Total Annual Burden: 1,125 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Information collected in each application to participate in an auction for universal service support will be made available for public inspection, and the Commission is not requesting that respondents submit confidential information to the Commission as part of the pre-auction application process. However, to the extent that a respondent seeks to have certain information collected in an application to participate in an auction for universal service support or in a report of a prohibited communication withheld from public inspection, the respondent may request confidential treatment of such information pursuant to § 0.459 of the Commission's rules, 47 CFR 0.459.

Needs and Uses: The information required by § 1.21001 of the Commission's rules that is collected under this information collection is used by the Commission to determine whether applicants are eligible to participate in auctions for Universal Service Fund support. The reports of prohibited communications made or received by an auction applicant required by § 1.21002 of the Commission's rules that are collected under this information collection enable the Commission to ensure that no bidder gains an unfair advantage over other bidders in its auctions for universal service support and thus enhance the competitiveness and fairness of Commission's auctions for universal service support.

On November 18, 2011, the Commission released an order comprehensively reforming and modernizing the universal service and

intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation. Connect America Fund et al., Order and Further Notice of Proposed Rulemaking, FCC 11–161 (*USF/ICC Transformation Order*) (76 FR 73830 (Nov. 29, 2011) and 76 FR 78384 (Dec. 16, 2011)). In the *USF/ICC Transformation Order,* the Commission, among other things, created (1) the Connect America Fund (CAF), to help make broadband available to homes, businesses, and community anchor institutions in areas that do not, or would not otherwise, have broadband, (2) the Mobility Fund, to ensure the availability of mobile broadband networks in areas where a private-sector business case, (3) the Remote Areas Fund (RAF), to ensure that Americans living in the most remote areas in the nation, where the cost of deploying traditional terrestrial broadband networks is extremely high, can obtain affordable access through alternative technology platforms, including satellite and unlicensed wireless services. The *USF/ICC Transformation Order* directed that support under CAF Phase II, the Mobility Fund, and the RAF be awarded by competitive bidding. The Commission adopted rules to implement the reforms it adopted in the *USF/ICC Transformation Order,* including rules in part 1, subpart AA, of the Commission's rules governing competitive bidding for universal service support generally. *See* 47 CFR 1.21001–1.21004.

On October 27, 2020, the Commission adopted a Report and Order in which it, among other things, amended its existing part 1, subpart AA, general universal service competitive bidding rules to codify policies and procedures applicable to the universal service auction application process that have been adopted in its recent universal service auctions, better align provisions in the universal service competitive bidding rules with like provisions in the Commission's spectrum auction rules, and make other updates for consistency, clarification, and other purposes that would apply in all universal service auctions. *See* Establishing a 5G Fund for Rural America, *Report and Order,* FCC 20–150 (*5G Fund Report and Order*). The amended part 1, subpart AA, rules adopted in the *5G Fund Report and Order* apply to applicants seeking to participate in future Commission auctions for universal service support.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–08292 Filed 4–21–21; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MB Docket No. 20–74 and GN Docket No. 16–142; FCC 21–21; FR ID 17416]

Rules Governing the Use of Distributed Transmission System Technologies, Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission modifies its rules governing the use of distributed transmission system (DTS) technologies by broadcast television stations by permitting, within certain limits, DTS signals to spill over beyond a station's authorized service area by more than the ''minimal amount'' currently allowed. By affording broadcasters greater flexibility in the placement of DTS transmitters, the rule changes allow broadcasters to enhance their signal capabilities and fill coverage gaps, improve indoor and mobile reception, and increase spectrum efficiency by reducing the need for television translator stations operating on separate channels.

DATES: Effective May 24, 2021, except for amendatory instructions 3, 4, and 6, which are delayed. The Commission will publish a document in the **Federal Register** announcing the effective date those amendments.

FOR FURTHER INFORMATION CONTACT: Ty Bream, Industry Analysis Division, Media Bureau, *Ty.Bream@fcc.gov,* (202) 418–0644.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* (Order) in MB Docket No. 20–74 and GN Docket No. 16–142, FCC 21–21, that was adopted January 13, 2021 and released January 19, 2021. The full text of this document is available for public inspection online at *https://docs.fcc.gov/public/attachments/FCC-21-21A1.pdf.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format, etc.) and reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) may be requested by sending an email to *fcc504@fcc.gov* or calling the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. *Introduction:* In this Report and Order (Order) we adopt a technical modification to the Commission's rules governing the use of a distributed transmission system (DTS), or single frequency network (SFN), by a broadcast television station. Consistent with our goal of addressing technical issues that may impede the adoption of DTS technology, we conclude that by modestly easing limitations on DTS transmitters and providing additional clarity in our rules, we can help unlock the potential of DTS at this crucial time when many stations are considering migrating to the next generation broadcast television standard (ATSC 3.0). As the record in this proceeding demonstrates, affording broadcasters greater flexibility in the placement of DTS transmitters can allow them to enhance signal capabilities and fill coverage gaps, improve indoor and mobile reception, and increase spectrum efficiency by reducing the need for television translator stations operating on separate channels.

2. Specifically, we update the current restriction that prohibits DTS signals from spilling over beyond a station's authorized service area by more than a ''minimal amount.'' See 47 CFR 73.626(f)(2). As described below, we replace the existing, and imprecise, ''minimal amount'' standard with a clearer, service-based approach that allows broadcasters greater flexibility in locating DTS transmitters, so long as, for UHF stations, the 41 dBu F(50,50) contour for each DTS transmitter does not exceed the reference station's 41 dBu F(50,50) contour. A 41 dBu F(50,50) contour refers to a boundary at which a signal is predicted to exceed 41 dBu at 50% of locations 50% of the time. We provide corresponding dBu values for F(50,50) limiting contours for Low and High VHF stations of 28 dBu for Low VHF and 36 dBu for High VHF. Consistent with our current approach, DTS transmissions will not be entitled to interference protection beyond the station's authorized service area. Our decision to replace the current, subjective spillover standard with a bright-line rule that both expands and clarifies the permissible range of spillover will not only promote DTS use by facilitating more efficient and more

economical siting of DTS transmitters, but it also will establish a clearly defined limit that will promote regulatory certainty.

3. We find that the approach we adopt in this document improves upon the proposed rule set forth in the underlying notice of proposed rulemaking (NPRM). See 85 FR 28586 (May 13, 2020). In that NPRM, we sought comment on a proposed modification submitted in a joint petition for rulemaking (Petition) by America's Public Television Stations (APTS) and the National Association of Broadcasters (NAB) (collectively, Petitioners). As explained below, our adopted approach will allow broadcasters to improve coverage in their service areas, without causing more spillover than necessary to promote DTS deployment. In addition, we remove the requirement that Class A, LPTV, and television translator stations must apply for DTS facilities on an experimental basis, and we add a contour-based limit on DTS spillover by such stations that is similar to what we adopt in this document for full power stations, but modified slightly to account for technical differences between low power and full power services. Specifically, because low power stations do not have antenna height limits, we cannot easily replicate a Table of Distances, which is calculated using a station's hypothetically maximized antenna height, for low power stations. Instead, similar to full power stations, we subject Class A, LPTV, and television translator stations using DTS to the limitation that: (1) Each DTS transmitter must be located within the station's authorized F(50,90) contour, and (2) the F(50,50) contour for each DTS transmitter must be fully contained within the station's F(50,50) contour (as opposed to an authorized service area drawn according to a Table of Distances).

4. *Background:* Traditionally, a broadcast television station transmits its signal from a single elevated transmission site central to the service area, resulting in a stronger signal available near the transmitter and a weaker signal as the distance from the transmitter increases. Non-uniform terrain or morphological features also can weaken signals, regardless of distance from the transmitter. One way for a station to augment its signal strength is to provide fill-in service using one or more separately licensed secondary transmission sites that operate on a different radiofrequency (RF) channel than the main facility, *i.e.,* a television translator. By contrast, a DTS network employs two or more transmission sites located within a station's service area, each using the same RF channel and synchronized to manage self-interference. Because it operates on only one frequency, DTS offers an alternative to traditional full power television transmission, which may use secondary translators that operate on additional frequencies.

5. *Current DTS Rules.* The Commission first recognized the potential uses and benefits of DTS technologies more than a decade ago when the transition from analog to digital television (DTV) brought with it the ability to transmit multiple television signals on the same channel without causing harmful interference, thus making DTS feasible for television for the first time. In 2008, the Commission stated that DTS could allow stations to reach more viewers in their coverage areas, to distribute more uniform and higher-level signals near the edges of their coverage areas, to improve indoor reception and reception on mobile devices, to overcome tower height and placement restrictions, to increase their spectrum efficiency by using the same channel for all operations, to enhance their ability to compete with multichannel video programming distributors, and to reach viewers that lost service as a result of the digital transition. In anticipation of these benefits, the Commission adopted rules permitting full power DTV stations to transmit using multiple, lower power DTS transmitter sites operating on the same frequency.

6. In crafting these rules, the Commission defined a DTS station's maximum authorized service area to be an area comparable to that which the DTV station could be authorized to serve with a single transmitter. To determine the boundaries of a DTS station's maximum service area under this ''Comparable Area Approach,'' the Commission established a ''Table of Distances,'' which it derived from the hypothetical maximum service area that a DTV station would be allowed to apply for under the Commission's rules (*i.e.,* using the maximum antenna height and power permitted for the station's single-transmitter site). The maximum service area defined by the Table of Distances is centered around the station's reference facility. Among other things, the Commission's rules require that each DTS transmitter must be located within either the reference station's Table of Distances area or the reference station's authorized service area. In addition, each DTS transmitter's noise-limited service contour (NLSC) must be contained within either the reference station's Table of Distances area or the reference station's authorized service area, except where an extension of coverage beyond the station's authorized service area is of a ''minimal amount'' and necessary to ensure that the combined coverage from all of its DTS transmitters covers all of the station's authorized service area. In adopting this ''Comparable Area Approach,'' the Commission rejected proposals for an ''Expanded Area Approach,'' which would have permitted DTS stations to expand coverage beyond their single-transmitter service areas (*e.g.,* to cover a larger area, up to an entire DMA). One of the Commission's concerns was that permitting broadcasters to reach viewers beyond their authorized service areas could undermine the Commission's localism goals by distracting them from the primary responsibility of providing programming responsive to the needs and interests of their community of license.

7. In authorizing DTS operations, the Commission afforded primary regulatory status to DTS transmitters of a full power station within the area the full power station is authorized to serve. The current rules therefore protect such DTS transmitters, within their authorized service areas, from interference from secondary licensees, such as low power television (LPTV) and television translator stations, and from unlicensed operations in television white spaces. The Commission also approved the use of DTS on an experimental basis by a single-license digital Class A, LPTV, and television translator station to provide service within its authorized service area, *i.e.,* operating a reference facility and one or more transmitters using a single Class A or LPTV license in the manner permitted for full power television stations.

8. *Next Gen TV (ATSC 3.0).* In November 2017, the Commission authorized broadcast television stations to use the ATSC 3.0 transmission standard on a voluntary, market-driven basis while they continued to deliver current-generation DTV broadcast service to their viewers using the ATSC 1.0 standard. The Commission concluded that the existing rules authorizing DTS stations generally were adequate to authorize the operation of an ATSC 3.0 SFN and that the record did not support changes to the authorized service areas for DTS stations at that time. The Commission further stated that it would monitor the deployment of ATSC 3.0 in the marketplace and consider changes to the DTS rules in the future, if appropriate. The Commission also noted that a

station interested in pursuing a change to its DTS service area may file for a waiver of the DTS rules pursuant to the Commission's general waiver standard.

9. *Petition for Rulemaking.* Petitioners contend that the ability of ATSC 3.0 broadcasters to use DTS is limited by the restriction that DTS signals may spill over by only a ''minimal amount'' beyond a station's authorized service area. In their Petition, filed October 3, 2019, they ask the Commission to amend § 73.626 of the Commission's rules to permit television stations more flexibility in the placement of their DTS transmitters, particularly near the edges of a station's coverage area. Petitioners do not seek the placement of DTS transmitters beyond a station's authorized service area. Rather, they propose that what they refer to as the DTS transmitter's ''interference contour,'' which would not be permitted to exceed that of the reference facility, would determine how close a DTS transmitter could be placed to the edge of a station's authorized service area. On October 11, 2019, the Media Bureau issued a public notice seeking comment on the Petition.

10. *NPRM.* The Commission's subsequent NPRM, released April 1, 2020, and published May 13, 2020, sought public comment on the proposed rule changes advocated by Petitioners and on the various arguments that commenters raised in response to the Public Notice. The NPRM sought comment on whether any change to the DTS rules is necessary or appropriate at this time, or whether relaxing the current spillover restriction would be premature given the lack of DTS deployment to date. The Commission asked whether it should permit more than a ''minimal amount'' of DTS spillover beyond a station's authorized service area, how to treat DTS signals beyond a station's current service areas if such spillover is allowed, and whether any rule changes adopted in this proceeding for full power stations should be applied also to Class A and/or LPTV stations. The NPRM also sought comment on the potential impact of the proposed rule changes on the Commission's policy goal of promoting localism and its other policy reasons for limiting DTS spillover. In addition, the Commission asked how other spectrum users, including LPTV and translator stations, wireless microphones, and white space devices, could be affected by such rule changes and whether there are steps it could and should take to mitigate such impacts.

11. *Discussion: DTS Spillover Contour.* We update our DTS rules to give television station licensees additional flexibility and greater certainty in the placement of DTS transmitters by increasing the amount by which DTS transmissions are permitted to spill over beyond a station's authorized service contour. Although its permitted area for DTS spillover will increase, a station's area of interference protection will not expand under our rule change. Specifically, such spillover will be subject to a bright-line limitation that, for UHF stations, the 41 dBu F(50,50) contour for each DTS transmitter must remain fully within the 41 dBu F(50,50) contour for the overall reference facility (for Low VHF and High VHF stations, the corresponding dBu values will be 28 dBu and 36 dBu, respectively). Under our revised rule, the 28 dBu F(50,50) contour of each DTS transmitter for a Low VHF station must remain fully within the 28 dBu F(50,50) contour for the overall reference facility, and the 36 dBu F(50,50) contour of each DTS transmitter for a High VHF station must remain fully within the 36 dBu F(50,50) contour for the overall reference facility. In addition, for each band in the Table of Distances, we calculate a smaller interfering field strength that, when it is combined with the assumed reference interfering signal using the root-sum-square (RSS) methodology, would not increase the interference potential of the DTS network as compared to the interference predicted by a single-transmitter station located at the reference point.

12. We conclude that allowing full power television stations this greater flexibility in locating DTS transmitters and affording greater clarity as to the amount of spillover permitted will promote regulatory certainty and serve the public interest. In particular, relaxing and clarifying the amount of DTS spillover permitted at the fringe of a full power station's authorized service contour will improve the station's ability to provide a stronger and more uniform signal to viewers located at the edges of its service area and in places where terrain hampers coverage. We believe that the Commission's current imprecise spillover restriction could inhibit DTS deployment. We expect that the approach we adopt will provide substantial flexibility and certainty to licensees, which were principal objectives of the NPRM proposal, without causing more risk of disruption to other spectrum users than necessary to achieve these goals.

13. As discussed below, the initial proposal in the NPRM failed to account for the additive effect of multiple DTS transmissions and thus underestimated the potential interference impact of the proposal. The bright-line approach we adopt remedies that technical omission and provides broadcasters ample leeway to improve coverage and locate transmitters, with less interference risk to other spectrum users. Further, we expect that the additional flexibility the new rule offers will make the use of DTS more practical as part of ATSC 3.0 deployments and thereby facilitate the realization of many anticipated consumer benefits that are possible with ATSC 3.0, such as improved audio and video quality, mobile viewing capabilities, geo-targeting of emergency alerts, and advanced data services supported by broadband connectivity. Indeed, easing the DTS spillover restriction will help both ATSC 1.0 and ATSC 3.0 broadcasters deliver improved services, including ancillary and supplementary services like Broadcast internet, to more of their viewers.

14. *Timely Action Required.* Although the Commission's current rules permit both ATSC 1.0 and ATSC 3.0 broadcasters to deploy DTS, to date few broadcast stations have opted to employ this technology, despite the potential benefits to such operations. In petitioning for a rule change, Petitioners contend that revising the permitted DTS spillover allowance at this stage of ATSC 3.0 deployment would be an effective means of encouraging DTS use because DTS can be used more efficiently and economically with the ATSC 3.0 standard than is possible with ATSC 1.0. We are persuaded that the time is right to take action, and that a revised rule will promote DTS use and foster the accrual of the long-recognized benefits of such operation. First, the DTS rules apply equally to ATSC 1.0 and ATSC 3.0 broadcasters, and so ATSC 1.0 broadcasters also will benefit from our revised approach. Our current DTS rules apply to both ATSC 1.0 and ATSC 3.0 and we see no reason not to maintain that parity. Accordingly, we apply our rule changes, and their associated benefits, to both ATSC 1.0 and ATSC 3.0. Second, the deployment of ATSC 3.0 infrastructure is well under way and immediate action will encourage ATSC 3.0 broadcasters still in their planning stages to consider using DTS as a means to serve their hard-to-reach viewers or to enhance service in their coverage areas.

15. *Update of Rule.* The rule change proposed in the NPRM would have substantially expanded the amount of DTS spillover permitted outside the boundaries of a station's authorized service area. Specifically, the proposed change would have permitted spillover to the extent necessary either to ''achieve a practical design'' or, as

articulated in the current rule, to ensure that combined coverage from all of the DTS transmitters covers all of the applicant's authorized service area. Instead of the current rule's ''minimal amount'' limitation, the extent of spillover permitted would have been subject to the limitation that (for UHF stations) the DTS transmitter's 36 dBu F(50, 10) ''interference'' contour not exceed the reference facility's 36 dBu F(50, 10) contour.

16. We find that the technical analysis Petitioners submitted in support of the initial proposal substantially underestimates the interference potential of DTS networks. In short, the interference protection under the proposal is designed around a single transmitter and does not account for the additive effects of signals from multiple DTS transmitter sites. These additive effects would create interference risk from a UHF station beyond its 36 dBu F(50, 10) contour. Given this situation, we find that the proposal cannot be adopted without changes. Specifically, Petitioners' proposal purports to be calibrated in such a way as to maintain the nominal desired-to-undesired ratio necessary to avoid interference to Class A and LPTV stations. If, however, we do not account for the additive effects of signals from multiple DTS transmitter sites, this premise is no longer valid, and the potential for interference at a given distance would be greater than what is suggested by Petitioners. Therefore, we adopt a modified approach that achieves the principal objectives articulated in the record—which include providing broadcasters with additional flexibility to serve hard-to-reach viewers and bringing the benefits of DTS and ATSC 3.0 to additional consumers—while resulting in less spillover than the initial proposal. Thus, as compared to the NPRM proposal, the rule change we adopt in this document poses less of an interference risk to licensed and unlicensed operations in areas beyond a full power station's authorized service contour.

17. We conclude that more time is not needed to assess the impact of the rules adopted in this Order. There is a robust record on the issues of whether and how increased DTS flexibility, including Petitioners' proposal, would risk disruption to other spectrum users and whether Petitioners' ''necessary to achieve a practical design'' standard is impractical. Our decision here responds to the concerns expressed in the record by adopting an alternative approach that achieves the goal advanced in the NPRM of providing flexibility in DTS deployments and is consistent with the original purposes of our DTS rules, while at the same time offering broadcasters more clarity and certainty than the ''necessary to achieve a practical design'' standard and also reducing the risk of disruption to other spectrum users.

18. Our revised rule replaces the ''minimal amount'' test in § 73.626(f)(2) with an approach that utilizes a contour based on the service field threshold. To the extent there are existing DTS networks operating with Commission approval under the ''minimal amount'' standard today that would not be entirely compliant with our modified spillover limits, such DTS networks may continue to operate pursuant to their current authorization. However, pending applications will be granted only if they comply with our revised rule.

19. Specifically, we will permit television stations additional flexibility to deploy DTS transmitters so long as the transmitters continue to be sited within the station's authorized service contour and, for UHF stations, the 41 dBu F(50,50) contour for each individual DTS transmitter is fully contained within the reference station's 41 dBu F(50,50) contour. A 41 dBu F(50,50) contour refers to a boundary at which a signal is predicted to exceed 41 dBu at 50% of locations 50% of the time. Under the current rule, DTS transmitter service contours are not permitted to exceed the 41 dBu F(50,90) contour of the reference facility except by a minimal amount to enable coverage within the authorized service area. Because, by definition, a 41 dBu F(50,90) contour requires the predicted signal strength to be exceeded 90% of the time, it encompasses an area where a stronger signal could be expected to be received, *i.e.,* an area smaller than that encompassed by a 41 dBu F(50,50) contour. Additionally, the distance from the 41 dBu F(50,90) contour to the 41 dBu F(50,50) contour is directly related to the radius of the F(50,90) contour, such that a lower power/lower antenna transmitter will have a smaller difference between the two. That effect makes it clear that a DTS node at a certain ERP and HAAT may be located at the edge of a station's authorized service area. By replacing the current 41 dBu F(50,90) limiting contour with a 41 dBu F(50,50) limiting contour, we give broadcasters a certain room for spillover from DTS transmitters and thereby enable the placement of transmitters in locations that were not practical previously, particularly locations closer to the edge of a station's authorized service area. We also provide dBu values for limiting contours for Low and High VHF stations.

20. Consistent with the Table of Distances used in our current rule, our revised Table of Distances includes separate, corresponding dBu values for Low VHF and High VHF stations, which are 28 dBu and 36 dBu, respectively. These changes will afford stations greater ability to site DTS transmitters near the edges of their authorized service contours and will provide a clear, bright-line standard for determining the permissible level of spillover beyond an authorized service contour. Siting DTS transmitters near the edges of their service areas will allow stations to reach more viewers in areas they are authorized to serve and to distribute more uniform and higher-level signals throughout those areas, the latter of which is prerequisite to the provision of certain advanced services under ATSC 3.0. With increased flexibility in the siting of DTS transmitters, we also anticipate that, in many instances, stations using DTS will be able to cover a comparable area with fewer DTS transmitters than would be necessary under the current rule, thereby making DTS deployments more practical and cost effective.

21. We also clarify that the largest station alternative, an alternative to the Table of Distances by which stations may seek to use DTS to match the geographic coverage of the largest station in their market, remains unchanged and available to stations looking to employ DTS as part of an ATSC 3.0 deployment. Our action in this document does not alter the ability of stations to make use of this alternative. We further clarify that, in determining the geographic area to be matched, DTS spillover is not counted in calculating the coverage of the largest station in a market.

22. The F(50,50) curves are one of two sets of curves within part 73 of our rules—the other being the F(50,10) curves. See 47 CFR 73.699. In turn, the F(50,90) curve values are derived from a calculation comparing the values from the F(50,50) and F(50,10) charts. Historically, the F(50,50) curves were used for predicting service area for analog television stations. Currently, the F(50,10) curves are used for predicting interfering signals, and the F(50,90) curves are used to represent digital television service areas within which most people can expect to view a signal nearly all of the time. While the F(50,50) curves are not presently used in the context of digital television service, we find that it is useful and appropriate to employ them in this instance in determining the limits on spillover by

DTS transmitters beyond a station's authorized service contour. The F(50,50) curves, in combination with the signal level thresholds in 47 CFR 73.622(e), can be considered as representative of an area in which most of the people could view a DTV signal a substantial amount of the time. Accordingly, we find that it makes sense to limit spillover service to this area, an area that likely already experiences some level of reception from the existing non-DTS facility and thus may already have viewership of the station. Regarding the protection of any improved signal and potential interference caused as result of this permitted spillover, we emphasize that neither the definition of the DTS protected area in 47 CFR 73.626(e), nor the interference analysis for DTS facilities (pursuant to 47 CFR 73.626(f)(5), 47 CFR 73.623(c)(3), and OET Bulletin No. 69) will change.

23. We therefore update the Table of Distances in 47 CFR 73.626(c) with an additional set of reference distances calculated using the 41 dBu F(50,50) contours. In addition, we delegate to the Media Bureau the authority to update the relevant FCC forms for full power stations, including Schedules A and B of FCC Form 2100, to conform with the rule changes we adopt.

24. For purposes of compliance, the Commission uses the RSS method of calculating interference from multiple DTS transmitters, rather than adding up the aggregate interference from each individual DTS transmitter, commonly referred to as a ''direct summation'' approach. This means that the combined field strength level at a given location is equal to the square root of the sum of the squared field strengths from each transmitter in the DTS network at that location. We believe RSS continues to be an appropriate method to aggregate interference because we need some method that accounts for the multiple sources of interference, including to ATSC 1.0 ''victim'' receivers, which perceive the signals as multiple sources of white noise.

25. These reference distances will establish the limit of permissible spillover, and § 73.626(f)(2) will be modified to state that the 41 dBu F(50,50) service contour for each individual DTS transmitter must be contained fully within that reference distance. In addition, for each band in the Table of Distances, we calculate a smaller interfering field strength that, when its RSS is combined with the assumed reference interfering signal, does not increase the interference potential of the DTS network as compared to the interference predicted by a single-transmitter station located at the reference point. To illustrate, in the UHF band with a reference interference of 36 dBu, an additional signal of 26.6 dBu would RSS combine to an equivalent of 36.47 dBu, which rounds back down to 36 dBu. Accordingly, the approach we adopt in this document requires that the 26.6 dBu F(50,10) contour of each DTS node for a UHF station be contained completely within the reference 36 dBu F(50,10) distance. We also provide corresponding values for Low VHF and High VHF stations. In addition, the F(50,10) node-interfering contour of any DTS transmitter, aside from one located at the reference point, may not extend beyond the F(50,10) reference-interfering contour of its reference facility, and the F(50,10) reference-interfering contour of a facility at the reference point may not extend beyond the F(50,10) reference-interfering contour of its reference facility.

26. *Benefits of Modified Approach.* The modified approach we adopt has several policy advantages over Petitioners' submission. First, our approach is based on service contours instead of interference contours, which typically are used in spacing broadcast radio stations and no longer are used in television. Therefore, we find that our service-based approach—focusing on the provision of service to those viewers a station is already authorized to serve—is more consistent with the intent underlying 47 CFR 73.626(f)(2) that spillover allowances meet the requirement in 47 CFR 73.626(f)(1) to cover the entire reference service area. Second, as mentioned previously, it achieves our goal of improving stations' ability to fill coverage gaps and to deliver a strong and uniform signal throughout their authorized service areas, thereby supporting the provision of advanced services under ATSC 3.0. Third, the risk of disruption to other existing and future spectrum users is lower than it would have been under the NPRM proposal. In particular, our approach allows nearly the same signal levels for DTS nodes located within the core of a station's authorized service area as the NPRM proposal, but it reduces the allowable signals for nodes located at the extreme edge of the service area, and hence the potential spillover resulting from such nodes. This reduced interference risk is accomplished while also offering a substantial increase in flexibility and certainty for broadcasters to implement DTS networks.

27. In addition, our approach has practical benefits. First, unlike the initial proposal, the modified approach we adopt accounts for the additive effects of multiple DTS transmitters and so produces more accurate, realistic results. Second, our new rule will produce the clarity and certainty in the engineering review process that some commenters suggest is lacking under the ''minimal amount'' standard of the current rule. It focuses on measurable, repeatable results that licensees and their consulting engineers can use to determine compliance in advance of application to the Commission. By replacing the ''minimal amount'' exception with a bright-line rule, our revised rule provides more regulatory certainty regarding the boundary of a station's spillover area. The requirement that all DTS transmissions stay within a defined contour will enable better planning not only among broadcasters implementing DTS, but also among all other licensed and unlicensed spectrum users operating in or interested in operating in spillover areas. Third, our approach does not include the nebulous standard contemplated in connection with the initial proposal, which would have allowed spillover where necessary to achieve a practical design. Our approach avoids the possibility that such a provision would require Commission staff to make burdensome and subjective assessments about the design practicability of a station's DTS network, which could be impossible without access to sensitive cost and financial information. Rather, our approach is based on an objective standard that will promote consistency and efficiency. Moreover, it is no more complex from an engineering standpoint than the initial proposal advocated by Petitioners, and thus it imposes no higher burden on licensees to perform the required analysis than initially anticipated. We direct the Media Bureau and the Office of Engineering and Technology to update TVStudy, the Commission's software program used to evaluate television applications, in order to support the engineering analysis required under our revised approach.

28. *Localism.* Furthermore, we find that the rule we adopt is consistent with the service-based approach previously adopted by the Commission, which the Commission found was adequate to preserve and protect localism. As noted above, the Commission determined that a DTS station's maximum authorized service area should be comparable to that which the DTV station could be authorized to serve with a single transmitter (the Comparable Area Approach). A principal reason the Commission chose that approach was to

preserve and protect localism, on the theory that permitting broadcasters to reach viewers beyond their authorized service areas could distract them from the primary responsibility of providing programming responsive to the needs and interests of their community of license. We find that our adopted approach also will preserve and protect localism. We believe that it strikes an appropriate balance that enables a station to improve service at the edges of its service area, without allowing it to expand coverage to the point where it might shift attention away from its community of license. Nevertheless, we can revisit this issue in the future if evidence suggests that our revised DTS rules are not protecting localism adequately.

29. In addition, we find that our modified proposal, which limits spillover, addresses any concern that the NPRM proposal would have allowed broadcasters to send their signals well beyond their licensed areas, thereby serving additional communities without competing in a Commission auction for that right. Our approach does not raise serious concerns about whether broadcasters using DTS should bid for the modest spillover spectrum our approach would permit them to occupy—without interference protection—outside their authorized service areas.

30. *Impact on Other Spectrum Users.* While we adopt the approach set forth above to provide additional flexibility and certainty to broadcasters deploying DTS networks, we anticipate that our approach has the added benefit of reducing potential disruption to other spectrum users as compared to Petitioners' proposal. In the NPRM, the Commission sought comment on the potential impact of the initial proposal on Class A stations, LPTV stations, television translators, licensed and unlicensed wireless microphone users, NPR FM stations, and white space devices. Petitioners concede that, under the initial proposal, spillover signals likely would cause disruption to other spectrum users. Although initially claiming that interference to LPTV stations would occur in only a handful of cases, Petitioners subsequently estimated that 330, or 13.8%, of the 2,392 existing LPTV stations likely would receive interference above a 2% threshold and that 5.3% to 11% of the 3,135 existing translators likely would be affected under their proposal. Other estimates, however, deviated substantially from Petitioners' results. The wide variability in these predictions reveals the difficulty in establishing a reliable basis for an interference study consistent with Petitioners' proposal. This difficulty reinforces our decision to take a more measured course of action at this time, one that will provide additional flexibility and certainty in the placement of DTS transmitters without posing the same risk of interference to LPTV stations that would have resulted under the initial proposal.

31. Moreover, although the collective impact of our revised rule on other spectrum users depends significantly on the number of stations that deploy DTS transmitters, the number, location, and relative power of those transmitters, and a host of other issues, the rule we adopt permits less spillover than the initial proposal. We are confident therefore that the interference impact will be far less than it would have been with the initial proposal, and we expect that our revised rule, given the contour it applies, is a reasonable approach that will not have a significant impact on authorized secondary licensees or unduly limit entry of new secondary licensees. Likewise, we do not anticipate a significant impact on the availability of spectrum for white space operations or other unlicensed uses, such as wireless microphones.

32. We decline to use this proceeding to take up the issue of, or to alter, the current regulatory status (*i.e.,* interference rights and obligations) of DTS stations or of any other existing or future users of broadcast spectrum. Notably, the NPRM did not propose to afford interference protection to DTS signals in the spillover area, and we see no reason to grant any. The approach we adopt in this document is consistent with the intent of our DTS rules that any spillover should be incidental to, and in service of, improving coverage within a station's authorized service area, rather than intended to extend service to communities outside that area. We therefore decline to provide interference protection to DTS signals in areas beyond the authorized service area. Thus, our interference protections, and the existing relative status of primary, secondary, and unlicensed users in the television spectrum, remain unchanged. DTS signals will continue to receive no interference protection in spillover areas; nor are stations obligated to protect secondary and unlicensed users from interference in the spillover area. Accordingly, the rule change we adopt does not modify or enlarge the area within which a DTV station is protected from interference. In addition, we do not believe that the fact that the Television White Spaces (TVWS) database already protects DTS transmissions that spill over beyond a station's authorized service area requires us to make an affirmative statement that DTS receivers are not protected from harmful interference beyond the DTV station/DTS reference point's service area defined by its 41 dBu F(50,90) contour. However, we direct the Media Bureau and the Office of Engineering and Technology to work with relevant stakeholders to ensure that DTS operations and the TVWS database, respectively, are being implemented consistent with all applicable FCC rules and decisions.

33. In addition, we decline to provide additional protection to noncommercial and educational (NCE) FM stations by requiring full service emission mask filters in the construction and operation of DTS facilities for DTV Channel 6 stations, like those required for DTV channels 14 and 17. To the extent there is a concern about the potential for interference between NCE FM stations and newly permitted spillover outside a DTV Channel 6 station's authorized service area, the rule we adopt allows for less spillover than the initial proposal, which should reduce the chances of such interference events occurring.

34. *Other Issues.* We conclude that no rule changes other than the ones specified herein are currently necessary to implement our revised approach. For example, we note that the rule we adopt does not, in and of itself, do anything to change a station's carriage rights. Following our rule change, stations will continue to enjoy all the rights they have, or could pursue, today by increasing coverage through the use of a single-transmitter facility. Because full power stations have market-wide carriage rights, their expansion of coverage within their DMAs should not raise market modification issues. Moreover, there are several, nonexclusive statutory factors the Commission considers in deciding whether to grant or deny such market modification requests, of which the scope of a station's signal is but one.

35. Beyond the primary issue of revising the spillover rule to facilitate the siting of DTS transmitters, the NPRM also sought comment on issues related to the implementation of revised DTS rules. For example, the Commission asked whether it should revise its licensing process for DTS sites shared by multiple licensees, change any of its forms or licensing systems, impose additional power restrictions on DTS transmitters, include a certification requirement on DTS applications, or adjust its technical requirements. Given that we are making only modest, targeted modifications to the DTS rules

in this document, we decline to make general changes to our implementation of the DTS rules. We further find we can evaluate better the need for any changes after we see what kinds of networks broadcasters deploy in light of our action and whether and how our processes could be improved to support that deployment. Thus, as we gain experience with this new rule, we will adjust our processes as necessary.

36. Finally, we do not require broadcasters switching to and using DTS to take any specific action with respect to their television translators. One of the benefits of DTS is the more efficient use of spectrum that can be achieved by using DTS transmitters instead of television translators because DTS transmitters broadcast on the same channel as the main transmitter. We will not require a full power broadcaster adding DTS facilities to relinquish its translator channel, if it has one, to an LPTV station affected by DTS interference and to reimburse the LPTV station for the costs of moving to the relinquished channel or another channel. We find such a requirement would be heavy-handed and unwarranted at this time, particularly given the uncertainty regarding the extent to which broadcasters will make use of DTS as a replacement for television translators.

37. *Use of DTS by Low Power Stations:* In addition to affording full power television stations greater flexibility and certainty in siting DTS transmitters, we also ease the way for Class A, LPTV, and television translator stations (low power stations) to pursue DTS operations. We eliminate the requirement that these stations must apply for DTS facilities on an experimental basis prior to operation. Rather, in order to allow low power stations to pursue DTS operations in a manner similar to full power stations, we adopt a rule with a contour-based limit defining acceptable DTS spillover, taking into account the technical differences between full power and low power services. Specifically, as discussed below, we will permit low power stations to employ DTS facilities so long as such facilities meet the following conditions: First, DTS transmitters must be located within the authorized F(50,90) contour for the station, and second, the F(50,50) contour of each DTS must be contained within the station's F(50,50) contour based on currently authorized technical parameters (as opposed to an authorized service area drawn according to a Table of Distances). In so doing, we give low power stations the same flexibility of a streamlined licensing process as we give full power stations.

38. We note that the rules already allow licensees of multiple digital Class A, LPTV, and/or television translator stations to operate on a non-experimental basis through interconnected single frequency DTS networks, *i.e.,* to operate a network of stations co-channel using their multiple licenses. In 2008, the Commission approved the use of DTS technologies on an experimental basis by a single low power station to provide service within its authorized service area, finding that there was not an adequate record at that time to resolve the technical issues for LPTV stations as they differ from full power television stations. The Commission further concluded at that time that there was insufficient interest in DTS among individual low power stations; that LPTV stations serve smaller geographic areas than full power stations, making the likelihood of needing DTS to provide service relatively low; and that Class A and LPTV stations, which were not subject to the 2009 DTV transition, did not have the same urgent need for DTS to provide post-transition service. The Commission indicated that it would revisit its decision if circumstances changed.

39. On balance and based on the record before us, we find that changes in the marketplace following the DTV transition, including the evolution of the ATSC 3.0 transmission standard, have made the use of DTS more attractive for low power stations today, despite their smaller service areas. There is now sufficient indication of a demonstrated interest in DTS among Class A and LPTV stations and evidence that the ability to provide DTS service would improve their service. We find that deployment of DTS by low power stations offers potential benefits to consumers, including by facilitating the deployment of ATSC 3.0 services. In light of these changed circumstances, we eliminate the requirement that low power stations must apply for DTS facilities on an experimental basis and allow these stations to employ DTS facilities provided that such facilities comply with the contour-based limit defining acceptable DTS spillover we adopt herein.

40. In crafting an approach for low power stations, we note that there are some important differences between full power and low power stations that we must take into account. Most notably, the LPTV services do not rely currently on the Table of Distances, either with respect to service area distance or interference contour distance. In part, this is because low power stations do not have antenna height limitations, making it difficult to readily establish a Table of Distances for them. In addition, the concept of the largest station in the market, which affords full power stations an additional metric by which they can establish authorized service, does not apply to low power stations. Accordingly, the Table of Distances and the largest station in the market constructs discussed above for full power DTS operations do not apply to these stations. Rather, we require that the DTS facilities of low power stations be contained within the station's authorized F(50,90) and F(50,50) contours as follows. First, DTS transmitters must be located within the authorized F(50,90) contour for the station. Second, the F(50,50) contour of each DTS must be contained within the station's F(50,50) contour. As discussed above, the F(50,50) curve can be considered as representative of an area in which most of the people could view a DTV signal a substantial amount of the time. Accordingly, we find that it makes sense to limit spillover service to this area, an area that likely already experiences some level of reception from the existing non-DTS facility and thus may already have viewership of the station. In this way, we define the permissible spillover for the low power service and afford LPTV stations greater flexibility to more easily deploy DTS facilities.

41. We note that shifting from authorizing LPTV DTS facilities on a case-by-case, experimental basis to licensing under a codified rule applicable to all low power stations will require a modification of a number of processes, including FCC forms, the Licensing and Management System (LMS), and engineering review applicable to low power stations. Accordingly, we direct the Media Bureau and the Office of Engineering and Technology to take the practical steps necessary to implement the rule change we adopt in this document, including the modification of applicable forms (including Schedules C, D, E, and F of FCC Form 2100) and the revision of TVStudy. In the interim, we will continue to process DTS requests for LPTV and Class A stations on a case-by-case basis, filed as a request for Special Temporary Authority (STA), using the guidelines we establish in this document. We decline to consider an approval process for DTS transmitters for LPTVs that would require either no application or a blanket application for lower power LPTV DTS transmitters.

42. *Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended

(RFA), *see* 5 U.S.C. 604, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Order.

43. *Paperwork Reduction Analysis.* This document contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

44. In this present document, we have assessed the effects of our rule changes easing limitations on the placement of DTS transmitters by full power and low power television stations and find that these changes do not impose new burdens on businesses with fewer than 25 employees.

45. *Congressional Review Act.* The Commission will submit this draft Report & Order to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for concurrence that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

46. *Additional Information.* For additional information on this proceeding, contact Ty Bream, Media Bureau, Industry Analysis Division, at *Ty.Bream@fcc.gov* or (202) 418–0644.

47. *Final Regulatory Flexibility Analysis:* As required by the RFA, as amended, *see* 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM in this proceeding. The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. The Commission received no comments on the IRFA. This present FRFA conforms to the RFA. *See* 5 U.S.C. 604.

48. *Need for, and Objectives of, the Report and Order.* This Order adopts a technical modification to the Commission's rules governing the use of a distributed transmission system (DTS), or single frequency network (SFN), by a broadcast television station. Specifically, the Order replaces the current restriction that prohibits DTS signals from spilling over beyond a station's authorized service area by more than a ''minimal amount,'' *see* 47 CFR 73.626(f)(2), with a clearer, service-based approach that allows broadcasters greater flexibility in locating DTS transmitters, so long as, for UHF stations, the 41 dBu F(50,50) contour for each DTS transmitter does not exceed the reference station's 41 dBu F(50,50) contour. A 41 dBu F(50,50) contour refers to a boundary at which a signal is predicted to exceed 41 dBu at 50% of locations 50% of the time. We provide corresponding dBu values for F(50,50) limiting contours for Low and High VHF stations in the revised Table of Distances. Those values are 28 dBu for Low VHF and 36 dBu for High VHF. Consistent with the current approach, DTS transmissions will not be entitled to interference protection beyond a station's authorized service area. The decision to replace the current, subjective spillover standard with a bright-line rule that both expands and clarifies the permissible range of spillover will not only promote DTS use by facilitating more efficient and more economical siting of DTS transmitters, but it also will establish a clearly defined limit that will promote regulatory certainty. Consistent with the goal of addressing technical issues that may impede the adoption of DTS technology, the Order concludes that modestly easing limitations on DTS transmitters and providing additional clarity in our rules can help unlock the potential of DTS at this crucial time when many stations are considering migrating to the next generation broadcast television standard (ATSC 3.0). As the record in this proceeding demonstrates, affording broadcasters greater flexibility in the placement of DTS transmitters can allow them to enhance signal capabilities and fill coverage gaps, improve indoor and mobile reception, and increase spectrum efficiency by reducing the need for television translator stations operating on separate channels.

49. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* There were no comments to the IRFA filed.

50. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. 5 U.S.C. 604(a)(3). The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

51. *Description and Estimate of the Number of Small Entities to Which the Rules Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. 5 U.S.C. 632. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission's statistical account of television stations may be over-inclusive.

52. *Television Broadcasting.* The rule changes adopted would apply to television broadcast licensees and potential licensees of television stations using DTS. This Economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound.'' 13 CFR 121.201 (2012), NAICS Code 515120. These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or

from external sources. The SBA has created the following small business size standard for such businesses: Those having $41.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of this number, 656 had annual receipts of less than $25 million. *See* U.S. Census Bureau, Table No. EC1251SSSZ4, *Information: Subject Series—Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* (Jan. 8, 2016), *https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.* Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

53. Additionally, the Commission has estimated the number of licensed commercial television stations to be 1,368. *See* Press Release, FCC, Broadcast Station Totals as of September 30, 2020 (MB Oct. 2, 2020) (Broadcast Station Totals), *https://docs.fcc.gov/public/attachments/DOC-367270A1.pdf.* Of this total, 1,174 stations (or 85.8%) had revenues of $41.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) based on 2019 revenue data, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission estimates the number of licensed noncommercial educational (NCE) television stations to be 390. The Commission does not compile and does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

54. We note, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations must be included. ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.'' 13 CFR 21.103(a)(1). Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of ''small business'' requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive.

55. Class A, LPTV, and TV translator stations. The rule changes adopted would apply to and/or impact licensees and potential licensees of Class A stations, LPTV stations, and TV translator stations, as well as to potential licensees in these television services. The same SBA definition that applies to television broadcast licensees would apply to these stations. As noted above, the SBA defines such businesses as a small business if they have $41.5 million or less in annual receipts. 13 CFR 121.201 (2012), NAICS Code 515120.

56. There are 386 Class A stations. Given the nature of these services, the Commission presumes that all of these stations qualify as small entities under the applicable SBA size standard. In addition, there are 1,860 LPTV stations and 3,543 TV translator stations. Given the nature of these services as secondary and in some cases purely a ''fill-in'' service, we will presume that all of these entities qualify as small entities under the above SBA small business size standard. We note, however, that under the SBA's definition, revenue of affiliates that are not LPTV stations should be aggregated with the LPTV station revenues in determining whether a concern is small. Our estimate may thus overstate the number of small entities since the revenue figure on which it is based does not include or aggregate revenues from non-LPTV affiliated companies. We do not have data on revenues of TV translator or TV booster stations, but virtually all of these entities are also likely to have revenues of less than $41.5 million and thus may be categorized as small, except to the extent that revenues of affiliated non-translator or booster entities should be considered.

57. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.* In this section, we identify the reporting, recordkeeping, and other compliance requirements imposed by the Order and consider whether small entities are affected disproportionately by any such requirements. As discussed above, this Order relaxes the current restriction that prohibits DTS signals from spilling over beyond a station's authorized service area by more than a ''minimal amount.'' Specifically, the Order adopts a service-based approach that allows broadcasters to extend their DTS transmissions out to their 41 dBu F(50,50) contour. This rule change replaces the imprecise ''minimal amount'' standard with a clearly defined limit that will promote regulatory certainty. In so doing, we note that the use of DTS is at the discretion of the broadcast licensee. Thus, the Order does not impose any new mandatory reporting, recordkeeping, or compliance requirements for small entities, unless such entities, *i.e.,* licensees, choose to use DTS. The Order therefore will not impose additional obligations or expenditure of resources on small businesses. However, we note that the adoption of the proposed rules may require modification of current requirements and processes for entities that choose to use DTS, such as modification of FCC forms, including, but not limited to, Schedules A and B of FCC Form 2100. The Order delegates to the Media Bureau the authority to update FCC forms to conform with the adopted rule changes.

58. *Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c)(1)–(c)(4).

59. The premise of the rules is to facilitate DTS deployment by TV broadcasters, large and small alike, and thereby benefit their viewers. Among other benefits, easing limitations on DTS transmitters will help unlock the potential of DTS to extend service throughout a station's coverage area, to improve indoor and mobile reception, and to increase spectrum efficiency by reducing the need for television translators using separate channels.

60. In this proceeding, the Commission has three chief alternatives available for the DTS rule for full power stations—retaining the rule in its existing form, modifying the rule as proposed in the Petition (proposed approach), or modifying the rule in a manner that avoids the technical omission in the Petition's proposed rule (bright-line rule). The Commission finds that the public interest and technical and marketplace realities support

relaxing the DTS rule by enacting the bright-line rule. A further internal analysis of the NPRM proposal revealed that it does not account for the additive effect of DTS transmissions and thus underestimates its potential interference impact. The bright-line approach set forth below remedies that technical omission and provides broadcasters ample leeway to improve coverage, with less interference risk to other spectrum users. Further, the additional DTS flexibility it offers will facilitate the deployment of ATSC 3.0 and its many anticipated consumer benefits, such as enhanced over-the-air programming, mobile viewing capabilities, geo-targeting of emergency alerts, and advanced data services supported by broadband connectivity.

61. For low power stations, the Commission has two chief alternatives—retaining the requirement that these stations must apply for DTS facilities on an experimental basis prior to operation or eliminating the requirement. In order to allow low power stations to pursue DTS operations in a manner similar to full power stations, the Order eliminates the requirement and adopts a rule with a contour-based limit defining acceptable DTS spillover, taking into account the technical differences between full power and low power services. Specifically, the Order will permit low power stations to employ DTS facilities so long as such facilities meet the following conditions: First, DTS transmitters and their resulting contours must be located within the authorized F(50,90) contour for the station, and second, the F(50,50) contour of each DTS must be contained within the F(50,50) contour for the station's authorized service area (as opposed to an authorized service area drawn according to a Table of Distances).

62. *Report to Congress.* The Commission will send a copy of this Order, including this FRFA, in a report to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. *See* 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Order, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

63. *Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rule.* None.

64. *Ordering Clauses:* Accordingly, *it is ordered* that, pursuant to the authority found in sections 1, 4, 7, 301, 302, 303, 307, 308, 309, 316, 319, 324, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 302, 303, 307, 308, 309, 316, 319, 324 and 336, this Order *is adopted.*

65. *It is further ordered* that, pursuant to the authority found in sections 1, 4, 7, 301, 302, 303, 307, 308, 309, 316, 319, 324, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 302, 303, 307, 308, 309, 316, 319, 324 and 336, the Commission's rules *are amended,* effective May 24, 2021, except for those rules and requirements involving Paperwork Reduction Act burdens, which shall become effective on the effective date announced in the **Federal Register** document announcing OMB approval.

66. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

67. *It is further ordered* that, pursuant to Section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of the Order to Congress and to the Government Accountability Office.

68. *It is further ordered* that, should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 20–74 *shall be terminated* and its docket closed.

List of Subjects in 47 CFR Parts 73 and 74

Radio, Television.

Federal Communications Commission.

Marlene Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 73 and 74 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. Effective May 24, 2021, amend § 73.626 by revising paragraphs (c) introductory text and (f)(2) to read as follows:

§ 73.626 DTV Distributed Transmission Systems.

* * * * *

(c) *Table of Distances.* The following Table of Distances describes (by channel and zone) a station's maximum service area that can be obtained in applying for a DTS authorization and the maximum interference area that can be created by its facilities.

TABLE 1 TO PARAGRAPH (c)

Channel	Zone	Service field strength (dBu)	Distance from reference point		Reference interference field strength (dBu)	Distance from reference point F(50,10) (km)	Node interfering field strength F(50,10) (dBu)
			F(50,90) (km)	F(50,50) (km)			
2–6	1	28	108	132	28	183	18.8
2–6	2 and 3	28	128	158	28	209	18.8
7–13	1	36	101	121	33	182	23.8
7–13	2 and 3	36	123	149	33	208	23.8
14–36	1, 2, and 3	41	103	142	36	246	26.8

* * * * *

(f) * * *

(2) Each DTS transmitter's coverage is contained within either the DTV station's Table of Distances area (pursuant to paragraph (c) of this section) or its authorized service area, except where such extension of coverage beyond the station's authorized service area meets the following criteria:

(i) In no event shall the F(50,50) service contour of any DTS transmitter extend beyond that of its reference facility; and

(ii) In no event shall the F(50,10) node-interfering contour of any DTS transmitter, aside from one located at the reference point, extend beyond the

F(50,10) reference-interfering contour of its reference facility; and

(iii) In no event shall the F(50,10) reference-interfering contour of a facility at the reference point extend beyond the F(50,10) reference-interfering contour of its reference facility;

* * * * *

■ 3. Delayed indefinitely, amend § 73.6010 by adding paragraph (e) to read as follows:

§ 73.6010 Class A TV station protected contour.

* * * * *

(e) A digital Class A DTS station will be protected from interference within its Class A DTS protected area as defined by § 73.6023(d).

■ 4. Delayed indefinitely, revise § 73.6023 to read as follows:

§ 73.6023 Distributed transmission systems.

(a) Station licensees may operate a commonly owned group of digital Class A stations with contiguous predicted DTV noise-limited contours (pursuant to § 73.622(e)) on a common television channel in a distributed transmission system.

(b) A Class A DTV station may be authorized to operate multiple synchronized transmitters on its assigned channel to provide service consistent with the requirements of this section. Such operation is called a distributed transmission system (DTS). Except as expressly provided in this section, Class A stations operating a DTS facility must comply with all rules in this part applicable to Digital Class A single-transmitter stations.

(c) For purposes of compliance with this section, a digital Class A station's ''authorized facility'' is the facility authorized for the station in a license or construction permit for non-DTS, single-transmitter-location operation. A digital Class A station's ''authorized service area'' is defined as the area within its protected contour (described by § 73.6010(c)) as determined using the authorized facility.

(d) The protected area for each DTS transmitter is determined based on the F(50,90) field strength given in § 73.6010(c), calculated in accordance with § 73.625(b). The combined protected area of a Class A DTS station is the logical union of the protected areas of all DTS transmitters, that falls within the station's authorized service area as defined in paragraph (c) of this section.

(e) The DTS limiting area for each DTS transmitter is determined using the field strength from § 73.6010(c) and the F(50,50) curves.

(f) An application proposing use of DTS will not be accepted for filing unless it meets all of the following conditions:

(1) The combined protected area covers all of the applicant's authorized service area;

(2) Each DTS transmitter's Class A DTS limiting contour falls within the authorized facility's Class A DTS limiting contour;

(3) Each DTS transmitter's protected area is contiguous with at least one other DTS transmitter's protected area;

(4) The ''combined field strength'' of all DTS transmitters in a network does not cause interference to another station in excess of the criteria specified in §§ 73.6017, 73.6018, 73.6019, and 73.6020. The combined field strength at a given location is determined by a ''root-sum-square'' calculation, in which the combined field strength is equal to the square root of the sum of the squared field strengths from each transmitter in the DTS network at that location; and

(5) Each DTS transmitter must be located within the station's authorized service area.

(g) All transmitters operating under a single Class A DTS license must follow the same digital broadcast television transmission standard.

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 5. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336 and 554.

■ 6. Delayed indefinitely, add § 74.720 to subpart G to read as follows:

§ 74.720 Digital low power TV distributed transmission systems.

(a) A digital low power TV or TV translator (LPTV) station may be authorized to operate multiple synchronized transmitters on its assigned channel to provide service consistent with the requirements of this section. Such operation is called a distributed transmission system (DTS). Except as expressly provided in this section, LPTV stations operating a DTS facility must comply with all rules in this part applicable to LPTV single-transmitter stations.

(b) For purposes of compliance with this section, a digital LPTV station's ''authorized facility'' is the facility authorized for the station in a license or construction permit for non-DTS, single-transmitter-location operation. A digital LPTV station's ''authorized service area'' is defined as the area within its protected contour (described by § 74.792) as determined using the authorized facility.

(c) The protected area for each DTS transmitter is determined based on the F(50,90) field strength given in § 74.792), calculated in accordance with § 73.625(b) of this chapter. The combined protected area of an LPTV DTS station is the logical union of the protected areas of all DTS transmitters, that falls within the station's authorized service area as defined in paragraph (b) of this section.

(d) The DTS limiting area for each DTS transmitter is determined using the field strength from § 74.792 and the F(50,50) curves.

(e) An application proposing use of DTS will not be accepted for filing unless it meets all of the following conditions:

(1) The combined protected area covers all of the applicant's authorized service area;

(2) Each DTS transmitter's LPTV DTS limiting contour falls within the authorized facility's LPTV DTS limiting contour;

(3) Each DTS transmitter's protected area is contiguous with at least one other DTS transmitter's protected area;

(4) The ''combined field strength'' of all DTS transmitters in a network does not cause interference to another station in excess of the criteria specified in § 74.793. The combined field strength at a given location is determined by a ''root-sum-square'' calculation, in which the combined field strength is equal to the square root of the sum of the squared field strengths from each transmitter in the DTS network at that location; and

(5) Each DTS transmitter must be located within the station's authorized service area.

(f) All transmitters operating under a single LPTV DTS license must follow the same digital broadcast television transmission standard.

[FR Doc. 2021–05333 Filed 4–21–21; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 86, No. 76
Thursday, April 22, 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–2021–0334; Project Identifier MCAI–2020–01662–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2017–12–13, which applies to certain Airbus SAS Model A320–212, –214, –232, and –233 airplanes. AD 2017–12–13 requires repetitive low frequency eddy current inspections or repetitive high frequency eddy current inspections of the pocket radius at certain areas of the fuselage frame, and repair if necessary. Since the FAA issued AD 2017–12–13, it was determined that cracks can initiate and develop between certain other fuselage frames of the pocket radii and additional airplanes are subject to the unsafe condition. This proposed AD would require new repetitive inspections at the left- (LH) and right-hand (RH) sides of the fuselage skin at certain frames for any cracking, and repair if necessary, as specified in a European Union Aviation Safety Agency (EASA), which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 7, 2021.

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

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

For material that will be incorporated by reference (IBR) in this AD, contact 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 at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0334.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0334; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0334; Project Identifier MCAI–2020–01662–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2017–12–13, Amendment 39–18928 (82 FR 27983, June 20, 2017) (AD 2017–12–13), which applies to certain Airbus SAS Model A320–212, –214, –232, and –233 airplanes. AD 2017–12–13 requires repetitive low frequency eddy current inspections or repetitive high frequency eddy current inspections at the pocket radius between fuselage frame (FR) 35 and FR40, and repair if necessary. The FAA issued AD 2017–12–13 to address cracking of the pocket radius, which could lead to in-flight decompression of

the airplane and possible injury to the passengers.

Actions Since AD 2017–12–13 Was Issued

Since the FAA issued AD 2017–12–13, it was determined that cracks can initiate and develop between FR35 and FR47 of the pocket radii. Further investigation identified that additional airplanes are affected by the unsafe condition.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0280, dated December 14, 2020 (EASA AD 2020–0280) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A318–111, –112 and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –231, –232, and –233 airplanes. EASA AD 2020–0280 supersedes EASA AD 2014–0278, dated December 19, 2014 (which corresponds to FAA AD 2017–12–13).

This proposed AD was prompted by a report of a crack found during an inspection of the pocket radius of the fuselage frame, and a determination that similar cracks may develop in nearby areas of the fuselage frame and that additional airplanes are subject to the unsafe condition. The FAA is proposing this AD to address cracking of the pocket radius, which could lead to in-flight decompression of the airplane and possible injury to the passengers. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2017–12–13, this proposed AD would retain certain requirements of AD 2017–12–13. Those requirements are referenced in EASA AD 2020–0280, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0280 describes procedures for doing repetitive external general visual inspections or special detailed inspections (*i.e.,* phased array ultrasonic technology inspections of the external skin, or detailed inspections for primer/paint cracks and high frequency eddy current inspections of the internal skin) at the LH and RH sides of the fuselage skin, above stringer 6 from FR35 to FR47, for any cracking, and repair if necessary.

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

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0280 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0280 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0280 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0280 that is required for compliance with EASA AD 2020–0280 will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0334 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 439 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2017–12–13.	3 work-hours × $85 per hour = $255.	$0	$255	$111,945.
Repetitive inspections (new proposed actions).	Up to 30 work-hours × $85 per hour = Up to $2,550.	0	Up to $2,550	Up to $1,119,450.

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2017–12–13, Amendment 39–18928 (82 FR 27983, June 20, 2017); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2021–0334; Project Identifier MCAI–2020–01662–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 7, 2021.

(b) Affected ADs

This AD replaces AD 2017–12–13, Amendment 39–18928 (82 FR 27983, June 20, 2017).

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (3) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0280, dated December 14, 2020 (EASA AD 2020–0280).

(1) Model A318–111, –112 and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a report of a crack found during an inspection of the pocket radius of the fuselage frame, and a determination that similar cracks may develop in nearby areas of the fuselage frame and that additional airplanes are subject to the unsafe condition. The FAA is issuing this AD to address cracking of the pocket radius, which could lead to in-flight decompression of the airplane and possible injury to the passengers.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0280.

(h) Exceptions to EASA AD 2020–0280

(1) Where EASA AD 2020–0280 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (9) of EASA AD 2020–0280 specifies if any crack is found during any inspection to ''contact Airbus for approved repair instructions and accomplish those instructions accordingly,'' this AD requires if any cracking is found, the cracking must be repaired before further flight using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) Where paragraph (10) of EASA AD 2020–0280 specifies credit for actions ''in accordance with the instructions of an Airbus Repair Design Approval Sheet (RDAS), [and to] accomplish the next inspection of each repaired area in accordance with the instructions of, and within the compliance time as specified in, the applicable RDAS,'' this AD requires using ''in accordance with repair instructions approved, and within the compliance time specified in the repair approval, using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.''

(4) Where paragraph (11) of EASA AD 2020–0280 specifies terminating actions apply only if specified ''in the Airbus RDAS instructions for a repaired aeroplane,'' this AD requires using ''in repair instructions approved using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.''

(5) The ''Remarks'' section of EASA AD 2020–0280 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0280 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2020–0280 that contains RC procedures and tests: Except as required by paragraph (j)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) For information about EASA AD 2020–0280, 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.* 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 at

https://www.regulations.gov by searching for and locating Docket No. FAA–2021–0334.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

Issued on April 15, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08202 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0195; Project Identifier MCAI–2020–00262–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2014–11–02 for Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters. AD 2014–11–02 requires repetitively inspecting frame number (No.) 9 for a crack. Since the FAA issued AD 2014–11–02, Airbus Helicopters developed a modification that would provide an optional terminating action for the repetitive inspections required by AD 2014–11–02. This proposed AD would retain the requirements of AD 2014–11–02, provide an optional terminating action for the repetitive inspections, and reduce the applicability by excluding certain post-modified helicopters. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 7, 2021.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0195; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Union Aviation Safety Agency (EASA) AD, any comments received and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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

SUPPLEMENTARY INFORMATION:

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–2021–0195; Project Identifier MCAI–2020–00262–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2014–11–02, Amendment 39–17852 (79 FR 33050, June 10, 2014) (AD 2014–11–02), for Airbus Helicopters (previously Eurocopter France) Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters. AD 2014–11–02 requires, for helicopters that have a No. 9 frame that has had any repair or alteration made, within 10 hours time-in-service (TIS) and thereafter at intervals not to exceed 110 hours TIS, inspections of the left-hand (LH) and right-hand (RH) frame No. 9 for a crack in certain areas using a 10X or higher power magnifying glass. For all other helicopters, the inspection is required within 110 hours TIS and thereafter in intervals not to exceed 110 hours TIS. If there is a crack, AD 2014–11–02 requires repairing the frame before further flight.

AD 2014–11–02 was prompted by EASA AD 2012–0108–E, dated June 15, 2012 (EASA AD 2012–0108–E), issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advises that a crack was discovered during the ''T'' inspection of an AS365 helicopter. The crack started

at a rivet hole of a doubler that was installed on the frame No. 9 in accordance with Eurocopter Alert Service Bulletin No. 53.00.42, dated January 31, 2001. EASA further states that structural alteration of frame No. 9 by modifications or repairs can result in fatigue crack initiation under normal operational loads. According to EASA, this condition, if not corrected, could lead to crack propagation and failure of frame No. 9, which would adversely affect the structural integrity of the helicopter. For these reasons, EASA AD 2012–0108–E requires repetitive inspections of frame No. 9 for a crack in the area of the doubler or any repair performed in the area of the latch support and stretcher support.

Actions Since AD 2014–11–02 Was Issued

Since the FAA issued AD 2014–11–02, Airbus Helicopters introduced an optional modification (MOD) that would provide terminating action for the repetitive inspections. Consequently, EASA issued AD 2012–0108R1, dated September 19, 2019 (EASA AD 2012–0108R1), to supersede EASA AD 2012–0108–E. EASA AD 2012–0108R1 retains the requirements in EASA AD 2012–0108–E and introduces the installation of an optional MOD that calls for replacing the upper section of frame No. 9 with a reinforced frame.

FAA's Determination

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

Differences Between This Proposed AD and the EASA AD

EASA AD 2012–0108R1 requires contacting Airbus Helicopters for repair instructions if there is a crack, and the proposed AD does not. EASA AD 2012–0108R1 applies to Airbus Helicopters Model 365-series helicopters with a frame No. 9 on which certain doublers or repairs have been accomplished, whereas this proposed AD would apply to those model helicopters regardless of if those doublers or repairs have been accomplished.

Related Service Information Under 1 CFR Part 51

Airbus Helicopters has co-published as one document Emergency Alert Service Bulletin (EASB) No. 05.00.63, Revision 2, dated December 20, 2018 (EASB 05.00.63 Rev 2), for Model AS365-series helicopters and EASB No. 05.00.30, Revision 2, dated December 20, 2018 (EASB 05.00.30 Rev 2), for non-FAA type certificated Model AS565-series helicopters. EASB 05.00.63 Rev 2 would be incorporated by reference in this proposed AD; EASB 05.00.30 Rev 2 would not.

EASB 05.00.63 Rev 2 applies to helicopters with a frame No. 9 that has not been modified by MOD 07 53C17, 07 53D21, 07 53D22, or 07 53D02, and that has had doublers installed or repairs performed in accordance with certain service instructions. EASB 05.00.63 Rev 2 describes procedures for inspecting the frame No. 9 for a crack and specifies contacting Airbus Helicopters for further procedures if there is a crack.

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

Other Related Service Information

Airbus Helicopter has also issued Service Bulletin No. AS365–53.00.57, Revision 0, dated December 20, 2018 (SB AS365–53.00.57), for Model AS365-series helicopters. SB AS365–53.00.57 specifies replacing the upper section of the No. 9 frame with a reinforced version as an option to terminate the visual inspections specified in EASB 05.00.63 Rev 2.

The FAA also reviewed Eurocopter EASB No. 05.00.63, Revision 1, dated June 18, 2012 (EASB 05.00.63 Rev 1). EASB 05.00.63 Rev 1 specifies the same procedures as EASB 05.00.63 Rev 2; however, EASB 05.00.63 Rev 2 excludes helicopters with certain MODs installed from its effectivity.

Proposed AD Requirements

This proposed AD would continue to require, for helicopters that have a No. 9 frame that has had any repair or alteration made, within 10 hours TIS after the effective date of this AD and every 110 hours TIS thereafter, inspecting the LH and RH frame No. 9 for a crack in the areas of the latch support and stretcher support with a 10X or higher power magnifying glass. For all other helicopters, this proposed AD would require this inspection within 110 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 110 hours TIS. If there is a crack, the proposed AD would also continue to require, before further flight, repairing the crack. This proposed AD would also provide an optional terminating action for the repetitive inspections that would consists of installing Eurocopter MOD 53C17 or MOD 53D02, or Airbus Helicopters MOD 07 53D21 or MOD 07 53D22, as applicable to your helicopter.

Costs of Compliance

The FAA estimates that this proposed AD would affect 33 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, inspecting the LH and RH frame No. 9 would require about 3 work-hours, for a cost per helicopter of $255 and a total cost to U.S. operators of $8,415 per inspection cycle. Repairing a cracked frame No. 9 would require about 20 work-hours, and required parts would cost about $15,000, for a cost per helicopter of $16,700.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

2. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2014–11–02, Amendment 39–17852 (79 FR 33050, June 10, 2014); and

■ b. Adding the following new AD:

Airbus Helicopters: Docket No. FAA–2021–0195; Project Identifier MCAI–2020–00262–R.

(a) Applicability

This airworthiness directive (AD) applies to Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, and AS–365–N3 helicopters, certificated in any category, except helicopters with Eurocopter modification (MOD) 53C17 or MOD 53D02, or Airbus Helicopters MOD 07 53D21 or MOD 07 53D22, installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in frame number (No.) 9, which if not detected and corrected, could result in failure of frame No. 9, loss of structural integrity, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2014–11–02, Amendment 39–17852 (79 FR 33050, June 10, 2014).

(d) Comments Due Date

The FAA must receive comments by June 7, 2021.

(e) Compliance

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

(f) Required Actions

(1) For helicopters that have any repair or alteration to the frame No. 9, within 10 hours time-in-service (TIS) after the effective date of this AD and thereafter at intervals not to exceed 110 hours TIS, using a 10X or higher power magnifying glass, inspect the left-hand (LH) and right-hand (RH) frame No. 9 for a crack in the area of the latch support and stretcher support, as depicted in Figure 1 of Airbus Helicopters Emergency Alert Service Bulletin No. 05.00.63, Revision 2, dated December 20, 2018 (EASB 05.00.63).

(2) For all other helicopters, within 110 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 110 hours TIS, perform the inspection in paragraph (f)(1) of this AD.

(3) If there is a crack, before further flight, repair the frame No. 9. Repairing a frame is not terminating action for the repetitive inspections required by paragraphs (f)(1) and (2) of this AD.

(4) As an optional terminating action for the repetitive inspections required by paragraphs (f)(1) and (2) of this AD, replace the upper section of frame No. 9 with a reinforced frame, Eurocopter MOD 53C17 or MOD 53D02, or Airbus Helicopters MOD 07 53D21 or MOD 07 53D22.

(g) Special Flight Permits

Special flight permits to a repair facility may be issued provided that the flight does not exceed 10 hours TIS, any crack does not exceed a maximum crack length of 80 mm, and no passengers are onboard.

(h) Credit for Previous Actions

You may take credit for the actions required by paragraphs (f)(1) and (2) of this AD if you performed them before the effective date of this AD using Eurocopter Emergency Alert Service Bulletin No. 05.00.63, Revision 1, dated June 18, 2012.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Matthew Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

(2) For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(3) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2012–0108R1, dated September 19, 2019. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–0195.

(k) Subject

Joint Aircraft Service Component (JASC) Code: 5300: Fuselage Structure.

Issued on March 19, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08183 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0306; Project Identifier MCAI–2020–01493–E]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–15–12, which applies to certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Trent 1000 model turbofan engines. AD 2020–15–12 requires initial and repetitive ultrasonic or visual inspections of the intermediate-pressure compressor (IPC) stage 1 rotor blade root (front face), IPC stage 2 rotor blade root (front and rear face), and IPC shaft stage 2 dovetail post (front face), and removal of any cracked parts from service. AD 2020–15–12 also requires an inspection after asymmetric power and cabin depressurization events. Since the FAA issued AD 2020–15–12, the manufacturer introduced IPC stage 1 and stage 2 rotor blades in kitted sets, which terminate the need for initial and repetitive ultrasonic or visual inspections for certain IPC parts. This proposed AD would continue to require initial and repetitive ultrasonic or visual inspections of certain IPC parts until replacement of the IPC stage 1 and stage

2 rotor blades with redesigned IPC stage 1 and stage 2 rotor blades in kitted sets. 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 7, 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 Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; fax: +44 (0)1332 249936; email: *https://www.rolls-royce.com/contact-us/civil-aerospace.aspx;* website: *https://www.rolls-royce.com/contact-us.aspx.* 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–2021–0306; 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: Kevin Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7088; fax: (781) 238–7199; email: *kevin.m.clark@faa.gov.*

SUPPLEMENTARY INFORMATION:

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–2021–0306; Project Identifier MCAI–2020–01493–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 NPRM 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 Kevin Clark, 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 FAA issued AD 2020–15–12, Amendment 39–21175 (85 FR 45081, July 27, 2020), (AD 2020–15–12), for certain RRD Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 model turbofan engines. AD 2020–15–12 was prompted by IPC rotor blade separations resulting in engine failures. Subsequently, the manufacturer identified the need to add new inspections and an optional terminating action, amend the asymmetric power condition for engine inspection, and to add an inspection after a cabin depressurization event. AD 2020–15–12 requires initial and repetitive ultrasonic or visual inspections of the IPC stage 1 rotor blade root (front face), IPC stage 2 rotor blade root (front and rear face), and IPC shaft stage 2 dovetail posts (front face), and removal of any cracked parts from service. AD 2020–15–12 also requires an inspection after asymmetric power and cabin depressurization events. The agency issued AD 2020–15–12 to prevent failure of the IPC rotor blades.

Actions Since AD 2020–15–12 Was Issued

Since the FAA issued AD 2020–15–12, the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2020–0240, dated November 5, 2020 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

Occurrences were reported on Rolls-Royce Trent 1000 'Pack C' engines, where some IPC Rotor 1 and Rotor 2 blades were found cracked.

This condition, if not detected and corrected, could lead to in-flight blade release, possibly resulting in reduced control of the aeroplane.

To address this potential unsafe condition, Rolls-Royce initially issued Alert NMSB TRENT 1000 72–AJ814 and 72–AJ819 to provide inspection instructions for IPC Rotor 1 blades, and IPC Rotor 2 blades and IPC shaft Stage 2 dovetail posts, respectively. Rolls-Royce also issued NMSB TRENT 1000 72–J871 to provide rework instructions for the affected parts, and Alert NMSB TRENT 1000 72–AJ869 to inspect those post-rework parts.

Consequently, EASA issued AD 2017–0248 to require repetitive inspections of the affected IPC Rotor blades and IPC shaft Stage 2 dovetail posts and, depending on findings, removal from service of the engine for corrective action.

After that [EASA] AD was issued, Rolls-Royce issued Alert NMSB TRENT 1000 72–AK058 to provide instructions for a one-time on-wing inspection. Consequently, EASA issued AD 2018–0073, retaining the requirements of EASA AD 2017–0248, which was superseded, to require an additional borescope inspection of certain engines and, depending on findings, removal from service of the engine for corrective action.

After that [EASA] AD was issued, it was determined that repetitive borescope inspections are necessary on all engines to ensure fleet-wide

continued safe operation. Consequently, Rolls-Royce revised Alert NMSB TRENT 1000 72–AJ869, Alert NMSB TRENT 1000 72–AJ814, Alert NMSB TRENT 1000 72–AJ819 and NMSB TRENT 1000 72–J871, and issued NMSB TRENT 1000 72–AK060 to consolidate all inspection instructions. Consequently, EASA issued AD 2018–0084 (later revised), retaining the requirements of EASA AD 2018–0073, which was superseded, and requiring repetitive on-wing borescope inspections of the affected Rotor 1 parts and affected Rotor 2 parts and, depending on findings, removal from service of the engine for corrective action. That AD also introduced specific requirements for engines installed on aeroplanes involved in ETOPS, and inspection following operation in asymmetric power conditions.

Rolls-Royce then introduced NMSB Trent 1000 72–AK092 to provide inspections for the rear face of the Rotor 2 blades and NMSB TRENT 1000 72–AK060 was revised (R1) accordingly. Later, Rolls-Royce developed mod 72–J941, installing improved IPC Stage 1 and Stage 2 rotor blades, and issued the modification SB, providing the necessary instructions for in-service application. EASA issued AD 2018–0084R2 to exclude post-mod 72–J941 engines from the Applicability and introducing the modification SB as terminating action for the repetitive inspections as required by that [EASA] AD.

After that [EASA] AD was issued, Rolls-Royce issued NMSB TRENT 1000 72–AK313 and revised Alert NMSB TRENT 1000 72–AJ814, 72–AJ819 and 72–AK092 to introduce new inspections, new thresholds and new intervals, depending on engine configuration. These inspections are for all operations, ETOPS and non-ETOPS. The latest revision of the NMSB also amended the asymmetric power conditions for engine inspection and introduced cabin depressurisation as an event to trigger engine inspection(s). Consequently, EASA issued AD 2019–0250 to require introduction of the new inspections, replacing those previously imposed by EASA AD 2018–0084R2 (through NMSB TRENT 1000 72–AK060), and to remove the references to Engine Health Monitoring messages and ETOPS-related requirements.

Since that [EASA] AD was issued, it was discovered that the manufacturing distribution of the individual blade frequencies could differ from the assumed values during certification of the SB TRENT 1000 72–J941, which means there may not be sufficient margin to prevent the blades from experiencing high vibration levels. Prompted by these findings, Rolls-Royce issued the modification SB to provide blade kitting instructions.

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–2021–0306.

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 Rolls-Royce Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AK313, Revision 1, dated August 22, 2019; and Rolls-Royce Alert Service Bulletin (SB) Trent 1000 72–AK430, Initial Issue, dated August 17, 2020. Rolls-Royce Alert NMSB Trent 1000 72–AK313 defines the initial inspection threshold and repeat inspection intervals for Trent 1000 IPC stage 1 rotor blade, IPC stage 2 rotor blade, and IPC shaft stage 2 dovetail posts. Rolls-Royce Alert SB Trent 1000 72–AK430 introduces the IPC stage 1 and stage 2 rotor blades in kitted sets and provides kitting instructions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Other Related Service Information

The FAA reviewed Rolls-Royce Alert NMSB Trent 1000 72–AJ814, Revision 5, dated May 3, 2019; Rolls-Royce Alert NMSB Trent 1000 72–AJ819, Revision 4, dated May 3, 2019; Rolls-Royce Alert NMSB Trent 1000 72–AK092, Revision 4, dated May 3, 2019; Rolls-Royce SB Trent 1000 72–J871, Revision 6, dated December 12, 2019; and Rolls-Royce SB Trent 1000 72–J941, Revision 1, dated February 6, 2019.

Rolls-Royce Alert NMSB Trent 1000 72–AJ814 describes procedures for performing an ultrasonic inspection (USI) of the IPC stage 1 rotor blades. Rolls-Royce Alert NMSB Trent 1000 72–AJ819 describes procedures for performing a visual borescope inspection of the IPC stage 2 rotor blades and IPC shaft stage 2 dovetail posts. Rolls-Royce Alert NMSB Trent 1000 72–AK092 describes procedures for performing a USI of the IPC stage 2 rotor blades. Rolls-Royce SB Trent 1000 72–J871 describes procedures for reworking or replacing the affected parts. Rolls-Royce SB Trent 1000 72–J941 describes procedures for installing the redesigned IPC stage 1 and stage 2 rotor blades.

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2020–15–12. This proposed AD would continue to require initial and repetitive ultrasonic or visual inspection of the IPC stage 1 rotor blade root (front face), IPC stage 2 rotor blade root (front and rear face), and IPC shaft stage 2 dovetail post (front face), removal of any cracked parts from service, and an inspection after asymmetric power and cabin depressurization events until the installation of the IPC stage 1 and stage 2 rotor blades in kitted sets. As a terminating action, this AD would require replacement of IPC stage 1 and stage 2 rotor blades with IPC stage 1 and stage 2 rotor blades in kitted sets.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 7 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
Inspect the IPC stage 1 rotor blade root (Front Face).	20 work-hours × $85 per hour = $1,700	$0	$1,700	$11,900

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the IPC stage 2 rotor blade root (Front Face) and IPC shaft stage 2 dovetail post (Front Face).	6 work-hours × $85 per hour = $510	0	510	3,570
Inspect the IPC stage 2 rotor blade root (Rear Face).	10 work-hours × $85 per hour = $850	0	850	5,950
Replace all 34 IPC stage 1 rotor blades (mandatory terminating action).	280 work-hours × $85 per hour = $23,800	52,360	76,160	533,120
Replace all 49 IPC stage 2 rotor blades (mandatory terminating action).	280 work-hours × $85 per hour = $23,800	48,755	72,555	507,885

The FAA estimates the following costs to do any necessary replacements 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 these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace all 34 IPC stage 1 rotor blades	280 work-hours × $85 per hour = $23,800	$52,360	$76,160
Replace all 49 IPC stage 2 rotor blades	280 work-hours × $85 per hour = $23,800	48,755	72,555
Replace the IPC drum assembly	144 work-hours × $85 per hour = $12,240	1,370,000	1,382,240

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive AD 2020–15–12, Amendment 39–21175 (85 FR 45081, July 27, 2020); and

■ b. Adding the following new airworthiness directive:

Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce plc): Docket No. FAA–2021–0306; Project Identifier MCAI–2020–01493–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by June 7, 2021.

(b) Affected ADs

This AD replaces AD 2020–15–12, Amendment 39–21175 (85 FR 45081, July 27, 2020).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce plc) Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 model turbofan engines, except those that have the redesigned intermediate-pressure compressor (IPC) stage 1 and stage 2 rotor blades introduced by Rolls-Royce (RR) Service Bulletin (SB) Trent 1000 72–J941, Initial Issue, dated December 6, 2016, or Revision 1, dated February 6, 2019.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by IPC rotor blade separations resulting in engine failures. The FAA is issuing this AD to prevent failure of the IPC. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) After the effective date of this AD, before exceeding the initial inspection thresholds and repeat inspection intervals specified in Table 1 of RR Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AK313, Revision 1, dated August 22, 2019 (RR NMSB Trent 1000 72–AK313 R1):

(i) Perform initial ultrasonic inspections (USIs) of the IPC stage 1 rotor blade root (front face).

(ii) Thereafter, perform repetitive USIs of the IPC stage 1 rotor blade root (front face).

(iii) Use the Accomplishment Instructions, paragraph 3.A.(1)(a) (on-wing) or 3.A.(2)(a) and (b) (in-shop), of RR NMSB Trent 1000 72–AK313 R1 to perform the inspections.

(2) After the effective date of this AD, before exceeding the initial inspection thresholds and repeat inspection intervals specified in Table 2 of RR NMSB Trent 1000 72–AK313 R1:

(i) Perform initial visual inspections of the IPC stage 2 rotor blade root (front face) and IPC shaft stage 2 dovetail post (front face).

(ii) Thereafter, perform repetitive visual inspections of the IPC stage 2 rotor blade root (front face) and IPC shaft stage 2 dovetail post (front face).

(iii) Use the Accomplishment Instructions, paragraph 3.B.(1)(a) (on-wing) or 3.B.(2)(b) (in-shop), of RR NMSB Trent 1000 72–AK313 R1 to perform the inspections.

(3) After the effective date of this AD, before exceeding the initial inspection threshold and repeat inspection intervals specified in Table 2 of RR NMSB Trent 1000 72–AK313 R1:

(i) Perform initial USIs of IPC stage 2 rotor blade root (rear face).

(ii) Thereafter, perform repetitive USIs of IPC stage 2 rotor blade root (rear face).

(iii) Use the Accomplishment Instructions, paragraph 3.C.(1)(a) (on-wing) or 3.C.(2)(a) (in-shop), of RR NMSB Trent 1000 72–AK313 R1 to perform the inspections.

(4) After the effective date of this AD, within 5 engine flight cycles (FCs) after each occurrence in which any engine operates in asymmetric power conditions at an altitude of less than 28,000 feet, perform the following inspections on the engine not affected by the power reduction or in-flight shutdown (IFSD):

(i) Perform initial USIs and visual inspections required by paragraphs (g)(1) through (3) of this AD.

(ii) Thereafter, perform the repetitive USIs and visual inspections required by paragraphs (g)(1) through (3) of this AD.

(iii) Use the service information and repetitive inspection thresholds required by paragraphs (g)(1)(iii), (2)(iii), and (3)(iii) to perform the inspections, as applicable.

(5) After the effective date of this AD, within 5 engine FCs following a cabin depressurization event, perform the following inspections on both engines installed on the airplane:

(i) Perform initial USIs and visual inspections required by paragraphs (g)(1) through (3) of this AD.

(ii) Thereafter, perform the repetitive USIs and visual inspections required by paragraphs (g)(1) through (3) of this AD.

(iii) Use the service information and repetitive inspection thresholds required by paragraphs (g)(1)(iii), (2)(iii), and (3)(iii) to perform the inspections, as applicable.

(6) If any IPC stage 1 rotor blade root (front face), IPC stage 2 rotor blade root (front face), or IPC stage 2 rotor blade root (rear face) is found cracked during any inspection required by this AD, replace the part with a part eligible for installation before further flight.

(7) If any IPC shaft stage 2 dovetail post (front face) is found cracked during any inspection required by this AD, replace the IPC drum assembly.

(h) Mandatory Terminating Action

At the next engine shop visit after the effective date of this AD, replace the IPC stage 1 and stage 2 rotor blades with redesigned IPC stage 1 and stage 2 rotor blades introduced by RR SB Trent 1000 72–J941, Revision 1, dated February 6, 2019. Install the blades as kitted sets using the Accomplishment Instructions, paragraph 3.C. (In-Shop), of RR Alert SB Trent 1000 72–AK430, Initial Issue, dated August 17, 2020. This replacement of the IPC stage 1 and stage 2 rotor blades as kitted sets is a terminating action for the initial and repetitive ultrasonic or visual inspection requirements, as applicable, required by paragraphs (g)(1) through (5) of this AD.

(i) Definitions

(1) For the purpose of this AD, an ''asymmetric power condition'' is the operation of the airplane at an altitude of less than 28,000 feet, experiencing either single engine take-off, engine fault (reduced power on one engine), or single engine IFSD, which includes execution of any non-normal checklist procedure.

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

(j) Credit for Previous Actions

You may take credit for the initial inspections required by paragraphs (g)(1) through (5) of this AD if you performed these inspections before the effective date of this AD using any of the following.

(1) RR Alert NMSB Trent 1000 72–AJ819, Revision 3, dated April 13, 2018, or earlier revisions;

(2) RR Alert NMSB Trent 1000 72–AJ814, Revision 4, dated September 28, 2018, or earlier revisions;

(3) RR Alert NMSB Trent 1000 72–AK313, Initial Issue, dated May 2, 2019; or

(4) RR Alert NMSB Trent 1000 72–AK092, Revision 3, dated February 28, 2019, or earlier revisions.

(k) Special Flight Permit

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are subject to the requirements of paragraph (k)(1) of this AD.

(1) Operators who are prohibited from further flight due to a crack finding as a result of paragraph (g) of this AD, may perform a one-time non-revenue ferry flight to a location where the engine can be removed from service. This ferry flight must be performed without passengers, involve non-ETOPS operation, and consume no more than three FCs.

(2) [Reserved]

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

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0240, dated November 5, 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–2021–0306.

(3) For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; phone: +44 (0)1332 242424; fax: +44 (0)1332 249936; email: *https://www.rolls-royce.com/contact-us/civil-aerospace.aspx;* website: *https://www.rolls-royce.com/contact-us.aspx.* 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 9, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07660 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0333; Project Identifier MCAI–2020–00252–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. This proposed AD was prompted by a report of a yaw control failure that was the result of the disconnection of the tail rotor hub (TRH) pitch control rod from the tail rotor servo-control, which resulted from a seized TRH bearing. The TRH bearing had grease dissolving after contamination by leaked hydraulic fluid from the tail rotor servo-control that came through the TRH assembly boot. This proposed AD would require repetitive inspections for hydraulic leaks, corrective actions if necessary, and an optional modification which constitutes terminating action, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 7, 2021.

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

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

For material that is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0333.

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–2021–0333; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza SW, Washington, DC 20024; phone: 202–267–9167; email: *hal.jensen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0333; Project Identifier MCAI–2020–00252–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza SW, Washington, DC 20024; phone: 202–267–9167; email: *hal.jensen@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0021, dated February 6, 2020 (EASA AD 2020–0021) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. Although EASA AD 2020–0021 applies to all Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, this proposed AD applies to helicopters with an affected part installed instead.

This proposed AD was prompted by a report of a yaw control failure that was the result of the disconnection of the TRH pitch control rod from the tail rotor servo-control, which resulted from a seized TRH bearing. The TRH bearing had grease dissolving after contamination by leaked hydraulic fluid from the tail rotor servo-control that came through the TRH assembly boot. The FAA is proposing this AD to address seized TRH bearings, which could reduce the effectiveness of the pitch control of the tail rotor system, possibly resulting in reduced yaw control of the helicopter. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0021 describes procedures for repetitive inspections for hydraulic leaks, corrective actions if necessary (*i.e.,* replacement of the pitch control rod bearing of the affected TRH assembly), and an optional modification

(*i.e.,* installation of a TRH assembly having certain part numbers) which constitutes terminating action.

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

FAA's Determination and Requirements of This Proposed AD

These products have been approved by the aviation authority of another country, and are approved for operation in the United States. Pursuant to the bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD after evaluating all the relevant information and determining the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0021, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0021 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0021 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0021 that is required for compliance with EASA AD 2020–0021 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0333 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 10 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85 per inspection cycle	$0	$85 per inspection cycle	$850 per inspection cycle.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
6 work-hours x $85 per hour = $510	$509	$1,019

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2021–0333; Project Identifier MCAI–2020–00252–R.

(a) Comments Due Date

The FAA must receive comments by June 7, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, certificated in any category, with a tail rotor hub (TRH) assembly, having part number (P/N) 332A33–0001–05 or P/N 332A33–0001–06, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 6420, Tail rotor head.

(e) Reason

This AD was prompted by a report of a yaw control failure that was the result of a disconnection of the TRH pitch control rod from the tail rotor servo-control, which resulted from a seized TRH bearing. The TRH bearing had grease dissolving after contamination by leaked hydraulic fluid from the tail rotor servo-control that came through the TRH assembly boot. The FAA is issuing this AD to address seized TRH bearings, which could reduce the effectiveness of the pitch control of the tail rotor system, possibly resulting in reduced yaw control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0021, dated February 6, 2020 (EASA AD 2020–0021).

(h) Exceptions to EASA AD 2020–0021

(1) Where EASA AD 2020–0021 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0021 does not apply to this AD.

(3) Where EASA AD 2020–0021 refers to flight hours (FH), this AD requires using hours time-in-service.

(4) Where paragraph (1) of EASA AD 2020–0021 requires doing inspections ''in accordance with the instructions of the ASB [alert service bulletin],'' this AD requires accomplishing a visual inspection for any hydraulic fluid leak at the TRH boot.

(5) Where EASA AD 2020–0021 refers to February 28, 2004 (the effective date of Direction Générale de l'Aviation Civile (DGAC) AD F–2004–031, dated February 18, 2004), this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(j) Related Information

(1) For EASA AD 2020–0021, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0333.

(2) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza SW, Washington, DC 20024; phone: 202–267–9167; email: *hal.jensen@faa.gov.*

Issued on April 15, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08182 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0314; Project Identifier MCAI–2020–00599–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Model EC155B1 helicopters. This proposed AD was prompted by a report of difficulties when jettisoning the co-pilot door during non-scheduled maintenance. This proposed AD would require a functional check of the pilot and co-pilot door jettisoning system and corrective actions if necessary, as specified in a European Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 24, 2021.

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

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

For material that is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov*

by searching for and locating Docket No. FAA–2021–0314.

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–2021–0314; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0314; Project Identifier MCAI–2020–00599–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA (now European Union Aviation Safety Agency), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2015–0157, dated July 30, 2015 (EASA AD 2015–0157) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for Airbus Helicopters Model EC 155 B1 helicopters, all serial numbers delivered after manufacturing before June 30, 2015, and equipped with a pilot or co-pilot door jettisoning system in accordance with Airbus Helicopters Modification POST MOD 0752C05, except helicopters on which Aircraft Maintenance Manual (AMM) Task 52–11–00–712 was accomplished on both pilot and co-pilot doors since the last crew door installation.

This proposed AD was prompted by a report of difficulties when jettisoning the co-pilot door during non-scheduled maintenance. The FAA is proposing this AD to address jamming of the affected door jettisoning mechanism, which could reduce the ability of the flightcrew to evacuate in the event of an emergency situation. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2015–0157 describes procedures for doing a functional check of the pilot and co-pilot door jettisoning system and corrective actions. The corrective actions include greasing the tenons and restoring the jettison system. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2015–0157, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2015–0157 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2015–0157 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2015–0157 that is required for compliance with EASA AD 2015–0157 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0314 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 14 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
8 work-hours × $85 per hour = $680	$0	$680	$9,520

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$0	$85

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2021–0314; Project Identifier MCAI–2020–00599–R.

(a) Comments Due Date

The FAA must receive comments by May 24, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Helicopters Model EC155B1 helicopters, certificated in any category, all serial numbers manufactured before June 30, 2015, and equipped with a pilot or co-pilot door jettisoning system in accordance with Airbus Helicopters modification POST MOD 0752C05, except helicopters on which Aircraft Maintenance Manual (AMM) task 52–11–00–712 was accomplished on both pilot and co-pilot doors since the last crew door installation.

(d) Subject

Joint Aircraft System Component (JASC) Code 5210, Passenger/Crew Doors.

(e) Reason

This AD was prompted by a report of difficulties when jettisoning the co-pilot door during non-scheduled maintenance. The FAA is issuing this AD to address jamming of the affected door jettisoning mechanism, which could reduce the ability of the flightcrew to evacuate in the event of an emergency situation.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2015–0157, dated July 30, 2015 (EASA AD 2015–0157).

(h) Exceptions to EASA AD 2015–0157

(1) Where EASA AD 2015–0157 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2015–0157 does not apply to this AD.

(3) Where EASA AD 2015–0157 refers to flight hours (FH), this AD requires using hours time-in-service.

(4) Where paragraph (2) of EASA AD 2015–0157 provides an option to contact Airbus Helicopters for approved instructions and accomplish those instructions, for this AD, the option is to repair the jettison system in accordance with FAA-approved procedures.

(5) Where the service information referenced in EASA AD 2015–0157 specifies to ''speak to Airbus Helicopters,'' this AD requires repairing the jettison system in accordance with FAA-approved procedures.

(6) Where the service information referenced in EASA AD 2015–0157 specifies to discard certain parts, this AD requires removing the parts from service instead.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the Manager of the International Validation Branch, send it to: Manager, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-AVS-AIR-730-AMOC@faa.gov.*

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

(j) Related Information

(1) For EASA AD 2015–0157, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0314.

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

Issued on April 14, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–08179 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0276; Airspace Docket No. 21–ACE–1]

RIN 2120–AA66

Proposed Amendment, Establishment, and Revocation of Multiple Air Traffic Service (ATS) Routes in the Vicinity of Neosho, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Jet Route J–181 and VHF Omnidirectional Range (VOR) Federal airways V–13, V–14, V–15, and V–307; establish Area Navigation (RNAV) routes T–411 and T–413; and remove VOR Federal airway V–506. The FAA is proposing this action due to the planned decommissioning of the VOR portion of the Neosho, MO (EOS), VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID). The Neosho VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before June 7, 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–2021–0276; Airspace Docket No. 21–ACE–1 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the National Airspace System (NAS) as necessary to preserve the safe and efficient flow of air traffic.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2021–0276; Airspace Docket No. 21–ACE–1) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0276; Airspace Docket No. 21–ACE–1.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments

received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX, 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning to decommission the Neosho, MO, VOR in January 2022. The Neosho VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082.

Although the VOR portion of the Neosho VOR/DME is planned for decommissioning, the co-located DME portion of the NAVAID is being retained to support NextGen PBN flight procedure requirements.

The air traffic service (ATS) routes effected by the Neosho VOR decommissioning are Jet Route J–181 and VOR Federal airways V–13, V–14, V–15, V–307, and V–506. With the planned decommissioning of the Neosho VOR, the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected ATS routes. As such, proposed modifications to J–181, V–13, V–14, V–15, and V–307 would result in gaps in those routes and to V–506 would result in revocation of that airway. To overcome the ATS route gaps and revoked airway, instrument flight rules (IFR) traffic could use portions of adjacent ATS routes, including J–24, J–87, V–63, V–71, V–88, V–131, V–140, V–161, V–190, and V–527, or receive air traffic control (ATC) radar vectors to fly around or through the affected area. Additionally, IFR pilots equipped with RNAV capabilities could also navigate point to point using the existing fixes that would remain in place to support continued operations though the affected area. Visual flight rules (VFR) pilots who elect to navigate via the affected ATS routes could also take advantage of the adjacent ATS routes or ATC services listed previously.

Further, the FAA proposes to establish RNAV routes T–411 and T–413 between the Razorback, AR, VORTAC and Lincoln, NE, VORTAC and between the Razorback, AR, VORTAC and Pierre, SD, VORTAC, respectively. The T-routes would, in part, mitigate the proposed removal of the V–13 segment between the Razorback, AR, VORTAC and the Butler, MO, VORTAC as noted above (T–411) and provide a non-radar route in the absence of Federal airways between the Neosho, MO, VOR/DME and the Salina, KS, VORTAC (T–413). The proposed new T-routes would also provide airspace users equipped with RNAV an en route structure between the Fayetteville, AR, area northward to the Lincoln, NE, area and between the Fayetteville, AR, area northwestward to the Pierre, SD, area. Lastly, the proposed new T-routes would support the FAA's NextGen efforts to modernize the NAS navigation system from a ground-based system to a satellite-based system.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend Jet Route J–181 and VOR Federal airways V–13, V–14, V–15, and V–307; establish RNAV routes T–411 and T–413; and remove VOR Federal airway V–506 due to the planned decommissioning of the Neosho, MO, VOR. The proposed ATS route actions are described below.

J–181: J–181 currently extends between the Ranger, TX, VOR/Tactical Air Navigation (VORTAC) and the Bradford, IL, VORTAC. The FAA proposes to remove the route segment between the Okmulgee, OK, VOR/DME and the Hallsville, IL, VORTAC. The unaffected portions of the existing route would remain as charted.

V–13: V–13 currently extends between the McAllen, TX, VOR/DME and the Farmington, MN, VORTAC; and between the Duluth, MN, VORTAC and the Thunder Bay, ON, Canada VOR/DME. The airspace within Canada is excluded. The FAA proposes to remove the airway segment between the Razorback, AR, VORTAC and the Butler, MO, VORTAC. The unaffected portions of the existing airway would remain as charted.

V–14: V–14 currently extends between the Chisum, NM, VORTAC and the Flag City, OH, VORTAC; and between the Buffalo, NY, VOR/DME and the Norwich, CT, VOR/DME. The FAA proposes to remove the airway segment between the Tulsa, OK, VORTAC and the Springfield, MO, VORTAC. Additional changes to other portions of the airway have been proposed in two separate NPRMs. The unaffected portions of the existing airway would remain as charted.

V–15: V–15 currently extends between the Navasota, TX, VOR/DME and the Bonham, TX, VORTAC; between the Okmulgee, OK, VOR/DME and the Neosho, MO, VOR/DME; and between the Aberdeen, SD, VOR/DME and the Minot, ND, VOR/DME. The FAA proposes to remove the airway segment between the Okmulgee, OK, VOR/DME and the Neosho, MO, VOR/DME. The unaffected portions of the existing airway would remain as charted.

V–307: V–307 currently extends between the Harrison, AR, VOR/DME and the Omaha, IA, VORTAC. The FAA proposes to remove the airway segment between the Harrison, AR, VOR/DME and the Oswego, KS, VOR/DME. The unaffected portions of the existing airway would remain as charted.

V–506: V–506 currently extends between the Tulsa, OK, VORTAC and the Springfield, MO, VORTAC. The FAA proposes to remove the airway in its entirety.

T–411: T–411 is a proposed new route that would extend between the Razorback, AR, VORTAC and the Lincoln, NE, VORTAC. This T-route would mitigate the loss of the V–13 airway segment proposed to be removed and provide RNAV routing capability

from the Fayetteville, AR, area northward to the Lincoln, NE, area.

T–413: T–413 is a proposed new route that would extend between the Razorback, AR, VORTAC and the Pierre, SD, VORTAC. This T-route would provide a non-radar route in the absence of Federal airways between the Neosho, MO, VOR/DME and the Salina, KS, VORTAC, as well as RNAV routing capability from the Fayetteville, AR, area, northwestward to the Pierre, SD, area.

All NAVAID radials listed in the ATS route descriptions below are unchanged and stated in True degrees.

Jet Routes are published in paragraph 2004, VOR Federal airways are published in paragraph 6010(a), and RNAV T-routes are published in paragraph 6011 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 ATS routes listed in this document would 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 proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 2004 Jet Routes.

* * * * *

J–181 [Amended]

From Ranger, TX; to Okmulgee, OK. From Hallsville, MO; INT Hallsville 053° and Bradford, IL, 219° radials; to Bradford.

* * * * *

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–13 [Amended]

From McAllen, TX; INT McAllen 060° radial and Corpus Christi, TX, 178° radials; Corpus Christi; INT Corpus Christi 039° and Palacios, TX, 241° radials; Palacios; Humble, TX; Lufkin, TX; Belcher, LA; Texarkana, AR; Rich Mountain, OK; Fort Smith, AR; INT Fort Smith 006° and Razorback, AR, 190° radials; to Razorback. From Butler, MO; Napoleon, MO; Lamoni, IA; Des Moines, IA; Mason City, IA; to Farmington, MN. From Duluth, MN; to Thunder Bay, ON, Canada. The airspace outside the United States is excluded.

* * * * *

V–14 [Amended]

From Chisum, NM; Lubbock, TX; Childress, TX; Hobart, OK; Will Rogers, OK; INT Will Rogers 052° and Tulsa, OK, 246° radials; to Tulsa. From Springfield, MO; Vichy, MO; INT Vichy 067° and St. Louis, MO, 225° radials; St. Louis; Vandalia, IL; Terre Haute, IN; Brickyard, IN; Muncie, IN; to Flag City, OH. From Buffalo, NY; Geneseo, NY; Georgetown, NY; INT Georgetown 093° and Albany, NY, 270° radials; Albany; INT Albany 084° and Gardner, MA, 284° radials; Gardner; to Norwich, CT.

* * * * *

V–15 [Amended]

From Navasota, TX; College Station, TX; Waco, TX; Cedar Creek, TX; to Bonham, TX. From Aberdeen, SD; Bismarck, ND; to Minot, ND.

* * * * *

V–307 [Amended]

From Oswego, KS; Chanute, KS; Emporia, KS; INT Emporia 336° and Pawnee City, NE, 194° radials; Pawnee City; to Omaha, IA.

* * * * *

V–506 [Removed]

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–411 Razorback, AR (RZC) to Lincoln, NE (LNK) [New]

Razorback, AR (RZC)	VORTAC	(Lat. 36°14′47.14″ N, long. 094°07′17.01″ W)
DROOP, MO	FIX	(Lat. 37°06′09.12″ N, long. 094°26′42.39″ W)
Butler, MO (BUM)	VORTAC	(Lat. 38°16′19.49″ N, long. 094°29′17.74″ W)
Topeka, KS (TOP)	VORTAC	(Lat. 39°08′13.48″ N, long. 095°32′57.01″ W)
Lincoln, NE (LNK)	VORTAC	(Lat. 40°55′25.66″ N, long. 096°44′31.23″ W)

T–413 Razorback, AR (RZC) to Pierre, SD (PIR) [New]

Razorback, AR (RZC)	VORTAC	(Lat. 36°14′47.14″ N, long. 094°07′17.01″ W)
DROOP, MO	FIX	(Lat. 37°06′09.12″ N, long. 094°26′42.39″ W)
Emporia, KS (EMP)	VORTAC	(Lat. 38°17′28.11″ N, long. 096°08′17.22″ W)
Salina, KS (SLN)	VORTAC	(Lat. 38°55′30.50″ N, long. 097°37′16.80″ W)
Grand Island, NE (GRI)	VOR/DME	(Lat. 40°59′02.50″ N, long. 098°18′53.20″ W)
ISTIQ, NE	WP	(Lat. 41°24′52.04″ N, long. 098°24′18.89″ W)
LLUKY, NE	WP	(Lat. 42°29′20.26″ N, long. 098°38′11.44″ W)
MMINI, NE	WP	(Lat. 42°53′07.44″ N, long. 099°37′35.54″ W)
JMBAG, SD	WP	(Lat. 43°30′45.88″ N, long. 100°08′45.77″ W)
Pierre, SD (PIR)	VORTAC	(Lat. 44°23′40.40″ N, long. 100°09′46.11″ W)

Issued in Washington, DC.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–08284 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM20–16–000]

Managing Transmission Line Ratings; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: The Federal Energy Regulatory Commission published a notice of proposed rulemaking in the **Federal Register** of January 21, 2021, seeking comments on reforming both the *pro forma* Open Access Transmission Tariff and the Commission's regulations under the Federal Power Act to improve the accuracy and transparency of transmission line ratings. As published in the **Federal Register**, the paragraph number for paragraph 66 was incorrectly omitted and all paragraphs subsequent to paragraph 66 were incorrectly numbered. This correction corrects the paragraph numbers.

DATES: The comments were due March 22, 2021.

FOR FURTHER INFORMATION CONTACT: Ryan Stroschein, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. (202) 502–8099

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of January 21, 2021 at 86 FR 6420 in FR Doc. 2020–26107, on page 6430, in the first column, correct the paragraph that begins ''NRECA states that while it would support a reasoned approach to implementing transmission line rating changes, it does not support a Commission mandate to implement either AARs or DLRs . . . .'' by inserting paragraph number 66 at the beginning of that paragraph. Further, amend each paragraph number subsequent to corrected paragraph number 66 in the notice of proposed rulemaking so as to display them in an accurate numerical order.

Dated: April 15, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08236 Filed 4–21–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 300

[REG–114615–16]

RIN 1545–BP75

User Fee for Estate Tax Closing Letter; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to a notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking (REG–114615–16) that was published in the **Federal Register** on December 31, 2020. The proposed regulations establishing a new user fee for authorized persons who wish to request the issuance of IRS Letter 627, also referred to as an estate tax closing letter.

DATES: Written or electronic comments and requests for a public hearing are still being accepted and must be received by March 1, 2021.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–114615–16) by following the online instructions for submitting comments. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The IRS expects to have limited personnel available to process public comments that are submitted on paper through mail. The Department of the Treasury (the ''Treasury Department'') and the IRS will publish for public availability any comment submitted electronically, and to the extent practicable on paper, submissions to: CC:PA:LPD:PR (REG–114615–16), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning submissions of comments and/or requests for a public hearing, Regina Johnson, at (202) 317–5177; concerning cost methodology, Michael Weber, at (202) 803–9738; concerning the proposed regulations, Juli Ro Kim, at (202) 317–6859 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of this correction are under section 6103 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed regulations (REG–114615–16) contains an error that needs to be corrected.

Correction of Publication

■ Accordingly, the notice of proposed rulemaking (REG–114615–16) that is the subject of FR Doc. 2020–28931, published on December 31, 2020 at (85 FR 86871), is corrected to read as follows:

On page 86876, in the first column, the second line under the caption ''Statement of Availability of IRS Documents,'' the language ''Rulings notices'' is corrected to read ''Rulings, Notices''.

Crystal Pemberton,

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

[FR Doc. 2021–08390 Filed 4–21–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[SATS No. TX–072–FOR; Docket ID: OSM–2020–0006; S1D1S SS08011000 SX064A000 212S180110; S2D2S SS08011000 SX064A000 21XS501520]

Texas Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposes administrative revisions to its regulations to update, correct, and clarify existing rules. These proposals change language to gender neutral, update terms and definitions for consistency with existing Federal and

State regulations, and correct references internal and external to the document.

This document gives the times and locations where the Texas program documents and this proposed amendment to that program are available for your inspection, establishes the comment period during which you may submit written comments on the amendment, and describes the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., CDT, May 24, 2021. If requested, we will hold a public hearing on the amendment on May 17, 2021. We will accept requests to speak at a hearing until 4:00 p.m., CDT on May 7, 2021.

ADDRESSES: You may submit comments, identified by SATS No. TX–072–FOR, by any of the following methods:

- *Mail/Hand Delivery:* Joseph R. Maki, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128–4629.
- *Fax:* (918) 581–6419.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM–2020–0006. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Texas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Tulsa Field Office, or the full text of the program amendment is available for you to review at *www.regulations.gov.*

Joseph R. Maki, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128–4629, Telephone: (918) 581–6430, Email: *jmaki@osmre.gov*

In addition, you may review a copy of the amendment during regular business hours at the following location:

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711–2967, Telephone: (512) 463–6900

FOR FURTHER INFORMATION CONTACT: Joseph R. Maki, Director, Tulsa Field Office. Telephone: (918) 581–6430, email: *jmaki@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Texas Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program in the **Federal Register**, 45 FR 12998 (February 27, 1980). You can also find later actions concerning the Texas program and program amendments at 30 CFR 943.10, 943.15, and 943.16.

II. Description of the Proposed Amendment

By letter dated August 28, 2020 (Administrative Record No. TX–708), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Texas proposes to revise its regulations at 16 Texas Administrative Code (TAC) section 12 to update, clarify, and correct existing rules.

1. Changes to §§ 12.3(89), 12.3(122), and 12.679 make the language gender neutral.

2. Twenty changes within the document were made to update terms for consistency with the relevant Texas licensing boards. ''Registered professional engineer'' and ''geologist'' are no longer used.

3. Changes in § 12.4 ensure that the regulation is consistent with the Texas Administrative Procedure Act (Texas Government Code Chapter 2001), which requires a written decision within 60 days from receipt of the petition, rather than 90 days as required by the Railroad Commission of Texas's current rule and the Federal counterpart.

4. Changes to § 12.106(b), so that an application for renewal is filed at least 120 days before the expiration of the permit and is better aligned with the Federal counterpart regulation and State statute.

5. The clarifying change to § 12.108 ensures that permits are updated to reflect current bonded acreage after a hearing to release acreage from reclamation.

6. Changes to §§ 12.121 and 12.161 add a requirement to provide the permit's expiration date.

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Texas State program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final program will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

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.

Public Hearing

If you wish to request or speak at a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., CDT on May 7, 2021. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993, the approval of state program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Alfred L. Clayborne,

Regional Director, Interior Regions 3, 4 and 6.

[FR Doc. 2021–08331 Filed 4–21–21; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2019–0618 and EPA–R04–OAR–2019–0619; FRL–10022–87–Region 4]

Air Plan Approval; TN; Removal of Vehicle I/M Program; Middle Tennessee Area and Hamilton County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: Through this supplemental notice of proposed rulemaking (''supplemental proposal'' or ''SNPRM''), the Environmental Protection Agency (EPA) is seeking public comment on the Agency's additional and clarified technical rationale related to the proposed approval of Tennessee's February 26, 2020, state implementation plan (SIP) revisions requesting the removal of Tennessee's motor vehicle inspection and maintenance (I/M) program requirements for Davidson, Sumner, Rutherford, Williamson, and Wilson Counties in Tennessee (also known as the Middle Tennessee Area) and Hamilton County (also known as the Chattanooga Area), from the federally-approved SIP. Specifically, EPA proposes to affirm that the Hamilton County and Middle Tennessee areas would continue to attain and maintain the national ambient air quality standards (NAAQS or standards) after removal of the I/M program, and to rely on an emissions inventory comparison to inform its determination that both areas would continue to attain and maintain the ozone and carbon monoxide (CO) NAAQS. EPA is further proposing to conclude that the removal of the I/M program will not interfere with other states' ability to attain and maintain the 2008 ozone NAAQS under the good neighbor provision of the Clean Air Act (CAA or Act) and providing additional information related to that conclusion. EPA is now taking comment on the use of this comparison and additional information in this supplemental proposal.

DATES: Written comments must be received on or before May 24, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2019–0618 (Middle Tennessee Area) or EPA–R04–OAR–2019–0619 (Hamilton County), at *www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public dockets. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Lynorae Benjamin, Chief, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9040. Ms. Benjamin can also be reached via electronic mail at *benjamin.lynorae@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background for This Supplemental Proposal

EPA published notices of proposed rulemaking (NPRMs) on June 8, 2020, and June 11, 2020, responding to Tennessee's February 26, 2020, SIP revision requests [1] that EPA approve removal of the I/M program [2] from the Tennessee SIP for Hamilton County and the Middle Tennessee Area, respectively. Notably, Tennessee requested that the Tennessee Air Pollution Control Regulations (TAPCR) 1200–03–29 and Davidson County's Regulation 8 be removed from the Tennessee SIP.[3] *See* 85 FR 35037 and 85 FR 35607 for additional background. The June 8, 2020, and June 11, 2020, NPRMs (hereinafter referred to as the June 2020 NPRMs) were based on EPA's proposed findings that the removal of the I/M program from the Tennessee SIP for the Middle Tennessee Area and for Hamilton County satisfies section 110(l) of the Clean Air Act (CAA) (*i.e.,* will not interfere with any applicable requirement concerning attainment of any NAAQS and reasonable further progress, or any applicable requirements of the CAA). Comments closed on the NPRMs on July 8, 2020, and July 13, 2020, respectively.[4]

II. CAA Section 110(l) Analysis

EPA is clarifying that although Tennessee included photochemical modeling sensitivity analyses to provide additional weight of evidence in its February 26, 2020, SIP revisions, and EPA described those analyses in the June 2020 NPRMs, the photochemical modeling sensitivity analyses were not required and were not intended as the basis for EPA's proposed determinations that removal of the I/M program from Hamilton County and the Middle Tennessee Area would not interfere with attainment or maintenance of the NAAQS or any other applicable CAA requirements. EPA's proposed finding that these removals satisfy CAA section 110(l) is based on the technical analyses presented below, which are consistent with and provide additional support for the proposed conclusions set forth in the June 2020 NPRMs.

EPA's CAA section 110(l) non-interference demonstration supporting its proposed approval of Tennessee's SIP revisions seeking removal of the I/M program in Hamilton County and the Middle Tennessee Area focuses on ozone (through its precursors nitrogen oxides (NO_X) and volatile organic compounds (VOC)) and CO, the criteria pollutants addressed by I/M programs.[5] I/M programs are not designed to address lead and sulfur dioxide (SO_2) emissions, and nitrogen dioxide (NO_2) is captured generally through consideration of NO_X impacts. While EPA considers NO_X, VOCs, ammonia, and SO_2 as precursors for particulate matter (PM), PM formation in Tennessee is dominated by emissions of SO_2, reacting in the atmosphere to form sulfates, and not by emissions of NO_X, VOCs, or ammonia. However, NO_X and VOC increases are considered through the analysis for ozone. Although Tennessee is NO_X-limited [6] for ozone formation, EPA also evaluated VOC emissions to be environmentally conservative.

EPA is using an emissions inventory comparison to inform its determination of whether Hamilton County and the Middle Tennessee Area would continue to attain and maintain the ozone and CO NAAQS after removal of the I/M program. Tennessee chose 2022 as the future year for the State's non-interference demonstrations.[7] Tennessee's non-interference demonstration utilized EPA's Motor Vehicle Emission Simulator (MOVES) modeling system, specifically MOVES2014b, to estimate ozone precursor emissions for mobile sources—both on-road and non-road.[8] In general, an emissions comparison approach is a reasonable and valid approach to determining whether an area removing an I/M program can maintain the NAAQS and is very similar to the maintenance demonstrations that support the redesignations of areas from nonattainment to attainment and 10-year maintenance plans that are required for redesignated areas. EPA is comparing future year emissions (following the removal of the I/M program) to emissions in a base year with an attaining design value.[9] If the total future year emissions for the relevant pollutant(s)/precursor(s) are less than the total base year emissions, EPA considers that to be a sufficient and reasonable demonstration that the area will maintain the NAAQS where the base year emissions are at a level sufficient to achieve the NAAQS. EPA is proposing to conclude that these analyses, as described below, provide further support for the conclusions set forth in the June 2020 NPRMs. CAA section 110(l) demonstrations are case-specific and, in the case of the Tennessee I/M SIP revisions, modeling

[1] EPA officially received Tennessee's I/M SIP revisions on February 27, 2020.

[2] Tennessee requested that EPA remove the requirements for the Middle Tennessee Area and Hamilton County to implement an I/M program as part of the Early Action Compact (EAC) that was approved by EPA into the non-regulatory portion of the Tennessee SIP on August 26, 2005. *See* 70 FR 50199. With respect to the Middle Tennessee Area, the I/M program was identified in the EAC as an existing control strategy in the SIP.

[3] Tenn. Code Ann. § 68–201–119(c) allows Tennessee counties to retain local I/M programs under certain conditions. As Tennessee is requesting removal of the I/M program from the SIP, EPA's analysis in this supplemental proposal assumes that no I/M program will be implemented in the Middle Tennessee Area and Hamilton County. However, this proposed action does not preclude local I/M programs from being retained at a local level outside of the SIP.

[4] On January 19, 2021, former EPA Region 4 Administrator Mary Walker signed a document, which EPA posted to its website at *https://www.epa.gov/sips-tn/epa-approval-tennessees-requests-remove-inspection-and-maintenance-im-program-tennessee.* EPA noted in that posting "Notwithstanding the fact that the EPA is posting a pre-publication version, the final rule will not be promulgated until published in the **Federal Register**." EPA will not publish that document in the **Federal Register**; therefore, it will not result in a final rule.

[5] The total suite of CAA criteria pollutants are ozone (through the precursors NO_X and VOCs), CO, PM (and its precursors—NO_X, VOCs, ammonia, and SO_2), lead, SO_2, and NO_2.

[6] The term "NO_X limited" means that changes in anthropogenic VOC emissions have little effect on ozone formation. Control of NO_X and VOC are generally considered the most important components of an ozone control strategy, and NO_X and VOC make up the largest controllable contribution to ambient ozone formation. However, Tennessee has shown a greater sensitivity of ground-level ozone to NO_X controls rather than VOC controls. This is due to high biogenic VOC emissions compared to anthropogenic VOC emissions in Tennessee. Therefore, implemented control measures have focused on the control of NO_X emissions.

[7] EPA notes that Tennessee did an analysis of emissions between 2022 and 2030 without I/M to determine the potential impact of on mobile emissions. Tennessee's analysis shows that in the Middle Tennessee Area emissions decrease by 35 percent for NO_X, 24 percent for VOC, and 30 percent for CO; and that in Hamilton County emissions decrease by 45 percent for NO_X, 33 percent for VOC, and 40 percent for CO. This analysis is provided in the dockets for this proposed rulemaking as weight of evidence.

[8] EPA reviewed the MOVES2014b modeling that was submitted by Tennessee to support the non-interference demonstration and concluded that the State used appropriate assumptions for the model and performed the modeling in accordance with EPA's MOVES Technical Guidance. *See* EPA's July 2014 "Policy Guidance on the Use of MOVES2014 for State Implementation Plan Development, Transportation Conformity, and Other Purposes," available at *https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100K4EB.pdf.* MOVES2014b was the latest version available at the time of Tennessee's SIP revision. *See* EPA's November 2020 "Policy Guidance on the Use of MOVES3 for State Implementation Plan Development, Transportation Conformity, General Conformity, and Other Purposes (EPA–420–B–20–044)," available at *https://www.epa.gov/sites/production/files/2020-11/documents/420b20044_0.pdf* (noting that "[s]tates should use the latest version of MOVES that is available at the time that a SIP is developed.").

[9] Design values are how EPA measures compliance with the NAAQS.

is not required to demonstrate non-interference.

A. Middle Tennessee Area

The Middle Tennessee Area is currently in attainment with all NAAQS.[10] As presented in Table 1, past design values (*i.e.,* prior to October 1, 2015) have demonstrated attainment of the 2008 8-hour ozone NAAQS (*i.e.,* the applicable NAAQS at that time), and recent design values have demonstrated attainment of the 2015 8-hour ozone NAAQS in the Middle Tennessee Area.

TABLE 1—MIDDLE TENNESSEE AREA OZONE MONITOR DESIGN VALUES ***

Site name	Ozone design value, parts per billion (ppb)					
	2012–2014	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019
Trinity Lane, Davidson County	(*)	(*)	66	** 65	66	65
Percy Priest, Davidson County	70	65	67	64	67	65
Rockland Recreation Area, Sumner County	72	67	67	66	66	66
Fairview Middle School, Williamson County	66	62	61	60	60	60
Cedars of Lebanon State Park, Wilson County	67	62	64	63	(*)	(*)

* No valid design value due to incomplete data. The Cedars of Lebanon site had incomplete data in 2018 because there was an issue following the installation of a new monitoring shelter, and TDEC invalidated data collected before the issue was corrected. The East Health/Trinity Lane site had incomplete data in 2013.

** In the June 11, 2020, NPRM (85 FR 35607), EPA inadvertently stated that the 2015–2017 design value was 66 ppb. The correct value is 65 ppb.

*** The Middle Tennessee Area was in attainment with the most stringent ozone NAAQS effective during the time period of the design value. 2012–2014 and 2013–2015 design values were attaining the 2008 8-hour ozone NAAQS of 0.075 parts per million (ppm). EPA notes that the 2015 8-hour ozone NAAQS of 0.070 ppm was not in effect until October 1, 2015, and all design values after this date attained the 2015 8-hour ozone standard.

Also, design values for Tennessee for the 1-hour (see Table 2) and 8-hour (see Table 3) CO NAAQS in 2019 were 1.8 ppm and 1.6 ppm, respectively, which are less than 20 percent of the CO NAAQS for both the 1-hour and 8-hour standards.

TABLE 2—MIDDLE TENNESSEE AREA CO MONITOR 1-HOUR DESIGN VALUES

Site name	CO 1-hr design value, ppm **						
	2012–2013	2013–2014	2014–2015	2015–2016	2016–2017	2017–2018	2018–2019
Alabama Ave. Station, Shelby County	2.4	2.4	1.9	1.9	1.4	(*)	(*)
Great Smoky Mountains NP—Look Rock, Blount County	(*)	(*)	0.3	2.2	2.2	0.3	1.2
Memphis NCORE site, Shelby County	1.3	1.3	1.6	1.6	1.0	1.0	1.0
Broadway, Davidson County	1.9	1.6	(*)	(*)	(*)	(*)	(*)
Near Road, Davidson County	(*)	(*)	1.7	1.7	1.9	1.9	1.8
Near Road Site at Southwest Tennessee Community College, Shelby County	(*)	(*)	4.5	4.5	1.2	1.6	1.6

* Data are not available for all monitors and years due to CO monitor startups and shutdowns during this time period.

** The level of the 1971 1-hour NAAQS for CO is 35 ppm not to be exceeded more than once per year. The design value is evaluated over a 2-year period. Specifically, the design value is the higher of each year's annual second maximum, non-overlapping 1-hour average. Only valid design values are shown.

TABLE 3—MIDDLE TENNESSEE AREA CO MONITOR 8-HOUR DESIGN VALUES

Site name	CO 8-hr design value, ppm **						
	2012–2013	2013–2014	2014–2015	2015–2016	2016–2017	2017–2018	2018–2019
Alabama Ave. Station, Shelby County	1.9	1.9	1.5	1.5	1.2	(*)	(*)
Great Smoky Mountains NP—Look Rock, Blount County	(*)	0.2	0.3	1.2	1.2	0.3	0.6
Memphis NCORE site, Shelby County	0.8	0.8	0.9	0.9	0.7	0.9	0.9
Broadway, Davidson County	1.5	1.2	(*)	(*)	(*)	(*)	(*)
Near Road, Davidson County	(*)	1.2	1.4	1.5	1.5	1.6	1.6
Near Road Site at Southwest Tennessee Community College, Shelby County	(*)	0.6	2.0	2.0	0.7	0.9	0.9

* Data are not available for all monitors and years due to CO monitor startups and shutdowns during this time period.

[10] As mentioned in the June 8, 2020, NPRM, the current design values in the Middle Tennessee Area for PM, NO_2, lead and SO_2 are attaining the NAAQS. In fact, the Middle Tennessee Area has never been designated nonattainment for PM, NO_2, lead, or SO_2. The increases in NO_X and VOC emissions without the I/M program in 2022 in comparison to with the I/M program in 2022 are not expected to cause a concern for PM, NO_2, lead and SO_2 compliance in the Middle Tennessee Area. As discussed more in this notice, no reductions or emissions benefits are attributable to the I/M program for PM, lead, and SO_2 in the Middle Tennessee Area, and the total emissions increases in NO_X (of which NO_2 is a component) in 2022 without the program is less than the total emissions in 2014.

** The level of the 1971 8-hour NAAQS for CO is 9 ppm not to be exceeded more than once per year. The design value is evaluated over a two-year period. Specifically, the design value is the higher of each year's annual second maximum, non-overlapping 8-hour average. Only valid design values are shown.

Monitoring data for 2020 are not yet certified, but preliminary data remain consistent with attainment of the ozone and CO NAAQS.

To support a demonstration of non-interference for the Middle Tennessee Area, EPA is using 2014 as an attainment base year [11] and comparing the total emissions of NO_X, VOC, and CO to the total emissions of these pollutants in 2022, the first full year in which the I/M program in the Middle Tennessee Area is expected to no longer exist. EPA chose 2014 because the 2014 point, non-road, and non-point data provided in Tennessee's February 26, 2020, submissions were the most current data available to the State at the time of the development of these SIP revisions. The mobile emissions were generated utilizing MOVES2014b, the applicable mobile emissions model at the time of the development of the SIP revision. For consistent comparisons, EPA obtained the 2014 mobile emissions submitted by Tennessee from EPA's Emissions Inventory System (EIS). Table 4 provides a summary for the Middle Tennessee Area of the total emissions for NO_X, VOC, and CO in 2014; total emissions for NO_X, VOC, and CO in 2022 with the I/M program; and total emissions for NO_X, VOC, and CO in 2022 without the I/M program.

TABLE 4—MIDDLE TENNESSEE AREA EMISSIONS (TONS PER YEAR (tpy))

Sector	2014 Emissions			2022 Projected emissions with I/M			2022 Projected emissions without I/M		
	NO_X	VOC	CO	NO_X	VOC	CO	NO_X	VOC	CO
Onroad	27,499	12,497	135,844	11,309	4,780	71,816	11,788	5,373	82,184
Point	8,040	3,803	2,568	4,455	3,867	2,696	4,455	3,867	2,696
Nonroad	8,339	5,638	56,497	5,413	3,451	49,105	5,413	3,451	49,105
Non-Point	3,702	19,716	41,375	3,504	22,690	45,833	3,504	22,690	45,833
Total	47,580	41,654	236,284	24,681	34,788	169,450	25,160	35,382	179,818
Percent reduction from 2014 emissions:							47.1%	15.1%	23.9%

As stated in EPA's June 11, 2020, NPRM, for 2022, the removal of the I/M program accounts for a small increase in NO_X and VOC on-road emissions. The difference in NO_X emissions in 2022, with and without the I/M program, is 479 tpy for NO_X and 594 tpy for VOC. However, the total NO_X emissions in 2022 without the I/M program are 22,420 tpy less than the total NO_X emissions in 2014, and total VOC emissions in 2022 without the I/M program are 6,272 tpy less than the total VOC emissions in 2014. For CO, the difference in emissions in 2022, with and without the I/M program, is 10,368 tpy. However, the total CO emissions without the I/M program are 56,466 tpy less than the total CO emissions in 2014. Even without the I/M program in 2022, emissions of NO_X, VOC, and CO are projected to decrease by 47.1 percent, 15.1 percent, and 23.9 percent, respectively, from 2014 levels.

Because 2022 total emissions without the I/M program are projected to be less than the total 2014 emissions, EPA proposes to conclude that removal of the I/M program in the Middle Tennessee Area will not interfere with attainment or maintenance of the NAAQS or any other applicable CAA requirements. Additionally, as shown in Table 1, the highest ozone design value associated with 2014 is 6 ppb above the most recently available ozone design value for 2017–2019, thereby providing an additional buffer, and the 2017–2019 ozone design value is at least 4 ppb below the level of the 2015 8-hour ozone NAAQS of 70 ppb. EPA is proposing to conclude that it is reasonable to expect emissions that are 22,420 tpy less than 2014 NO_X emissions and 6,272 tpy less than 2014 VOC emissions would not cause ozone levels to exceed the current 2015 8-hour ozone NAAQS. Also, EPA is proposing to conclude that it is reasonable to expect that emissions that are 56,466 tpy less than 2014 CO emissions would not cause CO levels to exceed either the 1-hour or 8-hour CO NAAQS.

B. Hamilton County

Hamilton County is currently in attainment with all NAAQS.[12] As presented in Table 5, past design values (*i.e.,* prior to October 1, 2015) have demonstrated attainment of the 2008 8-hour ozone NAAQS (*i.e.,* the applicable NAAQS at that time), and recent design values have demonstrated attainment of the 2015 8-hour ozone NAAQS in Hamilton County.

[11] As shown in Table 1 above, 2014 is included as one of the years associated with attaining design values for the 2008 8-hour ozone NAAQS (the applicable NAAQS in 2014). Although the 2014 4th highest daily maximum 8-hour ozone concentration is 71 ppb (*i.e.,* higher than the level of the 2015 8-hour ozone NAAQS) at the Percy Priest Dam monitor, EPA believes that 2014 is an acceptable base year given the magnitude of the NO_X and VOC emissions reductions from 2014 to 2022 and the fact that the 2014 4th max was only one ppb higher than the level of the 2015 8-hour ozone standard. *https://www.epa.gov/outdoor-air-quality-data.* EPA also notes that the 2015 8-hour ozone NAAQS was not in effect until October 1, 2015.

[12] As mentioned in the June 8, 2020, NPRM, the current design values in Hamilton County for PM, NO_2, lead, and SO_2 are attaining the NAAQS. In fact, Hamilton County has never been designated nonattainment for NO_2, lead, or SO_2. Hamilton County was previously designated nonattainment for the 1997 p.m. NAAQS but has since attained that NAAQS and is still in compliance. The increases in NO_X and VOC emissions without the I/M program in 2022 in comparison to with the I/M program in 2022 are not expected to cause a concern for PM, NO_2, lead and SO_2 compliance in Hamilton County. As discussed more in this notice, no reductions or emissions benefits are attributable to the I/M program for PM, lead, and SO_2 in Hamilton County, and the total emissions increases in NO_X (of which NO_2 is a component) in 2022 without the program is less than the total emissions in 2014.

TABLE 5—HAMILTON COUNTY OZONE MONITOR DESIGN VALUES

Site name	Ozone design value, ppb *					
	2012–2014	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019
Eastside Utility	69	66	68	67	66	64
Soddy Daisy	67	64	65	65	64	64

* Hamilton County was in attainment with the most stringent ozone NAAQS effective during the time period of the design value. 2012–2014 and 2013–2015 design values were attaining the 2008 8-hour ozone NAAQS of 0.075 ppm. EPA notes that the 2015 8-hour ozone NAAQS of 0.070 ppm was not in effect until October 1, 2015, and all design values after this date attained the 2015 standard.

The Chattanooga Metropolitan Statistical Area (of which Hamilton County is a part) is not required to operate a CO monitor, and there is no historical CO monitoring data in Hamilton County. The highest CO design values in Tennessee during 2018–2019 for the 1-hour and 8-hour CO NAAQS were both measured at the Nashville Near Road site, and were 1.6 ppm (see Table 2 above) and 1.8 ppm (see Table 3 above), respectively, which are less than 20 percent of the CO NAAQS for both the 1-hour and 8-hour standards.

To support a demonstration of non-interference for Hamilton County, EPA is using 2014 as an attainment base year [13] and comparing the total emissions of NO_X, VOC, and CO to the total emissions of these pollutants in 2022, the first full year in which the I/M program in Hamilton County is expected to no longer exist. EPA chose 2014 because the 2014 point, non-road, and non-point data provided in Tennessee's February 26, 2020, submissions, were the most current data available to the State at the time of the development of these SIP revisions. The mobile emissions were generated utilizing MOVES2014b, the applicable mobile emissions model at the time of the development of the SIP revision. For consistent comparisons, EPA obtained the 2014 mobile emissions submitted by Tennessee from EPA's EIS. Table 6 provides a summary for Hamilton County of the total emissions for NO_X, VOC, and CO in 2014; total emissions for NO_X, VOC, and CO in 2022 with the I/M program; and total emissions for NO_X, VOC, and CO in 2022 without the I/M program.

TABLE 6—HAMILTON COUNTY AREA EMISSIONS

Sector	2014 Emissions			2022 Projected emissions with I/M			2022 Projected emissions without I/M		
	NO_X	VOC	CO	NO_X	VOC	CO	NO_X	VOC	CO
Onroad	6,659	3,173	35,539	4,613	2,127	23,875	4,712	2,273	26,854
Point	1,024	664	458	1,314	825	566	1,314	825	566
Nonroad	3,252	1,587	13,594	2,220	935	11,600	2,220	935	11,600
Non-Point	2,037	5,212	7,038	1,220	5,744	7,007	1,220	5,777	7,007
Total	12,972	10,636	56,629	9,367	9,632	43,049	9,467	9,778	46,028
Percent reduction from 2014 emissions:							27.0%	8.1%	18.7%

As stated in the June 8, 2020, NPRM, for 2022, the removal of the I/M program accounts for a small increase in NO_X and VOC on-road emissions. The difference in emissions in 2022, with and without the I/M program, is 100 tpy for NO_X and 146 tpy for VOC. However, the total NO_X emissions in 2022 without the I/M program are 3,505 tpy less than the total NO_X emissions in 2014, and the total VOC emissions in 2022 without the I/M program are 858 tpy less than the total VOC emissions in 2014. For CO, the difference in emissions in 2022 with and without the I/M program is 2,979 tpy. However, the total CO emissions without the I/M program are 10,061 tpy less than the total CO emissions in 2014. Even without the I/M program in 2022, emissions of NO_X, VOC, and CO are expected to decrease by 27.0 percent, 8.1 percent and 18.7 percent, respectively from 2014 levels.

Because 2022 total emissions without the I/M program are less than total 2014 base year emissions, EPA proposes to conclude that removal of the I/M program in Hamilton County will not interfere with attainment or maintenance of the NAAQS or any other applicable requirement of the CAA. Additionally, as shown in Table 5, the highest ozone design value associated with 2014 is 5 ppb above the most recently available ozone design value for 2017–2019, thereby providing an additional buffer, and the 2017–2019 ozone design value is 6 ppb below the level of the 2015 8-hour ozone NAAQS of 70 ppb. EPA is proposing to conclude that it is reasonable to expect emissions that are 3,505 tpy less than 2014 NO_X emissions and 858 tpy less than 2014 VOC emissions would not cause ozone levels to exceed the current 2015 8-hour ozone NAAQS. Also, EPA is proposing to conclude that it is reasonable to expect that emissions that are 10,061 tpy less than 2014 CO emissions would not cause CO levels to exceed either the 1-hour or 8-hour CO NAAQS.

C. Interstate Ozone Transport

EPA proposes to conclude that the changes that would be approved by EPA in this action do not interfere with other states' ability to attain and maintain the 2008 ozone NAAQS under the good neighbor provision, CAA section 110(a)(2)(D)(i)(I). EPA has previously found that the 2016 Cross-State Air Pollution Rule (CSAPR) Update fully resolved Tennessee's good neighbor (or

[13] As shown in Table 5 above, 2014 is one of the years associated with attaining design values for the 2008 8-hour ozone NAAQS of 0.075 ppm. The 2008 8-hour ozone NAAQS was the applicable NAAQS for the 2015 ozone season. EPA notes that the 2015 8-hour ozone NAAQS of 0.070 ppm was not in effect until October 1, 2015.

''transport'') obligations for the 2008 ozone NAAQS. The CSAPR Update addresses NO_X pollution transported to other states that significantly contributes to nonattainment or interferes with maintenance of the 2008 ozone NAAQS.[14] Among other things, the CSAPR Update requires reductions of NO_X from power plants during the annual ozone season from May 1 to September 30 in 22 states, including Tennessee. Although for most covered states, EPA found the CSAPR Update may only partially address the covered states' good neighbor obligations, EPA found the rule fully addresses Tennessee's good neighbor obligation for this NAAQS. *See* 81 FR 74504, 74540. That conclusion was based on an assessment of air quality in the eastern U.S. with implementation of the CSAPR Update, and it accounted for emissions from all source sectors, including mobile sources.

The CSAPR Update was reviewed and generally upheld in *Wisconsin* v. *EPA,* 983 F.3d 303 (D.C. Cir. 2019). The D.C. Circuit remanded the rule without vacatur because, for states other than Tennessee, the rule did not provide a full remedy by the next relevant attainment date under CAA section 181. Thus, the CSAPR Update remains in effect. EPA notes that the aspects of the CSAPR Update affecting Tennessee were not challenged in the litigation over the rule and are not affected by the remand of the rule in *Wisconsin.*

EPA believes the projected increase in mobile source emissions from removal of Tennessee's I/M program does not affect EPA's prior finding in the CSAPR Update that the state of Tennessee has no further interstate transport obligations for the 2008 8-hour ozone NAAQS. As discussed in the sections above, in this supplemental notice, EPA has analyzed the impacts of removing the I/M program in the Middle Tennessee Area and Hamilton County and proposes to find that the largest projected increase in mobile source emissions in these areas would result in a combined projected increase of 579 tons in 2022, or a 2 percent increase in total anthropogenic NO_X emissions in these areas.[15] Therefore, the net change in total anthropogenic emissions across the entire state of Tennessee would be much less than the projected 2 percent increase in NO_X emissions for these areas.

On October 30, 2020, in the notice of proposed rulemaking for the Revised CSAPR Update, which addresses the *Wisconsin* remand, EPA released and accepted public comment on updated 2023 modeling that used a 2016 emissions platform developed under the EPA/Multi-Jurisdictional Organization (MJO)/state collaborative project.[16] In this modeling, EPA found that the highest contribution in 2023 from the entire state of Tennessee to any downwind receptor identified as having a nonattainment or maintenance problem for the 2008 ozone standard is projected to be 0.32 ppb. This amount of contribution is well below the 1 percent of the NAAQS threshold used in EPA's good neighbor framework for determining whether an upwind state contributes to a nonattainment or maintenance receptor under the 2008 ozone NAAQS (*i.e.,* 0.75 ppb).[17]

The small amount of projected increase in NO_X emissions in Tennessee as a result of this action, combined with the fact that the highest modeled contributions from this state are well below the 1 percent threshold, support the conclusion that the projected increase in mobile source emissions does not affect EPA's prior decision that Tennessee has no remaining interstate transport obligations under the 2008 ozone NAAQS.

This supplemental proposed action does not make any finding regarding Tennessee's interstate transport obligations for the 2015 8-hour ozone NAAQS. EPA has not yet taken final action on Tennessee's good neighbor SIP submission for the 2015 8-hour ozone NAAQS.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule amended regulatory text that includes incorporation by reference. EPA is proposing to remove Chapter 1200–3–29—''Light Duty Vehicle Inspection and Maintenance'' located in Table 1—EPA Approved Tennessee Regulations, and Regulation No. 8—''Regulation of Emissions from Light-Duty Motor Vehicles through Mandatory Vehicle Inspection and Maintenance Program,'' located in Table 5—EPA Approved Nashville-Davidson County, Regulations from the Tennessee SIP, which is incorporated by reference in accordance with the requirements of 1 CFR 51.5. EPA has made and will continue to make the SIP generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

IV. Supplemental Proposed Actions

In its June 2020 NPRMs, EPA originally proposed to approve Tennessee's February 26, 2020, SIP revisions to remove the I/M programs for Hamilton County and the Middle Tennessee Area from Tennessee's SIP. EPA continues to propose to find that the removal of the I/M program requirements for Hamilton County and Middle Tennessee are consistent with CAA section 110(l). Additionally, EPA continues to propose to approve the removal of the I/M requirements for Hamilton County and the Middle Tennessee Area from the Tennessee SIP. However, through this SNPRM, EPA is proposing to rely on an additional and clarified technical rationale related to the proposed approval of Tennessee's February 26, 2020 SIP revisions. Specifically, EPA proposes to rely on an emissions inventory comparison to inform its determination of whether Hamilton County and the Middle Tennessee Area would continue to attain and maintain the ozone and CO NAAQS and further affirms that both areas would continue to attain and maintain the other NAAQS after removal of the I/M program. EPA is further proposing to conclude that the proposed removal of the I/M program will not interfere with other states' ability to attain and maintain the 2008 ozone NAAQS under the good neighbor provision and providing information related to that conclusion. EPA is requesting comment on the use of additional and clarified technical analysis in this supplemental proposal.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve SIP submissions

[14] The CSAPR Update is a rule that followed the original CSAPR rulemaking in 2011. CSAPR requires certain states in the eastern half of the U.S. to improve air quality by reducing power plant emissions of NO_X and SO_2 that cross state lines and contribute to smog and soot pollution in downwind states. On September 7, 2016, EPA revised the CSAPR ozone season NO_X program by finalizing an update to CSAPR for the 2008 ozone National Ambient Air Quality Standards, known as the CSAPR Update. The CSAPR Update ozone season NO_X program was designed to largely replace the original CSAPR ozone season NO_X program starting on May 1, 2017, and further reduce summertime NO_X emissions from power plants in the eastern U.S.

[15] In 2022, emissions of VOC are projected to increase by 740 tons, or a 1.7 percent increase in total anthropogenic VOC emissions. In the context of interstate ozone transport, EPA focuses on NO_X as the key ozone precursor pollutant.

[16] *See* 85 FR 68964, 68981. The results of this modeling are included in a spreadsheet in the docket for this action. The underlying modeling files are available for public review in the docket for the Revised CSAPR Update (EPA–HQ–OAR–2020–0272).

[17] On March 15, 2022, Administrator Michael S. Regan signed the final Revised CSAPR Update. The final action relies on the same modeling conducted for the proposed rulemaking and described here. *See https://www.epa.gov/csapr/revised-cross-state-air-pollution-rule-update.*

that comply with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. These actions merely propose to approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: April 13, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–08320 Filed 4–21–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2021–0266; FRL–10022–68–Region 7]

Air Plan Approval; Iowa; State Implementation Plan and State Plans for Designated Facilities and Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Iowa State Implementation Plan (SIP) and is also proposing to approve revisions to the Iowa Operating Permit Program. The revisions include updating definitions, regulatory references, requiring facilities to submit electronic emissions inventory information under the state's Title V permitting program, and updating references for the most recent federally approved minimum specifications and quality assurance procedures for performance evaluations of continuous monitoring systems. EPA is also proposing to approve previous revisions to the Operating Permit Program that allow for electronic document submission that meet EPA's requirements. These revisions will not impact air quality and will ensure consistency between the state and Federally approved rules.

DATES: Comments must be received on or before May 24, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2021–0266 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

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

FOR FURTHER INFORMATION CONTACT: Stephen Krabbe, Environmental Protection Agency, Region 7 Office, Air Quality and Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7991 or by email at *krabbe.stephen@epa.gov.*

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

Table of Contents

I. Written Comments
II. What is being addressed in this document?
III. What SIP revisions are being proposed by EPA?
IV. What operating permit plan revisions are being proposed by EPA?
V. Have the requirements for approval of a SIP and the operating permits program revisions been met?
VI. What actions are proposed?
VII. Incorporation by Reference
VIII. Statutory and Executive Order Reviews

I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2021–0266, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

EPA is proposing to approve a submission from the State of Iowa to

revise its SIP and the Operating Permits Program. On August 12, 2020, the Iowa Department of Natural Resources (IDNR) submitted a request to revise the SIP to incorporate recent changes to Iowa Administrative Code, including provisions relating to electronic submittal of information to IDNR that were revised in previous state rulemakings. The following chapters are impacted:

- Chapter 20, ''Scope of Title—Definitions;''
- Chapter 22, ''Controlling Pollution;''
- Chapter 23, ''Emission Standards for Contaminants;''
- Chapter 25, ''Measurement of Emissions;'' and
- Chapter 33, ''Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality.''

The revision includes a request for EPA to approve references in Chapter 22 to allow for electronic submittal of air quality permit applications, streamlined alternatives to traditional applications, such as registrations, notifications, and template applications, construction permit applications, acid rain permit applications, notifications, emissions inventory, certifications, determination requests, fees, forms, and payments. Iowa previously submitted requests for EPA to approve these provisions into the SIP, but either subsequently withdrew the provisions or EPA did not propose to approve the revisions for reasons discussed in more detail below.

The revision includes the new definitions of ''electronic format'', ''electronic submittal'', and ''electronic submittal format''. The revisions also update the construction permit application provisions to specify the types of submittals that may be included in an electronic submittal option, updates methods and procedures for stack sampling and associated analytical methods, updates the definition of ''volatile organic compounds'' for prevention of significant deterioration (PSD) and updates the applicability of the PSD rule to construction of any new ''major stationary source''. The specific changes and EPA analysis are discussed in more detail below.

In the August 12, 2020 submittal, the State included a request to revise the definition of ''anaerobic lagoons''. On February 3, 2021, the State clarified that it wished to exclude the definition of ''anaerobic lagoons'' from its request to revise the SIP. EPA has not historically approved the definition of ''anaerobic lagoons'' into the Iowa SIP because the CAA does not regulate odors from these units; air releases (odors) from anaerobic lagoons are regulated by the state and local regulations.

Sections 111 and 112 of the Clean Air Act (CAA) allow EPA to delegate authority to states for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs). EPA has delegated authority to Iowa for approved portions of these sections of the CAA. Changes made to Iowa's Chapter 23 pertaining to new and revised NSPS and NESHAPs are not directly approved into the SIP, but rather, are adopted by reference. Thus, EPA is not proposing to approve these changes to Iowa Administrative Code into the state's SIP.

III. What SIP revisions are being proposed by EPA?

EPA is proposing the following revisions to the Iowa SIP:

Chapter 20, Subrule 20.1, Scope of Title-Definitions: The state revised the definition of ''EPA reference method'' to adopt methods for performance test (stack test) and continuous monitoring systems, approved by EPA on November 14, 2018. The update will ensure that state reference methods are equivalent to Federal reference methods; thus, EPA proposes to approve this change.

Chapter 20, Subrule 20.1, Scope of Title-Definitions: The state also revised the definition of ''volatile organic compound'', or ''VOC'' to adopt the definition in 40 CFR 51.100(s) as amended on November 18, 2018; thus, EPA proposes to approve this change.

Chapter 20, Subrule 20.1, Scope of Title-Definitions: The state also adopted the new definition of ''electronic format'' in chapters 20 through 35, to mean a software, internet-based, or other electronic means specified by the department for submitting information or fees. EPA proposes to approve this change.

Chapter 22, subrules 22.1(3): Pursuant to the Cross Media Electronic Reporting Rule (CROMERR) (40 CFR part 3), EPA published a document on December 9, 2015 in the **Federal Register**, approving Iowa's State and Local Emissions Inventory System (SLEIS) for electronic reporting under Parts 51 and 70. 80 FR 76474 (December 9, 2015). As such, EPA is approving the following provision of subrule 22.1(3) which states,

'' References to ''application(s)'', ''certification(s)'', ''determination request(s)'', ''emissions inventory(ies)'', ''fees'', ''form(s)'', ''notification(s)'', ''payment(s)'', ''permit application(s)'', and ''registration(s),'' in rules 567–22.1(455B) through 22.10(455B) may, as specified by the department, include electronic submittal . .''

In addition, the new definition of ''electronic format'' has been adopted to allow electronic submittal of ''application(s),'' ''certification(s),'' ''determination request(s),'' ''emissions inventory(ies),'' ''fees,'' ''form(s),'' ''notification(s),'' ''payment(s),'' ''permit application(s),'' and ''registration(s)'' in rules 567–22.1(455B) through 567–22.10(455B).

Chapter 25, Subrule 25.1(9) Measurement of Emissions: The State revised subrule 25.1(9),''Methods and Procedures,'' to adopt the performance test method as specified in 40 CFR part 51, appendix M (as amended through November 14, 2018); 40 CFR part 60, appendix A (as amended through November 14, 2018); 40 CFR part 61, appendix B (as amended through August 30, 2016); and 40 CFR part 63, appendix A (as amended through November 14, 2018). This subrule was also revised to adopt the minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems as specified in 40 CFR part 60, appendix B (as amended through November 14, 2018); 40 CFR part 60, appendix F (as amended November 14, 2018); 40 CFR part 75, appendix A (as amended through August 30, 2016); 40 CFR part 75, appendix B (as amended through August 30, 2016); and 40 CFR part 75, appendix F (as amended through August 30, 2016). The proposed update will ensure that state reference methods are equivalent to Federal reference methods and are no more stringent than Federal methods; thus, EPA proposes to approve this change.

IV. What operating permits plan revisions are being proposed by EPA?

EPA is proposing to approve the following revisions to the Operating Permits Program:

- Chapter 22, subrules 22.100(455B), and 22.120(455B): Pursuant to CROMERR), EPA published a document on January 31, 2020 in the **Federal Register**, approving Iowa's Environmental Application System for Air (EASY Air) for its operating permits program. January 31, 2020 (85 FR 5657). As such, EPA is approving the new definition of ''electronic format'' for the operating permits program to allow electronic submittal of ''application(s),'' ''certification(s),'' ''determination request(s),'' ''emissions inventory(ies),'' ''fees,'' ''form(s),'' ''notification(s),'' ''payment(s),'' ''permit application(s),'' and ''registration(s)'' in rules 567–22.100(455B) through 567–

22.116(455B), 567–22.120(455B) through 567–22.146(455B).

• Chapter 22, subrule 22.100(455B): Also as discussed above, the definition of ''EPA reference method'' has similarly been revised in definitions for the operating permits program to adopt performance test (stack test) and continuous monitoring systems specified by EPA in 40 CFR part 51, appendix M (as amended through November 14, 2018); 40 CFR part 60, appendix A (as amended through November 14, 2018); 40 CFR part 61, appendix B (as amended through August 30, 2016); and 40 CFR part 63, appendix A (as amended through November 14, 2018), 40 CFR part 60, appendix B (as amended through November 14, 2018); 40 CFR part 60, appendix F (as amended through November 14, 2018); 40 CFR part 75, appendix A (as amended through August 30, 2016); 40 CFR part 75, appendix B (as amended through August 30, 2016); and 40 CFR part 75, appendix F (as amended through August 30, 2016). Referencing the updated method will ensure that state methods are equivalent to federal reference methods; thus, EPA proposes to approve this change.

• Chapter 22, subrule 22.128(4), Submission of copies: Revises the rule to require one copy of the acid rain permit application to either be submitted by mail to the air quality bureau or by electronic submittal. EPA proposes to approve this change.

• Chapter 33, Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality: The State amended subrule 33.3(1) to include a definition of ''volatile organic compounds'' or ''VOC'', which means any compound included in the definition of ''volatile organic compounds'' found at 40 CFR 51.100(s) as amended through November 28, 2018.

• The state also amended 33.3(2) introductory paragraph, ''Applicability'', to update the requirements of this rule (PSD program requirements), which apply to the construction of any new ''major stationary source'' as defined in subrule 33.3(1) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act. In addition to the provisions set forth in rules 567–33.3(455B) through 567–33.9(455B), the provisions of 40 CFR part 51, appendix W (Guideline on Air Quality Models) as amended through January 17, 2017, are adopted by reference.

In the cover letter of its August 12, 2020, SIP revision request, Iowa requested EPA approval of previously submitted rule changes for its electronic document receiving system (now ''Easy Air'') for construction and Title V permit applications, emissions reporting, and reporting for a component of its Title V program for Acid Rain.[1] The items were previously placed on public notice and approved by the Iowa Environmental Protection Commission as noted below.

• Rule 22.1(3), Construction Permits: The introductory paragraph, second sentence, which states, ''Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal method specified by the department.'' This subrule revision was requested by Iowa as Item #5 (ARC 7143 B) in a letter to EPA dated November 4, 2008, following public notice for a 30-day public comment period beginning February 4, 2008. No comments were received. In EPA's Direct Final SIP approval dated December 29, 2009 (74 FR 248) EPA did not take action on this subrule revision because Iowa had not yet received approval for its electronic document receiving system as meeting the requirements of CROMERR. Iowa also placed the subrule revision on public notice for comment from January 18 through February 20, 2017. EPA commented that the submission of permit applications via email is not CROMERR compliant. Iowa requested an applicability determination from EPA which confirmed EPA's initial finding. In response to the applicability determination, Iowa amended its subrule to remove the provision for accepting permit applications via email and placed the revisions on public notice from August 16 through September 5, 2017. This information is detailed in EPA's proposed rulemaking dated July 26, 2018 (83 FR 144).

• Subrule 22.105(1), Duty to Apply: Introductory paragraph, third sentence, which states, ''Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.'' This subrule revision was requested as Item #8 (ARC 7143 B) by Iowa in a letter to EPA dated November 4, 2008, following public notice for a 30-day public comment period beginning February 4, 2008. No comments were received. In EPA's Direct Final SIP approval dated December 29, 2009 (74 FR 248) EPA did not act on this subrule revision because Iowa had not yet received approval for its electronic document receiving system as meeting the requirements of the CROMERR. Iowa also placed this subrule revision on public notice for comment again from January 18 to February 20, 2017, and again from August 16 through September 5, 2017, due to a comment EPA had submitted on another subrule revision. No comments were received on the revision to subrule 22.105(1).

• Subrule 22.106(2) Emissions inventory and documentation due dates: Only sentence in this subrule, which states, ''The emissions inventory shall be submitted through the electronic format specified by the department.'' This subrule revision was made available for public comment from December 19, 2018 through January 22, 2019. No comments were received.

• Subrule 22.128(4), Submission of Copies (for approval into Acid Rain Program as a component of the Title V Program): The first sentence was revised to require one copy of the acid rain permit application to be submitted to the air quality bureau. In addition, Iowa requested approval of the sentence, which states, ''Alternatively, the designated representative may, as specified by the department, submit the application through electronic submittal.'' This subrule revision was listed as Item #7 in the public notice for this rulemaking; however, it was mistakenly listed on page 2 of the cover letter dated August 12, 2020, as a ''previously submitted rule change.'' Iowa issued a clarification to EPA by email dated March 15, 2021, which has been included in the docket supporting this action, requesting EPA's approval of this subrule revision.

Iowa published a Notice of Intent to Approve its electronic document receiving system for public comment from January 13 to February 15, 2010, and EPA approved Iowa's system as compliant with CROMERR. December 9, 2016 (80 FR 236). As noted above, each of these subrule revisions have been placed on public notice for review and comment. No adverse comments were received.

V. Have the requirements for approval of a SIP and the operating permits program revisions been met?

The August 12, 2020 submission met the public notice requirements for SIP submissions in accordance with 40 CFR

[1] Iowa inadvertently requested approval of Rule 22.3(3) Conditions of approval (for construction permits), paragraph ''f'', third sentence, pertaining to electronic submittal methods for construction permits. EPA previously approved this provision in a direct final action. January 16, 2014 (79 FR 2787).

51.102. The State held a public comment period from March 11 to April 13, 2020, with a public hearing on April 13, 2020. No public comments were received.

The items related to electronic submittal of permit applications and emissions inventories, were placed on public notice at various dates specified above. The supporting documentation has been included in the docket. The only comment made specifically regarding the language pertaining to Iowa's electronic document receiving system was made by EPA and was resolved by EPA's approval of Iowa's electronic document receiving systems pursuant to CROMERR requirements.

The above submittals satisfy the completeness criteria of 40 CFR part 51, appendix V. In addition, these revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. Finally, the revisions are also consistent with applicable EPA requirements of Title V of the CAA and 40 CFR part 70.

VI. What actions are proposed?

EPA is proposing to approve revisions to the Iowa SIP and the Operating Permits Program. The proposed revisions update the definitions of ''EPA Reference Method'' and ''volatile organic compounds'', updates the definitions to adopt the most current EPA methods for measuring air pollutant emissions, performance testing, and continuous monitoring, and to reflect changes EPA has made to the definitions. Proposed revisions also add regulatory cross-references, and define ''electronic format,'' ''electronic submittal,'' and ''electronic submittal format'' to facilitate the Department's launch of EASY Air, a new online electronic method for submitting air quality permit applications.

EPA has determined that approval of these revisions will not impact air quality and will ensure consistency between the state and federally-approved rules, and ensure Federal enforceability of the state's revised air program rules.

VII. Incorporation by Reference

In this document, EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Iowa Regulations described in the proposed amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

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

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

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: April 15, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR parts 52 and 70 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Q—Iowa

■ 2. In § 52.820, the table in paragraph(c) is amended by revising the entries ''567–20.1'', ''567–22.1'', ''567–25.1'', and ''567–33.3'' to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources, Environmental Protection Commission [567]				
Chapter 20—Scope of Title—Definitions				
567–20.1	Scope of Title—Definitions ...	7/22/2020	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	The definitions for ''anaerobic lagoon,'' ''odor,'' ''odorous substance,'' ''odorous substance source'' are not SIP approved.
*	*	*	*	*
Chapter 22—Controlling Pollution				
567–22.1	Permits Required for New or Stationary Sources.	7/22/2020	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	
*	*	*	*	*
Chapter 25—Measurement of Emissions				
567–25.1	Testing and Sampling of New and Existing Equipment.	7/22/2020	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	
*	*	*	*	*
Chapter 33—Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality				
*	*	*	*	*
567–33.3	Special Construction Permit Requirements for Major Stationary Sources in Areas Designated Attainment or Unclassified (PSD).	7/22/2020	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	Provisions of the 2010 $PM_{2.5}$ PSD—Increments, SILs and SMCs rule, published in the **Federal Register** on October 20, 2010, relating to SILs and SMCs that were affected by the January 22, 2013, U.S. Court of Appeals decision are not, at the state's request, included in Iowa's SIP provisions (see **Federal Register**, March 14, 2014) (Vol. 79, No. 50).
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

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

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

■ 4. In appendix A to part 70 the entry for ''Iowa'' is amended by adding paragraph (w) to read as follows:

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

* * * * *

Iowa

* * * * *

(w) The Iowa Department of Natural Resources submitted for program approval revisions to rules 567–22.100, 567–22.120, 567–22.105(1), 567–22.106(2), and 567–22.128(4). The state effective date for 567–22.105(1) and 567–22.106(2) is April 17, 2019. The state effective date for 567–22.100, 567–22.120, and 567–22.128(4) is July 22, 2020. This revision is effective [date 60 days after date of publication of the final rule in the **Federal Register**].

* * * * *

[FR Doc. 2021–08278 Filed 4–21–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–152; RM–11899; DA 21–424; FR ID 21669]

Television Broadcasting Services; Freeport, Illinois

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Gray Television Licensee, LLC (Petitioner), requesting the allotment of channel 9 at

Freeport, Illinois. The current version of the DTV Table, which reflects the pre-incentive auction allotments, allocates DTV Channel 41 to Freeport, Illinois, but the licensee submitted a winning bid to go off air in the broadcast television incentive auction and subsequently suspended operations. Thus, Petitioner is requesting the allotment of channel 9 at Freeport as that community's first local service in the DTV Table of Allotments, which will be amended later to reflect all the incentive auction channel assignments.

DATES: Comments must be filed on or before May 24, 2021 and reply comments on or before June 7, 2021.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Ari Meltzer, Esq., Wiley Rein LLP, 1776 K Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647; or Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: In support of its channel allotment request, the Petitioner states that Freeport is a community deserving of a new television broadcast service. Freeport (pop. 25,638/2010 Census) is the county seat and largest city in Stephenson County and has a Mayor; City Manager; a seven-member City Council; police, public works, and utility departments; and numerous businesses and places of worship and numerous businesses and places of worship. The Commission concludes the request to amend the Post-Transition Table of DTV Allotments warrants consideration. The Petitioner's proposal would result in a first local service to Freeport consistent with the Commission's television allotment policies. Channel 9 can be allotted to Freeport, Illinois, consistent with the minimum geographic spacing requirements for new DTV allotments in section 73.623(d) of the Commission's rules, at 42°16′50″ N and 88°52′58″ W. In addition, the allotment point complies with section 73.625(a)(1) of the rules as the entire community of Freeport is encompassed by the 43 dBμ contour.

This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* MB Docket No. 21–152; RM–11899; DA 21–424, adopted April 14, 2021, and released April 14, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in Section 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See Sections 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—Radio Broadcast Service

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

§ 73.622 [Amended]

■ 2. In § 73.622 paragraph (i), amend the Post-Transition Table of DTV Allotments under Illinois by revising the entry for Freeport to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
Illinois	
* * * * *	
Freeport	9, 41
* * * * *	

[FR Doc. 2021–08290 Filed 4–21–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383, 384, and 391

[Docket No. FMCSA–2018–0152]

RIN 2126–AC18

Extension of Compliance Dates for Medical Examiner's Certification Integration

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: FMCSA proposes to amend its regulations to extend the compliance date from June 22, 2021, to June 23, 2025, for several provisions of its April 23, 2015, Medical Examiner's Certification Integration final rule. FMCSA issued an interim final rule (IFR) on June 21, 2018, extending the compliance date for these provisions until June 22, 2021. FMCSA proposes to finalize the IFR by further extending the compliance date to June 23, 2025. This action is being taken to provide FMCSA time to complete certain information technology (IT) system development tasks for its National Registry of Certified Medical Examiners (National Registry) and to provide the State Driver's Licensing Agencies (SDLAs) sufficient time to make the necessary IT programming changes after the new National Registry system is available.

DATES: Comments must be received on or before May 24, 2021.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2018–0152 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, West Building, Ground Floor, Room W12–140, 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.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Submitting Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

FMCSA organizes this supplemental notice of proposed rulemaking (SNPRM) as follows:

I. Public Participation and Request for Comments
A. Submitting Comments
B. Viewing Comments and Documents
C. Privacy Act
II. Executive Summary
III. Legal Basis
A. Authority Over Drivers Affected Drivers Required To Obtain a Medical Examiners Certificate (MEC)
B. Authority To Regulate State CDL Programs
C. Authority To Require Reporting by MEs
IV. Background
V. Discussion of Proposed Rulemaking
VI. International Impacts
VII. Section-by-Section Analysis
VIII. Regulatory Analyses
A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
B. Congressional Review Act
C. Regulatory Flexibility Act
D. Assistance for Small Entities
E. Unfunded Mandates Reform Act of 1995
F. Paperwork Reduction Act
G. E.O. 13132 (Federalism)
H. Privacy
I. E.O. 13175 (Indian Tribal Governments)
J. National Environmental Policy Act of 1969

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this SNPRM (FMCSA–2018–0152), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2018-0152/document,* click on this SNPRM, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

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 (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the SNPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the SNPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the SNPRM. Submissions containing CBI should be sent to Mr. Brian Dahlin, Chief, Regulatory Analysis Division, Office of Policy, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2018-0152/document* and choose the document to review. To view comments, click this SNPRM, 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., 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.

C. Privacy Act

DOT solicits comments from the public to better inform its rulemaking process, in accordance with 5 U.S.C. 553(c). 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—Federal Docket Management System (FDMS)), which can be reviewed at *www.transportation.gov/privacy.*

II. Executive Summary

FMCSA's proposes an adjustment in the compliance date from June 22, 2021, to June 23, 2025, for several provisions in the Medical Examiner's Certification Integration final rule (80 FR 22790, Apr. 23, 2015). Specifically, the Agency proposes to postpone, to June 23, 2025, the provisions for: (1) FMCSA to electronically transmit, from the National Registry to the SDLAs, driver identification information, examination results, and restriction information from examinations performed for holders of commercial learner's permits (CLPs) or commercial driver's licenses (CDLs) (interstate and intrastate); (2) FMCSA to electronically transmit to the SDLAs medical variance information for all commercial motor vehicle (CMV) drivers; (3) SDLAs to post on the Commercial Driver's License Information System (CDLIS) driver record the driver identification, examination results, and restriction information received electronically from FMCSA; and (4) motor carriers to no longer be required to verify that CLP/

CDL drivers were certified by a certified medical examiner (ME) listed on the National Registry.

The compliance date for these provisions was postponed previously from June 22, 2018, to June 22, 2021, by an interim final rule (83 FR 28774). This SNPRM identifies the regulations adopted in the IFR that FMCSA now proposes to amend to include a compliance date generally of June 23, 2025.

III. Legal Basis for the Rulemaking

The legal basis of the 2015 final rule, set out at 80 FR 22791–22792, also serves as the legal basis for this rule. Brief summaries of the relevant legal bases for the actions taken in this rulemaking are set out below.

A. Authority Over Drivers Affected; Drivers Required To Obtain a Medical Examiners Certificate (MEC)

FMCSA is required by statute to establish standards for the physical qualifications of drivers who operate CMVs in interstate commerce for non-excepted industries (49 U.S.C. 31136(a)(3) and 31502(b)). Subject to certain limited exceptions,[1] FMCSA has fulfilled the statutory mandate by establishing physical qualification standards for all drivers covered by these provisions (49 CFR 391.11(b)(4)). Such drivers must obtain, from an ME, a certification indicating that the driver is physically qualified to drive a CMV (49 CFR 391.41(a), 391.43(g) and (h)). FMCSA is also required to ensure that the operation of a CMV does not have a deleterious effect on the physical condition of drivers (49 U.S.C. 31136(a)(4)).

Drivers Required To Obtain a CDL

The authority for FMCSA to require an operator of a CMV to obtain a CDL is based on 49 U.S.C. 31302, and the authority to set minimum standards for the testing and fitness of such operators rests on 49 U.S.C. 31305.

B. Authority To Regulate State CDL Programs

Under 49 U.S.C. 31311 and 31314, FMCSA has authority to prescribe procedures and requirements the States must follow when issuing CDLs (see, generally, 49 CFR parts 383 and 384). In particular, under section 31314, in order to avoid loss of certain Federal-aid highway funds otherwise apportioned under 23 U.S.C. 104(b), each State must comply with the requirement in 49 U.S.C. 31311(a)(1) to adopt and carry out a program for testing and ensuring the fitness of individuals to operate CMVs consistent with the minimum standards prescribed by FMCSA under 49 U.S.C. 31305(a) (see also 49 CFR 384.201).

C. Authority To Require Reporting by MEs

FMCSA has authority under 49 U.S.C. 31133(a)(8) and 31149(c)(1)(E) to require MEs on the National Registry to obtain information from CMV drivers regarding their physical health, to record and retain the results of the physical examinations of CMV drivers, and to require frequent reporting of the information contained on the MECs they issue. Section 31133(a)(8) gives the Agency broad administrative powers (specifically ''to prescribe recordkeeping and reporting requirements'') to assist in ensuring motor carrier safety and driver health (Sen. Report No. 98–424 at 9 (May 2, 1984)). Section 31149(c)(1)(E) authorizes a requirement for electronic reporting of certain specific information by MEs, including applicant names and numerical identifiers as determined by the FMCSA Administrator. Section 31149(c)(1)(E) sets minimum monthly reporting requirements for MEs and does not preclude the exercise by the Agency of its broad authority under section 31133(a)(8) to require more frequent and more inclusive reports.[2] In addition to the general rulemaking authority in 49 U.S.C. 31136(a), the Secretary of Transportation is specifically authorized by section 31149(e) to ''issue such regulations as may be necessary to carry out this section.''

Authority to implement these various statutory provisions has been delegated to the Administrator of FMCSA (49 CFR 1.87(f)).

IV. Background

The history of the regulations that FMCSA adopted in 2015 and the developments leading to the 2018 interim final rule are set out in the interim final rule, at 83 FR at 28776. The Agency also stated that it might further amend the provisions amended by the interim final rule (83 FR at 28777). Since issuing the 2015 final rule, there have been ongoing challenges associated with launching a new National Registry IT system. Among those challenges was an unsuccessful attempt by an intruder to compromise the National Registry website in December 2017. Although no personal information was exposed, FMCSA took the National Registry system offline until mid-2018 to ensure it was secure. This action and other related actions affected the schedule for implementing the provisions of the 2015 final rule and resulted in the postponement of the compliance date by the 2018 IFR.

Since publication of the 2018 IFR, FMCSA experienced additional setbacks in its efforts to launch the National Registry replacement system that require an additional delay. The Agency attempted to launch the first stage of the replacement system in May 2019, but the system's performance capabilities fell short of what was needed to implement the 2015 final rule. After a detailed analysis of the functional requirements, the Agency issued a request for proposals to obtain the services of a new contractor and selected a vendor in December 2020 to develop the replacement system by early 2022. The work would include delivery of technical specifications to the SDLAs for use in implementing changes to their respective systems.

FMCSA anticipates that the SDLAs will need three years following the completion and release of the new IT system and its technical specifications to develop and implement those changes. This was the same amount of time allowed for this activity in the 2015 final rule and the 2018 IFR. In light of these challenges, FMCSA intends to finalize the extended compliance date for the affected regulations by issuing a final rule before June 22, 2021.

V. Discussion of Proposed Rulemaking

The proposal to delay the compliance date means that through June 22, 2025:

- Certified MEs would continue issuing MECs to qualified CLP/CDL applicants/holders;
- CLP/CDL applicants/holders would continue to provide the SDLA a copy of their MEC;
- Motor carriers would continue verifying that drivers were certified by an ME listed on the National Registry; and
- SDLAs would continue processing paper copies of MECs they receive from CLP/CDL applicants/holders.

In the 2018 IFR, FMCSA did not delay the requirement for MEs performing physical examinations of CMV drivers to report results of all CMV drivers' physical examinations (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. MEs' submission of reports by midnight (local time) of the next calendar day following the

[1] *See* 49 CFR 390.3(f) and 391.2.

[2] The provisions of section 31149(c)(1)(E) have been amended by section 32302(c)(1)(A) of Moving Ahead for Progress in the 21st Century, Public Law 112–141, 126 Stat. 405 (July 6, 2012).

examination also allows FMCSA to begin electronically transmitting this important safety data to each State when that State is ready to receive the information, thereby providing States additional flexibility to implement the provisions of this rulemaking at their own pace. FMCSA believes some States may be prepared to receive this data ahead of the June 23, 2025, date to take advantage of the efficiencies and added security the new process affords.

When FMCSA is ready to begin electronically transmitting MEC information from the National Registry, and an SDLA is ready to begin receiving this information electronically from the National Registry, FMCSA will work with the SDLA involved on the most appropriate means to use such electronic transmissions. FMCSA states that, under such circumstances, electronic transmission of the MEC information may be an acceptable means for CDL and CLP holders to satisfy the requirement of providing the MEC to the SDLA. In order to avoid any uncertainty, provisions were added by the IFR to the appropriate regulations stating that, in case of a conflict between the medical certification information provided electronically by FMCSA and information on a paper version of the MEC, the electronic record will be controlling. On the other hand, the provisions in the regulations governing the handling of these matters under the current procedures will remain in effect through June 22, 2025, to ensure continued compliance by SDLAs and other affected stakeholders until the electronic transmission of MEC information is operational for all SDLAs.

If some SDLAs begin receiving MEC information from FMCSA prior to June 23, 2025, FMCSA and the SDLAs will make every effort to advise all stakeholders when such transmission begins. MEs listed on the National Registry, employers, and enforcement personnel (both State and Federal) will need to be made fully aware that some SDLAs may be following procedures different from the remaining States.

In 49 CFR parts 383, 384, and 391, FMCSA proposes to change the compliance dates of the rules as shown in the table below.

TABLE 1—DATE CHANGES

Section to be changed (in Title 49 CFR):	Current compliance dates:	New compliance dates:
383.71(h)(1)(i)	June 22, 2021	June 23, 2025.
383.71(h)(1)(ii)	June 22, 2021	June 23, 2025.
383.71(h)(3)(i)	June 22, 2021	June 23, 2025.
383.71(h)(3)(ii)	June 22, 2021	June 23, 2025.
383.73(a)(2)(vii)(A)	June 22, 2021	June 23, 2025.
383.73(a)(2)(vii)(B)	June 22, 2021	June 23, 2025.
383.73(b)(5)(i)	June 22, 2021	June 23, 2025.
383.73(b)(5)(ii)	June 22, 2021	June 23, 2025.
383.73(o)(1)(i)	June 22, 2021	June 23, 2025.
383.73(o)(1)(ii)	June 22, 2021	June 23, 2025.
383.73(o)(2)(i)	June 22, 2021	June 23, 2025.
383.73(o)(2)(ii)	June 22, 2021	June 23, 2025.
383.73(o)(3)(i)	June 22, 2021	June 23, 2025.
383.73(o)(3)(ii)	June 22, 2021	June 23, 2025.
383.73(o)(4)(i)(A)(*1*)	June 22, 2021	June 23, 2025.
383.73(o)(4)(i)(A)(*2*)	June 22, 2021	June 23, 2025.
383.73(o)(4)(ii)(A)	June 22, 2021	June 23, 2025.
383.73(o)(4)(ii)(B)	June 22, 2021	June 23, 2025.
384.301(i)	June 22, 2021	June 23, 2025.
391.23(m)(2)(i)(B)(*1*)	June 21, 2021	June 22, 2025.
391.23(m)(2)(i)(C)	June 21, 2021	June 22, 2025.
391.23(m)(3)(i)(B)(*1*)	June 21, 2021	June 22, 2025.
391.23(m)(3)(i)(C)	June 21, 2021	June 22, 2025.
391.41(a)(2)(i)(A)	June 21, 2021	June 22, 2025.
391.41(a)(2)(i)(B)	June 22, 2021	June 23, 2025.
391.41(a)(2)(ii)	June 21, 2021	June 22, 2025.
391.43(g)(2)(i)	June 22, 2021	June 23, 2025.
391.43(g)(2)(ii)	June 22, 2021	June 23, 2025.
391.43(g)(3)	June 22, 2021	June 23, 2025.
391.45(g)	June 22, 2021	June 23, 2025.
391.51(b)(7)(ii)	June 21, 2021	June 22, 2025.
391.51(b)(9)(ii)	June 21, 2021	June 22, 2025.

FMCSA is providing a period of 30 days for public comment regarding its intentions to finalize the compliance dates for the regulations listed above. FMCSA is particularly interested in input on whether the three-year period for SDLA implementation is appropriate, or could even be reduced. At the close of the comment period and after consideration of the comments received, the Agency plans to publish the necessary final rule with the extended compliance dates as soon as feasible.

VI. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences among nations.

VII. Section-by-Section Analysis

This section-by-section analysis describes the proposed changes in numerical order.

Parts 383, 384, and 391

In parts 383, 384, and 391, FMCSA proposes new dates as stated in Table 1 above. FMCSA does not propose any other changes in today's SNPRM.

VIII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this SNPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and DOT's regulatory policies and procedures. The Office of Information and Regulatory Affairs (OIRA) determined that this SNPRM is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. Accordingly, OMB has not reviewed it under these Orders.

The Medical Examiner's Certification Integration Final Rule, published April 23, 2015 (80 FR 22790), amended the FMCSRs to establish a streamlined process for SDLAs to receive CMV driver physical examination results from the MEs, via the National Registry. The 2015 final rule estimated that the National Registry would be able to receive and transmit this information on a daily basis by June 22, 2018, and established compliance dates for MEs, motor carriers, FMCSA, and the States accordingly. This proposed rule would delay until June 23, 2025, the compliance date requiring (1) FMCSA to electronically transmit from the National Registry to the SDLAs driver identification information, examination results, and restriction information from examinations performed for holders of CLPs/CDLs (interstate and intrastate); (2) FMCSA to electronically transmit to the SDLAs medical variance information for all CMV drivers; (3) SDLAs to post driver identification, examination results, and restriction information received electronically from FMCSA; and (4) that motor carriers no longer would need to verify that their drivers holding CLPs or CDLs were certified by an ME listed on the National Registry. This action is being taken to ensure that SDLAs have sufficient time to make the necessary IT programming changes. Although this rule would impact the responsibilities of MEs, CMV drivers, motor carriers, SDLAs, and FMCSA, it is not expected to generate any economic costs or benefits.

The 2015 final rule accounted for costs associated with system development and implementation, and benefits associated with streamlined processes and reduced paperwork. These costs and benefits (anticipated under the 2018 IFR to be realized on the June 22, 2021, compliance date) would not be realized on June 22, 2021 under this SNPRM. Therefore, the baseline against which to evaluate the impacts of this SNPRM is that the necessary systems will not be ready on June 22, 2021, and will instead be ready on June 23, 2025. This rule aligns the compliance date with the date when the systems will be ready and thus, when the costs and benefits estimated in the 2015 final rule can be realized.

B. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801–808), OIRA designated this rule as not a ''major rule.'' [3]

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),[4] requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

FMCSA considers all of the 70,803 certified MEs who are certified and listed on the National Registry to be small entities.[5] While this may be a substantial number of small entities, this rule does not impose any new requirements on MEs. MEs are already required, under the 2015 final rule, to report results of all CMV drivers' physical examinations (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. In addition, this rule does not result in additional costs or benefits, nor does it inhibit the realization of the cost savings identified in the 2015 final rule. The unanticipated National Registry outage and subsequent IT development issues have led to delays in the development of the process for the electronic transmission of MEC information and medical variances, and the final specifications have not yet been published and released to the SDLAs. This rule aligns the compliance date with the date when the systems will be ready and thus, when the costs and benefits estimated in the 2015 final rule can be realized. As such, this rule will not result in a significant economic impact on the MEs.

CMV drivers are not considered small entities because they do not meet the definition of a small entity in Section 601 of the RFA. Specifically, CMV drivers are considered neither a small business under Section 601(3) of the RFA, nor are they considered a small organization under Section 601(4) of the RFA.

All motor carriers would likely be impacted by this rule; however, the rule would impose no new obligations. FMCSA does not know how many of these motor carriers would be considered ''small.'' The U.S. Small Business Administration (SBA) defines the size standards used to classify entities as small. SBA establishes separate standards for each industry, as defined by the North American Industry Classification System (NAICS).[6] This rule could affect many different industry sectors; for example, the transportation sector (*e.g.,* general freight trucking industry group (4841) and the specialized freight trucking industry group (4842)), the agricultural sector (11), and the construction sector (23). Industry groups within these sectors have size standards based on the number of employees, or on the amount of annual revenue. Regardless of how many small entities are in this population, this rule as proposed is not expected to generate any economic costs or benefits. Therefore, FMCSA estimates that, while this rule as proposed may affect a substantial number of small entities, it would not have a significant impact on those entities.

This rule also directly affects the States through their SDLAs. Under the

[3] A ''major rule'' means any rule that the Office of Management and Budget finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (49 CFR 389.3).

[4] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

[5] 70,803 certified MEs listed on the National Registry as of May 14, 2020.

[6] Executive Office of the President, Office of Management and Budget (OMB). ''North American Industry Classification System.'' 2017. Available at: *https://www.census.gov/eos/www/naics/2017NAICS/2017_NAICS_Manual.pdf* (accessed March 20, 2018).

standards of the RFA, as amended by the SBREFA, the States are not small entities. States are not considered small entities because they do not meet the definition of a small entity in Section 601 of the RFA. Specifically, States are not considered small governmental jurisdictions under Section 601(5) of the RFA, both because State government is not included among the various levels of government listed in Section 601(5), and because, even if this were the case, no State, including the District of Columbia, has a population of less than 50,000, which is the criterion for a governmental jurisdiction to be considered small under Section 601(5) of the RFA.

Consequently, I hereby certify that this action will not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996,[7] FMCSA wants to assist small entities in understanding this SNPRM so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the SNPRM would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance; please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $168 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2019 levels) or more in any 1 year. Though this SNPRM would not result in such an expenditure, the Agency does discuss the effects of this rule elsewhere in this preamble.

F. Paperwork Reduction Act

This SNPRM contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

G. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

FMCSA has determined that this SNPRM would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this SNPRM does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

H. Privacy

The Consolidated Appropriations Act, 2005,[8] requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This SNPRM would not require the collection of personally identifiable information (PII).

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[9] requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form.

No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

I. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. National Environmental Policy Act of 1969

FMCSA analyzed this SNPRM for the purpose of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), Appendix 2, paragraph (s)(7) and paragraph (t)(2). The Categorical Exclusion (CE) in paragraph (s)(7) covers requirements for State-issued commercial license documentation and paragraph (t)(2) addresses regulations that ensure States have the appropriate information systems and procedures concerning CDL qualifications. The content in this interim final rule is covered by these CEs and the final action does not have any effect on the quality of the environment.

List of Subjects

49 CFR Part 383

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

49 CFR Part 384

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

49 CFR Part 391

Alcohol abuse, Drug abuse, Drug testing, Highway safety, Motor carriers, Reporting and recordkeeping requirements, Safety, Transportation.

In consideration of the foregoing, FMCSA proposes to amend 49 CFR chapter III, parts 383, 384, and 391 to read as follows:

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

■ 1. The authority citation for part 383 continues to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301 *et seq.,* and 31502; secs. 214 and 215 of Pub. L.

[7] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

[8] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[9] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

106–159, 113 Stat. 1748, 1766, 1767; sec. 1012(b) of Pub. L. 107–56, 115 Stat. 272, 297, sec. 4140 of Pub. L. 109–59, 119 Stat. 1144, 1746; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; secs. 5401 and 7208 of Pub. L. 114–94, 129 Stat. 1312, 1546, 1593; and 49 CFR 1.87.

■ 2. Amend § 383.71 by revising paragraphs (h)(1) and (3) to read as follows:

§ 383.71 Driver application and certification procedures.

* * * * *

(h) * * *

(1) *New CLP and CDL applicants.* (i) Before June 23, 2025, a new CLP or CDL applicant who certifies that he/she will operate CMVs in non-excepted, interstate commerce must provide the State with an original or copy (as required by the State) of a medical examiner's certificate prepared by a medical examiner, as defined in 49 CFR 390.5, and the State will post a medical qualifications status of ''certified'' on the CDLIS driver record for the driver;

(ii) On or after June 23, 2025, a new CLP or CDL applicant who certifies that he/she will operate CMVs in non-excepted, interstate commerce must be medically examined and certified in accordance with 49 CFR 391.43 as medically qualified to operate a CMV by a medical examiner, as defined in 49 CFR 390.5. Upon receiving an electronic copy of the medical examiner's certificate from FMCSA, the State will post a medical qualifications status of ''certified'' on the CDLIS driver record for the driver;

* * * * *

(3) *Maintaining the medical certification status of ''certified.''* (i) Before June 23, 2025, in order to maintain a medical certification status of ''certified,'' a CLP or CDL holder who certifies that he/she will operate CMVs in non-excepted, interstate commerce must provide the State with an original or copy (as required by the State) of each subsequently issued medical examiner's certificate;

(ii) On or after June 23, 2025, in order to maintain a medical certification status of ''certified,'' a CLP or CDL holder who certifies that he/she will operate CMVs in non-excepted, interstate commerce must continue to be medically examined and certified in accordance with 49 CFR 391.43 as physically qualified to operate a commercial motor vehicle by a medical examiner, as defined in 49 CFR 390.5. FMCSA will provide the State with an electronic copy of the medical examiner's certificate information for all subsequent medical examinations in which the driver has been deemed qualified.

■ 3. Amend § 383.73 by revising paragraphs (a)(2)(vii), (b)(5), (o)(1)(i) introductory text, (o)(1)(ii) introductory text, (o)(2), (o)(3), (o)(4)(i)(A), and (o)(4)(ii) to read as follows:

§ 383.73 State procedures.

(a) * * *

(2) * * *

(vii)(A) Before June 23, 2025, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if the CLP applicant submits a current medical examiner's certificate, date-stamp the medical examiner's certificate, and post all required information from the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

(B) On or after June 23, 2025, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if FMCSA provides current medical examiner's certificate information electronically, post all required information matching the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

(b) * * *

(5)(i) Before June 23, 2025, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if the CDL holder submits a current medical examiner's certificate, date-stamp the medical examiner's certificate and post all required information from the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

(ii) On or after June 23, 2025, for drivers who certified their type of driving according to § 383.71(b)(1)(i) (non-excepted interstate) and, if FMCSA provides current medical examiner's certificate information electronically, post all required information matching the medical examiner's certificate to the CDLIS driver record in accordance with paragraph (o) of this section.

* * * * *

(o) * * *

(1)(i) *Status of CLP or CDL holder.* Before June 23, 2025, for each operator of a commercial motor vehicle required to have a CLP or CDL, the current licensing State must:

* * * * *

(ii) *Status of CLP or CDL holder.* On or after June 23, 2025, for each operator of a commercial motor vehicle required to have a CLP or CDL, the current licensing State must:

* * * * *

(2) *Status update.* (i) Before June 23, 2025, the State must, within 10 calendar days of the driver's medical examiner's certificate or medical variance expiring, the medical variance being rescinded or the medical examiner's certificate being voided by FMCSA, update the medical certification status of that driver as ''not certified.''

(ii) On or after June 23, 2025, the State must, within 10 calendar days of the driver's medical examiner's certificate or medical variance expiring, the medical examiner's certificate becoming invalid, the medical variance being rescinded, or the medical examiner's certificate being voided by FMCSA, update the medical certification status of that driver as ''not certified.''

(3) *Variance update.* (i) Before June 23, 2025, within 10 calendar days of receiving information from FMCSA regarding issuance or renewal of a medical variance for a driver, the State must update the CDLIS driver record to include the medical variance information provided by FMCSA.

(ii) On or after June 23, 2025, within 1 business day of electronically receiving medical variance information from FMCSA regarding the issuance or renewal of a medical variance for a driver, the State must update the CDLIS driver record to include the medical variance information provided by FMCSA.

(4) * * *

(i) * * *

(A)(1) Before June 23, 2025, notify the CLP or CDL holder of his/her CLP or CDL ''not-certified'' medical certification status and that the CMV privileges will be removed from the CLP or CDL unless the driver submits a current medical examiner's certificate and/or medical variance, or changes his/her self-certification to driving only in excepted or intrastate commerce (if permitted by the State);

(2) On or after June 23, 2025, notify the CLP or CDL holder of his/her CLP or CDL ''not-certified'' medical certification status and that the CMV privileges will be removed from the CLP or CDL unless the driver has been medically examined and certified in accordance with 49 CFR 391.43 as physically qualified to operate a commercial motor vehicle by a medical examiner, as defined in 49 CFR 390.5, or the driver changes his/her self-certification to driving only in excepted or intrastate commerce (if permitted by the State).

* * * * *

(ii)(A) Before June 23, 2025, if a driver fails to provide the State with the certification contained in § 383.71(b)(1),

or a current medical examiner's certificate if the driver self-certifies according to § 383.71(b)(1)(i) that he/she is operating in non-excepted interstate commerce as required by § 383.71(h), the State must mark that CDLIS driver record as ''not-certified'' and initiate a CLP or CDL downgrade following State procedures in accordance with paragraph (o)(4)(i)(B) of this section.

(B) On or after June 23, 2025, if a driver fails to provide the State with the certification contained in § 383.71(b)(1), or, if the driver self-certifies according to § 383.71(b)(1)(i) that he/she is operating in non-excepted interstate commerce as required by § 383.71(h) and the information required by paragraph (o)(2)(ii) of this section is not received and posted, the State must mark that CDLIS driver record as ''not-certified'' and initiate a CLP or CDL downgrade following State procedures in accordance with paragraph (o)(4)(i)(B) of this section.

* * * * *

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

■ 4. The authority citation for part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301, *et seq.,* and 31502; secs. 103 and 215 of Pub. L. 106–59, 113 Stat. 1753, 1767; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; secs. 5401 and 7208 of Pub. L. 114–94, 129 Stat. 1312, 1546, 1593 and 49 CFR 1.87.

■ 5. Amend § 384.301 by revising paragraph (i) to read as follows:

§ 384.301 Substantial compliance-general requirements.

* * * * *

(i) A State must come into substantial compliance with the requirements of subpart B of this part and part 383 of this chapter in effect as of June 22, 2015, as soon as practical, but, unless otherwise specifically provided in this part, not later than June 23, 2025.

* * * * *

PART 391—QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS

■ 6. The authority citation for part 391 continues to read as follows:

Authority: 49 U.S.C. 504, 508, 31133, 31136, 31149, and 31502; sec. 4007(b), Pub. L. 102–240, 105 Stat. 1914, 2152; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; sec. 215, Pub. L. 106–159, 113 Stat. 1748, 1767; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; secs. 5403 and 5524, Pub. L. 114–94, 129 Stat. 1312, 1548, 1560; sec. 2, Pub. L. 115–105, 131 Stat. 2263; and 49 CFR 1.87.

■ 7. Amend § 391.23 by revising paragraphs (m)(2)(i)(B)(*1*) and (m)(2)(i)(C), (m)(3)(i)(B)(*1*) and (m)(3)(i)(C), to read as follows:

§ 391.23 Investigation and inquiries.

* * * * *

(m) * * *

(2) * * *

(i) * * *

(B)(*1*) Beginning on May 21, 2014, and through June 22, 2025, that the driver was certified by a medical examiner listed on the National Registry of Certified Medical Examiners as of the date of medical examiner's certificate issuance.

* * * * *

(C) *Exception.* Beginning on January 30, 2015, and through June 22, 2025, if the driver provided the motor carrier with a copy of the current medical examiner's certificate that was submitted to the State in accordance with § 383.73(b)(5) of this chapter, the motor carrier may use a copy of that medical examiner's certificate as proof of the driver's medical certification for up to 15 days after the date it was issued.

* * * * *

(3) * * *

(i) * * *

(B)(*1*) Through June 22, 2025, that the driver was certified by a medical examiner listed on the National Registry of Certified Medical Examiners as of the date of medical examiner's certificate issuance.

* * * * *

(C) Through June 22, 2025, if the driver provided the motor carrier with a copy of the current medical examiner's certificate that was submitted to the State in accordance with § 383.73(a)(2)(vii) of this chapter, the motor carrier may use a copy of that medical examiner's certificate as proof of the driver's medical certification for up to 15 days after the date it was issued.

* * * * *

■ 8. Amend § 391.41 by revising paragraphs (a)(2)(i) and (ii), to read as follows:

§ 391.41 Physical qualifications for drivers.

(a) * * *

(2) * * *

(i)(A) Beginning on January 30, 2015 and through June 22, 2025, a driver required to have a commercial driver's license under part 383 of this chapter, and who submitted a current medical examiner's certificate to the State in accordance with 49 CFR 383.71(h) documenting that he or she meets the physical qualification requirements of this part, no longer needs to carry on his or her person the medical examiner's certificate specified at § 391.43(h), or a copy, for more than 15 days after the date it was issued as valid proof of medical certification.

(B) On or after June 23, 2025, a driver required to have a commercial driver's license or a commercial learner's permit under 49 CFR part 383, and who has a current medical examiner's certificate documenting that he or she meets the physical qualification requirements of this part, no longer needs to carry on his or her person the medical examiner's certificate specified at § 391.43(h).

(ii) Beginning on July 8, 2015, and through June 22, 2025, a driver required to have a commercial learner's permit under part 383 of this chapter, and who submitted a current medical examiner's certificate to the State in accordance with § 383.71(h) of this chapter documenting that he or she meets the physical qualification requirements of this part, no longer needs to carry on his or her person the medical examiner's certificate specified at § 391.43(h), or a copy for more than 15 days after the date it was issued as valid proof of medical certification.

* * * * *

■ 9. Amend § 391.43 by revising paragraphs (g)(2) and (3) to read as follows:

§ 391.43 Medical examination; certificate of physical examination.

* * * * *

(g) * * *

(2)(i) Before June 23, 2025, if the medical examiner finds that the person examined is physically qualified to operate a commercial motor vehicle in accordance with § 391.41(b), he or she must complete a certificate in the form prescribed in paragraph (h) of this section and furnish the original to the person who was examined. The examiner must provide a copy to a prospective or current employing motor carrier who requests it.

(ii) On or after June 23, 2025, if the medical examiner identifies that the person examined will not be operating a commercial motor vehicle that requires a commercial driver's license or a commercial learner's permit and finds that the driver is physically qualified to operate a commercial motor vehicle in accordance with § 391.41(b), he or she must complete a certificate in the form prescribed in paragraph (h) of this section and furnish the original to the person who was examined. The examiner must provide a copy to a prospective or current employing motor carrier who requests it.

(3) On or after June 23, 2025, if the medical examiner finds that the person examined is not physically qualified to operate a commercial motor vehicle in accordance with § 391.41(b), he or she must inform the person examined that he or she is not physically qualified, and that this information will be reported to FMCSA. All medical examiner's certificates previously issued to the person are not valid and no longer satisfy the requirements of § 391.41(a).

* * * * *

■ 10. Amend § 391.45 by revising paragraph (g) to read as follows:

§ 391.45 Persons who must be medically examined and certified.

* * * * *

(g) On or after June 23, 2025, any person found by a medical examiner not to be physically qualified to operate a commercial motor vehicle under the provisions of paragraph (g)(3) of § 391.43.

■ 11. Amend § 391.51 by revising paragraphs (b)(7)(ii) and (b)(9)(ii) to read as follows:

§ 391.51 General requirements for driver qualification files.

* * * * *

(b) * * *

(7) * * *

(ii) *Exception.* For CDL holders, beginning January 30, 2012, if the CDLIS motor vehicle record contains medical certification status information, the motor carrier employer must meet this requirement by obtaining the CDLIS motor vehicle record defined at § 384.105 of this chapter. That record must be obtained from the current licensing State and placed in the driver qualification file. After January 30, 2015, a non-excepted, interstate CDL holder without medical certification status information on the CDLIS motor vehicle record is designated ''not-certified'' to operate a CMV in interstate commerce. After January 30, 2015, and through June 22, 2025, a motor carrier may use a copy of the driver's current medical examiner's certificate that was submitted to the State for up to 15 days from the date it was issued as proof of medical certification.

* * * * *

(9) * * *

(ii) Through June 22, 2025, for drivers required to have a CDL, a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m)(2).

* * * * *

Issued under authority delegated in 49 CFR 1.87.

Meera Joshi,

Acting Administrator.

[FR Doc. 2021–08238 Filed 4–19–21; 4:15 pm]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 86, No. 76
Thursday, April 22, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Senior Executive Service: Membership of Performance Review Board

ACTION: Notice

SUMMARY: This notice provides a list of approved candidates who comprise a standing roster for service on the Agency's 2021 SES Performance Review Board. The Agency will use this roster to select SES Performance Review Board members.

FOR FURTHER INFORMATION CONTACT: Lena Travers at 202–712–5636 or *ltravers@usaid.gov.*

SUPPLEMENTARY INFORMATION:

The standing roster is as follows:

Allen, Colleen
Bader, Harry
Baker, Shawn
Bernton, Jeremy
Bertram, Robert
Broderick, Deborah
Buckley, Ruth
Chan, Carol
Collins, Gregory
Davis, Thomas
Detherage, Maria Price
Ehmann, Claire
Feinstein, Barbara
Foley, Jason
Girod, Gayle
Gressett, Donald
Jenkins, Robert
Jin, Jun
Johnson, Mark
Knudsen, Ciara
Kuyumjian, Kent
Leavitt, William
Longi, Maria
Lucas, Rachel
Mahanand, Vedjai
Maltz, Gideon
McGill, Brian
Mitchell, Reginald
Nims, Matthew
Ohlweiler, John
Panjabi, Rajesh
Pascocello, Susan
Pryor, Jeanne
Pustejovsky, Brandon
Schmitt, Tricia
Schulz, Laura
Singh, Sukhvinder
Sokolowski, Alexander
Steele, Gloria
Taylor, Margaret
Voorhees, John
Walther, Mark

Karen Baquedano,
Director, Center for Performance Excellence.

[FR Doc. 2021–08280 Filed 4–21–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–21–0033]

Grain Inspection Advisory Committee Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, this constitutes notice of the upcoming meeting of the Grain Inspection Advisory Committee (Advisory Committee). The Advisory Committee meets no less than once annually to advise the Secretary on the programs and services delivered by the Agricultural Marketing Service (AMS) under the U.S. Grain Standards Act. Recommendations by the Advisory Committee help AMS meet the needs of its customers, who operate in a dynamic and changing marketplace.

DATES: May 12, 2021, 11:00 a.m. to 5:00 p.m. Eastern & May 13, 2021, 11:00 a.m. to 5:00 p.m. Eastern.

Location: Virtual; Meeting information can be found at: *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac.*

FOR FURTHER INFORMATION CONTACT: Kendra Kline by phone at (202) 690–2410 or by email at *Kendra.C.Kline@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Advisory Committee is to provide advice to AMS with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71–87k). Information about the Advisory Committee is available on the AMS website at *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac.*

The 2020 Advisory Committee meetings were cancelled due to COVID–19. Therefore, the agenda for the upcoming meeting will include updates on resolutions from the August 2019 meeting; a general program update; an update on AMS rulemaking activities; and discussions about the Corn Borer Certification Program, wheat standards, the Federal Grain Inspection Service/Food and Drug Administration memorandum of understanding on development of pre-approved reconditioning procedures for actionable lots, and falling number testing.

Public participation will be limited to written statements and interested parties who have registered to present comments orally to the Advisory Committee. If interested in submitting a written statement or presenting comments orally, please contact Kendra Kline at the telephone number or email address listed above. Opportunities to provide oral comments will be given in the order the requests to speak are received. The meeting will be open to the public.

Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Kendra Kline at the telephone number or email listed above.

Date: April 19, 2021.

Cikena Reid,
USDA Committee Management Officer.

[FR Doc. 2021–08336 Filed 4–21–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–21–0009]

United States Standards for Beans-Chickpeas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) is proposing to add a new criterion—Cotyledon

Damage—to the chickpea/garbanzo bean damage factors in the Bean Inspection Handbook. The damage factors pertain to the class Chickpea/Garbanzo Beans in the U.S. Standards for Beans under the United States Agricultural Marketing Act (AMA). Stakeholders in the bean processing/handling industry suggested adding a criterion related to white chalky or wafer-like spots in the cotyledon, which can affect chickpea/garbanzo bean flavor. This proposal is intended to update inspection procedures to ensure that the bean standards remain relevant to the market. AMS invites interested parties to comment on whether revising the inspection instructions to include the additional damage factor would facilitate the marketing of chickpea/garbanzo beans. This action would not revise or amend the Grade and Grade Requirements for Chickpea/Garbanzo Beans in the U.S. Standards for Beans.

DATES: We will consider comments we receive by June 21, 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: Loren Almond, USDA AMS; Telephone: (816) 702–3925; or email: *Loren.L.Almond@usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the AMA (7 U.S.C. 1621–1627), as amended, AMS establishes and maintains a variety of quality and grade standards for agricultural commodities that serve as a fundamental starting point to define commodity quality in the domestic and global marketplace.

Standards developed under the AMA include those for rice, whole dry peas, split peas, feed peas, lentils, and beans. The U.S. standards for whole dry peas, split peas, feed peas, lentils and beans no longer appear in the Code of Federal Regulations, but are now maintained by USDA–AMS–Federal Grain Inspection Service (FGIS). The U.S. standards for beans are voluntary and widely used in private contracts, government procurement, marketing communication, and for some commodities, consumer information.

The bean standards facilitate bean marketing and define U.S. bean 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; provide the basis of determination; and specify grades and grade requirements. Official procedures for determining grading factors are provided in the Bean Inspection Handbook. Together, the grading standards and testing procedures allow buyers and sellers to communicate quality requirements, compare bean quality using equivalent forms of measurement, and assist in price discovery.

AMS engages in outreach with stakeholders to ensure commodity standards maintain relevance to the modern market. Stakeholders, including the U.S. Dry Pea and Lentil Council, requested that AMS revise the bean damage factors to include the addition of a new criterion—Cotyledon Damage—in the class Chickpea/Garbanzo Beans. Currently, there is not a definition for Cotyledon Damage in Chickpea/Garbanzo Beans. AMS–FGIS proposes to revise the bean inspection criteria in the Bean Inspection Handbook by including the definition and criteria requirements for Cotyledon Damage in Chickpea/Garbanzo Beans.

Cotyledon Damage in Chickpea/Garbanzo Beans

Under the current bean inspection criteria, white chalky or wafer-like spots are not considered damage in chickpea/garbanzo beans. Stakeholders stated that such spots in chickpea/garbanzo beans negatively affect bean flavor. With the proposed change to the inspection handbook, Cotyledon Damage would be defined as ''Chickpea/Garbanzo beans or pieces of Chickpea/Garbanzo beans with a white chalky or wafer-like spot that penetrates the cotyledon (singularly or in combination) that meets or exceeds the minimum coverage shown on VRI—Bean—5.1 Cotyledon Damage (Chickpea/Garbanzo).'' The criteria also specify that damage portion size requirements for chickpea/garbanzo beans are approximately 250 grams for small-seeded beans and 500 grams for large-seeded beans. Further, suspect beans must be scraped to confirm the spot penetrates into the cotyledon and is of a size to constitute damage per the definition. AMS believes that addressing cotyledon damage in chickpea/garbanzo beans would assist in moving the U.S. bean market toward fewer quality complaints and serve to ensure consistent grading results across the nation.

AMS grading and inspection services, provided through a network of Federal, State, and private laboratories, conduct tests to determine the quality and condition of beans. 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. The U.S. Standards for Beans and the affiliated grading and testing services offered by AMS verify that a seller's beans meet specified requirements and ensure that customers receive the quality purchased.

In order for U.S. standards and grading procedures for beans to remain relevant, AMS invites interested parties to submit comments on the proposal to add criteria pertaining to Cotyledon Damage for the class Chickpea/Garbanzo Beans in the Bean Inspection Handbook. This change would not revise or amend the Grade and Grade Requirements for the class Chickpea/Garbanzo Beans in the U.S. Standards for Beans.

Proposed AMS Action

Based on input from stakeholder organizations in the bean industry, AMS proposes to amend the Bean Inspection Handbook by including the new damage definition and criteria for Cotyledon Damage in Chickpea/Garbanzo Beans.

AMS is accepting comments on this proposed action for 60 days. All comments received within the comment period will be made part of the public record maintained by AMS, will be available to the public for review, and will be considered by AMS before a final action is taken on this proposal.

Authority: 7 U.S.C. 1621–1627.

Erin Morris,

Associate Administrator Agricultural Marketing Service.

[FR Doc. 2021–08374 Filed 4–21–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 19, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are

requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by May 24, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Financial Information Security Request Form.

OMB Control Number: 0596–0204.

Summary of Collection: The majority of Forest Service's (FS) financial records are in databases stored at the National Finance Center (NFC). The Federal Information Security Reform Act of 2002 (Pub. L. 107–347) and Information Technology Management Reform Act of 1996 (Pub. L. 104–106) authorize the Forest Service to obtain information necessary for contracted employees to access and maintain these records.

Need and Use of the Information: The Forest Service uses a paper and electronic version of its form FS–6500–214 to gather name, work email, work telephone number, job title etc. for a specific contracted employee to apply to NFC for access. Prior to filling out the firm, contractors must first complete specific training before a user may request access to certain financial systems. NFC grants access to users only at the request of Client Security Officers. The unit's Client Security Officer is responsible for management of access to computers and coordinates all requests for NFC. The information collected is shared with those managing or overseeing the financial systems used by the FS, this includes auditors.

Description of Respondents: Contracted Employees.

Number of Respondents: 209.

Frequency of Reponses: Reporting: Yearly.

Total Burden Hours: 315.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–08322 Filed 4–21–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 19, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are required regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 24, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: Emergency Conservation Program and Biomass Crop Assistance Program.

OMB Control Number: 0560–0082.

Summary of Collection: The Farm Service Agency (FSA), in cooperation with the Natural Resources Conservation Service, the Forest Service, and other agencies and organizations, provides eligible producers and landowners cost-share incentives and technical assistance through several conservation and environmental programs to help farmers, ranchers, and other eligible landowners and operators conserve soil, improve water quality, develop forests, and rehabilitate farmland severely damaged by natural disasters authorized under the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205). FSA provides emergency funds for sharing with agricultural producers the cost of rehabilitating farmland damaged by natural disaster, and for carrying out emergency water conservation measures during periods of severe drought. FSA is also managing the Biomass Crop Assistance Program (BCAP) authorized by Section 9010 of the Agricultural Act of 2014 (Pub. L. 113–79), which amends Title 1X of the Food, Conservation and Energy Act of 2008. BCAP regulations outlined the legislations parameters, program definitions and process for: (1) Establishing BCAP project areas; (2) Matching payment opportunity for eligible material owners and qualifying biomass conversion facilities; (3) Contracting acreage for producers in BCAP project areas; and (4) Establishment and annual production payments for producers in BCAP projects areas.

Need and use of the Information: FSA will collect information using several forms. The collected information will be used to determine if the person, land, and practices are eligible for participation in the respective program and to receive cost-share assistance. Also, Information collection from eligible biomass owners, biomass conversion facilities, and producers meeting the requirements for matching payments, annual production payment assistance, establishment payments and BCAP project area designation is necessary in order to ensure the financial accountability needed to operate and administer the BCAP.

Without the information, FSA will not be able to make eligibility determinations and compute payments in a timely manner.

Description of Respondents: Farms; Business or other for profit.

Number of Respondents: 140,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 49,385.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–08339 Filed 4–21–21; 8:45 am]

BILLING CODE 3410–05–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Tennessee Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Tennessee Advisory Committee (Committee) will hold a meeting via the web platform WebEx on Thursday, April 29, 2021 at 12:00 p.m. Central Time. The purpose of the meeting is for the committee to discuss proposed topics of study.

DATES: The meetings will be held on:

- Thursday, April 29, 2021, at 12:00 p.m. Central Time: *https://civilrights.webex.com/civilrights/j.php?MTID=mb745b31b3e4f8d5048942116dab67784*

or Join by phone: 800–360–9505 USA Toll Free, Access code: 1404 3971 590

FOR FURTHER INFORMATION CONTACT: David Barreras, Designated Federal Officer, at *dbarreras@usccr.gov* or (202) 499–4066.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to David Barreras at *dbarreras@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Tennessee Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call

II. Chair's Comments

III. Committee Discussion

IV. Next Steps

V. Public Comment

VI. Adjournment

Dated: April 17, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–08325 Filed 4–21–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maryland Advisory Committee; Cancellation

AGENCY: Commission on Civil Rights.

ACTION: Notice; cancellation of meeting.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning a meeting of the Maryland Advisory Committee. The meeting scheduled for Wednesday, May 21, 2021 at 4:00 p.m. (ET) is cancelled.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, (202) 921–2212, *ebohor@usccr.gov.*

SUPPLEMENTARY INFORMATION: The notice is in the **Federal Register** of Monday, March 15, 2021, in FR Doc. 2021–05292, in the first and second columns of page 14304.

Dated: April 17, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–08323 Filed 4–21–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Virginia Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Virginia Advisory Committee (Committee) will hold a meeting via web conference on Tuesday, May 25, 2021 at 12:00 p.m. Eastern Time. The purpose of the meeting is to discuss next steps in their current study of police accountability in Virginia.

DATES: Tuesday, May 25, 2021, at 12:00 p.m. Eastern Time.

Online Registration: https://bit.ly/3dmnJYc.

Telephone Access: 800–360–9505 USA Toll Free; Access code: 199 325 6753.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or (202) 618–4158.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they

become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Virginia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. SAC Discussion: Police Accountability
III. Public Comment
IV. Adjournment

Dated: April 17, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–08321 Filed 4–21–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting via web conference on Monday May 3, 2021 at 3:00 p.m. Central Time. The Committee's purpose is to review and discuss testimony received regarding the qualified immunity of law enforcement in the state.

DATES: The meeting will be held on Monday May 3, 2021 from 3:00–4:00 p.m. Central Time.

ONLINE REGISTRATION (audio/visual): *https://bit.ly/3e9uQCi*

TELEPHONE ACCESS (audio only): 800 360 9505; Access Code: 199 359 1203

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or (202) 618–4158.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received by the regional office within 30 days following the meeting. Written comments may be emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Mississippi Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email address.

Agenda

I. Welcome & Roll Call
II. SAC Discussion: Qualified Immunity of Law Enforcement in Mississippi
III. Public Comment
IV. Adjournment

Dated: April 17, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–08324 Filed 4–21–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Data Collection Form for Reporting on Audits of States, Local Governments, Indian Tribes, Institutions of Higher Education, and Non-Profit Organizations

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of Form SF–SAC, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before June 21, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference Form SF–SAC in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0011, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Megan Minnich at *erd.fac@census.gov* or 800–253–0696.

SUPPLEMENTARY INFORMATION:

I. Abstract

Non-Federal entities (states, local governments, Indian tribes, institutions of higher education, and nonprofit organizations) are required by the Single Audit Act Amendments of 1996 (31 U.S.C. 7501, et. seq.) (Act) and 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' (Uniform Guidance) to have audits conducted of their Federal awards and file the resulting reporting packages (Single Audit reports) and data collection forms (Form SF–SAC) with the Federal Audit Clearinghouse (FAC).

The Form SF–SAC is Appendix X to 2 CFR part 200. The Office of Management and Budget (OMB) has designated the Census Bureau as the FAC to serve as the government-wide repository of record for Single Audit reports.

The Single Audit process is a primary method Federal agencies and pass-through entities use to provide oversight for Federal awards and reduce risk of non-compliance and improper payments. This includes following up on audit findings and questioned costs. There are no proposed changes to Form SF–SAC.

This is an extension, without changes, of Form SF–SAC, OMB control number 0607–0518. Form SF–SAC can be obtained by download from the FAC homepage at *https://facides.census.gov/InstructionsDocuments.aspx* or by contacting the Federal Audit Clearinghouse at *erd.fac@census.gov* or 800–253–0696. The FAC will continue to collect Uniform Guidance Single Audit submissions from prior audit years to accommodate late submissions and revisions. Late submissions or revisions from prior years are to use the version of the Form SF–SAC applicable to that audit year. FAC will no longer collect submissions qualifying under A–133.

II. Method of Collection

The information will be collected electronically through the FAC's web-based internet Data Entry System (IDES) available at *https://facides.census.gov.* IDES can also be accessed by visiting the FAC homepage at *https://facweb.census.gov* and then clicking ''Submit an Audit''.

III. Data

OMB Control Number: 0607–0518.

Form Number(s): SF–SAC.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: States, local governments, Indian tribes, institutions of higher education, non-profit organizations (Non-Federal entities) and their auditors.

Estimated Number of Respondents: 80,000 (40,000 auditees and 40,000 auditors).

Estimated Time per Response: 70 hours for each of the 400 large respondents and 21 hours for each of the 79,600 small respondents.

Estimated Total Annual Burden Hours: 1,711,600.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 31 U.S.C. Section 7501 et. seq. and 2 CFR part 200.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–08314 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

Combined Board and Board Committees Meeting

AGENCY: First Responder Network Authority (FirstNet Authority), National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce.

ACTION: Announcement of meeting.

SUMMARY: The FirstNet Authority Board will convene an open public meeting of the Board and Board Committees.

DATES: May 5, 2021; 11:00 a.m. to 1:00 p.m. Eastern Standard Time (EST); WebEx.

ADDRESSES: The public meeting will be conducted via WebEx. Members of the public may listen to the meeting and view the slide presentation by visiting the URL: *https://stream2.sparkstreetdigital.com/20210505-firstnet.html.* WebEx information can also be found on the FirstNet Authority website (FirstNet.gov).

FOR FURTHER INFORMATION CONTACT:

General Information: Janell Smith, (202) 257–5929, *Janell.Smith@FirstNet.gov.*

Media Inquiries: Ryan Oremland, (571) 665–6186, *Ryan.Oremland@FirstNet.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1401 *et seq.*) (Act) established the FirstNet Authority as an independent authority within NTIA. The Act directs the FirstNet Authority to ensure the building, deployment, and operation of a nationwide interoperable public safety broadband network. The FirstNet Authority Board is responsible for making strategic decisions regarding the FirstNet Authority's operations.

Matters to be Considered: The FirstNet Authority will post a detailed agenda for the Combined Board and Board Committees Meeting on FirstNet.gov prior to the meeting. The agenda topics are subject to change. Please note that the subjects discussed by the Board and Board Committees may involve commercial or financial information that is privileged or confidential, or other legal matters affecting the FirstNet Authority. As such, the Board may, by majority vote, close the meeting only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Other Information: The Combined Board and Board Committees Meeting is accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Janell Smith at (202) 257–5929 or email: *Janell.Smith@FirstNet.gov* at least five (5) business days (April 28) before the meeting.

Records: The FirstNet Authority maintains records of all Board

proceedings. Minutes of the Combined Board and Board Committees Meeting will be available on *FirstNet.gov.*

Dated: April 19, 2021.

Janell Smith,

Board Secretary, First Responder Network Authority.

[FR Doc. 2021–08360 Filed 4–21–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–812]

Certain Carbon and Alloy Steel Cut-to-Length Plate From Belgium: Amended Final Results of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is amending the final results of the administrative review of the antidumping duty (AD) order on certain carbon and alloy steel cut-to-length plate (CTL plate) from Belgium to correct a ministerial error.

DATES: Applicable April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Alex Wood, 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) 482–1959.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2021, Commerce published the *Final Results* of the 2018–2019 administrative review of CTL plate from Belgium in the **Federal Register**.[1] On March 30, 2021, Nucor Corporation (the petitioner) alleged the existence of a ministerial error in Commerce's *Final Results.*[2]

Legal Framework

A ministerial error, as defined in section 751(h) of the Tariff Act of 1930, as amended (the Act), includes ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.'' [3] With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce ''will analyze any comments received and, if appropriate, correct any ministerial error by amending . . . the final results of review.''

Ministerial Error

Commerce committed an inadvertent error within the meaning of section 751(h) of the Act and 19 CFR 351.224(f) by incorrectly adding section 232 duties to U.S. price in the margin program for Industeel Belgium S.A. (Industeel), one of the mandatory respondents. Accordingly, we determine, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), that we made a ministerial error in the *Final Results.* Pursuant to 19 CFR 351.224(e), we are amending the *Final Results* to correct this error. This correction results in a change to Industeel's weighted-average dumping margin and also changes the rate calculated for the non-individually-examined companies. For a detailed discussion of the ministerial error allegation, as well as Commerce's analysis, *see* Ministerial Error Memorandum.[4]

Amended Final Results of the Review

We are assigning the following weighted-average dumping margins to the firms listed below for the period May 1, 2018, through April 30, 2019:

Producers/exporters	Weighted-average dumping margin (percent)
Industeel Belgium S.A	8.64
NLMK Clabecq S.A./NLMK Plate Sales S.A./NLMK Sales Europe S.A./NLMK Manage Steel Center S.A./NLMK La Louviere S.A	12.29
Review-Specific Average Rate Applicable to the Following Companies: [5]	
Stahlo Stahl Service GmbH & Co. KG	10.47
Tranter Service Centers	10.47

Disclosure

We intend to disclose the calculations performed for these amended final results in accordance with 19 CFR 351.224(b).

Antidumping Duty Assessment

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the amended final results of this review.

Pursuant to 19 CFR 351.212(b)(1), where Industeel and NLMK Belgium reported the entered value of their 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. Where the respondents did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

[1] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Final Results of Antidumping Duty Administrative Review; 2018–2019,* 86 FR 15648 (March 24, 2021) (*Final Results*), and accompanying Issues and Decision Memorandum.

[2] *See* Petitioner's Letter, ''Ministerial Error Comments,'' dated March 30, 2021.

[3] *See* 19 CFR 351.224(f).

[4] *See* Memorandum, ''2018–19 Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Allegation of Ministerial Error in the Final Results,'' dated concurrently with this notice (Ministerial Error Memorandum).

[5] This rate is based on the simple average of the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis,* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act. *See* Memorandum, ''Amended Final Results of the Antidumping Administrative Review of Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Calculation of the Cash Deposit Rate for Non-Reviewed Companies,'' dated concurrently with this notice.

For the companies which were not selected for individual review, we will assign an assessment rate based on the simple average[6] of the cash deposit rates calculated for Industeel and NLMK Belgium. The amended final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the amended final results of this review and for future deposits of estimated duties, where applicable.[7]

Commerce's ''automatic assessment'' will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

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 cash deposit requirements will be effective retroactively for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after March 24, 2021, the publication date of the *Final Results* of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the amended 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 which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (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 5.40 percent, the all-others rate established in the LTFV investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This amended notice is issued and published in accordance with sections 751(h) and 777(i) of the Act, and 19 CFR 351.224(e).

Dated: April 16, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–08365 Filed 4–21–21; 8:45 am]

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[6] *Id.*

[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).

[9] *See Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders,* 82 FR 24096, 24098 (May 25, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–017]

Passenger Vehicle and Light Truck Tires From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain producers/exporters of passenger vehicle and light truck tires (passenger tires) from the People's Republic of China (China) received countervailable subsidies during the period of review, January 1, 2018, through December 31, 2018.

DATES: Applicable April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1785.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of the administrative review in the **Federal Register** on December 18, 2020.[1] We invited interested parties to comment on the *Preliminary Results.*

On January 19, 2021, we received a case brief and a letter in lieu of a case brief from Triangle Tyre Co., Ltd. (Triangle Tyre) and Qingdao Fullrun Tyre Tech Corp., Ltd. (Fullrun Tyre), respectively.[2] On January 29, 2021, we received a rebuttal brief from United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied

[1] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Intent to Rescind in Part; 2018,* 85 FR 82437 (December 18, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Triangle Tyre's Letter, ''Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Case Brief of Triangle Tyre Co., Ltd.,'' dated January 19, 2021; *see also* Fullrun Tyre Tech's Letter, ''Passenger Vehicle and Light Truck Tires from China-Letter in Lieu of Case Brief,'' dated January 19, 2021.

Industrial and Service Workers Union, AFL–CIO (collectively, the petitioner).[3] For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.[4]

Scope of the Order [5]

The products covered by the order are passenger tires from China. For a complete description of the scope of order, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.*

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gave rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts otherwise available pursuant to section 776(a) of the Act, as well as adverse facts available pursuant to section 776(b) of the Act. For further information, *see* ''Use of Facts Otherwise Available'' in the Issues and Decision Memorandum.

Partial Rescission of Review

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[7] Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.[8] Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated countervailing duty assessment rate calculated for the review period.[9]

According to the CBP import data, three of the six companies subject to this review, which were not chosen as mandatory respondents and which did not withdraw their review requests, did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended.[10] Because there is no evidence on the record to indicate that these companies had entries, exports, or sales of subject merchandise to the United States during the POR, pursuant to 19 CFR 351.213(d)(3), we are rescinding the review with respect to these companies. In the *Preliminary Results*, we also stated that we intended to rescind the administrative review with respect Qingdao Fullrun Tyre Tech Corp., Ltd. However, because Qingdao Fullrun Tyre Tech Corp., Ltd. did not request a review and was not identified in the *Initiation Notice*, we are not rescinding the review with respect to this company. Rather, we are rescinding the review with respect to Qingdao Fullrun Tech Tyre Corp., the company that requested a review, was named in the *Initiation Notice*, and for which we found no reviewable entries (*see* Comment 2 of the Issues and Decision Memorandum).

Companies Not Selected for Individual Review

To determine the rate for companies not selected for individual examination in administrative reviews, Commerce's practice is to weight average the net subsidy rates for the selected mandatory companies, excluding rates that are zero, *de minimis*, or based entirely on facts available. In this review, we calculated rates based entirely on facts available for each of the mandatory respondents during the POR. In countervailing duty administrative reviews, where the number of respondents being individually examined has been limited, Commerce has determined that a ''reasonable method'' to determine the rate applicable to companies that were not individually examined when all the rates of selected mandatory respondents are zero, *de minimis*, or based entirely on adverse facts available is to assign to the non-selected respondents the average of the most recently determined rates that are not zero, *de minimis*, or based entirely on facts available.[11] However, if a non-selected respondent has its own calculated rate that is contemporaneous with or more recent than such previous rates, Commerce has found it appropriate to apply that calculated rate to the non-selected respondent, even when that rate is zero or *de minimis*.[12]

With regard to the three remaining non-selected companies, which have no prior individual rates from prior segments, we are assigning the rate of 20.05 percent *ad valorem*, which is the average of the above-*de minimis* rates calculated in the last review.

Final Results of Review

We determine the following net countervailable subsidy rates for the period January 1, 2018, through December 31, 2018:

[3] *See* Petitioner's Letter, ''Administrative Review of the Countervailing Duty Order on Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Petitioner's Rebuttal Brief,'' dated January 29, 2021.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2018 Administrative Review of the Countervailing Duty Order of Passenger Vehicle and Light Truck Tires from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 80 FR 47902 (August 10, 2015) (*CVD Order*).

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015*, 82 FR 14349 (March 20, 2017); *see also Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017*, 84 FR 14650 (April 11, 2019).

[8] *See* 19 CFR 351.212(b)(2).

[9] *See* 19 CFR 351.213(d)(3).

[10] These three companies are Hankook Tire China Co., Ltd.; Qingdao Fullrun Tech Tyre Corp., Ltd.; and Qingdao Powerich Tyre Co., Ltd.

[11] *See, e.g., Circular Welded Carbon Steel Pipes and Tubes from Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2012 and Rescission of Countervailing Duty Administrative Review, in Part,* 79 FR 51140 (August 27, 2014); *see also Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea; Final Results of Countervailing Duty Administrative Review; 2012,* 79 FR 46770 (August 11, 2014), and accompanying Issues and Decision Memorandum at ''Non-Selected Rate.''

[12] *Id.*

Producers/exporters [13]	Subsidy rate (percent *ad valorem*)
Shandong Duratti Rubber Corporation Co., Ltd	116.50
Shandong Longyue Rubber Co. Ltd	116.50
Shandong Anchi Tyre Co., Ltd	116.50
Triangle Tyre Co. Ltd	116.50
Review-Specific Average Rate Applicable to the Following Companies	
Jiangsu Hankook Tire Co., Ltd	20.05
Qingdao Fullrun Tyre Corp., Ltd	20.05
Shandong Province Sanli Tire Manufactured Co., Ltd	20.05

Assessment and Cash Deposit Requirements

Consistent with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), upon issuance of these final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2018, through December 31, 2018, in accordance with 19 CFR 351.212(c)(1)(i). We intend to issue instructions to CBP no earlier than 35 days after publication of the final results of this review. 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

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above for the respective companies listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results of this review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 16, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Rescission of the Administrative Review, in Part
V. Rate for Non-Selected Companies Under Review
VI. Use of Facts Otherwise Available and Application of Adverse Inferences
VII. Analysis of Comments
  Comment 1: Whether the Application of Adverse Facts Available to Triangle Tyre Co., Ltd. was Lawful
  Comment 2: Whether Commerce Should Rescind the Review with Respect to Qingdao Fullrun Tyre Tech Corp., Ltd.
VIII. Recommendation

[FR Doc. 2021–08362 Filed 4–21–21; 8:45 am]

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[13] We are not disclosing any final calculations as we did make any revisions to the preliminary AFA calculations in connection with the final results of this review. *See* Preliminary Decision Memorandum at 18–20.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Administrative Review, and Preliminary Determination of No Shipments; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the certain companies under review sold subject merchandise at less than normal value during the period of review (POR), December 1, 2018, through November 30, 2019 and that certain other companies under review did not ship subject merchandise to the United States during the POR. Additionally, Commerce is rescinding this review with respect to three companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen or Aleksandras Nakutis, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2769 or (202) 482–3147, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 6, 2020, in response to review requests from multiple parties, Commerce initiated an administrative review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic

of China (China).[1] The POR is December 1, 2018, through November 30, 2019. On April 24, 2020 and July 21, 2020, Commerce tolled all deadlines in administrative reviews by 50 days and 60 days respectively, thereby extending the deadline for these preliminary results of review until December 21, 2020.[2] On December 17, 2020, and again on March 9, 2021, Commerce extended the time limit for completing the preliminary results of this review.[3] The deadline for issuing the preliminary results of this review is April 16, 2021.

On April 29, 2020, Commerce selected two exporters to individually examine as mandatory respondents,[4] Jinko [5] and Risen.[6] During the course of this review, the mandatory respondents filed responses to Commerce's questionnaire and supplemental questionnaires, the petitioner (SunPower Manufacturing Oregon, LLC) commented on those responses, and multiple other companies for which Commerce initiated the review filed either no-shipment claims or applications or certifications for separate rates status. For details regarding the events that occurred subsequent to the initiation of the review, *see* the Preliminary Decision Memorandum.[4]

Scope of the Order

The merchandise covered by the order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.[7] Merchandise covered by this order is classifiable under subheadings 8501.61.0010, 8507.20.80, 8541.40.6015, 8541.40.6025, and 8501.31.8010 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Preliminary Determination of No Shipments

We found no evidence calling into question the no shipment claims of the following companies/company groupings: (1) BYD (Shangluo) Industrial Co., Ltd., (2) Changzhou Trina Solar Energy Co., Ltd., Trina Solar (Changzhou) Science and Technology Co., Ltd., Yancheng Trina Solar Energy Technology Co., Ltd., Changzhou Trina Solar Yabang Energy Co., Ltd., Turpan Trina Solar Energy Co., Ltd., Hubei Trina Solar Energy Co., Ltd., Trina Solar (Hefei) Science and Technology Co., Ltd., and (3) Shanghai BYD Co., Ltd. We also found that Wuxi Suntech Power Co., Ltd/Luoyang Suntech Power Co., Ltd. did not ship subject merchandise to the United States during the POR. For additional information regarding these preliminary determinations, *see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested a review withdraw their requests within 90 days of the publication date of the notice of initiation of the requested review. All parties withdrew their requests for an administrative review of JA Solar Technology Yangzhou Co., Ltd., JingAo Solar Co., Ltd., and Shanghai JA Solar Technology Co., Ltd. within 90 days of the date of publication of the *Initiation Notice.* Accordingly, Commerce is rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1).

Preliminary Affiliation and Single Entity Determination

We have determined that Jinko Solar Co., Ltd (Jiangxi Jinko); JinkoSolar Technology (Haining) Co., Ltd. (Haining Jinko); Yuhuan Jinko Solar Co., Ltd. (Yuhuan Jinko); Zhejiang Jinko Solar Co., Ltd (Zhejiang Jinko); and Jiangsu Jinko Tiansheng Solar Co., Ltd. (Jiangsu Jinko) and Jinko Solar Import and Export Co., Ltd. (Jinko IE) (collectively, Jinko), are affiliated pursuant to section 771(33)(F) of the Tariff Act of 1930, as amended (the Act), and that all of these companies should be treated as a single entity pursuant to 19 CFR 351.401(f)(1)–(2). For additional information, *see* the Preliminary Decision Memorandum and Jinko Collapsing Memorandum.[8]

Also, we have determined that the single entity—Risen Energy Co. Ltd., Risen (Wuhai) New Energy Co., Ltd., Zhejiang Twinsel Electronic Technology Co., Ltd., Risen (Luoyang) New Energy Co., Ltd., Jiujiang Shengchao Xinye Technology Co., Ltd., Jiujiang Shengzhao Xinye Trade Co., Ltd., Ruichang Branch, Risen Energy (HongKong) Co., Ltd., Risen Energy (Changzhou) Co., Ltd. (Changzhou) is affiliated with Risen Energy (YIWU) Co., Ltd., pursuant to section 771(33)(E) of the Act and that all of these companies should be treated as a single entity pursuant to 19 CFR 351.401(f)(1)–(2). For additional information, *see* the Preliminary Decision Memorandum.

Separate Rates

We have preliminarily determined that the information placed on the record by Jinko and Risen, as well as by the other companies listed in the rate table in the ''Preliminary Results of Review'' section below, demonstrates that these companies are entitled to separate rate status.

We have preliminarily determined that the companies listed in Appendix II have not demonstrated their entitlement to separate rates status because they did not file a separate rate application or certification with

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 6896 (February 6, 2020) (*Initiation Notice*).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020; and Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[3] *See* Memorandum, ''2018–2019 Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated December 17, 2020; and Memorandum, ''2018–2019 Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 9, 2021.

[4] *See* Memorandum, ''2018–2019 Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Respondent Selection,'' dated April 29, 2020.

[5] Jinko refers to the following companies which Commerce is treating as a single entity: Jinko Solar Import and Export Co., Ltd.; Jinko Solar Co., Ltd; JinkoSolar Technology (Haining) Co., Ltd.; Yuhuan Jinko Solar Co., Ltd; Zhejiang Jinko Solar Co., Ltd. (Zhejiang Jinko); and Jiangsu Jinko Tiansheng Solar Co., Ltd. (Jiangsu Jinko) (collectively, Jinko).

[6] Risen refers to the following companies which Commerce is treating as a single entity: Risen Energy Co. Ltd., Risen (Wuhai) New Energy Co., Ltd., Zhejiang Twinsel Electronic Technology Co., Ltd., Risen (Luoyang) New Energy Co., Ltd., Jiujiang Shengchao Xinye Technology Co., Ltd., Jiujiang Shengzhao Xinye Trade Co., Ltd., Ruichang Branch, Risen Energy (HongKong) Co., Ltd., Risen Energy (Changzhou) Co., Ltd. (Changzhou) and Risen Energy (YIWU) Co., Ltd. (collectively, Risen).

[7] For a complete description of the scope of the order, *see* Memorandum ''Decision Memorandum for the Preliminary Results of the 2018–2019 Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or not Assembled into Modules, from the People's Republic of China,'' issued concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[8] Our affiliation and collapsing analysis is based on information that has been designated business proprietary information. For additional details, *see* Memorandum, ''Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or not Assembled into Modules, from the People's Republic of China: Affiliation and Collapsing Memorandum for Jinko Solar Import and Export Co., Ltd.,'' issued concurrently with this notice.

Commerce. We are treating the companies listed in Appendix II as part of the China-wide entity. Because no party requested a review of the China-wide entity, the entity is not under review and the entity's rate (*i.e.,* 238.95 percent) is not subject to change.[9] In addition, because we determined that Wuxi Suntech Power Co., Ltd/Luoyang Suntech Power Co., Ltd. did not ship subject merchandise to the United States during the POR, we have not considered its separate rate application. For additional information regarding Commerce's preliminary separate rates determinations, *see* the Preliminary Decision Memorandum.

Dumping Margins for Separate Rate Companies

The statute and Commerce's regulations do not address what rate to apply to respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually-examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available. Where the rates for the individually for the individually examined companies are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method'' to establish the all-others rate. We preliminary assigned the respondents not selected for individual examination to which we granted a separate rate the dumping margin calculated for Jinko.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Act. Commerce calculated export and constructed export prices in accordance with section 772 of the Act. Because Commerce has determined that China is a non-market economy country,[10] within the meaning of section 771(18) of the Act, Commerce calculated normal value in accordance with section 773(c) of the Act.

For a full description of the methodology underlying the preliminary results of this review, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be found at *https://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

We are assigning the following dumping margins to the firms listed below for the period December 1, 2019, through November 30, 2019:

Exporter	Weighted-average dumping margin (percent)
Jinko Solar Import and Export Co., Ltd./Jinko Solar Co., Ltd./JinkoSolar Technology (Haining) Co., Ltd./Yuhuan Jinko Solar Co., Ltd./Zhejiang Jinko Solar Co., Ltd./Jiangsu Jinko Tiansheng Solar Co., Ltd	13.89
Risen Energy Co. Ltd., Risen (Wuhai) New Energy Co., Ltd., Zhejiang Twinsel Electronic Technology Co., Ltd., Risen (Luoyang) New Energy Co., Ltd., Jiujiang Shengchao Xinye Technology Co., Ltd., Jiujiang Shengzhao Xinye Trade Co., Ltd., Ruichang Branch, Risen Energy (HongKong) Co., Ltd., Risen Energy (Changzhou) Co., Ltd. (Changzhou) and Risen Energy (YIWU) Co., Ltd	0.00
Review-Specific Average Rate Applicable to the Following Companies:	
Anji DaSol Solar Energy Science & Technology Co., Ltd	13.89
Canadian Solar International Limited, Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang)Inc., CSI Cells Co., Ltd., CSI–GCL Solar Manufacturing (YanCheng) Co., Ltd., CSI Solar Power (China) Inc	13.89
Chint Solar (Zhejiang) Co., Ltd., Chint Energy (Haining) Co., Ltd., Chint Solar (Jiuquan) Co., Ltd., Chint Solar (Hong Kong) Company Limited	13.89
LONGi Solar Technology Co., Ltd	13.89
Shenzhen Sungold Solar Co., Ltd	13.89
Shenzhen Topray Solar Co., Ltd	13.89
Wuxi Tianran Photovoltaic Co., Ltd	13.89
Yingli Energy (China) Company Limited, Baoding Tianwei Yingli New Energy Resources Co., Ltd., Tianjin Yingli New Energy Resources Co., Ltd., Hengshui Yingli New Energy Resources Co., Ltd., Lixian Yingli New Energy Resources Co., Ltd., Baoding Jiasheng Photovoltaic Technology Co., Ltd., Beijing Tianneng Yingli New Energy Resources Co., Ltd., Hainan Yingli New Energy Resources Co., Ltd., Shenzhen Yingli New Energy Resources Co., Ltd	13.89
Zhejiang Aiko Solar Energy Technology Co., Ltd	13.89

[9] The China-wide entity rate was last changed in the first administrative review of this proceeding and has been the applicable rate for the entity in each subsequent review, including the one most recently completed review. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2012–2013,* 80 FR 40998, 41002 (July 14, 2015) (*AR1 Final*); *see also Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018,* 85 FR 62275 (October 2, 2020).

[10] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination,* 82 FR 50858, 50861 (November 2, 2017) (citing Memorandum, ''China's Status as a Non-Market Economy,'' dated October 26, 2017 (China NME Status Memo)), unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018).

Disclosure and Public Comment

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review in the **Federal Register.**[11] Rebuttal briefs may be filed no later than seven days after case briefs are due and may respond only to arguments raised in the case briefs.[12] A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to Commerce. The summary should be limited to five pages total, including footnotes.[13]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register.**[14] Requests should contain the party's name, address, and telephone number, the number of individuals from the requesting party's firm that will attend the hearing, and a list of the issues the party intends to discuss at the hearing. Oral arguments at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[15] Parties should confirm by telephone the date and time of the hearing two days before the scheduled date of the hearing.

All submissions, with limited exceptions, must be filed electronically using ACCESS.[16] An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date.[17] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[18] Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[19] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after 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).

For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.,* less than 0.5 percent), Commerce intends to calculate importer/customer-specific assessment rates, in accordance with 19 CFR 351.212(b)(1).[20] Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer/customer and dividing this amount by the total entered value of the merchandise sold to the importer/customer.[21] Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis;* however, Commerce will use the per-unit assessment rate where entered values were not reported.[22] Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis,* Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis,* or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[23]

For the respondents that were not selected for individual examination in this administrative review, but which qualified for a separate rate, the assessment rate will be based on the weighted-average dumping margin(s) assigned to the respondent(s), as appropriate, in the final results of this review.[24]

Pursuant to Commerce's refinement to its practice, for sales that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin for the China-wide entity.[25] Additionally, where Commerce determines that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the dumping margin for the China-wide entity.

In accordance with section 751(a)(2)(C) of the Act, 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 antidumping duties, where applicable.

Cash Deposit Requirements

Commerce will instruct CBP to require a cash deposit for antidumping duties equal to the weighted-average amount by which the normal value

[11] *See* 19 CFR 351.309(c)(ii).

[12] *See* 19 CFR 351.309(d).

[13] *See* 19 CFR 351.309(c)(2), (d)(2).

[14] *See* 19 CFR 351.310(c).

[15] *See* 19 CFR 351.310(d).

[16] *See* generally 19 CFR 351.303.

[17] *See* 19 CFR 351.303 (for general filing requirements); *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[18] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 29615 (May 18, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[19] *See* 19 CFR 351.212(b)(1).

[20] *See Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification*).

[21] *See* 19 CFR 351.212(b)(1).

[22] *Id.*

[23] *See Final Modification,* 77 FR at 8103.

[24] *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014–2015,* 81 FR 29528 (May 12, 2016), and accompanying IDM at 10–11, unchanged in *Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2014–2015,* 81 FR 54042 (August 15, 2016).

[25] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

exceeds U.S. price. The following cash deposit requirements will be effective for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed in the table above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review for the exporter (except, if the dumping margin is *de minimis* (*i.e.,* less than 0.5 percent), then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed Chinese and non-Chinese exporters that are not listed in the table above but that have separate rates, the cash deposit rate will continue to be the exporter-specific rate established in the most recently completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 238.95 percent)[26] and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties has occurred, and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

[26] *See AR1 Final,* 80 FR at 41002.

Dated: April 16, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Sections in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Partial Rescission of Administrative Review
V. Preliminary Determination of No Shipments
VI. Selection of Respondents
VII. Single Entity Treatment
VIII. Discussion of the Methodology
IX. Recommendation

Appendix II

Companies Preliminarily Determined To Be Part of the China-Wide Entity

1. De-Tech Trading Limited HK
2. Dongguan Sunworth Solar Energy Co., Ltd.
3. Eoplly New Energy Technology Co., Ltd.
4. ERA Solar Co., Ltd.
5. ET Solar Energy Limited
6. Hangzhou Sunny Energy Science & Technology Co., Ltd.
7. Hengdian Group DMEGC Magnetics Co., Ltd.
8. Jiangsu High Hope Int'l Group
9. Jiawei Solarchina (Shenzhen) Co., Ltd.
10. Jiawei Solarchina Co., Ltd.
11. JinkoSolar International Ltd.[27]
12. LERRI Solar Technology Co., Ltd.
13. Lightway Green New Energy Co., Ltd.
14. Ningbo ETDZ Holdings, Ltd.
15. Ningbo Qixin Solar Electrical Appliance Co., Ltd.
16. Sumec Hardware & Tools Co., Ltd.
17. Sunpreme Solar Technology (Jiaxing) Co., Ltd.
18. Systemes Versilis, Inc.
19. Taizhou BD Trade Co., Ltd.
20. tenKsolar (Shanghai) Co., Ltd.
21. Tianneng Yingli New Energy Resources Co., Ltd.
22. Toenergy Technology Hangzhou Co., Ltd.
23. Yingli Green Energy International Trading Company Limited
24. Zhejiang ERA Solar Technology Co., Ltd.
25. Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

[FR Doc. 2021–08363 Filed 4–21–21; 8:45 am]

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[27] Jinko, the owner of JinkoSolar International Ltd., stated that it was closed prior to the POR. *See* Jinko's Letter, ''Jinko Supplemental Section A Questionnaire Response in the Seventh Administrative Review of the Antidumping Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China (A–570–979),'' dated March 4, 2021.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB035]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Joint Committee and Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, May 10, 2021 at 9 a.m.

ADDRESSES: All meeting participants and interested parties can register to join the webinar at *https://attendee.gotowebinar.com/register/2841811361646228237.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Joint Committee and Advisory Panel plan to discuss regional offshore wind updates, including science planning and surveys, open public comment opportunities, Council energy policies, and other topics. They will also receive an update on the Plan Development Team's work related to Georges Bank habitat management. The group plans to discuss offshore aquaculture projects and opportunities for engagement, if necessary. They will receive other habitat project updates, including updates related to the Northeast Regional Habitat Assessment. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under

section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: April 19, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–08406 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB019]

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel; Recreational Roundtable and Large Pelagics Survey Workshop

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

ACTION: Notice of public webinars/conference calls.

SUMMARY: NMFS will hold a 3-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting and a 1-day Recreational Roundtable/Large Pelagics Survey (LPS) Workshop via webinar in May 2021. The intent of the HMS AP meeting is to consider options for the conservation and management of Atlantic HMS. The intent of the Recreational Roundtable/LPS Workshop is to discuss HMS recreational fishing issues and to inform the public about, and field questions regarding, the LPS relative to HMS. The meetings are open to the public.

DATES: The AP meeting and webinar will be held from 8:45 a.m. to 3:45 p.m. on Tuesday, May 25; from 8:45 a.m. to 3:30 p.m. on Wednesday, May 26; and from 8:45 a.m. to 2:30 p.m. on Thursday, May 27. The Recreational Roundtable/LPS Workshop will be held from 9 a.m. to 3:30 p.m. on Friday, May 28.

ADDRESSES: The meetings will be accessible via conference call and webinar. Conference call and webinar access information are available at: *https://www.fisheries.noaa.gov/event/may-2021-hms-advisory-panel-meeting.*

Participants are strongly encouraged to log/dial in 15 minutes prior to the meeting. NMFS will show the presentations via webinar and allow public comment during identified times on the agenda.

FOR FURTHER INFORMATION CONTACT: Peter Cooper at (301) 427–8503 or *Peter.Cooper@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act requires the establishment of an AP for each Fishery Management Plan (FMP) for Atlantic HMS, *i.e.,* tunas, swordfish, billfish, and sharks. 16 U.S.C. 1854(g)(1)(A)–(B). Since the inception of the AP in 1998, NMFS has consulted with and considered the comments and views of AP members when preparing and implementing Atlantic HMS FMPs or FMP amendments.

The intent of these meetings is to consider potential alternatives for the conservation and management of Atlantic tunas, swordfish, billfish, and shark fisheries, and discuss HMS recreational fishing and LPS issues. We anticipate discussing:

- Bluefin tuna fisheries management, including Draft Amendment 13, restricted-fishing days for the General category fishery and Charter/Headboat-permitted vessels when fishing commercially, application of Federal regulations within state waters under the Atlantic Tunas Convention Act, particularly with regard to a request by the State of Maine, and language in the 2021 Appropriations Act Joint Explanatory Statement directing NMFS to reconsider the decision to open the former Gulf of Mexico Gear Restricted Area to pelagic longline fishing (Spring Gulf of Mexico Monitoring Area);
- Review of the Atlantic shark fishery and shark depredation issues;
- Introduction to HMS best scientific information available (BSIA) framework draft document development;
- Electronic Technologies and Electronic Monitoring updates;
- Upcoming workshop to review LPS methods and design; and
- HMS recreational fishing listening session.

Additional information on the meetings and a copy of the draft agenda will be posted prior to the meeting at: *https://www.fisheries.noaa.gov/event/may-2021-hms-advisory-panel-meeting.*

Dated: April 16, 2021.

Kelly Denit,

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

[FR Doc. 2021–08308 Filed 4–21–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB008]

Endangered and Threatened Species; Initiation of 5-Year Review for Southern Resident Killer Whales

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

ACTION: Notice; request for information.

SUMMARY: We, NMFS, announce our intent to conduct a 5-year review of Southern Resident killer whales (*Orcinus orca*) under the Endangered Species Act of 1973, as amended (ESA). The purpose of 5-year reviews is to ensure that the listing classification of a species remains accurate. This 5-year review will be based on the best scientific and commercial data available at the time of the review; therefore, we request submission of any such information on Southern Resident killer whales that has become available since our previous 5-year review was completed in 2016. Based on the results of this 5-year review, we will make the requisite determination under the ESA.

DATES: To allow us adequate time to conduct this review, we must receive your information no later than June 21, 2021. While we continue to accept new information about any listed species at any time, information received after the date stated above may not be considered for purposes of this 5-year review.

ADDRESSES: You may submit information, identified by docket number NOAA–NMFS–2021–0029, by any of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov.* In the Search box, enter the above docket number for this notice. Then, click on the Search icon. On the resulting web page, click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail or hand-delivery:* Submit written information to Lynne Barre, NMFS West Coast Region, 7600 Sand Point Way NE, Seattle, WA 98115.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are

received, documented, and considered by NMFS. 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. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Lynne Barre, West Coast Regional Office, 206–526–4745, *lynne.barre@noaa.gov.*

SUPPLEMENTARY INFORMATION: Under the ESA, the U.S. Fish and Wildlife Service maintains a list of all endangered and threatened wildlife and plant species at 50 CFR 17.11 (for animals) and 17.12 (for plants), and NMFS maintains an enumeration of the ESA-listed species under NMFS' jurisdiction at 50 CFR 223.102 (threatened species) and 50 CFR 224.101 (endangered species). Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every 5 years. On the basis of such reviews under section 4(c)(2)(B), we determine whether or not any species should be delisted or reclassified from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available and only considered if such data substantiates that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is extinct; (2) the species does not meet the definition of an endangered species or a threatened species; or (3) the listed entity does not meet the statutory definition of a species. Any change in Federal classification would require a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Southern Resident killer whale distinct population segment (DPS) currently listed as endangered (70 FR 69903; November 18, 2005).

Background information on Southern Resident killer whales including the endangered listing, status reviews, critical habitat designation, recovery planning and protective regulations is available on the NMFS website at *https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/southern-resident-killer-whale-orcinus-orca.* Below is a brief list of several significant actions since the endangered listing of the Southern Resident killer whale DPS. Critical habitat was designated in November 2006 (71 FR 69054) and includes 2,560 square miles (6,630 square kilometers (sq km)) of marine habitat in Haro Strait and waters around the San Juan Islands, Puget Sound, and the Strait of Juan de Fuca. On September 19, 2019 we proposed to revise the critical habitat designation by designating six new areas along the U.S. West Coast (84 FR 49214). The final Recovery Plan was released in January 2008 (73 FR 4176), and contains detailed information on status, threats and recovery actions for Southern Resident killer whales. Regulations to protect Southern Resident killer whales from vessel effects were released in April 2011 (76 FR 20870). A 5-year review was completed in 2011 and 2016 and both concluded that no change was needed to the endangered status (NMFS 2011; 2016). In 2014 we released a report summarizing research and recovery efforts over the last 10 years. The report and other supporting documents and media are available on our website at *https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/southern-resident-killer-whale-orcinus-orca.* In 2015, Southern Resident killer whales were named as a Species in the Spotlight (SIS). They are one of nine marine species that NMFS considers to be most at risk of extinction in the near future. For more information on the SIS initiative, please visit our website at *https://www.fisheries.noaa.gov/topic/endangered-species-conservation#species-in-the-spotlight.* Our most recent Recovering Threatened and Endangered Species FY 2017—2018 Report to Congress summarizes recovery progress since the inception of the SIS initiative and is available at *https://www.fisheries.noaa.gov/resource/document/recovering-threatened-and-endangered-species-report-congress-fy-2017-2018.* In 2018–2019, the Governor of Washington State signed an Executive Order and established a Southern Resident Killer Whale Task Force, and the task force released two reports with recommendations for actions to support recovery of Southern Resident killer whales.

Determining if a Species Is Threatened or Endangered

Section 4(a)(1) of the ESA requires that we determine whether a species is endangered or threatened based on one or more of the five following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Section 4(b) also requires that our determination be made on the basis of the best scientific and commercial data available after taking into account those efforts, if any, being made by any State or foreign nation, to protect such species.

Public Solicitation of New Information

To ensure that the 5-year review is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of Southern Resident killer whales. The 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include: (1) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and important features for conservation; (3) status and trends of threats; (4) conservation measures that have been implemented that benefit the species, including monitoring data demonstrating effectiveness of such measures; (5) need for additional conservation measures or updates to the Recovery Plan; (6) adequacy of the recovery criteria, including information on recovery criteria that have or have not been met; and (7) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the list of endangered and threatened species, and improved analytical methods for evaluating extinction risk.

Any new information will be considered during the 5-year review and may also be useful in evaluating the ongoing recovery program for Southern Resident killer whales. For example,

information on conservation measures will assist in tracking implementation of actions in the Recovery Plan.

If you wish to provide information for this 5-year review, you may submit your information and materials electronically or via mail (see **ADDRESSES** section). We request that all information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications. We also would appreciate the submitter's name, address, and any association, institution, or business that the person represents; however, anonymous submissions will also be accepted.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: April 19, 2021.

Margaret H. Miller,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–08355 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB033]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of webconference.

SUMMARY: The North Pacific Fishery Management Council (Council) Bering Sea Fishery Ecosystem Plan Climate Change Taskforce will meet May 10, 2021 and May 13, 2021.

DATES: The meeting will be held on Monday, May 10, 2021, and Thursday, May 13, 2021, from 9 a.m. to 11:30 a.m., Alaska Time.

ADDRESSES: The meeting will be a webconference. Join online through the link at *https://meetings.npfmc.org/Meeting/Details/2044.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Dr. Diana Stram, Council staff; phone: (907) 271–2809 and email: *diana.stram@noaa.gov.* For technical support, please contact our administrative staff; email: *npfmc.admin@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Agenda

Monday, May 10, 2021 and Thursday, May 13, 2021

The agenda will include (a) finalize workplan following February Council review; (b) establish a timeline for a 5-year task force workplan and milestones; and (c) other business. The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/2044* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/2044.*

Public Comment

Public comment letters will be accepted and should be submitted electronically to *https://meetings.npfmc.org/Meeting/Details/2044.*

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

Dated: April 19, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–08405 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB012]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Marine Corps Training Exercises at Cherry Point Range Complex, North Carolina

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

ACTION: Notice; request for comments on proposed Renewal incidental harassment authorization.

SUMMARY: NMFS has received a request from the U.S. Marine Corps (USMC) for the Renewal of their currently active incidental harassment authorization (IHA) to take marine mammals incidental to training exercises at Marine Corps Air Station (MCAS) Cherry Point Range Complex, North Carolina. These activities are identical to those covered in the currently active authorization, which is effective through May 17, 2021. Pursuant to the Marine Mammal Protection Act, prior to issuing the currently active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The Renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed Renewal not previously provided during the initial 30-day comment period. If issued, the Renewal IHA would be effective for a period of one year, from May 18, 2021, through May 17, 2022.

DATES: Comments and information must be received no later than May 7, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to *ITP.Laws@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. Attachments to comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-us-marine-corps-training-activities-cherry-point-range-complex.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (MMPA) prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation measures''). Monitoring and reporting of such takings are also required. The meaning of key terms such as ''take,'' ''harassment,'' and ''negligible impact'' can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency's regulations at 50 CFR 216.103.

The NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity.'' The activity for which incidental take of marine mammals is being requested addressed here qualifies as a military readiness activity.

NMFS' regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a Renewal for this activity, and requested public comment on a potential Renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time, 1 year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the Dates and Duration section of the proposed IHA for the initial IHA, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed Renewal. A description of the Renewal process may be found on our website at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.* Any comments received on the potential Renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA Renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested Renewal, and agency responses will be summarized in the final notice of our decision.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA Renewal qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA Renewal request.

History of Request

On September 28, 2019, NMFS received a request from the USMC for an IHA to take marine mammals incidental to training exercises conducted at MCAS Cherry Point Range Complex in North Carolina. Following NMFS' review of the request, USMC submitted a revised application that was deemed adequate and complete on January 22, 2020. The USMC's request is for take of bottlenose dolphin (*Tursiops truncatus*) by Level A and Level B harassment. We published a notice of a proposed IHA and request for comments on March 16, 2020 (85 FR 14886) and subsequently published the final notice of our issuance of the IHA on May 26, 2020 (85 FR 31462), effective from May 18, 2020, through May 17, 2021. On August 3, 2020, NMFS received a request from USMC requesting a 7-year Letter of Authorization for take of bottlenose dolphin incidental to the same training operations at the MCAS Cherry Point Range Complex. NMFS determined that request to be adequate and complete on September 10, 2020, and published a

notice of receipt of the request on October 6, 2020. As NMFS is unable to reach a decision regarding the requested Letter of Authorization prior to expiration of the current IHA, USMC has requested the Renewal IHA proposed here.

On March 16, 2021, NMFS received an application for the Renewal of the initial IHA. As described in the request for the Renewal IHA, the activities for which incidental take is requested are identical to those covered in the initial authorization. In order to consider an IHA Renewal, NMFS requires the applicant to provide a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. NMFS has reviewed USMC's preliminary monitoring report (available online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-us-marine-corps-training-activities-cherry-point-range-complex*) and has preliminarily determined that USMC's proposed activities (including mitigation, monitoring, and reporting), estimated incidental take, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the initial IHA. However, NMFS is requesting comments or additional information that may further inform our proposal to issue an IHA Renewal to USMC. If issued, this IHA Renewal would be valid for a period of 1 year, from May 18, 2021, through May 17, 2022.

Description of the Specified Activities and Anticipated Impacts

USMC plans to continue conducting training operations at the MCAS Cherry Point Range Complex. The proposed training operations involve the use of live (explosive) and inert (non-explosive) ordnance and small boat maneuvers. These activities would occur at the in-water bombing targets Brant Island (BT–9) and Rattan Bay (BT–11) located in Pamlico Sound, North Carolina.

The anticipated impacts are identical to those described in the initial IHA. NMFS anticipates the take of the same species of marine mammal (bottlenose dolphin) by Level A and Level B harassment incidental to underwater noise resulting from explosive detonations associated with the proposed training activities.

The following documents are referenced in this notice and include important supporting information:

- Initial final IHA (85 FR 31462; May 26, 2020);
- Initial proposed IHA (85 FR 14886; March 16, 2020); and
- 2020 IHA application, references cited, and previous public comments received (available at *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities*).

Detailed Description of the Activity

Munitions firing training conducted on the water ranges includes air-to-surface (firing from aircraft to surface water targets) and surface-to-surface (firing from ship or boat to surface targets) firing. The number of sorties that conduct these missions may vary from year to year. The deployment of live ordnance would only occur at BT–9; all munitions fired at BT–11 would be inert with the exception of a signal charge in practice bombs.

Surface-to-Surface Firing

Gunnery exercise is the only category of surface-to-surface activity currently conducted at BT–9 and BT–11. During this exercise, a small boat, typically operated by Special Boat Team personnel, uses a machine gun to attack a surface target that simulates another ship, boat, swimmer, floating mine or near-shore land targets. Boats conducting surface-to-surface firing activities will typically use 7.62 millimeter (mm) or .50 caliber (cal) machine guns; 40 mm grenade machine guns; or G911 concussion hand grenades. This exercise is usually a live-fire exercise, but blanks may be used so that the boat crews can practice their ship handing skills. BT–9 is the most common target used for gunnery exercises. A target is not used for the gunnery exercises employing the G911 Concussion grenade, as the goal of this specific training is to learn how to throw the grenade into the water.

Air-to-Surface Firing

There are four categories of air-to-surface activities conducted at the MCAS Cherry Point bombing targets: Mine laying, bombing, gunnery, and rocket exercises.

- Mine Laying: These activities involve a fixed-wing aircraft deploying inert mine shapes in an offensive or defensive pattern. Mine laying operations are conducted in the waters around BT–9. Mine laying exercises could include the use of Mark (MK)–62/63, MK–76, BDU–45, or Bomb Dummy Unit (BDU)–48 inert training shapes. Each training shape weighs 500/1000, 25, 500, and 10 (pounds (lbs.)) (227/454, 11, 227, and 4.5 kilograms (kg)), respectively.
- Bombing Exercise: During these exercises, fixed-wing aircraft (two-four craft) deliver bombs against surface maritime targets with the goal of destroying or disabling enemy ships or boats. These exercises occur during day and night. Air-to-surface bombing exercises employ either unguided or precision-guided munitions. Unguided munitions include MK–76 and BDU–45 inert training bombs, as well as the MK–80 series of inert bombs (no cluster munitions are authorized). Precision-guided munitions consist of laser-guided bombs (inert) and laser-guided training rounds (inert).
- Gunnery Exercise: Rotary-wing (and tilt-wing) gunnery exercises involve CH–53, UH–1, CH–46, MV–22, or H–60 rotary-wing aircraft with mounted 7.62 mm or .50 cal machine guns. Each gunner expends approximately 800 rounds of 7.62 mm or 200 rounds of .50 cal ammunition per exercise. Fixed-wing gunnery exercises involve two aircraft that begin descent to the target from an altitude of approximately 914 meters (m) (3,000 feet (ft)) while still several miles away. Within a distance of 1,219 m (4,000 ft) from the target, each aircraft fires a burst of approximately 30 rounds before descending to a minimum altitude of 305 m (1,000 ft) and then breaks off and repositions for another strafing run. This continues until each aircraft expends its exercise ordnance allowance of approximately 250 rounds. Typically fixed-wing gunnery exercises involve F/A–18 with Vulcan M61A1/A2, 20 mm cannon, and AV–8 with GAU–12, 25 mm cannon.
- Rocket Exercise: Fixed- and rotary-wing aircraft crews launch rockets at surface maritime targets during rocket exercises with the goal of destroying or disabling enemy ships or boats. Rocket exercises may occur day or night. These operations employ 2.75-inch (in) and 5-in rockets.

A detailed description of the training activities for which authorization of take is proposed here may be found in the **Federal Register** notice of proposed IHA for the 2020 authorization (85 FR 14886; March 16, 2020). The location, timing (*e.g.,* seasonality), and nature of the training activities, including the types and amounts of munitions planned for use under this Renewal IHA, are identical to those analyzed in the initial IHA. The proposed IHA Renewal would be effective for a period of 1 year.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here,

including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice for the proposed IHA for the initial authorization (85 FR 14886; March 16, 2020). NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, as well as USMC's preliminary monitoring report. NMFS has preliminarily determined that there is no new information affecting which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is proposed here may be found in the **Federal Register** notice for the proposed initial IHA (85 FR 14886; March 16, 2020). NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, as well as USMC's preliminary monitoring report, and determined that that there is no new information affecting our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the **Federal Register** notice for the proposed and final initial IHAs (85 FR 14886; March 16, 2020 and 85 FR 31462; May 26, 2020). The information informing the take estimates remains applicable to this authorization, and is unchanged from the previously issued IHA. The stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in Table 1. As before, no serious injury or mortality is anticipated to result from USMC's training activity. We assume for purposes of analysis here that all takes could accrue to any of the three potentially affected stocks of bottlenose dolphin (the only species for which take is expected).

TABLE 1—ESTIMATED TAKE PROPOSED FOR AUTHORIZATION

Species	Level B Harassment	Level A Harassment
Bottlenose dolphin	102	2

Description of Proposed Mitigation, Monitoring and Reporting Measures

The proposed mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (85 FR 31462; May 26, 2020), and the discussion of the least practicable adverse impact included in that document remains accurate. All mitigation, monitoring and reporting measures in the initial IHA are carried over to this proposed Renewal IHA and summarized here:

Proposed Mitigation Requirements

Visual Monitoring—Range operators conduct or direct visual surveys to monitor the target areas for protected species before and after each exercise. Range operation and control personnel monitor the target area through two tower-mounted safety and surveillance cameras. In addition, when small boats are part of planned exercises and already on range, visual checks by boat crew will be performed.

The remotely operated range cameras (surveillance cameras) are high-resolution cameras that allow viewers to see animals at the surface and breaking the surface (though not underwater). The camera system has night vision (infrared) capabilities. Lenses on the camera system have a focal length of 40 mm to 2200 mm (56x), with view angles of 18 degrees 10′ and 13 degrees 41′ respectively. The field of view when zoomed in on the Rattan Bay targets will be 23 (ft) wide by 17 ft high, and on the mouth of Rattan Bay itself 87 ft wide by 66 ft high. Observers using the cameras are able to clearly identify ducks floating on waters near the target.

In the event that a marine mammal is sighted within 914 m (3,000 ft) of the BT–9 target area, personnel will declare the area as fouled and cease training exercises. Personnel will commence operations in BT–9 only after the animal has moved 914 m (3,000 ft) away from the target area.

For BT–11, in the event that a marine mammal is sighted anywhere within the confines of Rattan Bay, personnel will declare the water-based targets within Rattan Bay as fouled and cease training exercises. Personnel will commence operations in BT–11 only after the animal has moved out of Rattan Bay.

Range Sweeps—MCAS Cherry Point contracts range sweeps with commercial support aircraft prior to the commencement of range operations. The pilot and aircrew are trained in spotting objects in the water. The primary goal of the pre-exercise sweep is to ensure that the target area is clear of unauthorized vessels or persons and protected species. Range sweeps will not occur on weekend mornings.

The sweeps are flown at 100 to 300 ft (30–90 m) above the water surface, at airspeeds between 60 to 100 knots (69 to 115 miles per hour (mph)). The crew communicates directly with range personnel and can provide immediate notification to range operators of a fouled target area due to the presence of protected species.

Aircraft Cold Pass—Standard operating procedures for waterborne targets require the pilot to perform a visual check prior to ordnance delivery to ensure the target area is clear of unauthorized civilian boats and personnel, and protected species. This is referred to as a ''cold'' or clearing pass. Pilots requesting entry onto the BT–9 and BT–11 airspace must perform a low-altitude, cold first pass (a pass without any release of ordnance) immediately prior to ordnance delivery at the bombing targets both day and night.

Pilots will conduct the cold pass with the aircraft (helicopter or fixed-winged) flying straight and level at altitudes of 61 to 914 m (200 to 3,000 ft) over the target area. The viewing angle is approximately 15 degrees. A blind spot exists to the immediate rear of the aircraft. Based upon prevailing visibility, a pilot can see more than one mile forward upon approach. If marine mammals are not present in the target area, the Range Controller may grant ordnance delivery as conditions warrant.

Delay of Exercises—The USMC will consider an active range as fouled and not available for use if a marine mammal is present within 914 m (3,000

ft) of the target area at BT–9 or anywhere within Rattan Bay (BT–11). Therefore, if USMC personnel observe a marine mammal within 914 m (3,000 ft) of the target at BT–9 or anywhere within Rattan Bay at BT–11 during the cold pass or from range camera detection, they will delay training until the marine mammal moves beyond and on a path away from 914 m (3,000 ft) from the BT–9 target or moved out of Rattan Bay at BT–11. This mitigation applies to air-to-surface and surface-to-surface exercises day or night.

Approximately 15 percent of training activities take place during nighttime hours. During these training events, monitoring procedures mirror day time operations as range operators first visually search the target area with the high-resolution camera. Pilots will then conduct a low-altitude first cold pass and utilize night vision capabilities to visually check the target area for any surfacing mammals.

Vessel Operation—All vessels used during training operations will abide by NMFS' Southeast Regional Viewing Guidelines designed to prevent harassment to marine mammals.

Stranding Network Coordination—The USMC will coordinate with the local NMFS Stranding Coordinator to discuss any unusual marine mammal behavior and any stranding, beached live/dead, or floating marine mammals that may occur at any time during training activities or within 24 hours after completion of training.

Proposed Monitoring Requirements

Protected Species Observer Training—Operators of small boats, and other personnel monitoring for marine mammals from watercraft shall be required to take the U.S. Navy's Marine Species Awareness Training. Pilots conducting range sweeps shall be instructed on marine mammal observation techniques during routine Range Management Department briefings. This training would make personnel knowledgeable of marine mammals, protected species, and visual cues related to the presence of marine mammals and protected species.

Pre- and Post-Exercise Monitoring—The USMC will conduct pre-exercise monitoring the morning of an exercise and post-exercise monitoring the morning following an exercise, unless an exercise occurs on a Friday, in which case the post-exercise sweep would take place the following Monday. If the crew sights marine mammals during a range sweep, they would collect sighting data and immediately provide the information to range personnel who would take appropriate management action. Range staff would relay the sighting information to training Commanders scheduled on the range after the observation. Range personnel will enter the data into the USMC sighting database. Sighting data includes the following (collected to the best of the observer's ability): (1) Location (either an approximate location or latitude and longitude); (2) the platform that sighted the animal; (3) date and time and whether the sighting was during day or night; (4) how the animal was detected (*e.g.,* range cameras, acoustic monitoring, vessel, aircraft); (5) species; (6) number of animals; (7) the animals' direction of travel and/or behavior; and (8) weather.

Proposed Reporting Requirements

The USMC will submit a report to NMFS no later than 90 days following expiration of this IHA. This report must summarize the type and amount of training exercises conducted, all marine mammal observations made during monitoring, and if mitigation measures were implemented. The report will also address the effectiveness of the monitoring plan in detecting marine mammals.

Public Comments

As noted previously, NMFS published a notice of a proposed IHA (85 FR 14886; March 16, 2020) and solicited public comments on both our proposal to issue the initial IHA for USMC's training activities and on the potential for a Renewal IHA, should certain requirements be met.

All public comments were addressed in the notice announcing the issuance of the initial IHA (85 FR 31462; May 26, 2020). Below, we describe how we have addressed, with updated information where appropriate, any comments received that specifically pertain to the Renewal of the initial IHA.

Comment: The Marine Mammal Commission expressed continuing concern with NMFS' use of the Renewal process.

Response: In prior responses to comments about IHA Renewals (*e.g.,* 84 FR 52464; October 02, 2019 and 85 FR 53342; August 28, 2020), NMFS has explained how the Renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, provides additional efficiencies beyond the use of abbreviated notices, and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the Renewal process.

Preliminary Determinations

The activities proposed by USMC are identical to those analyzed in the initial IHA, as are the method of taking and the effects of the action. The potential effects of USMC's activities are limited to Level A and Level B harassment in the form of auditory injury, temporary threshold shift, and behavioral disturbance. In analyzing the effects of the activities in the initial IHA, NMFS determined that USMC's activities would have a negligible impact on the affected species or stocks. The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) USMC's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (4) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. No incidental take of ESA-listed marine mammal species is expected to result from this activity, and none would be authorized. Therefore, NMFS has determined that consultation under section 7 of the ESA is not required for this action.

Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a Renewal IHA to USMC for conducting military readiness training activities in Pamlico Sound, North Carolina, for a period of one year, provided the previously described mitigation, monitoring, and reporting requirements

are incorporated. A draft of the proposed and final initial IHA can be found at *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities.* We request comment on our analyses, the proposed Renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: April 19, 2021.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–08345 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB005]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys off of New York and New Jersey

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

ACTION: Notice; issuance of Renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a Renewal incidental harassment authorization (IHA) to Atlantic Shores Offshore Wind, LLC (Atlantic Shores) to incidentally harass marine mammals incidental to marine site characterization surveys off the coasts of New York and New Jersey in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0499) and along potential submarine cable routes to a landfall location in New York or New Jersey.

DATES: This Renewal IHA is valid for one year from date of issuance.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notifications of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (MMPA) prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation measures''). Monitoring and reporting of such takings are also required. The meaning of key terms such as ''take,'' ''harassment,'' and ''negligible impact'' can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency's regulations at 50 CFR 216.103.

NMFS' regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a Renewal for this activity, and requested public comment on a potential Renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Specified Activities section of this document is planned or (2) the activities as described in the Specified Activities section of this document would not be completed by the time the initial IHA expires and a Renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA);
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

- Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed Renewal. A description of the Renewal process may be found on our website at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.*

History of Request

On April 10, 2020, NMFS issued an IHA to Atlantic Shores to take marine mammals incidental to marine site characterization surveys off the coast of New York and New Jersey (85 FR 21198), effective from April 20, 2020

through April 19, 2021. On February 3, 2021, NMFS received a request from Atlantic Shores for the renewal of that initial IHA so that Atlantic Shores can continue its survey activities beyond April 19, 2021. As described in the request for the renewal IHA, the activities for which incidental take is requested are identical to those covered in the initial authorization. As required, the applicant also provided a preliminary monitoring report (available at *https://www.fisheries.noaa.gov/action/incidental-take-authorization-atlantic-shores-offshore-wind-llc-marine-site-characterization*) which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

Description of the Specified Activities and Anticipated Impacts

Atlantic Shores proposes to conduct a second year of marine site characterization surveys, consisting of high-resolution geophysical (HRG) and geotechnical surveys, within the 183,353-acre Lease Area, located approximately 18 nautical miles southeast of Atlantic City, New Jersey, and proposed Export Cable Route (ECRs) corridors from the Lease Area to shore landing locations along the coast of New Jersey and New York. The purpose of the HRG and geotechnical surveys is to support site characterization, siting, and engineering design of offshore Project facilities including wind turbine generators (WTGs), offshore substation(s), and submarine cables within the Lease Area and proposed ECR Areas. Atlantic Shores requested renewal of the initial IHA that was issued by NMFS in April 2020 on the basis that (1) up to another year of identical or nearly identical, activities as described in the Specified Activities section of the initial IHA is planned and, (2) the activities as described in the Specified Activities section of the initial IHA would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the Dates and Duration section of the initial IHA.

In their 2020 IHA application, Atlantic Shores estimated it would conduct surveys for 350 days at a rate of 85 kilometers (km) per day for a total of 29,750 km. However, in 2020, Atlantic Shores completed only 16,893 km of geophysical surveys; therefore, approximately 12,857 km remain to be surveyed. Atlantic Shores also recognized they were able to survey approximately 55 km per day versus the predicted rate of 85 km per day considered in the initial IHA. Therefore, Atlantic Shores predicts the 12,857 km of survey planned in 2021 under the renewal IHA will occur over 234 days (12,857 km/55 km per day). The renewal IHA would authorize harassment to marine mammals for this remaining survey distance using survey methods identical to those described in the initial IHA application, hence the anticipated effects on marine mammals remain the same as well. All active acoustic sources and mitigation and monitoring measures would remain as described in the initial IHA. The amount of take requested for the renewal IHA reflects the amount of remaining work in consideration of marine mammal monitoring data from the 2020 survey season resulting in equal or less take than that authorized in the initial IHA.

Detailed Description of the Activity

A detailed description of the survey activities for which take is authorized here may be found in the **Federal Register** notices of the proposed IHA (85 FR 7926, February 12, 2020) and issued IHA (85 FR 21198, April 10, 2020) for the initial authorization. The location and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notifications. As described in the notice of proposed IHA (86 FR 16327, March 29, 2021), because part of the work has already been completed, the duration of the surveys conducted under the renewal IHA will occur over less time than that described for the initial IHA (234 days versus 350 days). The Renewal IHA is effective for a period of one year from the date of issuance.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is authorized here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice of the proposed IHA for the initial authorization (85 FR 7926, February 12, 2020). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that neither this nor any other new information affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized here may be found in the **Federal Register** notice of the proposed IHA for the initial authorization (85 FR 7926, February 12, 2020). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods used to estimate take for the specified activity are found in the **Federal Register** notices of the proposed and final IHA for the initial authorization. The acoustic source types, as well as source levels and marine mammal density and occurrence data applicable to this authorization remain unchanged from the initial IHA. Similarly, the stocks taken, methods of take, and type of take (*i.e.,* Level B harassment only) remain unchanged from the initial IHA.

In the initial IHA application submitted in 2019 for the 2020 HRG survey activities, Atlantic Shores used the following parameters to estimate the potential for take: (1) Maximum number of days of survey that could occur over a 12-month period in each of the identified survey areas; (2) maximum distance each vessel could travel per 24-hour period in each of the identified survey areas; (3) maximum ensonified area (zone of influence (ZOI)); and (4) maximum marine mammal densities for any given season that a survey could occur. The calculated radial distances to the Level B harassment threshold (160 decibel (dB) root mean square (rms)) from a survey vessel are included in Table 1.

TABLE 1—MODELED RADIAL DISTANCES FROM HRG SURVEY EQUIPMENT TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS

Sound source	Distance to level B harassment threshold (m)
Kongsberg EA 400	172
Teledyne ODOM Echotrac CVM	173
Applied Acoustics Dura-Spark 240	372
Edgetech 2000–DSS	4
Edgetech 216	5
Edgetech 424	6
Edgetech 512i	7
Teledyne Benthos Chirp III	71
Kongsberg GeoPulse	231
Innomar SES–2000 Medium-100 Parametric	116
Applied Acoustics S-Boom Triple Plate	97
Applied Acoustics S-Boom	56

The equation for estimating take for all species remains the same as the initial IHA:

Estimated Take = D × ZOI × # of days

Where: D = species density (per km²) and ZOI = maximum daily ensonified area

In the original 2019 IHA application, Atlantic Shores calculated a conservative ZOI by applying the maximum radial distance for any category and type of HRG survey equipment considered in its assessment to the mobile source ZOI calculation. This maximum calculated distance to the Level B harassment threshold for the sparker of 372 m was also used to calculate the ZOI for the requested extension. The resulting ZOI is 41.36 square kilometers (km²).

This methodology of calculating take in the initial IHA applies to the issued renewal IHA for all species, with the only difference being the fewer amount of days (*i.e.,* 234 versus 350). The result is that the amount of take is reduced proportionally to the reduction in the number of days of work remaining. As was done in the initial IHA, in some cases, Atlantic Shores has requested a modification to the calculated take for some species given it does not account for group size. In other cases, the authorized amount of take is modified from the calculated take based on observations during the 2020 surveys. Other than in the instances described below, NMFS agrees with Atlantic Shores' request for take and we authorized the same amount of take as described in their request.

As described in the renewal IHA request, large groups of common dolphins commonly approached the HRG survey vessels to bow ride during the 2020 surveys. Despite completing approximately 56.7 percent of the planned survey distance, Atlantic Shores reported using 67.3 percent of total take authorized in the initial IHA for this species. In 2019, the IHA application used seasonal density data to calculate requested take for 544 common dolphins. However, 2020 survey activities resulted in 366 takes accumulated for this species, which involved 58 common dolphin detection events where the mean pod size reported was 6.79. For the 2021 surveys, Atlantic Shores requested 406 common dolphin takes based on an encounter rate similar to that observed in 2020 (58 detection events × 7 animals/group). However, to ensure adequate take coverage should the surveys encounter greater numbers than expected, NMFS authorized the same amount of take of common dolphins as authorized in the initial IHA (544). Recently, NMFS has modified other HRG IHAs in the same geographic region due to underestimates of take for bowriding dolphins (*e.g.,* 86 FR 13695, March 10, 2021; 85 FR 55415, September 8, 2020). Because of these experiences, we have determined this approach is necessary to ensure take is not exceeded.

In the initial IHA application, Atlantic Shores also adjusted calculated take (per the equation above) to consider group size for Risso's dolphin, Atlantic spotted dolphins, and long-finned pilot whales, specifically increasing from the very small calculated take to cover at least one group, based on the average group size. As described in Atlantic Shores' interim monitoring report, they did not observe any of these species during the 2020 surveys. Therefore, we have authorized the same amount of take as proposed in the initial IHA. Atlantic Shores is also requesting the same amount of sei whale take as authorized in the previous IHA based on an encounter during 2020 survey operations where a single sei whale surfaced inside the Level B exposure zone resulting in a take.

Finally, during consideration of this renewal request, an error in the application information supporting the harbor porpoise take estimate was identified. Specifically, the density for harbor porpoise was accurate; however, the calculated take for each lease area was incorrectly reported which led to an inaccurate total take amount. The amount of take authorized in the 2020 IHA was 115 when it should have been 847 based on the method used. The correct take estimate for the remaining survey lines covered under the renewal, using that same method, would be 266 takes of harbor porpoise. However, zero harbor porpoises were detected during the 2020 surveys, suggesting that the corrected estimate would likely be an overestimate and the number of takes authorized in the initial IHA is sufficient, and therefore the IHA authorizes the same number of harbor porpoise take included in the initial IHA (115).

TABLE 2—INITIAL IHA TAKE AUTHORIZED AND RENEWAL IHA AUTHORIZED TAKE

Species	Level B harassment		Percent of population [5]
	Take authorized initial IHA	Authorized take renewal IHA	
North Atlantic right whale	9	8	1.9
Humpback whale	18	8	<1
Fin whale	20	9	<1
Sei whale	2	[1] 2	<1
Minke whale	9	5	<1
Sperm whale	3	1	<1
Long-finned pilot whale	6	[2] 6	<1
Bottlenose dolphin (W.N. Atlantic Coastal Migratory)	1,102	663	9.9
Bottlenose dolphin (W.N. Atlantic Offshore)	5,113	2408	3.8
Common dolphin	544	[3] 544	<1
Atlantic white-sided dolphin	82	[4] 42	<1

TABLE 2—INITIAL IHA TAKE AUTHORIZED AND RENEWAL IHA AUTHORIZED TAKE—Continued

Species	Level B harassment		Percent of population [5]
	Take authorized initial IHA	Authorized take renewal IHA	
Atlantic spotted dolphin	100	[2] 50	<1
Risso's Dolphin	6	[2] 6	<1
Harbor porpoise	115	[2] 115	<1
Harbor seal	1,404	529	<1
Gray seal	1,404	529	1.9

[1] Adjusted from 1 to 2 animals based on 2020 field observations.
[2] Adjusted from calculated and requested take considering these species were not observed during the 2020 surveys.
[3] Atlantic Shores requested fewer takes than authorized in the IHA; however, we authorized the same amount of take authorized in the initial IHA to account for the propensity for this species to bowride and travel in large groups.
[4] Adjusted from calculated take to account for group size.
[5] Population numbers in the initial IHA were generated from the Draft 2020 Stock Assessment Reports and remain valid to calculate percent of population here (NMFS, 2021).

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in the Renewal IHA are identical to those included in the **Federal Register** notification announcing the issuance of the initial IHA (85 FR 21198, April 10, 2020), and the discussion of how we reached a least practicable adverse impact determination included in that document remains applicable. All mitigation, monitoring and reporting measures in the initial IHA are carried over to this renewal IHA and summarized here:

- *Ramp-up:* a ramp-up procedure would be used for geophysical survey equipment capable of adjusting energy levels at the start or re-start of survey activities;
- *Protected Species Observers:* A minimum of one NMFS-approved Protected Species Observer (PSO) must be on duty and conducting visual observations at all times during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset) and 30 minutes prior to and during nighttime ramp-ups of HRG equipment;
- *Exclusion Zones (EZ):* Marine mammal EZ would be established around the HRG survey equipment and monitored by PSO during HRG surveys as follows: A 500-m EZ would be required for North Atlantic right whales and a 100-m EZ would be required for all other marine mammals;
- *Pre-Operation Clearance Protocols:* Prior to initiating HRG survey activities, Atlantic Shores would implement a 30-minute pre-operation clearance period. Ramp-up of the survey equipment would not begin until the relevant EZs have been cleared by the PSOs, as described above. HRG equipment would be initiated at their lowest power output and would be incrementally increased to full power. If any marine mammals are detected within the EZs prior to or during ramp-up, the HRG equipment would be shut down (as described below);
- *Shutdown of HRG Equipment:* If an HRG source is active and a marine mammal is observed within or entering a relevant EZ (as described above) an immediate shutdown of the HRG survey equipment would be required. Note this shutdown requirement would be waived for certain genera of small delphinids;
- *Vessel strike avoidance measures:* separation distances for large whales (500 m NAWRD, 100 m other large whales; 50 m other cetaceans and pinnipeds); restricted vessel speeds and operational maneuvers; and
- *Reporting:* Atlantic Shores will submit a marine mammal report within 90 days following completion of the surveys.

Comments and Responses

A notification of NMFS' proposal to issue a Renewal IHA to Atlantic Shores was published in the **Federal Register** March 29, 2021 (86 FR 16327). That notification either described, or referenced descriptions of, Atlantic Shores' activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and mitigation, monitoring and reporting measures. During the 30-day comment period, NMFS received an email from the Long Beach Island, New Jersey, Coalition for Wind Without Impact (Coalition) that included a comment letter signed by a group of environmental non-governmental organizations (ENGOs) including the, Natural Resources Defense Council, Conservation Law Foundation, National Wildlife Federation, Defenders of Wildlife, Southern Environmental Law Center, Wildlife Conservation Society, Surfrider Foundation, Mass Audubon, Friends of the Earth, International Fund for Animal Welfare, NY4WHALES, WDC Whale and Dolphin Conservation, Marine Mammal Alliance Nantucket, Gotham Whale, All Our Energy, Seatuck Environmental Association, and Inland Ocean Coalition. We note the Coalition was not a signatory to the letter and the letter was dated September 9, 2020 (approximately 7 months prior to our notice of the proposed Renewal IHA to Atlantic Shores). However, because the Coalition indicated that letter reflected their concerns, we have addressed the comments below and have posted the comments online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.* Please see the letter for full detail and rationale for the comments.

Comment 1: The ENGOs recommended that NMFS incorporate additional data sources into calculations of marine mammal density and take and that NMFS must ensure all available data are used to ensure that any potential shifts in North Atlantic right whale habitat usage are reflected in estimations of marine mammal density and take. The ENGOs asserted in general that the density models used by NMFS do not fully reflect the abundance, distribution, and density of marine mammals for the U.S. East Coast and therefore result in an underestimate of take.

Response: At the outset of their letter, the ENGOs note that the comments reflect overarching concerns regarding NMFS' IHAs for marine site characterization survey (including HRG survey) activities required for offshore wind energy development, as well as their intention that the comments be

considered in relation to all authorizations associated with marine site characterization activities for offshore wind energy off the U.S. East Coast. The comments provided in the letter apparently focus concern on available data regarding the Massachusetts and Rhode Island and Massachusetts Wind Energy Areas, and on North Atlantic right whale habitat usage within those areas. As such, the specific comments pertaining to those data and right whale habitat usage within those areas are not germane to this specific action, *i.e.,* issuance of an IHA associated with HRG survey activity off of New York and New Jersey. We address the general comments regarding sufficiency of the available data on marine mammal occurrence below.

Habitat-based density models produced by the Duke University Marine Geospatial Ecology Lab (MGEL) (Roberts *et al.* 2016, 2017, 2018, 2020) represent the best available scientific information concerning marine mammal occurrence within the U.S. Atlantic Ocean. Density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.,* 2016); more information, including the model results and supplementary information for each of those models, is available at *seamap.env.duke.edu/models/Duke-EC-GOM-2015/.* These models provided key improvements over previously available information, by incorporating additional aerial and shipboard survey data from NMFS and from other organizations collected over the period 1992–2014, incorporating 60 percent more shipboard and 500 percent more aerial survey hours than did previously available models; controlling for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting; and modeling density from an expanded set of eight physiographic and 16 dynamic oceanographic and biological covariates. In subsequent years, certain models have been updated on the basis of additional data as well as methodological improvements. In addition, a new density model for seals was produced as part of the 2017–18 round of model updates. Of particular note, Roberts *et al.* (2020) further updated density model results for North Atlantic right whales by incorporating additional sighting data and implementing three major changes: Increasing spatial resolution, generating monthly estimates on three time periods of survey data, and dividing the study area into five discrete regions. This most recent update—model version 9 for North Atlantic right whales—was undertaken with the following objectives (Roberts *et al.,* 2020):

- To account for recent changes to right whale distributions, the model should be based on survey data that extend through 2018, or later if possible. In addition to updates from existing collaborators, data should be solicited from two survey programs not used in prior model versions:
- Aerial surveys of the Massachusetts and Rhode Island Wind Energy Areas led by New England Aquarium (Kraus *et al.,* 2016), spanning 2011–2015 and 2017–2018;
- Recent surveys of New York waters, either traditional aerial surveys initiated by the New York State Department of Environmental Conservation in 2017, or digital aerial surveys initiated by the New York State Energy Research and Development Authority in 2016, or both;
- To reflect a view in the right whale research community that spatiotemporal patterns in right whale density changed around the time the species entered a decline in approximately 2010, consider basing the new model only on recent years, including contrasting ''before'' and ''after'' models that might illustrate shifts in density, as well as a model spanning both periods, and specifically consider which model would best represent right whale density in the near future;
- To facilitate better application of the model to near-shore management questions, extend the spatial extent of the model farther in-shore, particularly north of New York; and
- Increase the resolution of the model beyond 10 km, if possible.

All of these objectives were met in developing the most recent update to the North Atlantic right whale density model. The commenters do not cite this most recent report, and the comments suggest that the aforementioned data collected by the New England Aquarium is not reflected in the model. Therefore, it is unclear whether the commenters are aware of the most recently available data, which is used herein.

As noted above, NMFS has determined that the Roberts *et al.* suite of density models represent the best available scientific information, and we specifically note that the most recent version of the North Atlantic right whale model may address some of the specific concerns provided by the commenters. However, NMFS acknowledges that there will always be additional data that is not reflected in the models and that may inform our analyses, whether because the data were not made available to the model authors or because the data is more recent than the latest model version for a specific taxon. NMFS will review any recommended data sources to evaluate their applicability in a quantitative sense (*e.g.,* to an estimate of take numbers) and, separately, to ensure that relevant information is considered qualitatively when assessing the impacts of the specified activity on the affected species or stocks and their habitat. NMFS will continue to use the best available scientific information, and we welcome future input from interested parties on data sources that may be of use in analyzing the potential presence and movement patterns of marine mammals, including North Atlantic right whales, in U.S. Atlantic waters.

The ENGOs cited several additional sources of information that are not reflected in currently available density models, including sightings databases and passive acoustic monitoring (PAM) efforts. However, no specific recommendations were made with regard to use of this information in informing the take estimates. Rather, the commenters reference a disparate array of data sources (some which are indeed reflected in the most recent models) and suggest that NMFS should ''collate and integrate these and more recent data sets to more accurately reflect marine mammal presence for future IHAs and other work.'' NMFS would welcome in the future constructive suggestions as to how these objectives might be more effectively accomplished. NMFS used the best scientific information available at the time the analyses for the Renewal IHA were conducted, and has considered all available data, including sources referenced by the commenters, in reaching its determinations in support of issuance of the Renewal IHA requested by Atlantic Shores.

Comment 2: The ENGOs noted that the Roberts *et al.* model does not differentiate between species of pilot whale or seal or between stocks of bottlenose dolphin. The ENGOs express concern that, as a result, NMFS may not conduct the appropriate species-or stock-specific negligible impact analysis. The ENGOs also imply that use of these models may produce inaccurate take numbers by stating that ''[m]iscalculation of take levels based on incomplete data could have serious implications for the future conservation of these species and stocks.''

Response: The MMPA requires that species- or stock-specific negligible impact determinations be made, and NMFS has done so. In this case, NMFS has authorized take numbers specific to each affected species or stock. As a

general matter, NMFS is unaware of any available density data which differentiates between species of pilot whales or seals, or stocks of bottlenose dolphins. However, lack of such data does not preclude the requisite species- or stock-specific findings. In the event that an amount of take is authorized at the guild or species level only, *e.g.,* for pilot whales or bottlenose dolphins, respectively, NMFS may adequately evaluate the effects of the activity by conservatively assuming (for example) that all takes authorized for the guild or species would accrue to each potentially affected species or stock. In this case, NMFS has apportioned the overall take number for bottlenose dolphins according to stock, as described in the Estimated Take section and, for pilot whales, has assigned take on the basis of an assumed group size of 10 for each potentially affected species. NMFS does not agree that use of these models is likely to result in miscalculation of take levels, and the commenters do not provide support for this statement.

Comment 3: The ENGOs assert that NMFS has not acknowledged the use of areas south of Nantucket and Martha's Vineyard as important habitat for foraging and social behavior for North Atlantic right whales, but rather that NMFS believes the areas are important solely as a migratory pathway. The commenters also asserted that NMFS is overly reliant on the description of biologically important areas (BIA) provided in LaBrecque *et al.* (2015), stating that ''NMFS should not rely on the North Atlantic right whale migratory corridor BIA as the sole indicator of habitat importance for the species.''

Response: The specified activity associated with the IHA addressed herein is located off of New York and New Jersey. Therefore, this comment is not relevant to issuance of this IHA. However, as a general matter, NMFS disagrees with the commenters' assertion. Although NMFS has, in other notifications, discussed at length the use of the referenced area as a migratory pathway (and recognition of such use through the area's description as a BIA for right whales), we have also acknowledged the more recent data and its implications for the use of the referenced area (see, *e.g.,* 85 FR 63508; December 7, 2018; 86 FR 11930; March 1, 2021). Similarly, NMFS does not agree with the assertion that our understanding of important habitat for marine mammals stems solely from existing, described BIAs. NMFS concurs with the statement that BIAs are not comprehensive and are intended to be periodically reviewed and updated and we routinely review newly available information to inform our understanding of important marine mammal habitat. In this case, the specified geographical region does not include important habitat other than that described as being the migratory pathway for right whales.

Comment 4: The ENGOs commented that the waters off Cape Hatteras, North Carolina, have high marine mammal biodiversity and that marine mammals occur at unusually high densities off Cape Hatteras compared to other areas along the U.S. East Coast. The ENGOs asserted that this area demands special attention from NMFS.

Response: NMFS concurs with the commenters regarding the importance of deepwater areas off of Cape Hatteras. However, the specific activity associated with the IHA addressed herein does not occur off of Cape Hatteras and, in general, the site characterization surveys conducted in support of wind energy development that are the subject of the ENGO comment letter occur in shallow water (not the area of high biodiversity and density referenced by commenters). When appropriate, NMFS has accorded special attention to the development of additional mitigation for activities conducted in that location (*e.g.,* 83 FR 63268; December 7, 2018). NMFS uses the best available scientific information when analyzing potential impacts to marine mammals and in developing prescribed mitigation sufficient to meet the MMPA's ''least practicable adverse impact'' standard, and has done so in this case.

Comment 5: The ENGOs asserted that NMFS must analyze cumulative impacts to North Atlantic right whales and other marine mammal species and stocks and ensure appropriate mitigation of these cumulative impacts. The commenters express particular concern about the cumulative impacts of survey activities off Rhode Island and Massachusetts on North Atlantic right whales. They further recommended that NMFS develop programmatic incidental take regulations applicable to site characterization activities.

Response: Neither the MMPA nor NMFS' codified implementing regulations call for consideration of other unrelated activities and their impacts on populations. The preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989) states in response to comments that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline, *e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors. The 1989 implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, both this IHA, as well as other IHAs currently in effect or proposed within the specified geographic region, are appropriately considered an unrelated activity relative to the others. The IHAs are unrelated in the sense that they are discrete actions under section 101(a)(5)(D), issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a ''specified activity'' will have a negligible impact on the affected species or stocks of marine mammals. NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals. 50 CFR 216.104(a)(1). Thus, the ''specified activity'' for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, Atlantic Shores was the applicant for the Renewal IHA, and we are responding to the specified activity as described in that application (and making the necessary findings on that basis). Through the response to public comments in the 1989 implementing regulations, we also indicated (1) that NMFS would consider cumulative effects that are reasonably foreseeable when preparing a NEPA analysis, and (2) that reasonably foreseeable cumulative effects would also be considered under section 7 of the ESA for ESA-listed species. In this case, cumulative impacts have been adequately addressed under NEPA in prior environmental analyses that form the basis for NMFS' determination that this action is appropriately categorically excluded from further NEPA analysis. Regarding activities in the Mid- and South Atlantic region, in 2018 NMFS signed a Record of Decision that (1) adopted the Bureau of Ocean Energy Management's 2014 Final Programmatic Environmental Impact Statement that evaluated the direct, indirect, and cumulative impacts of geological and geophysical survey activities on the

Mid- and South Atlantic Outer Continental Shelf to support NMFS' analysis associated with issuance of incidental take authorizations pursuant to sections 101(a)(5)(A) or (D) of the MMPA and the regulations governing the taking and importing of marine mammals (50 CFR part 216), and (2) in accordance with 40 CFR 1505.2, announced and explained the basis for our decision to review and potentially issue incidental take authorizations under the MMPA on a case-by-case basis, if appropriate. Separately, NMFS has previously written Environmental Assessments (EA) that addressed cumulative impacts related to substantially similar activities, in similar locations, *e.g.,* 2019 Orsted EA for survey activities offshore southern New England; 2019 Avangrid EA for survey activities offshore North Carolina and Virginia; 2018 Deepwater Wind EA for survey activities offshore Delaware, Massachusetts, and Rhode Island.

Separately, cumulative effects were analyzed as required through NMFS' required intra-agency consultation under section 7 of the ESA, which determined that NMFS' action of issuing the IHA is not likely to adversely affect listed marine mammals or their critical habitat.

Finally, the ENGOs suggested that NMFS should promulgate programmatic incidental take regulations for site characterization activities. Although NMFS is open to this approach, we have not received a request for such regulations. The ENGOs do not explain their apparent position that NMFS may advance regulations absent a requester.

Comment 6: The ENGOs state that NMFS should not adjust estimated take numbers for large whales on the basis of assumed efficacy of mitigation requirements, and assert that NMFS' assumptions regarding effectiveness of mitigation requirements are unfounded.

Response: In this case, NMFS did not propose to adjust downward any estimated take number based on proposed mitigation measures, and has not done so in the issued Renewal IHA. In fact, the take authorized is likely an overestimated as it is based on the maximum seasonal density when, in reality, the surveys are likely to occur during a time of lesser density. Therefore, the comment is not relevant to this specific action. Generally, NMFS does not agree with the apparent contention that it is never appropriate to reduce estimated take numbers based on anticipated implementation and effectiveness of mitigation measures, and will continue to evaluate the appropriateness of doing so on a case-specific basis.

While we acknowledge the commenters' concerns regarding unfounded assumptions concerning the effectiveness of mitigation requirements in reducing actual take, it is important to also acknowledge the circumstances of a particular action. In most cases, the maximum estimated Level B harassment zone associated with commonly-used acoustic sources is approximately 150 meters (m), whereas the typically-required shutdown zone for North Atlantic right whales is 500 m. For North Atlantic right whales, NMFS expects that this requirement will indeed be effective in reducing actual take below the estimated amount, which typically does not account for the beneficial effects of mitigation.

Comment 7: The ENGOs state that NMFS must require mitigation measures that meet the least practicable adverse impact standard, imply that the requirements prescribed by NMFS have not met that standard, and recommend various measures that the commenters state NMFS should require.

The ENGOs first state that NMFS should prohibit site assessment and characterization activities involving equipment with noise levels that the commenters assert could cause injury or harassment to North Atlantic right whales during periods of highest risk, which the commenters define as times of highest relative density of animals during their migration, and times when mother-calf pairs, pregnant females, surface active groups, or aggregations of three or more whales are, or are expected to be, present. The commenters additionally state that NMFS should require that work commence only during daylight hours and good visibility conditions to maximize the probability that marine mammals are detected and confirmed clear of the exclusion zone before activities begin. If the activity is halted or delayed because of documented or suspected North Atlantic right whale presence in the area, the commenters state that NMFS should require operators to wait until daylight hours and good visibility conditions to recommence.

Response: NMFS acknowledges the limitations inherent in detection of marine mammals at night. However, no injury is expected to result even in the absence of mitigation, given the characteristics of the sources planned for use (supported by the very small estimated Level A harassment zones). The ENGOs do not provide any support for the apparent contention that injury is a potential outcome of these activities. Regarding Level B harassment, any potential impacts would be limited to short-term behavioral responses, as described in greater detail herein. The commenters establish that the status of North Atlantic right whales in particular is precarious. NMFS agrees in general with the discussion of this status provided by the commenters. NMFS also agrees with the commenters that certain recommended mitigation requirements, *e.g.,* avoiding impacts in places and times of greatest importance to marine mammals, limiting operations to times of greatest visibility, would be effective in reducing impacts. However, the commenters fail entirely to establish that Atlantic Shores' marine site characterization survey activities—or site assessment and characterization survey activities in general—would have impacts on North Atlantic right whales (or any other species) such that operational limitations would be warranted. In fact, NMFS considers this category of survey operations to be near *de minimis,* with the potential for Level A harassment for any species to be discountable and the severity of Level B harassment (and, therefore, the impacts of the take event on the affected individual), if any, to be low. In that context, there is no need for more restrictive mitigation requirements, and the commenters offer no justification to the contrary.

Restricting surveys in the manner suggested by the commenters may reduce marine mammal exposures by some degree in the short term, but would not result in any significant reduction in either intensity or duration of noise exposure. Vessels would also potentially be on the water for an extended time introducing noise into the marine environment. The restrictions recommended by the commenters could result in the surveys spending increased time on the water, which may result in greater overall exposure to sound for marine mammals; thus the commenters have not demonstrated that such a requirement would result in a net benefit. Furthermore, restricting the applicant to begin operations only during daylight hours would have the potential to result in lengthy shutdowns of the survey equipment, which could result in the applicant failing to collect the data they have determined is necessary and, subsequently, the need to conduct additional surveys the following year. This would result in significantly increased costs incurred by the applicant. Thus, the restriction suggested by the commenters would not be practicable for the applicant to implement. In consideration of the

likely effects of the activity on marine mammals absent mitigation, potential unintended consequences of the measures as proposed by the commenters, and practicability of the recommended measures for the applicant, NMFS has determined that restricting operations as recommended is not warranted or practicable in this case.

Comment 8: The ENGOs recommended that NMFS establish an exclusion zone (EZ) of 1,000-m around each vessel conducting activities with noise levels that they assert could result in injury or harassment to North Atlantic right whales, and a minimum EZ of 500 m for all other large whale species and strategic stocks of small cetaceans.

Response: NMFS disagrees with this recommendation, and has determined that the EZs included here are sufficiently protective. We note that the 500-m EZ for North Atlantic right whales exceeds the modeled distance to the largest Level B harassment isopleth distance (370 m). The commenters do not provide any justification for the contention that the existing EZs are insufficient, and do not provide any rationale for their recommended alternatives (other than that they are larger).

Comment 9: The ENGOs stated that NMFS' requirements related to visual monitoring are inadequate. The commenters specifically noted their belief that a requirement for one Protected Species Observer (PSO) to be on duty during daylight hours is insufficient, and recommended that NMFS require the use of infrared equipment to support visual monitoring by PSOs during periods of darkness.

Response: NMFS typically requires that a single PSO must be stationed at the highest vantage point and engaged in general 360-degree scanning during daylight hours only. Although NMFS acknowledges that the single PSO cannot reasonably maintain observation of the entire 360-degree area around the vessel, it is reasonable to assume that the single PSO engaged in continual scanning of such a small area (*i.e.,* 500-m EZ, which is greater than the maximum 141-m harassment zone) will be successful in detecting marine mammals that are available for detection at the surface. The monitoring reports submitted to NMFS have demonstrated that PSOs active only during daylight operations are able to detect marine mammals and implement appropriate mitigation measures. As far as visual monitoring at night, we have not historically required visual monitoring at night because available information demonstrated that such monitoring should not be considered effective. However, as night vision technology has continued to improve, NMFS has adapted its practice, and two PSOs are required to be on duty at night. Moreover, NMFS has included a requirement in the final IHA that night-vision equipment (*i.e.,* night-vision goggles and/or infrared technology) must be available for use.

Regarding specific technology cited by the ENGOs, NMFS appreciates the suggestion and agrees that relatively new detection platforms have shown promising results. Following review of the ENGO's letter, we considered these and other supplemental platforms as suggested. However, to our knowledge, there is no clear guidance available for operators regarding characteristics of effective systems, and the detection systems cited by the commenters are typically extremely expensive, and are therefore considered impracticable for use in most surveys. The commenters do not provide specific suggestions with regard to recommended systems or characteristics of systems. NMFS does not generally consider requirements to use systems such as those cited by the commenters to currently be practicable.

Comment 10: The ENGOs recommended that NMFS should require PAM at all times, both day and night, to maximize the probability of detection for North Atlantic right whales, and other species and stocks.

Response: The foremost concern expressed by the ENGOs in making the recommendation to require use of PAM is with regard to North Atlantic right whales. However, the commenters do not explain why they expect that PAM would be effective in detecting other species and stocks. It is generally well-accepted fact that, even in the absence of additional acoustic sources, using a towed passive acoustic sensor to detect baleen whales (including right whales) is not typically effective because the noise from the vessel, the flow noise, and the cable noise are in the same frequency band and will mask the vast majority of baleen whale calls. Vessels produce low-frequency noise, primarily through propeller cavitation, with main energy in the 5–300 Hertz (Hz) frequency range. Source levels range from about 140 to 195 dB re 1 μPa (micropascal) at 1 m (NRC, 2003; Hildebrand, 2009), depending on factors such as ship type, load, and speed, and ship hull and propeller design. Studies of vessel noise show that it appears to increase background noise levels in the 71–224 Hz range by 10–13 dB (Hatch *et al.,* 2012; McKenna *et al.,* 2012; Rolland *et al.,* 2012). PAM systems employ hydrophones towed in streamer cables approximately 500 m behind a vessel. Noise from water flow around the cables and from strumming of the cables themselves is also low-frequency and typically masks signals in the same range. Experienced PAM operators participating in a recent workshop (Thode *et al.,* 2017) emphasized that a PAM operation could easily report no acoustic encounters, depending on species present, simply because background noise levels rendered any acoustic detection impossible. The same workshop report stated that a typical eight-element array towed 500 m behind a vessel could be expected to detect delphinids, sperm whales, and beaked whales at the required range, but not baleen whales, due to expected background noise levels (including seismic noise, vessel noise, and flow noise).

There are several additional reasons why we do not agree that use of PAM is warranted for 24-hour HRG surveys. While NMFS agrees that PAM can be an important tool for augmenting detection capabilities in certain circumstances, its utility in further reducing impact during HRG survey activities is limited. First, for this activity, the area expected to be ensonified above the Level B harassment threshold is relatively small (a maximum of 370 m)—this reflects the fact that, to start with, the source level is comparatively low and the intensity of any resulting impacts would be lower level and, further, it means that inasmuch as PAM will only detect a portion of any animals exposed within a zone, the overall probability of PAM detecting an animal in the harassment zone is low—together these factors support the limited value of PAM for use in reducing take with smaller zones. PAM is only capable of detecting animals that are actively vocalizing, while many marine mammal species vocalize infrequently or during certain activities, which means that only a subset of the animals within the range of the PAM would be detected (and potentially have reduced impacts). Additionally, localization and range detection can be challenging under certain scenarios. For example, odontocetes are fast moving and often travel in large or dispersed groups which makes localization difficult.

Given that the effects to marine mammals from the types of surveys authorized in this IHA are expected to be limited to low level behavioral harassment even in the absence of mitigation, the limited additional benefit anticipated by adding this detection method (especially for right whales and other low frequency

cetaceans, species for which PAM has limited efficacy), and the cost and impracticability of implementing a full-time PAM program, we have determined the current requirements for visual monitoring are sufficient to ensure the least practicable adverse impact on the affected species or stocks and their habitat.

Comment 11: The ENGOs recommended that NMFS require applicants to use the lowest practicable source level.

Response: Wind energy developers selected the equipment necessary during HRG surveys to achieve their objectives. As part of the analysis for all HRG IHAs, NMFS evaluated the effects expected as a result of use of this equipment, made the necessary findings, and imposed mitigation requirements sufficient to achieve the least practicable adverse impact on the affected species and stocks of marine mammals. It is not within NMFS' purview to make judgments regarding what constitutes the ''lowest practicable source level'' for an operator's survey objectives.

Comment 12: The ENGOs recommended that NMFS require all offshore wind energy related project vessels operating within or transiting to/from survey areas, regardless of size, to observe a 10-knot speed restriction during the entire survey period.

Response: NMFS does not concur with these measures. NMFS has analyzed the potential for ship strike resulting from various HRG activities and has determined that the mitigation measures specific to ship strike avoidance are sufficient to avoid the potential for ship strike. These include: A requirement that all vessel operators comply with 10 knot (18.5 km/hour) or less speed restrictions in any established dynamic management area (DMA) or seasonal management area (SMA); a requirement that all vessel operators reduce vessel speed to 10 knots (18.5 km/hour) or less when any large whale, mother/calf pairs, pods, or large assemblages of non-delphinid cetaceans are observed within 100 m of an underway vessel; a requirement that all survey vessels maintain a separation distance of 500 m or greater from any sighted North Atlantic right whale; a requirement that, if underway, vessels must steer a course away from any sighted North Atlantic right whale at 10 knots or less until the 500 m minimum separation distance has been established; a requirement that all vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales; and a requirement that all vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel). We have determined that the ship strike avoidance measures in the Renewal IHA are sufficient to ensure the least practicable adverse impact on species or stocks and their habitat. Furthermore, no documented vessel strikes have occurred during any marine site characterization survey activities for which NMFS issued an IHA.

Comment 13: The ENGOs recommend that NMFS work with relevant experts and stakeholders towards developing a robust and effective near real-time monitoring and mitigation system for North Atlantic right whales and other endangered and protected species (*e.g.,* fin, sei, minke, and humpback whales) during offshore wind energy development.

Response: NMFS is generally supportive of this concept. A network of near real-time baleen whale monitoring devices are active or have been tested in portions of New England and Canadian waters. These systems employ various digital acoustic monitoring instruments which have been placed on autonomous platforms including slocum gliders, wave gliders, profiling floats and moored buoys. Systems that have proven to be successful will likely see increased use as operational tools for many whale monitoring and mitigation applications. The ENGOs cited the NMFS publication ''Technical Memorandum NMFS-OPR-64: North Atlantic Right Whale Monitoring and Surveillance: Report and Recommendations of the National Marine Fisheries Service's Expert Working Group'' which is available at: *https://www.fisheries.noaa.gov/resource/document/north-atlantic-right-whale-monitoring-and-surveillance-report-and-recommendations.* This report summarizes a workshop NMFS convened to address objectives related to monitoring North Atlantic right whales and presents the Expert Working Group's recommendations for a comprehensive monitoring strategy to guide future analyses and data collection. Among the numerous recommendations found in the report, the Expert Working Group encouraged the widespread deployment of auto-buoys to provide near real-time detections of North Atlantic right whale calls that visual survey teams can then respond to for collection of identification photographs or biological samples.

Comment 14: The ENGOs state that NMFS must not issue Renewal IHAs, and assert that the process is contrary to statutory requirements.

Response: NMFS' IHA Renewal process meets all statutory requirements. All IHAs issued, whether an initial IHA or a Renewal IHA, are valid for a period of not more than one year. And the public has at least 30 days to comment on all proposed IHAs, with a cumulative total of 45 days for IHA Renewals. As noted above, the Comments and Responses section made clear that the agency was seeking comment on both the initial proposed IHA and the potential issuance of a Renewal for this project. Because any Renewal (as explained in the Comments and Responses section) is limited to another year of identical or nearly identical activities in the same location (as described in the Description of Specified Activity section) or the same activities that were not completed within the one-year period of the initial IHA, reviewers have the information needed to effectively comment on both the immediate proposed IHA and a possible one-year Renewal, should the IHA holder choose to request one in the coming months.

While there will be additional documents submitted with a Renewal request, for a qualifying Renewal these will be limited to documentation that NMFS will make available and use to verify that the activities are identical to those in the initial IHA, are nearly identical such that the changes would have either no effect on impacts to marine mammals or decrease those impacts, or are a subset of activities already analyzed and authorized but not completed under the initial IHA. NMFS will also confirm, among other things, that the activities will occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements; and that no new information has been received that would alter the prior analysis. The Renewal request will also contain a preliminary monitoring report, in order to verify that effects from the activities do not indicate impacts of a scale or nature not previously analyzed. The additional 15-day public comment period provides the public an opportunity to review these few documents, provide any additional pertinent information and comment on whether they think the criteria for a Renewal have been met. Between the initial 30-day comment period on these same activities and the additional 15 days, the total comment period for a Renewal is 45 days.

Comment 15: The ENGOs expressed concern about past instances where NMFS has modified issued IHAs in response to preliminary monitoring data indicating that certain species of marine mammal were being encountered more frequently than anticipated.

Response: No modifications are included as part of this action and, therefore, this comment is not relevant to this IHA.

Determinations

The survey activities proposed by Atlantic Shores are identical to (and a subset of) those analyzed in the initial IHA, as are the method of taking and the effects of the action. The mitigation measures and monitoring and reporting requirements as described above are also identical to the initial IHA. The planned number of days of activity will be reduced given the completion of a small portion of the originally planned work. Therefore, the amount of take authorized is equal to or less than that authorized in the initial IHA. The potential effect of Atlantic Shores' activities remains limited to Level B harassment in the form of behavioral disturbance. In analyzing the effects of the activities in the initial IHA, NMFS determined that Atlantic Shores' activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.,* less than one-third of the abundance of all stocks).

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) Atlantic Shore's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must evaluate our proposed action (*i.e.,* issuance of incidental harassment authorization) and alternatives with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the proposed action qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the NMFS Greater Atlantic Regional Fisheries Office (GARFO), whenever we propose to authorize take for endangered or threatened species.

On April 13, 2020, GARFO determined that the 2013 Biological Opinion remained valid for issuance of Atlantic Shores' initial IHA and that the proposed MMPA authorization provides no new information about the effects of the action, nor does it change the extent of effects of the action, or any other basis to require reinitiation of the Opinion. Similarly, on March 3, 2021, GARFO concluded the same for issuance of the Renewal IHA to Atlantic Shores. Therefore, the 2013 Biological Opinion meets the requirements of section 7(a)(2) of the ESA and implementing regulations at 50 CFR 402 for our proposed action to issue an IHA under the MMPA, and no further consultation is required. The 2013 Biological Opinion and amended ITS can be found at *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.*

Renewal

NMFS has issued a Renewal IHA to Atlantic Shores for the take of marine mammals incidental to conducting marine site characterization surveys off New York and New Jersey for one year from date of issuance.

Dated: April 19, 2021.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB020]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of Coastal Virginia

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

ACTION: Issuance of a modified incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a modified incidental harassment authorization (IHA) to Dominion Energy Virginia (Dominion) to incidentally harass marine mammals incidental to marine site characterization surveys conducted in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established in support of the Coastal Virginia Offshore Wind Commercial (CVOW Commercial) Project.

DATES: This modified IHA is valid from April 12, 2021 until through August 27, 2021.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the original application and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

History of Request

On February 7, 2020, NMFS received a request from Dominion for an IHA to take marine mammals incidental to marine site characterization surveys in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the OCS Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established in support of the offshore wind project. Dominion's planned marine site characterization includes high-resolution geophysical (HRG) survey activities. The application was deemed adequate and complete on May 12, 2020. We published a notice of proposed IHA and request for comments in the **Federal Register** on June 17, 2020 (85 FR 36562). We subsequently published the final notice of our issuance of the IHA in the **Federal Register** on September 8, 2020 (85 FR 55415), with effective dates from August 28, 2020, to August 27, 2021. NMFS authorized the take by Level B harassment of 9 species (10 stocks) of marine mammals including bottlenose dolphin (*Tursiops truncatus*), pilot whale (*Globicephala spp.*), common dolphin (*Delphinus delphis*), Atlantic white sided dolphin (*Lagenorhynchus acutus*), Atlantic spotted dolphin (*Stenella frontalis*), Risso's dolphin (*Grampus griseus*), harbor porpoise (*Phocoena phocoena*), harbor seal (*Phoca vitulina*), and gray seal (*Halichoerus grypus*).

On September 29, 2020, NMFS received a request from Dominion for a modification to the IHA that was issued on August 28, 2020 (85 FR 55415; September 8, 2020). Since the issuance of the initial IHA, Dominion had been recording large pods of Atlantic spotted dolphin within the Level B harassment zone such that they were approaching the authorized take limit for this species. Therefore, NMFS published a notice of proposed IHA modification that included a 15-day public comment period (85 FR 71881; November 12, 2020). NMFS subsequently issued a modified IHA to Dominion that increased authorized take of spotted dolphin by Level B harassment (85 FR 81879; December 12, 2020). The mitigation, monitoring, and reporting measures remained the same as prescribed in the initial IHA. The expiration date of the IHA remained the same (August 27, 2021) as in the initial IHA.

On February 5, 2021, NMFS received a request from Dominion for a second modification to the IHA that had previously been modified and issued (85 FR 81879; December 12, 2020). Dominion informed NMFS that they were recording take of common dolphin (*Delphinus Delphis*) by Level B harassment at a rate that would exceed the authorized limit for this species. Therefore, NMFS published the notice of the proposed IHA modification in the **Federal Register** on March 10, 2021 (86 FR 13695). The mitigation, monitoring, and reporting measures remain the same as prescribed in the initial IHA and recently issued modified IHA. No additional take was requested for other species. Moreover, the IHA would still expire on August 27, 2021.

Description of the Specified Activity and Anticipated Impacts

The modified IHA covers the same HRG surveys in the same locations that were described in the initial IHA and recently modified IHA. The mitigation, monitoring, and reporting measures remain the same. NMFS refers the reader to the documents related to the initial IHA issued on August 28, 2020, for more detailed description of the project activities. These previous documents include the notice of proposed IHA and request for comments (85 FR 36562; June 17, 2020) and notice of our issuance of the IHA in the **Federal Register** (85 FR 55415; September 8, 2020). Additional information may be found in the notice of issuance of the recently modified IHA (85 FR 81879; December 12, 2020).

Detailed Description of the Action

A detailed description of the survey activities is found in these previous documents. The location, timing, and nature of the activities, including the types of HRG equipment planned for use, daily trackline distances and number of survey vessels (four) are identical to those described in the previous notices.

Public Comments

A notice of proposed IHA modification was published in the **Federal Register** on March 10, 2021, (86 FR 13695). During the 15-day public comment period, NMFS received comments from the Southern Environmental Law Center (SELC), which submitted comments on behalf on behalf of the Conservation Law Foundation, Defenders of Wildlife, National Wildlife Federation, Natural Resources Defense Council, Whale and Dolphin Conservation, Surfrider Foundation, Sierra Club Virginia Chapter, Mass Audubon, Assateague Coastal Trust, Inland Ocean Coalition, the International Marine Mammal Project of Earth Island Institute, and NY4WHALES as well as from the Responsible Offshore Development Alliance (RODA).

NMFS has posted the comments online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.* A summary of the comments as well as NMFS' responses are below.

Comment 1: SELC indicated that NMFS's interpretation of small numbers is contrary to the purpose of the MMPA and that the agency failed to consider the unique conservation status of individual populations. Instead of applying a 30 percent ceiling for all species, SELC recommended that NMFS revisit its small numbers interpretation to consider whether the specific take percentage for common dolphin will ensure that population levels are maintained at or restored to healthy population numbers.

Response: NMFS addressed this comment in the notice of issuance of the first modified IHA and our response

remains applicable in the context of the modifications in this IHA (85 FR 81879; December 17, 2020). Please refer to that notice.

Comment 2: SELC stated that NMFS' updated negligible impact analysis underestimates the potential impacts of HRG surveys on small cetaceans like the common dolphin. SELC stated that NMFS' negligible impact analysis is inadequate given the increased level of take that the agency proposed. SELC referenced several scientific research papers which indicated that common dolphin is a particularly acoustically sensitive species, has the potential to be displaced, shift their behavioral state and stop or alter in response to a variety of anthropogenic noises, with potentially adverse energetic effects even from minor changes.

Response: NMFS addressed this comment in the notice of issuance of the first modified IHA and our response remains applicable in the context of the modifications in this IHA (85 FR 81879; December 17, 2020). Please refer to that notice.

Comment 3: SELC reiterated that NMFS's use of the 160 decibel (dB) threshold for behavioral harassment is not supported by the best available scientific information and results in an inaccurate negligible impact analysis. Note that NMFS addressed this comment in the **Federal Register** notice of issue of the initial IHA (85 FR 55415; September 8, 2020).

Response: NMFS addressed this comment in the notice of issuance of the first modified IHA and our response remains applicable in the context of the modifications in this IHA (85 FR 81879; December 17, 2020). Please refer to that notice.

Comment 4: SELC recommended that a standard 500-meter (m) exclusion zone (EZ) be established for all marine mammal species around survey vessels.

Response: NMFS addressed this comment in the notice of issuance of the first modified IHA and our response remains applicable in the context of the modifications in this IHA (85 FR 81879; December 17, 2020). Please refer to that notice.

Comment 5: SELC recommended that HRG surveys should commence, with ramp-up, during daylight hours.

Response: NMFS addressed this comment in the notice of issuance of the first modified IHA and our response remains applicable in the context of the modifications in this IHA (85 FR 81879; December 17, 2020). Please refer to that notice.

Comment 6: SELC recommended that passive acoustic monitoring (PAM) should be employed to monitor marine mammals

Response: NMFS addressed this comment in the notice of issuance of the first modified IHA and our response remains applicable in the context of the modifications in this IHA (85 FR 81879; December 17, 2020). Please refer to that notice.

Comment 7: SELC recommended that for efforts that continue into the nighttime, night-vision or infrared monitoring should also be used.

Response: NMFS has included in the IHA a requirement that night-vision equipment (*i.e.,* night-vision goggles and infrared technology) must be available for use by Protected Species Observers (PSOs) during night operations.

Comment 8: SELC recommended that NMFS impose a seasonal restriction on HRG surveys that have the potential to injure or harass the North Atlantic right whale, extending from November 1 through April 30.

Response: NMFS is concerned about the status of the North Atlantic right whale population given that a Unusual Mortality Event (UME) has been in effect for this species since June of 2017 and that there have been a number of recent mortalities. NMFS appreciates the value of seasonal restrictions under certain circumstances. However, in this case, we have determined seasonal restrictions are not warranted. Given the density of right whales in this area, the nature of the proposed activities, and the required mitigation, zero takes of North Atlantic right whales are predicted or authorized and, therefore, additional mitigation is not warranted especially given the impracticability for the applicant of significantly shortening their work season. Additionally, Dominion is required to comply with restrictions associated with identified SMAs and they must comply with DMA restrictions, if any DMAs are established near the Project Area. See the North Atlantic right whale vessel speed regulations (50 CFR 224.105).

Comment 9: SELC recommended that NMFS establish an extended 1,000-m EZ for North Atlantic right whales around survey vessels.

Response: NMFS addressed this comment in the notice of issuance of the initial IHA and our response remains applicable in the context of the modifications in this IHA (85 FR 55415; September 8, 2020). Please refer to that notice.

Comment 10: SELC recommended that all vessels traveling to and from the project area maintain a speed of 10 knots (18.5 kilometer/hour) or less throughout the survey period.

Response: NMFS addressed this comment in the response to Comment 8 above.

Comment 11: SELC recommended that NMFS require activating Dynamic Management Areas (DMAs) whenever a single North Atlantic right whale is sighted or acoustically detected neat the project area, not just an aggregation of three or more whales.

Response: NMFS addressed this comment in the notice of issuance of the first modified IHA and our response remains applicable in the context of the modifications in this IHA (85 FR 81879; December 17, 2020). Please refer to that notice.

Comment 12: RODA expressed concern that there are no backstops or accountability measures for when authorized take exceeds a given threshold established by NMFS. They additionally expressed concern that developers could ''simply apply for modifications of existing IHAs,'' increasing the take every few months.

Response: NMFS' IHA includes a prohibition on unauthorized take and indicates that the IHA may be modified, suspended or revoked if take exceeds that authorized. Further, the IHA requires the IHA holder to both monitor and report marine mammals observed within zones associated with NMFS' harassment thresholds. The information collected and reported is used by NMFS to inform future analyses and decisions.

Regarding the modifications, we note that both modifications were made following a 15-day comment period and NMFS analysis and confirmation that the modified total take met the standards required for issuance of an IHA. In the interim, for this modification, the applicants ceased all survey activity to ensure no unauthorized take of common dolphins occurs.

Comment 13: RODA also asked about accountability for impacts from offshore wind development activities and how to ensure that any such impacts were not erroneously assigned to fishermen.

Response: The commenter appears to misunderstand the nature of the take that is authorized for this IHA, which is Level B harassment only, with no anticipated impacts to the reproduction or survival of any individual marine mammals. Regarding take being erroneously ''assigned'' to fishermen, the take considered in commercial fisheries is serious injury or mortality. Since neither of those types of take is anticipated or authorized for this activity, there is no possibility that any such take will result and be misattributed to fishing activities.

Comment 14: RODA also expressed concern regarding the ''one-off'' nature of the IHA process and the lack of a cumulative assessment of the fifteen plus offshore wind sites along the East Coast.

Response: The MMPA includes an exception to its general take prohibition for incidental take from a ''specified activity.'' 16 U.S.C. 1371(a)(5)(D). The specified activity for which we issued Dominion's IHA is that company's site characterization surveys and establishment of a cable corridor. Cumulative impacts (also referred to as cumulative effects) is a term that appears in the context of the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA), but it is defined differently in those contexts. Neither the MMPA nor NMFS' codified implementing regulations address consideration of other unrelated activities and their impacts on populations. However, the preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989) states in response to comments that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Accordingly, NMFS here has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (*e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors).

The reasonably foreseeable cumulative effects to ESA-listed species, including impacts to large whales, from other activities were considered in the analyses conducted by NMFS' Greater Atlantic Regional Fisheries Office (GARFO) as part of the ESA Section 7 Consultation regarding Dominion's site characterization surveys offshore Virginia. On July 30, 2020, GARFO determined that the effects to species listed under the ESA would be insignificant or discountable and therefore, the proposed action was not likely to adversely affect any ESA-listed species.

Cumulative impacts have been adequately addressed under NEPA in prior environmental analyses that form the basis for NMFS' determination that this action is appropriately categorically excluded from further NEPA analysis. Regarding activities in the Mid- and South Atlantic region, in 2018 NMFS signed a Record of Decision that (1) adopted the Bureau of Ocean Energy Management's 2014 Final Programmatic Environmental Impact Statement that evaluated the direct, indirect, and cumulative impacts of geological and geophysical survey activities on the Mid- and South Atlantic Outer Continental Shelf to support NMFS' analysis associated with issuance of incidental take authorizations pursuant to sections 101(a)(5)(A) or (D) of the MMPA and the regulations governing the taking and importing of marine mammals (50 CFR part 216), and (2) in accordance with 40 CFR 1505.2, announced and explained the basis for our decision to review and potentially issue incidental take authorizations under the MMPA on a case-by-case basis, if appropriate. Separately, NMFS has previously written Environmental Assessments (EA) that addressed cumulative impacts related to substantially similar activities, in similar locations, *e.g.,* 2019 Orsted EA for survey activities offshore southern New England; 2019 Avangrid EA for survey activities offshore North Carolina and Virginia; 2018 Deepwater Wind EA for survey activities offshore Delaware, Massachusetts, and Rhode Island.

We have determined that our IHA for Dominion's site characterization activities qualifies for a categorical exclusion under the NEPA in that it will not individually or cumulatively have a significant effect on the human environment. We are not aware of any past, present or reasonably foreseeable actions within the region of influence of the proposed action causing environmental impacts that would interact with the impacts of the site characterization activities such that the combined effect would be significant. The Bureau of Ocean Energy Management (BOEM) is developing Environmental Impact Statements (EISs) to address the effects of the construction of offshore wind farms in support of decisions of whether to permit that construction and operation, and those EISs will analyze the cumulative impacts when the impacts of proposed construction an operation are combined with other past, present and reasonably foreseeable future actions. Each EIS, therefore, will account for the impacts of these site characterization activities and any other activities that may occur in the same region of influence to ensure that cumulative impacts over time are properly evaluated, documented, considered and disclosed.

Description of Marine Mammals

A description of the marine mammals in the area of the activities is found in these previous documents, which remains applicable to this modified IHA as well. In addition, NMFS has reviewed recent Stock Assessment Reports, information on relevant UMEs, and recent scientific literature, and determined that no new information affects our original analysis of impacts under the initial IHA.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

A description of the potential effects of the specified activities on marine mammals and their habitat may be found in the documents supporting the initial IHA, which remains applicable to the issuance of this modified IHA. There is no new information on potential effects.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notice of IHA for the initial authorization (85 FR 55415; September 8, 2020) notice of IHA for the first modified IHA (85 FR 81879; December 17, 2020). The HRG equipment that may result in take, as well as the source levels, marine mammal stocks taken, marine mammal density data and the methods of take estimation applicable to this authorization remain unchanged from the previously issued IHA. The number of authorized takes is also identical with the exception of common dolphin.

NMFS had authorized 68 takes of common dolphin by Level B harassment in the initial IHA (85 FR 55415; September 8, 2020) and recently modified IHA (85 FR 81879; December 12, 2020). Since January 17, 2021, Dominion has recorded a total of 65 common dolphins within the Level B harassment zone. Sighting events have ranged from a single dolphin to a group of up to 42 individuals. It appears that the sudden increase in Level B take for common dolphins is due to the animals' approach to the vessel for both bow riding and swimming alongside vessels. The duration of these events has varied from several minutes to many hours. Their behavior may be due to curiosity and perhaps an enhanced feeding opportunity provided (after dusk) by the lighted vessels. The increase in common dolphins appears to be seasonal, with most (62) of the Level B harassment takes occurring between January 17 and January 27, 2021, as well as three additional takes recorded in February. There was no observed take of common dolphin during the preceding phases of the survey in the summer and fall of 2020. Dominion has directed vessels to shut-down at night, during periods of low visibility, or whenever common dolphins are sighted to avoid further accumulation of take. The need for frequent, lengthy shut-downs has the

potential to severely impact the overall project schedule. That would result in the need for additional survey days on the water as well as increased cost and risks associated with extending the project schedule.

Dominion observed common dolphins over 8 operational survey days as shown in Table 1. Note that many of these animals were sighted outside of the Level B harassment zone and, therefore, were not recorded as takes. The 62 takes over eight days averages out to just under eight takes per day. Given this information, Dominion has conservatively requested the take of one pod of 10 animals every day for the remaining 60 survey days. NMFS concurs and is authorizing 600 additional takes of common dolphin by Level B harassment beyond the 68 takes authorized in the initial IHA and recently modified IHA. The expiration date of the IHA would remain unchanged as August 27, 2021.

TABLE 1—COMMON DOLPHIN DETECTION EVENTS DURING DOMINION ENERGY HRG SURVEY ACTIVITIES

Vessel name	Number of common dolphin detection events	Number of events that resulted in Level B harassment takes	Total number of Level B harassment takes	Min pod size	Max pod size
R/V Minerva	2	0	0	7	15
R/V Minerva	4	2	14	6	12
R/V Minerva	4	0	0	6	12
R/V Minerva	3	1	10	1	10
R/V Minerva	4	2	15	4	10
R/V Minerva	2	2	19	7	42
R/V Minerva	3	1	4	1	6
R/V Minerva	2	0	0	4	15

The total number of incidental takes by Level B harassment authorized, including modified common dolphin takes, are shown in Table 2. The authorized take represents 0.39 percent of the western North Atlantic stock of common dolphin. Take by Level A harassment was not requested, nor does NMFS anticipate it. NMFS did not authorize Level A harassment in the initial or recently modified IHA and is not doing so as part of this modification.

TABLE 2—TOTAL NUMBERS OF AUTHORIZED TAKES BY LEVEL B HARASSMENT AND AS A PERCENTAGE OF POPULATION

Species	Totals	
	Take authorization (No.)	Instances of take as percentage of population [1]
Short-finned pilot whale	12	0.06
Bottlenose dolphin (Offshore)	511	0.81
Bottlenose dolphin (Southern Migratory Coastal)	224	6.5
Common dolphin	668	0.39
Atlantic white-sided dolphin	44	0.12
Spotted dolphin	2,427	4.38
Risso's dolphin	6	0.08
Harbor porpoise	39	0.09
Harbor seal [2]	35	0.02
Gray Seal [2]	0.06	

[1] Calculations of percentage of stock taken are based on the best available abundance estimate as shown in Table 2 in **Federal Register** final notice of issuance of the IHA (85 FR 55415; September 8, 2020). In most cases the best available abundance estimate is provided by Roberts *et al.* (2016, 2017, 2018), when available, to maintain consistency with density estimates derived from Roberts *et al.* (2016, 2017, 2018. For bottlenose dolphins, Roberts *et al.* (2016, 2017, 2018) provides only a single abundance estimate and does not provide abundance estimates at the stock or species level (respectively), so abundance estimates used to estimate percentage of stock taken for bottlenose dolphins are derived from NMFS Stock assessment reports (Hayes *et al.* 2019).

[2] Pinniped density values reported as "seals" and not species-specific.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included in this modified IHA are identical to those included in the **Federal Register** notice announcing the initial IHA and the discussion of the least practicable adverse impact included in that document remains accurate (85 FR 55415; September 8, 2020).

Establishment of EZs—Marine mammal EZs must be established around the HRG survey equipment and monitored by PSOs during HRG surveys as follows:

- 500-m EZ is required for North Atlantic right whales;
- During use of the GeoMarine Dual 400 Sparker 800J, a 100-m EZ is required for all other marine mammals except delphinid(s) from the genera *Delphinus, Lagenorhynchus, Stenella* or *Tursiops* and seals; and
- When only the Triple Plate Boomer 1000J is in use, a 25-m EZ is required for all other marine mammals except delphinid(s) from the genera *Delphinus, Lagenorhynchus, Stenella* or *Tursiops* and seals; a 200-m buffer zone is required for all marine mammals except those species otherwise excluded (*i.e.,* North Atlantic right whale).

If a marine mammal is detected approaching or entering the EZs during the survey, the vessel operator must adhere to the shutdown procedures described below. In addition to the EZs described above, PSOs must visually monitor a 200-m buffer zone for the purposes of pre-clearance. During use of acoustic sources with the potential to result in marine mammal harassment (*i.e.,* anytime the acoustic source is active, including ramp-up), occurrences of marine mammals within the monitoring zone (but outside the EZs) must be communicated to the vessel operator to prepare for potential shutdown of the acoustic source. The buffer zone is not applicable when the EZ is greater than 100 m. PSOs are also required to observe a 500-m monitoring zone and record the presence of all marine mammals within this zone.

Visual Monitoring—Monitoring must be conducted by qualified protected PSOs who are trained biologists, with minimum qualifications described in the **Federal Register** notice of the issuance of the initial IHA (85 FR 55415; September 8, 2020). Dominion must have one PSO on duty during the day and has committed that a minimum of two NMFS-approved PSOs must be on duty and conducting visual observations when HRG equipment is in use at night. Visual monitoring must begin no less than 30 minutes prior to ramp-up of HRG equipment and continue until 30 minutes after use of the acoustic source. PSOs must establish and monitor the applicable EZs, Buffer Zone and Monitoring Zone as described above. PSOs must coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts, and must conduct observations while free from distractions and in a consistent, systematic, and diligent manner. PSOs are required to estimate distances to observed marine mammals. It is the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

Pre-Clearance of the Exclusion Zones—Prior to initiating HRG survey activities, Dominion must implement a 30-minute pre-clearance period. During pre-clearance monitoring (*i.e.,* before ramp-up of HRG equipment begins), the Buffer Zone also acts as an extension of the 100-m EZ in that observations of marine mammals within the 200-m Buffer Zone would also preclude HRG operations from beginning. During this period, PSOs must ensure that no marine mammals are observed within 200 m of the survey equipment (500 m in the case of North Atlantic right whales). HRG equipment must not start up until this 200-m zone (or, 500-m zone in the case of North Atlantic right whales) is clear of marine mammals for at least 30 minutes. The vessel operator must notify a designated PSO of the proposed start of HRG survey equipment as agreed upon with the lead PSO; the notification time must not be less than 30 minutes prior to the planned initiation of HRG equipment in order to allow the PSOs time to monitor the EZs and Buffer Zone for the 30 minutes of pre-clearance.

If a marine mammal is observed within the relevant EZs or Buffer Zone during the pre-clearance period, initiation of HRG survey equipment must not begin until the animal(s) has been observed exiting the respective EZ or Buffer Zone, or, until an additional time period has elapsed with no further sighting (*i.e.,* minimum 15 minutes for porpoises, and 30 minutes for all other species). The pre-clearance requirement includes small delphinoids. PSOs must also continue to monitor the zone for 30 minutes after survey equipment is shut down or survey activity has concluded.

Ramp-Up of Survey Equipment—When technically feasible, a ramp-up procedure must be used for geophysical survey equipment capable of adjusting energy levels at the start or re-start of survey activities. The ramp-up procedure must be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the Survey Area by allowing them to detect the presence of the survey and vacate the area prior to the commencement of survey equipment operation at full power. Ramp-up of the survey equipment must not begin until the relevant EZs and Buffer Zone has been cleared by the PSOs, as described above. HRG equipment must be initiated at their lowest power output and would be incrementally increased to full power. If any marine mammals are detected within the EZs or Buffer Zone prior to or during ramp-up, the HRG equipment must be shut down (as described below).

Shutdown Procedures—If an HRG source is active and a marine mammal is observed within or entering a relevant EZ (as described above) an immediate shutdown of the HRG survey equipment is required. When shutdown is called for by a PSO, the acoustic source must be immediately deactivated and any dispute resolved only following deactivation. Any PSO on duty has the authority to delay the start of survey operations or to call for shutdown of the acoustic source if a marine mammal is detected within the applicable EZ. The vessel operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the HRG source(s) to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. Subsequent restart of the HRG equipment must only occur after the marine mammal has either been observed exiting the relevant EZ, or, until an additional time period has elapsed with no further sighting of the animal within the relevant EZ.

Upon implementation of shutdown, the HRG source may be reactivated after the marine mammal that triggered the shutdown has been observed exiting the applicable EZ (*i.e.,* the animal is not required to fully exit the Buffer Zone where applicable) or, following a clearance period of 15 minutes for small odontocetes and seals and 30 minutes for all other species with no further observation of the marine mammal(s) within the relevant EZ. If the HRG equipment shuts down for brief periods (*i.e.,* less than 30 minutes) for reasons other than mitigation (*e.g.,* mechanical or electronic failure) the equipment may be re-activated as soon as is practicable at full operational level, without 30 minutes of pre-clearance, only if PSOs have maintained constant visual observation during the shutdown and no visual detections of marine mammals occurred within the applicable EZs and Buffer Zone during that time. For a shutdown of 30 minutes or longer, or if visual observation was not continued diligently during the pause, pre-clearance observation is required, as described above.

The shutdown requirement is waived for certain genera of small delphinids (*i.e., Delphinus, Lagenorhynchus, Stenella,* or *Tursiops*) under certain circumstances. If a delphinid(s) from these genera is visually detected within the EZ shutdown would not be required. If there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgment in making the decision to call for a shutdown.

If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the area encompassing the Level B harassment isopleth (100 m or 25 m), shutdown must occur.

Vessel Strike Avoidance—Dominion must comply with vessel strike

avoidance measures as described in the **Federal Register** notice of the issuance of the initial IHA (85 FR 55415; September 8, 2020).

Seasonal Operating Requirements—Dominion will conduct HRG survey activities in the vicinity of the North Atlantic right whale Mid-Atlantic seasonal management area (SMA) near Norfolk and the mouth of the Chesapeake Bay. Activities conducted prior to May 1 must comply with the seasonal mandatory speed restriction period for this SMA (November 1 through April 30) for any survey work or transit within this area. See the North Atlantic right whale vessel speed regulations (50 CFR 224.105).

Throughout all phases of the survey activities, Dominion must monitor NOAA Fisheries North Atlantic right whale reporting systems for the establishment of a dynamic management area (DMA) (50 CFR 224.105). If NMFS establishes a DMA in the Lease Area or cable route corridor being surveyed, within 24 hours of the establishment of the DMA, Dominion is required to work with NMFS to shut down and/or alter activities to avoid the DMA.

Training—Project-specific training is required for all vessel crew prior to the start of survey activities. Confirmation of the training and understanding of the requirements must be documented on a training course log sheet. Signing the log sheet will certify that the crew members understand and will comply with the necessary requirements throughout the survey activities.

Reporting—PSOs must record specific information on the sighting forms as described in the **Federal Register** notice of the issuance of the initial IHA (85 FR 55415; September 8, 2020). Within 90 days after completion of survey activities, Dominion must provide NMFS with a monitoring report which includes summaries of recorded takes and estimates of the number of marine mammals that may have been harassed.

In the event of a ship strike or discovery of an injured or dead marine mammal, Dominion must report the incident to the Office of Protected Resources, NMFS and to the New England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. The report must include the information listed in the **Federal Register** notice of the issuance of the initial IHA (85 FR 55415; September 8, 2020).

Based on our evaluation of the applicant's measures in consideration of the increased estimated take for common dolphins, NMFS has re-affirmed the determination that the required mitigation measures provide the means effecting the least practicable impact on common dolphins and their habitat.

Determinations

Dominion's HRG survey activities and the mitigation, monitoring, and reporting requirements are unchanged from those covered in the initial IHA. The effects of the activity, taking into consideration the mitigation and related monitoring measures, remain unchanged from those stated in the initial IHA, notwithstanding the increase to the authorized amount of common dolphin take. Specifically, the Level B harassment authorized for common dolphins is expected to be of lower severity, predominantly in the form of avoidance of the sound source and potential occasional interruption of foraging. With approximately 60 survey days remaining, NMFS is authorizing increased common dolphin take by Level B harassment to 668 from 68. Even in consideration of the increased estimated numbers of take by Level B harassment, the impacts of these lower severity exposures are not expected to accrue to the degree that the fitness of any individuals is impacted, and, therefore no impacts on annual rates of recruitment or survival will result. Further, and separately, the authorized take amount of common dolphin still would be of small numbers of common dolphins relative to the population size (less than one percent), as take that is less than one third of the species or stock abundance is considered by NMFS to be small numbers. In conclusion, there is no new information suggesting that our effects analysis or negligible impact finding for common dolphins should change.

Based on the information contained here and in the referenced documents, NMFS has reaffirmed the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) Dominion's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the modification of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the modified IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued a modified IHA to Dominion for conducting marine site characterization surveys in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Offshore Virginia (Lease No. OCS–A–0483) as well as in coastal waters where an export cable corridor will be established in support of the CVOW Commercial Project effective from the date of issuance until August 27, 2021.

Dated: April 16, 2021.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–08318 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA975]

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 74 Stock ID Webinar I for Gulf of Mexico red snapper.

SUMMARY: The SEDAR 74 assessment of Gulf of Mexico red snapper will consist of a Data workshop, a series of assessment webinars, and a Review workshop, and. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 74 Stock ID Webinar I will be held on Friday, May 7, 2021, from 1 p.m. to 3 p.m. Eastern.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; phone: (843) 571–4366; Email: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Stock ID webinars are as follows:

- Participants will use review genetic studies, growth patterns, existing stock definitions, prior SEDAR stock ID recommendations, and any other relevant information on scamp stock structure.
- Participants will make recommendations on biological stock structure and define the unit stock or stocks to be addressed through this assessment.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 19, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–08404 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0080 (Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before June 21, 2021.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0080 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–270–0968; or by email to *informationcollection @uspto.gov* with ''0651–0080 comment'' in the subject line. Additional information about this information collection can be found at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Executive Order 12862 (*http://www.archives.gov/federal-register/executive-orders/pdf/12862.pdf*) directs Federal agencies to provide services to the public that matches or exceeds the best services available in the private sector. In order to work continuously to ensure that its programs are effective and meet its customers' needs, the United States Patent and Trademark Office (hereafter ''USPTO'' or ''the Agency'') proposes the following generic clearance to collect qualitative feedback on its service delivery. Qualitative feedback refers to information that provides useful insights on perceptions and opinions, but is not in the form of statistical surveys which yield quantitative results that can be generalized to the population of study.

The Agency will collect, analyze, and interpret information gathered to identify strengths and weaknesses of current services. Based on feedback received, the Agency will identify operational changes needed to improve programs and services. 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.

Collecting feedback will allow for the Agency to have a pulse on customer satisfaction. This feedback will provide for ongoing, collaborative, and actionable communication between the Agency and its customers and stakeholders and allow it to gather feedback in an efficient and timely manner. The information collected from Agency customers and stakeholders will help ensure users have an opportunity to convey their experience with USPTO programs. This information collection will also provide insights into customer or stakeholder perceptions, experiences, and expectations, which will allow the Agency to focus its attention on areas where communication, training, or changes in operations may be necessary.

This information collection covers a variety of methods used by USPTO to obtain qualitative feedback from the public. The estimated number of annual responses and burden hours being requested are based on the number of information collections we expect to conduct over the period of this clearance. Each specific request for clearance under this generic information collection will detail estimates for the following information: Respondent types, number of respondents, number of responses, time per response, burden hours, and associated costs.

II. Method of Collection

The methods of collection include, but are not limited to, in-person surveys, telephone interviews, questionnaires, mail and email survey, web-based products, focus groups, and comment cards.

III. Data

OMB Number: 0651–0080.

Form Number: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private Sector; Individuals or Households; State, Local or Tribal governments; Federal government.

Estimated Number of Respondents: 90,000 respondents.

Estimated Time per Response: Varied, dependent upon the data collection method used. The average response time will be 10 minutes per response.

Estimated Total Annual Respondent Burden Hours: 15,000 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $2,989,650.

The estimated annual respondent costs are based on the number of estimated hours for the information collections we expect to conduct over the requested period of this clearance. The total hourly cost burden ($199.31) is determined by using a combined rate of attorney, paralegal, and pro se wages. The USPTO uses the mean rate for attorneys in private firms, estimated at $400 per hour, from data published in the 2019 Report of the Economic Survey from the American Intellectual Property Law Association (AIPLA).[1] The hourly rate for paralegals is estimated at $145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA).[2] The pro se wage rate uses the mean hourly wage ($52.93) for physical scientists according to the data from the Bureau of Labor Statistics' Occupational Employment Statistics program (occupational code 19–2099) [3].

Estimated Total Annual (Non-hour) Respondent Cost Burden: $0. There are no capital start-up, maintenance, postage, recordkeeping costs, or any other fees associated with this information collection.

Respondent's Obligation: Voluntary.

IV. Request for Comments

The USPTO is soliciting public comments to:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information in a comment, be aware that the entire comment—including personal identifying information—may be made publicly available at any time. While you may ask in your comment to withhold personal identifying information from public view, USPTO cannot guarantee that it will be able to do so.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–08326 Filed 4–21–21; 8:45 am]

BILLING CODE 3510–16–P

[1] *https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey.*

[2] *https://www.nala.org/paralegals/research-and-survey-findings.*

[3] *https://www.bls.gov/oes/current/oes192099.htm.*

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2021–0009]

Agency Information Collection Activities: Comment Request; Emergency Processing Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is proposing a new information collection titled, ''Interim Final Rule on Debt Collection Practices in Connection with the Global COVID–19 Pandemic.''

DATES: An emergency review has been requested in accordance with the PRA (44 U.S.C. Chapter 3507(j)). Approval by the Office of Management and Budget (OMB) has been requested by May 3, 2021. A standard PRA clearance process is also beginning. Interested persons are invited to submit comments on or before June 21, 2021.

ADDRESSES: You may submit comments, identified by the title of the information collection, and docket number (see above), by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: PRA_Comments@cfpb.gov.* Include Docket No. CFPB–2021–0009 in the subject line of the email
- *Mail/Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID–19 pandemic, the Bureau discourages the submission of comments by mail, hand delivery, or courier. Please note that comments submitted after the comment period will not be accepted. In general, all comments will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to Suzan Muslu, Data Governance Program Manager, at (202) 435–9267, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to this mailbox.

SUPPLEMENTARY INFORMATION:

Title of Collection: Interim Final Rule on Debt Collection Practices in Connection with the Global COVID–19 Pandemic.

OMB Control Number: 3170–XXXX.

Type of Review: New collection (Request for a new OMB control number).

Affected Public: Private sector (banks and credit unions).

Estimated Number of Respondents: 500.

Estimated Total Annual Burden Hours: 6,000.

Abstract: The Bureau is issuing an interim final rule to amend Regulation F, which implements the Fair Debt Collection Practices Act (FDCPA) and currently contains the procedures for State application for exemption from the provisions of the FDCPA. The interim final rule addresses certain debt collector conduct associated with an eviction moratorium issued by the Centers for Disease Control and Prevention (CDC) in response to the global COVID–19 pandemic. The amendments prohibit debt collectors from taking certain covered eviction actions unless the debt collectors provide written notice to certain consumers of their protections under the CDC temporary eviction moratorium and prohibit misrepresentations about consumers' eligibility for protection under such moratorium. This moratorium is in place now and currently set to expire at the end of June. The Bureau believes there is a potential for public harm if consumers are not informed of their rights under the moratorium, therefore the Bureau is requesting emergency approval of this information collection request.

The Bureau requests OMB approval of this request by May 3, 2021. Contemporaneously with this request for emergency processing, the Bureau is also initiating standard clearance procedures by publishing a notice in the **Federal Register** allowing the public 60 days to comment on this collection of information. Accordingly, this request will also be resubmitted to OMB under standard clearance procedures.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the 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 respondents, including through the use of automated collection techniques or other forms of information technology. 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.

Dated: April 16, 2021.

Suzan Muslu,

Data Governance Program Manager, Bureau of Consumer Financial Protection.

[FR Doc. 2021–08304 Filed 4–21–21; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS FRANK E. PETERSON JR. (DDG 121)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS FRANK E. PETERSON JR. (DDG 121). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG)(Admiralty and Maritime Law) has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective April 22, 2021 and is applicable beginning April 16, 2021.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Darren E. Myers, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave., SE, Suite 3000, Washington Navy Yard, DC 20374–5066, 202–685–5040, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the

Secretary of the Navy, hereby finds and certifies that USS FRANK E. PETERSON JR. (DDG 121) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 3(a), pertaining to the position of the forward masthead light; Annex I, paragraph 2(f)(i) pertaining to the vertical position of the aft masthead light; Annex I, paragraph 3(a), pertaining to the horizontal distance between the masthead lights; Annex I, paragraph 3(c), pertaining to the horizontal distance of the ''task lights'' below the masthead lights; Annex I, paragraph 2(f)(ii), pertaining to the horizontal position of the task lights above the aft masthead light(s) and vertical position of the task lights between the forward masthead light(s) and aft masthead light(s).

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Approved: April 19, 2021.

K.R. Callan,

Commander, Judge Advocate General's Corps, U. S. Navy, Federal Register Liaison Officer.

[FR Doc. 2021–08351 Filed 4–21–21; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS LYNDON B. JOHNSON (DDG–1002)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS LYNDON B. JOHNSON (DDG–1002). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG)(Admiralty and Maritime Law) has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective April 22, 2021 and is applicable beginning April 16, 2021.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Darren E. Myers, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, 202–685–5040, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS LYNDON B. JOHNSON (DDG–1002) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 3(a), pertaining to the horizontal separation distance between the masthead lights; Annex I, paragraph 2(a)(i), pertaining to the height of the masthead light above the main deck; Annex I, paragraph 2(k) pertaining to the vertical separation and height above deck of the anchor lights; Annex I, paragraph 2(g), pertaining to the vertical position of the sidelights; Annex I, paragraph 3(c), pertaining to the horizontal spacing of the task lights; Annex I, paragraph 2(i)(iii), pertaining to the vertical positioning and spacing of the task lights.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Approved: April 19, 2021.

K.R. Callan,

Commander, Judge Advocate General's Corps, U. S. Navy, Federal Register Liaison Officer.

[FR Doc. 2021–08357 Filed 4–21–21; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Revocation of Prohibition Order Securing Critical Defense Facilities

AGENCY: Office of Electricity, Department of Energy.

ACTION: Revocation of prohibition order.

SUMMARY: The U.S. Department of Energy (DOE or Department) gives notice that the Prohibition Order Securing Critical Defense Facilities, dated December 17, 2020 (December 2020 Prohibition Order), is revoked.

DATES: The effective date of the revocation of the December 2020 Prohibition Order is April 20, 2021.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hoffman, Acting Assistant Secretary, Office of Electricity, U.S. Department of Energy, Mailstop OE–20, Room 8G–042, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–1411, or *electricsystemEO@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The Nation's energy infrastructure supports our national defense, critical infrastructure, economy, and way of life. Adversarial nation-state actors are targeting our critical infrastructure, with increasing focus on the energy sector. The Department is engaged in partnership with the electricity subsector and other Federal agencies, in a comprehensive set of actions to strengthen supply chain risk management and recognizes the threat our foreign adversaries pose to our critical infrastructure.

In order to build on the work the Department has already completed in securing the electric system, the Department is developing recommendations to strengthen requirements and capabilities for supply chain risk management practices by the Nation's electric utilities. These recommendations are intended to enable an approach that builds on, clarifies, and, where appropriate, modifies prior executive and agency actions.

Executive Order 13920, *Securing the United States Bulk-Power System,* (E.O. 13920),[1] issued on May 1, 2020, declared an emergency that authorized the Secretary of Energy (Secretary) to, among other actions, prohibit the acquisition, transfer, or installation of certain BPS electric equipment sourced from foreign adversary countries for one year.[2] On December 17, 2020, the Secretary issued the December 2020 Prohibition Order, which took effect January 16, 2021, invoking the authority of E.O. 13920.[3] Pursuant to the December 2020 Prohibition Order, a limited number of utilities[4] were prohibited from acquiring, importing, transferring, or installing certain BPS electric equipment.[5] That order targeted select equipment manufactured or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of the People's Republic of China.[6]

On January 20, 2021, Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (E.O. 13990), was issued, which suspended E.O. 13920 for 90 days and directed the Secretary of Energy and the Director of the Office of Management and Budget jointly to ''consider whether to recommend that a replacement order be issued.''[7] As the December 2020 Prohibition Order is predicated on the authorities delegated to DOE by E.O. 13920, the December 2020 Prohibition Order was also suspended during the same time period.

The Department is revoking the December 2020 Prohibition Order effective April 20, 2021, in order to create a stable policy environment before the emergency declaration made by E.O. 13920 expires on May 1, 2021, and while the Department conducts a Request for Information to develop a strengthened and administrable strategy to address the security of the U.S. energy sector.

[1] Executive Order 13920, Securing the United States Bulk-Power System: Request for Information, 85 FR 26595 (May 4, 2020).

[2] Id. at 26595–26596.

[3] Prohibition Order Securing Critical Defense Facilities, 86 FR 533 (Jan. 6, 2021).

[4] The December 2020 Prohibition Order defined ''Responsible Utility'' as ''an electric utility that owns or operates Defense Critical Electric Infrastructure (DCEI), as defined by section 215A(a)(4) of the Federal Power Act (FPA), that actively serves a CDF, as designated by the Secretary under section 215A(c) of the FPA.'' Id. at 534.

[5] Id.

[6] Id.

[7] Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, § 7(c), 86 FR 7037, 7042 (Jan. 25, 2021).

Signing Authority

This document of the Department of Energy was signed on April 19, 2021, by Jennifer Granholm, Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 20, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–08483 Filed 4–21–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Request for Information (RFI) on Ensuring the Continued Security of the United States Critical Electric Infrastructure

AGENCY: Office of Electricity, Department of Energy (DOE).

ACTION: Request for information.

SUMMARY: The United States Government recognizes the immediate imperative to secure our electric infrastructure. The electric power system is vital to the Nation's energy security, supporting national defense, emergency services, critical infrastructure, and the economy. Preventing exploitation and attacks by foreign threats to the U.S. supply chain is the focus of this Request for Information (RFI). On January 20, 2021, Executive Order, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,* suspended Executive Order, *Securing the United States Bulk-Power System,* for 90 days and directed the Secretary of Energy and the Director of the Office of Management and Budget (OMB) to consider whether to recommend that a replacement order be issued. In the process of developing such recommendations, the Department of Energy (DOE or the Department) identified opportunities to institutionalize change, increase awareness, and strengthen protections against high-risk electric equipment transactions by foreign adversaries, while providing additional certainty to the utility industry and the public. As the United States Government considers whether to recommend a replacement Executive Order that appropriately balances national security, economic, and administrability considerations, the Department is seeking information from electric utilities, academia, research laboratories, government agencies, and other stakeholders on various aspects of the electric infrastructure.

DATES: Comments must be received on or before June 7, 2021. If you anticipate difficulty in submitting comments within that period, contact the person listed in **FOR FURTHER INFORMATION CONTACT** as soon as possible.

ADDRESSES: Interested persons are encouraged to submit written comments to *ElectricSystemEO@hq.doe.gov.* All comments will be posted and available to the public *www.energy.gov/oe/securing-critical-electric-infrastructure.* Written comments may also be delivered by conventional mail to Michael Coe, Director, Energy Resilience Division of the Office of Electricity, U.S. Department of Energy, Mailstop OE–20, Room 8H–033, 1000 Independence Avenue SW, Washington, DC 20585. In light of the national emergency concerning the coronavirus disease 2019 (COVID–19) pandemic and personnel limitations, commenters are encouraged to submit comments electronically. Commenters are further cautioned that all conventional mail to the Department is subject to an automatic security screening process that may take several weeks and sometimes renders mailed material illegible.

FOR FURTHER INFORMATION CONTACT: Michael Coe, Director, Energy Resilience Division of the Office of Electricity, U.S. Department of Energy, Mailstop OE–20, Room 8G–042, 1000 Independence Avenue SW, Washington, DC 20585; (202) 287–5166; or *ElectricSystemEO@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
A. Background
II. Request for Information
A. Development of a Long-Term Strategy
B. Prohibition Authority
III. Submission of Comments

I. Introduction

A. Background

The Nation's energy infrastructure is fundamental to national security, the continuity of our economy, and our way of life. Adversarial nation-state actors are targeting our critical infrastructure, with increasing focus on the energy

sector. The Federal Government and industry stakeholders have endorsed the need to strengthen supply chain risk management with respect to the electric power system and recognize the threat our foreign adversaries pose to our critical infrastructure.

The Administration is addressing critical infrastructure security through various actions and considers the protection and resilience of energy infrastructure to be a part of that comprehensive strategy. To strengthen the resilience of America's critical infrastructure, the Administration recently issued Executive Order 14017, *America's Supply Chains,*[1] which, among other things, directs the Secretary of Energy, in consultation with the heads of appropriate agencies, to, within 100 days, identify and make recommendations to address risks in the supply chain for high-capacity batteries and, within one year, review and make recommendations to improve supply chains for the energy sector industrial base. The electricity subsector industrial control systems cybersecurity initiative ''100-day sprint'' announced by the Department is intended to enhance the integrity and security of priority sites' control systems by installing technologies and systems to provide visibility and detection of threats and abnormalities in industrial control and operational technology systems.

To further secure the Nation's electric grid, the Department is developing recommendations to strengthen requirements and capabilities for supply chain risk management practices by the Nation's electric utilities. These recommendations are intended to enable an approach that builds on, clarifies, and, where appropriate, modifies prior executive and agency actions.

E.O. 13920, *Securing the United States Bulk-Power System,*[2] issued on May 1, 2020, authorized the Secretary of Energy (Secretary) to work with Federal partners and the energy industry to take actions to secure the Nation's bulk-power system (BPS). Most significantly, E.O. 13920 authorized the Secretary to prohibit the acquisition, transfer, or installation of certain BPS electric equipment sourced from foreign adversary countries.[3] Informed by a July 8, 2020 request for information on implementation of E.O. 13920,[4] on December 17, 2020, the Secretary issued a Prohibition Order invoking the authority of E.O. 13920 (December 2020 Prohibition Order).[5] Pursuant to the December 2020 Prohibition Order, a limited number of utilities[6] were prohibited from acquiring, importing, transferring, or installing certain BPS electric equipment.[7] That order targeted select equipment manufactured or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of the People's Republic of China.[8]

On January 20, 2021, Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,* was issued, which suspended E.O. 13920 for 90 days.[9] As the December 2020 Prohibition Order is predicated on the authorities delegated to DOE by E.O. 13920, the Prohibition Order was also suspended during this same time period. The E.O. 13920 suspension has expired and effective April 20, 2021, the Secretary revoked the December 2020 Prohibition Order to allow for the Department to conduct this Request for Information to develop a strengthened approach to address the supply chain security of the U.S. electricity subsector.

E.O. 13990 also directed the Secretary and the OMB Director to ''jointly consider whether to recommend that a replacement order be issued.''[10] In the process of developing such recommendations, the Department identified opportunities to strengthen protections against high-risk electric equipment transactions, while providing additional certainty to the utility industry and the public.

To ensure that the Department's considerations for a replacement Executive Order appropriately balance national security, economic, and administrability considerations, the Department is seeking information from electric utilities, academia, research laboratories, government agencies, and other stakeholders.

Adversarial nation-state actors are targeting our critical infrastructure, with increasing focus on the energy sector. For example, the government of People's Republic of China is equipped and actively planning to undermine the electric power system in the United States. The growing prevalence of essential electric system equipment being sourced from China presents a significant threat, as Chinese law provides opportunities for China to identify and exploit vulnerabilities in Chinese-manufactured or supplied equipment that are used in U.S. critical infrastructure that rely on these sources. Accordingly, the Department expects that, during the period of time in which further recommendations are being developed, utilities will seek to act in a way that minimizes the risk of installing electric equipment and programmable components that are subject to foreign adversaries' ownership, control, or influence.

II. Request for Information

Based on the Department's experience implementing E.O. 13920 and feedback from stakeholders, the Department seeks additional public input on several issues set forth below. Please carefully read Section III of this RFI regarding the public nature of submissions. As explained in detail, any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Instructions regarding how to provide Confidential Business Information are also provided. To the extent possible, please reference the question being addressed in your response. Respondents are not required to address all questions.

A. Development of a Long-Term Strategy

While immediate security concerns associated with foreign ownership and control may be addressed through time-limited emergency authorities, addressing pervasive and ongoing grid security risks requires a comprehensive long-term strategy. The Department is interested in recommendations for how to best exercise its role as the Sector Risk Management Agency to inform and coordinate with the utility industry and appropriate regulators at all levels of government, including state Public Utility Commissions and the Federal Energy Regulatory Commission (FERC), to ensure their procurement practices and requirements evolve to match changes in the threat landscape and best protect critical infrastructure. The Department is also interested in how to enable better testing of critical grid equipment, encourage better procurement and risk management practices, and develop a strong domestic

[1] Executive Order 14017, America's Supply Chains, 86 FR 11849 (Mar. 1, 2021).

[2] Executive Order 13920, Securing the United States Bulk-Power System, 85 FR 26595 (May 4, 2020).

[3] *Id.* at 26595–26596.

[4] Securing the United States Bulk-Power System: Request for Information, 85 FR 41023 (July 8, 2020).

[5] Prohibition Order Securing Critical Defense Facilities, 86 FR 533 (Jan. 6, 2021).

[6] The December 2020 Prohibition Order defined ''Responsible Utility'' as ''an electric utility that owns or operates Defense Critical Electric Infrastructure (DCEI), as defined by section 215A(a)(4) of the Federal Power Act (FPA), that actively serves a CDF, as designated by the Secretary under section 215A(c) of the FPA.'' *Id.* at 534.

[7] *Id.*

[8] *Id.*

[9] Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, 86 FR 7037, 7042 (Jan. 25, 2021).

[10] *Id.*

manufacturing base with high levels of security and resilience. Attention is also needed to the challenge of how to mitigate the risks associated with potentially compromised grid equipment that is already installed on the system, along with the potential costs and benefits of addressing such equipment. The Department also recognizes innovative approaches will be needed to thwart continually evolving threats.

1. What technical assistance would States, Indian Tribes, or units of local government need to enhance their security efforts relative to the electric system?

2. What specific additional actions could be taken by regulators to address the security of critical electric infrastructure and the incorporation of criteria for evaluating foreign ownership, control, and influence into supply chain risk management, and how can the Department of Energy best inform those actions?

3. What actions can the Department take to facilitate responsible and effective procurement practices by the private sector? What are the potential costs and benefits of those actions?

4. Are there particular criteria the Department could issue to inform utility procurement policies, state requirements, or FERC mandatory reliability standards to mitigate foreign ownership, control, and influence risks?

B. Prohibition Authority

Immediate threats to the Nation's electric grid must be addressed. By declaring a national emergency under the International Emergency Economic Powers Act in E.O. 13920, the President authorized the Secretary to prohibit the acquisition, transfer, or installation of certain bulk-power system equipment sourced from foreign adversary countries. The December 2020 Prohibition Order applied to utilities that own or operate Defense Critical Electric Infrastructure (DCEI), as defined by section 215A(a)(4) of the Federal Power Act (FPA), that actively serves a ''critical defense facility (CDF)'', as designated by the Secretary under section 215A(c) of the FPA, at a service voltage of 69 kilovolts and above, from the point of electrical interconnection with the CDF up to and including the next ''upstream'' transmission substation (Responsible Utilities).[11]

Due to the interconnected nature of the U.S. transmission and distribution networks across the U.S., the Department is requesting comment on the advisability and feasibility of an expanded approach that would cover distribution facilities that serve CDFs.

Additionally, while threats to electric equipment serving CDFs pose a unique national security risk, the electric system serves numerous types of critical infrastructure and enable the national critical functions.[12] Prohibition of the installation of at-risk electric equipment that serves any critical infrastructure facility may further enhance the Nation's national and economic security.

1. To ensure the national security, should the Secretary seek to issue a Prohibition Order or other action that applies to equipment installed on parts of the electric distribution system, *i.e.,* distribution equipment and facilities?

2. In addition to DCEI, should the Secretary seek to issue a Prohibition Order or other action that covers electric infrastructure serving other critical infrastructure sectors including communications, emergency services, healthcare and public health, information technology, and transportation systems?

3. In addition to critical infrastructure, should the Secretary seek to issue a Prohibition Order or other action that covers electric infrastructure enabling the national critical functions?

4. Are utilities sufficiently able to identify critical infrastructure within their service territory that would enable compliance with such requirements?

III. Submission of Comments

DOE invites all interested parties to submit in writing by June 7, 2021, comments and information on matters addressed in this RFI.

Submitting comments via email or postal mail. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, are written in English, and are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Signing Authority

This document of the Department of Energy was signed on April 19, 2021, by Patricia A. Hoffman, Acting Assistant Secretary, Office of Electricity, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document on publication in the **Federal Register.**

[11] *See* December 2020 Prohibition Order, *supra* note 4.

[12] '' 'National Critical Functions' means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.'' Executive Order 13865, Coordinating National Resilience to Electromagnetic Pulses, 84 FR 12041 (Mar. 29, 2019).

Signed in Washington, DC, on April 20, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–08482 Filed 4–21–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–117–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that April 6, 2021, Columbia Gas Transmission, LLC (Columbia Gas), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and Columbia Gas' blanket certificate issued in Docket No. CP83–76–000, for authorization to abandon four injection/withdrawal (I/W) wells and associated pipelines and appurtenances, located in its Lorain and Medina Storage Fields in Lorain and Medina Counties, Ohio, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Columbia Gas proposes to abandon Medina Wells 3933, 10001 and 10085 located in the Medina Storage Field and Lorain Well 10376 located in the Lorain Storage Field, and a total of approximately 0.23 miles of pipeline that are associated to the wells. Additionally, Columbia Gas states that the abandonment will have no impact on Columbia Gas' existing customers or affect Columbia Gas' existing storage operations. Further, Columbia states that there will be no change to the existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated capacity of the Lorain and Medina Storage Fields as a result of the abandonment. The estimated cost of the abandonment is $2,250,000.

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 FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this prior notice request should be directed to Sorana Linder, Director, Modernization & Certificates, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite, Houston, Texas 77002–2700 at (832) 320–5209 or by email at *sorana_linder@tcenergy.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on June 15, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is June 15, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is June 15, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before June 15, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–117–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below.[7] Your submission must reference the Project docket number CP21–117–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: 700 Louisiana Street, Suite, Houston, Texas 77002–2700 at (832) 320–5209 or email (with a link to the document) at: *sorana_linder@tcenergy.com.*

Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: April 16, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08381 Filed 4–21–21; 8:45 am]

BILLING CODE 6717–01–P

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

[7] Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2880–015]

Cherokee Falls Hydroelectric Project, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new major license for the Cherokee Falls Hydroelectric Project No. 2880, and has prepared an Environmental Assessment (EA) for the project. The project is located on the Broad River, in Cherokee County, South Carolina. No federal land is occupied by project works or located within the project boundary.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), in a Presidential proclamation issued on March 13, 2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2880–015.

For further information, contact Michael Spencer at (202) 502–6093, or by email at *michael.spencer@ferc.gov.*

Dated: April 16, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08383 Filed 4–21–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who

make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. CP17–101–000	4–7–2021	FERC Staff.[1]
2. ER21–669–000	4–12–2021	Carl Zichella.
3. P–1494–438	4–13–2021	FERC Staff.[2]
4. P–1494–438	4–13–2021	FERC Staff.[3]
5. P–1494–438	4–13–2021	FERC Staff.[4]
6. P–1494–438	4–13–2021	FERC Staff.[5]
7. P–1494–438	4–13–2021	FERC Staff.[6]
8. P–1494–438	4–13–2021	FERC Staff.[7]
9. P–1494–438	4–13–2021	FERC Staff.[8]
10. P–1494–438	4–14–2021	FERC Staff.[9]
11. P–1494–438	4–14–2021	FERC Staff.[10]
12. P–1494–438	4–14–2021	FERC Staff.[11]
13. P–1494–438	4–14–2021	FERC Staff.[12]
14. P–1494–438	4–14–2021	FERC Staff.[13]
15. P–1494–438	4–14–2021	FERC Staff.[14]
16. P–1494–438	4–14–2021	FERC Staff.[15]
17. P–1494–438	4–14–2021	FERC Staff.[16]
18. P–1494–438	4–14–2021	FERC Staff.[17]
19. P–1494–438	4–14–2021	FERC Staff.[18]
20. P–1494–438	4–14–2021	FERC Staff.[19]
21. P–1494–438	4–14–2021	FERC Staff.[20]
22. P–1494–438	4–14–2021	FERC Staff.[21]
23. P–1494–438	4–14–2021	FERC Staff.[22]
24. P–1494–438	4–16–2021	FERC Staff.[23]
25. P–1494–438	4–16–2021	FERC Staff.[24]
26. P–1494–438	4–16–2021	FERC Staff.[25]
27. P–1494–438	4–16–2021	FERC Staff.[26]
28. P–1494–438	4–16–2021	FERC Staff.[27]
29. P–1494–438	4–16–2021	FERC Staff.[28]
Exempt:		
1. CP16–9–012	4–5–2021	U.S. Senator Edward J. Markey.
2. CP15–554–000	4–5–2021	U.S. Representative Elaine Luria.
3. CP17–101–000	4–7–2021	The City of New York, Office of the Comptroller.[29]

[1] Emailed comments dated 4/6/2021 from Brian Meadows and 2,684 other individuals.
[2] Emailed comments dated 4/13/2021 from Christopher Lish.
[3] Emailed comments dated4/13/2021 from Craig Kreman.
[4] Emailed comments dated 4/13/2021 from Eric Boucher.
[5] Emailed comments dated 4/13/2021 from Lauren Haygood.
[6] Emailed comments dated 4/13/2021 from Marielle Anzelone.
[7] Emailed comments dated 4/13/2021 from Richard Baker.
[8] Emailed comments dated 4/13/2021 from Martin Lively.
[9] Emailed comments dated 4/13/2021 from Bob Hagele.
[10] Emailed comments dated 4/13/2021 from Hon. Tiffany Snyder, Ret.CO Mayor.
[11] Emailed comments dated 4/13/2021 from Walter Tingle.
[12] Emailed comments dated 4/13/2021 from Greg Sells.
[13] Emailed comments dated 4/13/2021 from Wanda Meck.
[14] Emailed comments dated 4/13/2021 from Thomasin Kellermann.
[15] Emailed comments dated 4/13/2021 from Barbara Vanhanken.
[16] Emailed comments dated 4/13/2021 from Linda Leonard.
[17] Emailed comments dated 4/13/2021 from Rachel Kelley.
[18] Emailed comments dated 4/13/2021 from Bob Miller.

[19] Emailed comments dated 4/13/2021 from James Hatchett.
[20] Emailed comments dated 4/13/2021 from Lasha Wells.
[21] Emailed comments dated 4/13/2021 from Les Roberts.
[22] Emailed comments dated 4/13/2021 from Robert Rutkowski.
[23] Emailed comments dated 4/15/2021 from Shanyn Viars.
[24] Emailed comments dated 4/15/2021 from Kern Aughinbaugh.
[25] Emailed comments dated 4/15/2021 from Suzanne Haws.
[26] Emailed comments dated 4/15/2021 from Elizabeth Flees.
[27] Emailed comments dated 4/15/2021 from Stefan Warner.
[28] Emailed comments dated 4/15/2021 from Jenna Randall.
[29] Comptroller Scott Stringer, U.S. Senators James Sanders, Jessica Ramos, Joseph P. Addabbo, Jr., Julia Salazar, Andrew Gounardes, Brian Kavanagh, Brad Hoylman, Alessandra Biaggi, Jabari Brisport, Assemblymembers Stacey Pheffer-Amato, Brian Barnwell, Zohran Mamdani, Robert Carroll, William Colton, Emily Gallagher, Jo Anne Simon, Phara Souffrant Forrest, Harvey Epstein, Marcela Mitanyes, Queens Borough President Donovan Richards, Councilmembers Costa Constantinides, Brad Lander, Carlina Rivera, Rockaways District Leader Lew Simon, and Jeanette Garramone.

Dated: April 16, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08388 Filed 4–21–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–127–000.
Applicants: Samson Solar Energy III LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Samson Solar Energy III LLC.
Filed Date: 4/16/21.
Accession Number: 20210416–5102.
Comments Due: 5 p.m. ET 5/7/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–801–012.
Applicants: Constellation Power Source Generation, LLC.
Description: Compliance filing: Settlement Compliance Filing to be effective 10/20/2019.
Filed Date: 4/16/21.
Accession Number: 20210416–5174.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER20–2452–002.
Applicants: Hamilton Liberty LLC.
Description: Compliance filing: Supplement to Informational Filing & Requests for Waiver & Expedited Action to be effective 7/18/2020.
Filed Date: 4/16/21.
Accession Number: 20210416–5104.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER20–2453–003.
Applicants: Hamilton Patriot LLC.
Description: Compliance filing: Supplement to Informational Filing & Requests for Waiver & Expedited Action to be effective 7/18/2020.
Filed Date: 4/16/21.
Accession Number: 20210416–5108.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–254–003.
Applicants: Harmony Florida Solar, LLC.
Description: Compliance filing: Harmony Florida Solar, LLC Compliance Filing to be effective 12/29/2020.
Filed Date: 4/16/21.
Accession Number: 20210416–5149.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–502–002.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Compliance Demand Curve Reset to be effective 4/9/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5181.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1691–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–04–16_SA 3476 ATC-Grant County Solar 1st Rev GIA (J947) to be effective 4/2/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5017.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1692–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA SA No. 6028; Queue No. AF2–378 to be effective 3/29/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5039.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1693–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA SA No. 6029; Queue No. AG1–140 to be effective 4/5/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5065.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1694–000.
Applicants: ISO New England Inc., Green Mountain Power Corporation.
Description: Compliance filing: Green Mountain Power; Supplement to Order No. 864 Compliance Filing to be effective 1/1/2020.
Filed Date: 4/16/21.
Accession Number: 20210416–5090.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1696–000.
Applicants: Bluestone Farm Solar, LLC.
Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 5/1/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5093.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1697–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA SA No. 6030; Queue No. AG1–145 to be effective 4/5/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5105.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1698–000.
Applicants: New York State Electric & Gas Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYSEG 205 filing of EPA between NYSEG andBluestone Wind SA No. 2616 to be effective 4/16/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5117.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1699–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: LGIA Luz Solar Partners LTD., IX, LP Kramer Junction 9 SA No. 264 to be effective 4/18/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5134.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1700–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Americus Solar (Americus Solar II) LGIA Amendment Filing to be effective 3/10/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5190.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1701–000.
Applicants: Alabama Power Company.
Description: Initial rate filing: Cooperative Energy Morrow CC Affected System Upgrade Agreement Filing to be effective 3/31/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5192.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1702–000.
Applicants: ISO New England Inc., Central Maine Power Company.
Description: Compliance filing: Central Maine Power; Order No. 864 Supplemental Compliance Filing to be effective 1/1/2020.
Filed Date: 4/16/21.
Accession Number: 20210416–5199.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1703–000.
Applicants: Georgia Power Company.
Description: Initial rate filing: Cooperative Energy Morrow CC Affected System Upgrade Agreement Filing to be effective 3/31/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5210.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1704–000.
Applicants: Mississippi Power Company.
Description: Initial rate filing: Cooperative Energy Morrow CC Affected System Upgrade Agreement Filing to be effective 3/31/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5211.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1705–000.
Applicants: Avista Corporation.
Description: § 205(d) Rate Filing: Avista Corp LTF PTP Agreement T–1179 to be effective 5/1/2021.
Filed Date: 4/16/21.
Accession Number: 20210416–5238.
Comments Due: 5 p.m. ET 5/7/21.

Docket Numbers: ER21–1706–000.
Applicants: Tri-State Generation and Transmission Association, Inc., Southwest Power Pool, Inc.
Description: Compliance filing: Tri-State Generation and Transmission Assoc., Inc. Order 864 Compliance Filing to be effective 1/27/2020.
Filed Date: 4/16/21.
Accession Number: 20210416–5285.
Comments Due: 5 p.m. ET 5/7/21.

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 16, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08382 Filed 4–21–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10022–40–Region 5]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for AK Steel Dearborn Works, Wayne County, Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition for objection to a Clean Air Act title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated January 15, 2021, denying a Petition dated September 27, 2017 from the Sierra Club, the South Dearborn Environmental Improvement Association, and the Great Lakes Environmental Law Center (the Petitioners). The Petition requested that EPA object to a Clean Air Act (CAA) title V operating permit issued by the Michigan Department of Environment, Great Lakes and Energy (EGLE), to AK Steel Dearborn Works (AK Steel), located in Wayne County, Michigan.

ADDRESSES: The final order, the Petition, and other supporting information are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Susan Kraj, Environmental Engineer, at (312) 353–2654 before visiting the Region 5 office. Additionally, the final Order and Petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Susan Kraj, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–2654, *kraj.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issues arose after this period.

EPA received the September 27, 2016 Petition from the Petitioners requesting that EPA object to the issuance of operating permit no. MI–ROP–A8640.2016a issued by Michigan EGLE to AK Steel. The Petition alleged: (1) The incorporation of a construction permit into the operating permit was unlawful because the it allowed emissions increases without applying current standards, that is, EGLE evaluated the Sulphur Dioxide regulations as they existed in 2007 rather than applying the regulations in effect at the time the construction permit was issued in 2014; (2) that any future operation or rebuild of the B Blast Furnace (which is not operational due to catastrophic failure) should require a new construction permit and that the title V permit cannot authorize the operation of this Blast Furnace; and, (3) that EGLE was required to address environmental justice concerns in the permit.

On January 15, 2021, the EPA Administrator issued an Order denying the Petition. The order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review of the Administrator's January 15, 2021 Order shall be filed in the United States Court

of Appeals for the appropriate circuit no later than June 21, 2021.

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

Dated: April 8, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–08372 Filed 4–21–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0088; FRL–10022–59]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities April 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before May 24, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov;* or Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), summaries of the petitions that are the subject of this document, prepared by the petitioners, are included in dockets EPA has created for these rulemakings. The dockets for these petitions are available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

A. Ameded Tolerance Exemptions for Non-Inerts (Except PIPS)

PP 0F8831. (EPA–HQ–OPP–2020–0391). Gowan Company, P.O. Box 5569, Yuma, AZ 85364, requests to amend the tolerance in 40 CFR 180.693 for residues of the herbicide Benzobicyclon in or on rice at 0.15 parts per million (ppm). The high-performance liquid chromatography (HPLC) employing

mass spectrometric (MS/MS) detection (LC/MS/MS) is used to measure and evaluate the chemical benzobicyclon. *Contact:* RD.

B. New Tolerance Exemptions for Inerts (Except PIPS)

PP IN–11490. (EPA–HQ–OPP–2021–0162). Ethox Chemicals, LLC, 1801 Perimeter Road, Greenville, SC 29605, requests to establish an exemption from the requirement of a tolerance for residues oxirane, 2-methyl-, polymer with oxirane, mono-(9Z)-9-octadecanoate, methyl ether, (CAS Re. No. 72283–36–4), with a minimum number average molecular weight of 1200 daltons, when used as an inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance *Contact:* RD.

C. New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. PP 0F8887. (EPA–HQ–OPP–2021–0158). Suterra LLC, 20950 NE Talus Place, Bend, OR 97701, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of thearthropod pheromone mating disruptor (3S, 6R), (3S, 6S)-3-Methyl-6-isopropenyl-9-decen-1-yl acetate in or on raw agricultural commodities. The petitioner believes no analytical method is needed because there are no residues of toxicological concern and because of the request for a tolerance exemption. *Contact:* BPPD.

2. *PP 0F8889.* (EPA–HQ–OPP–2021–0226). Elemental Enzymes Ag & Turf LLC, 1685 Galt Industrial Blvd., St. Louis, MO 63132, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the plant regulator and inducer of local and systemic resistance Fig22-Bt Peptide in or on all agricultural food commodities. The analytical method ultra high-performance liquid chromatography with UV and MS is available to EPA for the detection and measurement of residues of the active ingredient, while the analytical method high performance liquid chromatography with UV is available to EPA for the detection and measurement of residues of the end-use products. *Contact:* BPPD.

3. *PP 0F8893.* (EPA–HQ–OPP–2021–0209). Ag Chem Resources, LLC, 10120 Dutch Iris Dr., Bakersfield, CA 93311, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the nematicide extract of *Caesalpinia spinosa* in or on raw agricultural products and food products. The petitioner believes no analytical method is needed because of the lack of toxicity demonstrated in the available toxicological data and given that an exemption from the requirement for establishing a tolerance for residues is proposed. *Contact:* BPPD.

D. Notice of Filing—New Tolerance Exemptions for PIPS

PP 1F8897. (EPA–HQ–OPP–2021–0236). Pioneer Hi-Bred International, Inc., 7100 NW 62nd Ave., P.O. Box 1000, Johnston, IA 50131–1000, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 174 for residues of the plant-incorporated protectant (PIP) *Ophioglossum pendulum* IPD079Ea protein in or on maize. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance without numerical limitation is requested for IPD079Ea protein as expressed in maize. *Contact:* BPPD.

E. New Tolerances for Inerts

PP 9F8777. EPA–HQ–OPP–2019–0542. Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide, Bicyclopyrone, in or on lemongrass, dried at 0.5 ppm; lemongrass, fresh at 0.3 ppm; rosemary, dried at 0.3 ppm; rosemary, fresh at 0.03 ppm; wormwood, dried at 0.09 ppm and wormwood, fresh at 0.05 ppm. The Analytical methods GRM030.05A, GRM030.05B, GRM030.08A is used to measure and evaluate the chemical Bicyclopyrone. *Contact:* RD.

F. New Tolerances for Non-Inerts

1. *PP 9E8798.* (EPA–HQ–OPP–2020–0334). Syngenta Crop Protection, 410 Swing Road, Greensboro, NC 27409, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, fludioxonil in or on banana at 2.0 ppm. The analytical method AG–597B (high-performance liquid chromatography (HPLC) using Amino column and ultra-violet (UV) detection) is used to measure and evaluate the chemical fludioxonil. *Contact:* RD.

2. *PP 0E8829.* (EPA–HQ–OPP–2020–0421). Nichino America, Inc., 4550 Linden Hill Rd., Suite 501, Wilmington, Delaware, 19808, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, pyflubumide (, 3'-isobutyl-*N*-isobutyryl-1,3,5-trimethyl-4'-[2,2,2-trifluoro-1-methoxy-1-(trifluoromethyl)ethyl]pyrazole-4-carboxanilide), in or on the raw agricultural commodity tea, dried at 70 ppm. The QuEChERS and the LC–MS/MS analytical methods are used to measure and evaluate the chemical pyflubumide. *Contact:* RD

3. *PP 0F8868.* (EPA–HQ–OPP–2021–0154). Syngenta Crop Protection, LLC, P.O. Box 18300 Greensboro, NC 27419–8300, requests to establish a tolerance in 40 CFR part 180 for inadvertent residues of the cyantraniliprole 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[(methylamino)carbonyl] phenyl]-1H-pyrazole-5-carboxamide, in or on sugarcane at 0.01 ppm. The high-pressure liquid chromatography with ESI–MS/MS detection is used to measure and evaluate the chemical cyantraniliprole. *Contact:* RD

Authority: 21 U.S.C. 346a.

Dated: April 12, 2021.

Delores Barber,

Director, Information Technology and Resource Management Division, Office of Program Support.

[FR Doc. 2021–08335 Filed 4–21–21; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Notice

TIME AND DATE: Wednesday, April 28, 2021, 10:30 a.m. Eastern Time.

PLACE: Because of the COVID–19 pandemic, the meeting will be held as a videoconference, with a separate audio-only dial-in. The public may observe the videoconference or connect to the audio-only dial-in by following the instructions that will be posted on *www.eeoc.gov* 24 hours before the meeting. Closed captioning and ASL services will be available.

MATTER TO BE CONSIDERED: The following item will be considered at the meeting:

Civil Rights Implications of the COVID–19 Pandemic

Note: In accordance with the Sunshine Act, the public will be able to observe the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, *www.eeoc.gov,* and provides a recorded announcement a week in advance on future Commission meetings.)

Please telephone (202) 663–7100 (voice) or (202) 921–2750, or email *commissionmeetingcomments@eeoc.gov* at any time for information on this meeting.

CONTACT PERSON FOR MORE INFORMATION: Rachel V. See, Acting Executive Officer, (202) 921–2545.

Dated: April 20, 2021.

Rachel V. See,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 2021–08490 Filed 4–20–21; 4:15 pm]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 21–384; MB Docket No. 21–118; FRS 20903]

Vandalia Media Partners 2, LLC, Application for Renewal of License of AM Radio Station WJEH(AM), Gallipolis, OH

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document commences a hearing to determine whether the application filed by Vandalia Media Partners 2, LLC to renew its license for radio station WJEH(AM), Gallipolis, Ohio, should be granted. The application has been designated for hearing based on the station's extended silence and operation at reduced power since becoming the licensee on December 31, 2019.

DATES: Persons desiring to participate as parties in the hearing shall file a petition for leave to intervene not later than May 24, 2021.

ADDRESSES: File documents with the Office of the Secretary, Federal Communications Commission, 45 L St. NE, Washington, DC 20554, with a copy mailed to each party to the proceeding. Each document that is filed in this proceeding must display on the front page the docket number of this hearing, ''MB Docket No. 21–118.''

FOR FURTHER INFORMATION CONTACT: Albert Shuldiner, Media Bureau, (202) 418–2721.

SUPPLEMENTARY INFORMATION: This is a summary of the Hearing Designation Order (Order), MB Docket No. 21–118, DA 21–384, adopted April 1, 2021, and released April 2, 2021. The full text of the Order is available online by using the search function for MB Docket No. 21–118 on the Commission's ECFS web page at *www.fcc.gov/ecfs.*

Summary of the Hearing Designation Order

1. The Order commences a hearing proceeding before the Commission to determine whether the application filed by Vandalia Media Partners 2, LLC (Vandalia) to renew the license for radio station WJEH(AM), Gallipolis, Ohio (WJEH Renewal Application) should be granted pursuant to section 309(k)(1) of the Communications Act of 1934 (Act), 47 U.S.C. 309(k)(1). The WJEH Renewal Application is designated for hearing based on the station's record of extended silence and operation at significantly reduced power during and following its license term.

2. A broadcast licensee's authorization to use radio spectrum in the public interest carries with it the obligation that the station serves its community, providing programming responsive to local needs and interests. Broadcast licensees also are required to operate in compliance with the Act and the Commission's rules (Rules). These requirements include the obligation to transmit potentially lifesaving national level Emergency Alert System (EAS) messages in times of emergency and to engage in periodic tests to ensure that their stations are equipped to do so.

3. The basic duty of broadcast licensees to serve their communities is reflected in the license renewal provisions of the Act. In 1996, Congress revised the Commission's license renewal process and the renewal standards for broadcast stations by adopting section 309(k) of the Act, 47 U.S.C. 309(k). Section 309(k)(1) of the Act, 47 U.S.C. 309(k)(1), provides that the Commission shall grant a license renewal application if it finds, with respect to the applying station, that during the preceding license term: (a) The station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Act or the Rules; and (c) there have been no other violations by the licensee of the Act or the Rules which, taken together, would constitute a pattern of abuse. Section 309(k)(2) of the Act, 47 U.S.C. 309(k)(2), provides that if a station fails to meet the foregoing standard, the Commission may deny the renewal application pursuant to Section 309(k)(3), 47 U.S.C. 309(k)(3), or grant the application on appropriate terms and conditions, including a short-term renewal. Section 309(k)(3) of the Act, 47 U.S.C. 309(k)(3), provides that if the Commission determines, after notice and opportunity for hearing, that the licensee has failed to meet the standard of section 309(k)(1), 47 U.S.C. 309(k)(1), and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall issue an order denying the license renewal application for the station.

4. Section 312(g) of the Act, 47 U.S.C. 312(g), provides that if a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness. As an attempt to avoid license expiration, stations have resumed operations for short periods of time, in some cases one or two days, or operated at significantly reduced power, before the one-year period of silence concludes. This practice raises a question of whether license renewal is in the public interest if the station has been silent for most or all of the license term or has not served the community of license consistent with the license authorization.

5. WJEH(AM) (Station) was licensed to Vandalia on December 31, 2019 as a Class D AM station serving Gallipolis, Ohio. The Station was silent from December 31, 2019 through the end of the license term. After the conclusion of the license term, the Station resumed operations at 10% of the power output authorized by its license. Due to the Station's extended silence and operation at significantly reduced power, we are unable to find that grant of the renewal application is in the public interest.

6. Section 309(k)(3) of the Act, 47 U.S.C. 309(k)(3), requires ''notice and opportunity for a hearing as provided in subsection (e).'' Section 309(e), 47 U.S.C. 309(e), requires a ''full hearing in which the applicant and all other parties in interest shall be permitted to participate.'' The Commission and courts have held that the hearing need not be a trial-type evidentiary hearing meeting the standards of sections 554 and 556 of the Administrative Procedure Act, 5 U.S.C. 554, 556. The Commission has repeatedly observed that trial-type hearings impose significant burdens and delays, both on applicants and the agency.

7. Based on the information before us, we believe this matter can be adequately resolved on a written record, or a ''paper'' hearing. The Commission recently supplemented its formal hearing process to expand, in appropriate cases, procedures for hearings based on written submissions and documentary evidence. The presiding officer will issue an initial decision based on the record and

pursuant to section 309(k) of the Act, 47 U.S.C. 309(k), and sections 1.267 and 1.274(c) of the Rules, 47 CFR 1.267 and 1.274(c).

8. The initial case order shall inform the parties to file notices of appearance pursuant to section 1.91(c) of the Rules, 47 CFR 1.91(c), and shall place parties on notice that they must be cognizant of Part I of the Rules, 47 CFR part 1, supbarts A and B. The initial case order also sets the date for a status conference and the deadline for each party's submission indicating: (a) Whether discovery is expected and a proposed discovery schedule; (b) preliminary motions; (c) proposed case schedule; and whether a protective order is requested. Under section 1.246 of the Rules, 47 CFR 1.246, any party may serve written requests for admission of the genuineness of relevant documents or truth of relevant matters of fact. During the initial status conference the presiding officer will set deadlines for motions, discovery, if applicable, the parties' affirmative case, responsive case, reply case, and protective order, if requested, pursuant to 47 CFR 1.294, 1.248(b), and 1.371–1.377. In accordance with section 1.248 of the Rules, 47 CFR 1.248, and unless the parties agree otherwise, an official transcript of all case conferences will be made. The Commission has also amended section 1.351 of the Rules, 47 CFR 1.351, to adopt the evidentiary standard set forth in the formal APA hearing requirements. Oral or documentary evidence may be adduced, but the presiding officer shall exclude irrelevant, immaterial, or unduly repetitious evidence. Persons or entities seeking status as a party in interest in this proceeding must file a petition to intervene in accordance with 47 CFR 1.223(a). Anyone else seeking to participate in the hearing as a party may file a petition for leave to intervene in accordance with 47 CFR 1.223(b).

9. *Accordingly, it is ordered,* pursuant to sections 309(e) and 309(k) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and 309(k), and pursuant to authority delegated under section 0.284 of the Commission's Rules, 47 CFR 0.284, that the captioned application *is designated for a hearing* in a consolidated proceeding before the FCC Administrative Law Judge, at a time and place to be specified in a subsequent order, upon the following issues: (a) To determine, with respect to station WJEH(AM), Gallipolis, Ohio, whether, during the preceding license term, (i) the Station has served the public interest, convenience, and necessity, (ii) there have been any serious violations by the licensee of the Communications Act of 1934, as amended, or the rules and regulations of the Commission, and (iii) there have been any other violations of the Communications Act of 1934, as amended, or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse; and; (b) In light of the evidence adduced pursuant to issue (a) above, whether the captioned application for renewal of the license for station WJEH(AM) should be granted on such terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted, or denied due to failure to satisfy the requirements of section 309(k)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 309(k)(1).

10. *It is further ordered* that, pursuant to section 1.221(c) of the Commission's Rules, 47 CFR 1.221(c), in order to avail itself of the opportunity to be heard and the right to present evidence at a hearing in these proceedings, Vandalia Media Partners 2, LLC, in person or by an attorney, *shall file* within 20 days of the release of this Hearing Designation Order and Notice of Opportunity for Hearing, a written appearance stating its intention to appear at the hearing and present evidence on the issues specified above.

11. *It is further ordered,* pursuant to section 1.221(c) of the Commission's Rules, 47 CFR 1.221(c), that if Vandalia Media Partners 2, LLC fails to file a written appearance within the time specified above, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the right to a hearing shall be deemed waived. Where a hearing is waived, the Administrative Law Judge shall issue an order terminating the hearing proceeding and certifying the case to the Commission.

12. *It is further ordered* that the Chief, Enforcement Bureau, is made a party to this proceeding without the need to file a written appearance.

13. *It is further ordered* that, in accordance with section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e), and section 1.254 of the Commission's Rules, 47 CFR 1.254, the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues at paragraph 28 (a)–(b) of the Hearing Designation Order and Notice of Opportunity for Hearing *shall be* upon Vandalia Media Partners 2, LLC.

14. *It is further ordered* that a copy of each document filed in this proceeding subsequent to the date of adoption of this Hearing Designation Order and Notice of Opportunity for Hearing *shall be served* on the counsel of record appearing on behalf of the Chief, Enforcement Bureau. Parties may inquire as to the identity of such counsel by calling the Investigations & Hearings Division of the Enforcement Bureau at (202) 418–1420. Such service copy *shall be addressed* to the named counsel of record, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

15. *It is further ordered* that the parties to the captioned application shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. 311(a)(2) and section 73.3594 of the Commission's Rules, 47 CFR 73.3594, *give notice* of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the satisfaction of such requirements as mandated by section 73.3594 of the Commission's Rules, 47 CFR 73.3594.

16. *It is further ordered* that copies of this Hearing Designation Order and Notice of Opportunity for Hearing shall be sent via Certified Mail, Return Receipt Requested, and by regular first-class mail to Vandalia Media Partners 2, LLC, Thomas L. Susman, 1210 Kanawha Blvd. East, Charleston, WV 25301 and Aaron P. Shainis, Esq., 1850 M St. NW, Ste. 240, Washington, DC 20036.

17. *It is further ordered* that the Secretary of the Commission shall cause to have this Hearing Designation Order and Notice of Opportunity for Hearing or a summary thereof published in the **Federal Register**.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2021–08293 Filed 4–21–21; 8:45 am]

BILLING CODE 6712–01–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 7, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Karlene M. Lindseth 2020 Chebelle Trust, Michael J. Lindseth, as trustee, both of Eden Prairie, Minnesota*; to become members of the Erusha Family Control Group, a group acting in concert, to retain voting shares of Chebelle Corporation, and thereby indirectly retain voting shares of Chelsea Savings Bank, both of Belle Plaine, Iowa.

2. *Richard R. Drake Family Trust, Bryan S. Drake, both of Radcliffe, Iowa, Cynthia A. Shirar, Marshalltown, Iowa, Edwin A. Drake, West Des Moines, Iowa, all as co-trustees*; to join the Drake Family Control Group, a group acting in concert, to retain voting shares of Drake Holding Company, and thereby indirectly retain voting shares of Security State Bank, both of Radcliffe, Iowa.

3. *Karlene M. Lindseth 2020 Solon Trust, Michael J. Lindseth, as trustee, the Michael J. Lindseth 2020 Solon Trust, Karlene M. Lindseth, as trustee, all of Eden Prairie, Minnesota*; to become members of the Erusha Family Control Group, a group acting in concert, to retain voting shares of Solon Financial, Inc., and thereby indirectly retain voting shares of Solon State Bank, both of Solon, Iowa.

B. Federal Reserve Bank of St. Louis (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org*:

1. *Donald M. Bastian, Michael J. Bukstein, M.D., William H. Craigmiles, the Alvin E. Ehrhardt Trust, Alvin E. Ehrhardt, individually, and as trustee, Paul L. Richards, Phillip L. Smith, Gordon V. Spilker, and Carl C. Watson, all of Hannibal, Missouri;* to acquire voting shares of Farmers & Merchants Bancorp, Inc., and thereby indirectly acquire voting shares of F&M Bank and Trust Company, both of Hannibal, Missouri.

C. Federal Reserve Bank of Dallas (Karen Smith, Director, Applications) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *The Paul E. McSween IV Family 2020 Trust One and the Paul E. McSween IV Family 2020 Trust Two, Paul E. McSween IV, as trustee of both trusts, the Thomas D. McSween Family 2020 Trust One and the Thomas D. McSween Family 2020 Trust Two, Thomas D. McSween, as trustee of both trusts, the Benjamin L. McSween Family 2020 Trust One and the Benjamin L. McSween Family 2020 Trust Two, Benjamin L. McSween, as trustee of both trusts, all of San Antonio, Texas*; to become members of the McSween Family Control Group, a group acting in concert, to retain voting shares of Jefferson Bancshares, Inc., and thereby indirectly retain voting shares of Jefferson Bank, both of San Antonio, Texas.

Board of Governors of the Federal Reserve System, April 19, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–08380 Filed 4–21–21; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0080; Docket No. 2021–0001; Sequence No. 3]

Information Collection; General Services Administration Acquisition Regulation; Contract Financing Final Payment, GSA Form 1142, Release of Claims; Correction

AGENCY: General Services Administration (GSA).

ACTION: Notice; Correction.

SUMMARY: This document corrects a docket number in a **Federal Register** notice published on Friday, April 16, 2021, that announced an information collection renewal and request for comment.

FOR FURTHER INFORMATION CONTACT: Bryon Boyer, Procurement Analyst, Office of Governmentwide Policy, 202–501–4755.

Correction

In the **Federal Register** of April 16, 2021 in FR Doc. 2021–07806 on page 20159, in column three, correct ''Docket No. 2021–0053'' to read ''Docket No. 2021–0001''

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2021–08364 Filed 4–21–21; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10598]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 24, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Generic Clearance for Evaluation of Stakeholder Training—Health Insurance Marketplace and Market Stabilization Programs; *Use:* CMS is strongly committed to providing appropriate education and technical outreach to States, issuers, self-insured group health plans and third-party administrators (TPA) participating in the Marketplace and/or market stabilization programs mandated by the ACA. CMS continues to engage with stakeholders in the Marketplace to obtain input through Satisfaction Surveys following Stakeholder Training events. The survey results will help to determine stakeholders' level of satisfaction with trainings, identify any issues with training and technical assistance delivery, clarify stakeholders' needs and preferences, and define best practices for training and technical assistance. CMS will continue to modify, enhance and develop forms for future years based on feedback from Stakeholders. *Form Number:* CMS–10598 (OMB control number: 0938–1331); *Frequency:* Occasionally; *Affected Public:* Private Sector; *Number of Respondents:* 30,332; *Number of Responses:* 30,332; *Total Annual Hours:* 7,334. (For questions regarding this collection contact Sonia Henderson at 301–492–4320.)

Dated: April 19, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–08377 Filed 4–21–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Meeting

AGENCY: Office on Trafficking in Persons, Administration for Children and Families, Department of Health and Human Services.

ACTION: Announcement of meeting and call for public comments on states' efforts to improve the nation's response to the sex trafficking of children and youth.

SUMMARY: Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act (FACA) and the Preventing Sex Trafficking and Strengthening Families Act, that a meeting of the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (Committee) will be held on May 5 and 6, 2021. The purpose of the meeting is for the Committee to discuss state efforts in implementing the recommendations described in its interim report, ''Best Practices and Recommendations for States,'' progress in states responding to the Committee's State Self-Assessment Survey, and plans for the Committee's final report. The members of the Committee request any examples and comments from the public to inform their work and have also requested input pertaining to the recommendations in its interim report, as well as the State Self-Assessment Survey. Please submit your examples and/or comments to *NAC@nhttac.org* with the subject ''NAC Comments'' as soon as possible and before May 1, 2021.

DATES: The meeting will be held on May 5 and 6, 2021.

ADDRESSES: The meeting will be held virtually. Please register for this event online: *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.*

FOR FURTHER INFORMATION CONTACT: Katherine Chon (Designated Federal Officer) at *EndTrafficking@acf.hhs.gov* or (202) 205–5778, or 330 C Street SW, Washington, DC, 20201. Additional information is available at *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.*

SUPPLEMENTARY INFORMATION:

The formation and operation on behalf of the Committee are governed by the provisions of Public Law 92–463, as amended (5 U.S.C. App. 2), which sets forth standards for the formation and use of federal advisory committees.

Purpose of the Committee: The purpose of the Committee is to advise the Secretary and the Attorney General on practical and general policies concerning improvements to the nation's response to the sex trafficking of children and youth in the United States. HHS established the Committee pursuant to Section 121 of the Preventing Sex Trafficking and Strengthening Families Act of 2014 (Pub. L. 113–183).

Tentative Agenda: The agenda can be found at *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.* To submit written statements, email *NAC@nhttac.org* by May 1, 2021. Please include your name, organization, and phone number. More details on these options are below.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public virtually.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public may submit written statements in response to the stated agenda of the meeting or to the Committee's mission in general. Organizations with recommendations on strategies to engage states and stakeholders are encouraged to submit their comments or resources (hyperlinks preferred). Written comments or statements received after May 1, 2021, may not be provided to the Committee until its next meeting.

Verbal Statements: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public are invited to provide verbal statements during the Committee meeting only at the time and manner described in the agenda. The request to speak should include a brief statement of the subject matter to be

addressed and should be relevant to the stated agenda of the meeting or the Committee's mission in general.

Minutes: The minutes of this meeting will be available for public review and copying within 90 days at: *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.*

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–08353 Filed 4–21–21; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the COVID–19 Health Equity Task Force; Correction

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting; correction

SUMMARY: The Office of the Assistant Secretary for Health published a document in the **Federal Register** on April 19, 2020 giving notice that the COVID–19 Health Equity Task Force (Task Force) will hold a virtual meeting on April 30, 2021. 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, the urgent need for the Task Force's advice during the COVID–19 pandemic, and scheduling difficulties. The purpose of this meeting is to consider interim recommendations specific to mental and behavioral health across the life course. This meeting is open to the public and will be live-streamed at *www.hhs.gov/live.* Information about the meeting will be posted on the HHS Office of Minority Health website prior to the meeting: *www.minorityhealth.hhs.gov/healthequitytaskforce/.*

DATES: The Task Force meeting will be held on Friday, April 30, 2021, from 2 p.m. to approximately 6 p.m. ET (date and time are tentative and subject to change). The confirmed time and agenda will be posted on the COVID–19 Health Equity Task Force web page when this information becomes available: *www.minorityhealth.hhs.gov/healthequitytaskforce/.*

FOR FURTHER INFORMATION CONTACT: Minh Wendt, Designated Federal Officer for the Task Force; Office of Minority Health, Department of Health and Human Services, Tower Building, 1101 Wootton Parkway, Suite 100, Rockville, Maryland 20852. Phone: 240–453–6160; email: *COVID19HETF@hhs.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 19, 2021, in FR Doc. 2021–08002, on page 20374, correct the **SUMMARY** caption to read: In accordance with the Federal Advisory Committee Act, less than 15 calendar days' notice is being given for this meeting due to the exceptional circumstances of the COVID–19 pandemic, the urgent need for the Task Force's advice during the COVID–19 pandemic, and scheduling difficulties.

Correct the **SUPPLEMENTARY INFORMATION** caption to read:

Background: The COVID–19 Health Equity Task Force (Task Force) was established by Executive Order 13995, dated January 21, 2021. The Task Force is tasked with providing specific recommendations to the President, through the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator), for mitigating the health inequities caused or exacerbated by the COVID–19 pandemic and for preventing such inequities in the future. The Task Force shall submit a final report to the COVID–19 Response Coordinator addressing any ongoing health inequities faced by COVID–19 survivors that may merit a public health response, describing the factors that contributed to disparities in COVID–19 outcomes, and recommending actions to combat such disparities in future pandemic responses.

The meeting is open to the public and will be live-streamed at *www.hhs.gov/live.* No registration is required. A public comment session will be held during the meeting. Pre-registration is required to provide public comment during the meeting. To pre-register, please send an email to *COVID19HETF@hhs.gov* and include your name, title, and organization by close of business on Friday, April 23, 2021. Comments will be limited to no more than three minutes per speaker and should be pertinent to the meeting discussion. Individuals are encouraged to provide a written statement of any public comment(s) for accurate minute-taking purposes. If you decide you would like to provide public comment but do not pre-register, you may submit your written statement by emailing *COVID19HETF@hhs.gov* no later than close of business on Thursday, May 6, 2021. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact *COVID19HETF@hhs.gov* and reference this meeting. Requests for special accommodations should be made at least 10 business days prior to the meeting.

Dated: April 19, 2021.

Minh Wendt,

Designated Federal Officer, COVID–19 Health Equity Task Force.

[FR Doc. 2021–08403 Filed 4–21–21; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Novel Molecular Mechanism of Longevity II.

Date: May 21, 2021.

Time: 11:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Natcher Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Bita Nakhai, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7701, *nakhaib@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 16, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–08333 Filed 4–21–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request Inclusion Enrollment Report Form (OD)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH) will publish periodic summaries of propose projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0941 or email your request, including your address to *ProjectClearanceBranch@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Inclusion Enrollment Report Form Conversion to Common Form, NEW, 0925–XXXX, Expiration Date XX/XX/XXXX, Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: NIH's Office of Extramural Research (OER) Office of Policy and Extramural Research Administration (OPERA) is converting the Inclusion Enrollment Report form to allow its use by the Department of Defense (DoD). The Inclusion Enrollment Report is used for all applications involving NIH-defined clinical research. This form is used to report both planned and cumulative (or actual) enrollment, and describes the sex/gender, race, and ethnicity of the study participants.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 15,090.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Inclusion Enrollment Report Form	5,030	1	3	15,090
Total Annual Burden Hours		5,030		15,090

Dated: April 16, 2021.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2021–08407 Filed 4–21–21; 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: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—A Review of T32 Applications.

Date: June 8, 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.*

Name of Committee: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—C Review of PREP and IMSD Applications.

Date: June 21–22, 2021.

Time: 8:45 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Lee Warren Slice, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institutes of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18A, Bethesda, MD 20814, 301–435–0807, *slicelw@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 16, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–08334 Filed 4–21–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0011]

Request for Information on FEMA Programs, Regulations, and Policies

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice and request for information.

SUMMARY: The Federal Emergency Management Agency (FEMA) is issuing this Request for Information (RFI) to receive input from the public on specific FEMA programs, regulations, collections of information, and policies for the agency to consider modifying, streamlining, expanding, or repealing in light of recent Executive orders. These efforts aim to help FEMA ensure that its programs, regulations, and policies contain necessary, properly tailored, and up-to-date requirements that effectively achieve FEMA's mission in a manner that furthers the goals of advancing equity for all, including those in underserved communities, bolstering resilience from the impacts of climate change, particularly for those disproportionately impacted by climate change, and environmental justice.

DATES: Written comments are requested on or before June 21, 2021. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments, identified by Docket ID: FEMA–2021–0011, through the *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Kristen Shedd, Associate Chief Counsel, Regulatory Affairs Division, Office of Chief Counsel, *FEMA-regulations@fema.dhs.gov,* 202–646–4105.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the **ADDRESSES** section.

Instructions: All submissions must include the agency name and Docket ID for this notice. All comments received will be posted without change to *http://www.regulations.gov.* Commenters are encouraged to identify the number of the specific question or questions to which they are responding.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov.*

II. Background

FEMA seeks this input pursuant to the processes required specifically by Executive Orders 13985, 13990, and 14008 that require agencies to assess existing programs and policies to determine if: (1) Agency programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups; (2) additional agency actions are required to bolster resilience to climate change; and (3) agency programs, policies, and activities address the disproportionately high and adverse climate-related impacts on disadvantaged communities. Consistent with Executive Order 13563 and Executive Order 13707, FEMA further seeks this input to ensure that it is implementing its programs in a manner that builds disaster readiness and closes national capability gaps through data-driven approaches and risk-informed preparedness and mitigation investments as well as in delivering the Agency's response and recovery mission sets.

On January 20, 2021, the President issued Executive Order 13985, ''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,'' [1] designed to pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. The Executive order defines ''equity'' as the consistent and systemic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as: Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. It defines ''underserved communities'' as ''populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of 'equity.' ''

Executive Order 13985 further requires each agency to assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups with the goal of developing policies and programs that deliver resources and benefits equitably to all. The Executive order requires agencies to consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination, in Federal policies and programs.

On the same day, the President issued Executive Order 13990 ''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.'' [2] The order requires agencies to review and take action to address the promulgation of Federal regulations and other actions in conflict with the objectives of improving public health and protecting the environment by, among other things, bolstering resilience to the impacts of climate change. In taking these actions, agencies were directed to seek input from the public and stakeholders, including: State, local, Tribal, and territorial officials; scientists; labor unions; environmental advocates; and environmental justice groups.

Finally, on January 27, 2021, the President issued Executive Order 14008 ''Tackling the Climate Crisis at Home and Abroad.'' [3] This order directs agencies to move quickly to build resilience, at home and abroad, against impacts of climate change and to prioritize action on climate change in policymaking. Additionally, the order requires agencies to develop programs, policies, and activities to deliver environmental justice and address the disproportionately high and adverse climate-related impacts on disadvantaged communities. To facilitate these actions, agencies are required to engage with State, local, Tribal, and territorial governments;

[1] 86 FR 7009 (Jan. 25, 2021).

[2] 86 FR 7037 (Jan. 25, 2021).

[3] 86 FR 7619 (Feb. 1, 2021).

workers and communities; and leaders across all sectors of our economy.

Executive Order 13563, ''Improving Regulation and Regulatory Review,'' directs agencies to ''identify the best, most innovative, and least burdensome tools for achieving regulatory ends.'' Executive Order 13563 is affirmed in the President's Memorandum of January 20, 2021, Modernizing Regulatory Review. Executive Order 13707, ''Using Behavioral Insights to Better Serve the American People,'' directs agencies to design ''programs and policies to reflect our best understanding of how people engage with, participate in, use, and respond to those policies and programs.'' Executive Order 13707 is affirmed in the President's Memorandum of January 27, 2021, Restoring Trust in Government through Scientific Integrity and Evidence-Based Policymaking.

Pursuant to these Executive orders and presidential memoranda, FEMA issues this RFI to gather information on the extent to which the existing agency programs, regulations, and policies (1) perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups; (2) bolster resilience to the impacts of climate change; and (3) address the disproportionately high and adverse climate-related impacts on disadvantaged communities. Among other things, FEMA seeks concrete information about unnecessary or unjustified administrative burdens that may create the systemic barriers in (1).

It is important to note that FEMA continually evaluates its programs and policies, as well as the regulatory program for rules that are candidates for modification, streamlining, expansion, or repeal. FEMA does so through legally mandated review requirements (*e.g.,* Unified Agenda reviews and reviews under section 610 of the Regulatory Flexibility Act) and through other informal and long-established mechanisms (*e.g.,* use of Advisory Councils, feedback from FEMA field personnel, input from internal working groups, and outreach to regulated entities and the public). This **Federal Register** notice supplements these existing extensive FEMA regulatory and program review efforts.

II. FEMA's Programs

FEMA's mission is to help people before, during, and after disasters, which it carries out through its core values and guiding principles. FEMA's core values are compassion, fairness, integrity, and respect (which includes respect for human dignity). FEMA's guiding principles are accountability, accessibility, empowerment, engagement, flexibility, getting results, preparation, stewardship, and teamwork.[4] The agency carries out its mission through the Office of the Administrator, multiple program offices, and ten regional offices located throughout the United States. The two key operational program offices are the (1) Office of Response and Recovery; and (2) Resilience.

The Office of Response and Recovery provides guidance, leadership, and oversight to build, sustain, and improve the coordination and delivery of support to citizens and State, local, Tribal and territorial (SLTT) governments to save lives, reduce suffering, protect property and recover from all hazards. The Response Directorate within the Office of Response and Recovery provides funding for 28 national task forces staffed and equipped to assist State and local governments conduct around-the-clock search-and-rescue operations following a Presidentially declared major disaster or emergency under the Stafford Act (*e.g.,* earthquakes, tornadoes, floods, hurricanes, aircraft accidents, hazardous materials spills and catastrophic structure collapses). The Recovery Directorate within the Office of Response and Recovery provides two key assistance programs for disaster recovery: (1) The Individual Assistance program; and (2) the Public Assistance program. The Individual Assistance (IA) program provides direct assistance to individuals and households, as well as SLTT governments to support recovery efforts nationwide. Pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act,[5] IA delivers five statutory disaster programs and one non-disaster program, coordinates Mass Care and Emergency Assistance, and collaborates with other Federal agencies, SLTT governments, and non-profit, faith-based, and voluntary organizations to provide support for disaster survivors. IA programs include housing assistance (financial assistance to repair or replace personal property), other needs assistance (to pay for expenses caused by the disaster including medical or dental expenses or losses, funeral expenses, child care expenses, transportation expenses, moving and storage expenses, cleaning and removal expenses, critical needs expenses, and other miscellaneous expenses), crisis counseling, disaster unemployment, disaster legal services, and disaster case management. IA also delivers the Emergency Food and Shelter Program, which supplements and expands the ongoing work of local social service organizations to provide shelter, food, and supportive services to those experiencing, or at risk of, hunger or homelessness. The Public Assistance (PA) program supports communities' recovery from major disasters by providing them with assistance for debris removal, emergency protective measures, and restoring public infrastructure. SLTT governments, as well as certain private non-profit organizations, are eligible for Public Assistance.

Resilience seeks to build a culture of preparedness through insurance, mitigation, continuity, preparedness programs, and grants. The Federal Insurance and Mitigation Administration (FIMA) within Resilience administers the National Flood Insurance Program (NFIP) and other programs designed to reduce future losses to homes, businesses, schools, public buildings, and critical facilities from floods, earthquakes, tornadoes, and other natural disasters. FIMA works to increase awareness of flood risk through identification and publication of flood hazard information; reduce the impact of floods and other natural hazards through hazard mitigation, floodplain management, and building codes; provide insurance to property owners to speed recovery from flood events; and diminish the impact that disasters and emergency management decisions have on the nation's natural and cultural resources. FIMA also administers and manages the following FEMA hazard mitigation assistance programs:[6] (1) Hazard Mitigation Grant Program (HMGP); (2) HMGP Post Fire Grant Program; (3) Flood Mitigation Assistance; (4) Building Resilient Infrastructure and Communities (BRIC); and the following FEMA resilience grant programs: (1) National Dam Safety Program Grants; (2) High Hazard Potential Dam Grant Program; and (3) National Earthquake Hazards Reduction Program State Assistance. The Grant Programs Directorate (GPD) within Resilience provides Federal assistance to measurably improve capability and reduce the risks the nation faces in times of man-made and natural disasters. GPD administers and manages

[4] *https://www.fema.gov/sites/default/files/2020-03/core-values-placemat_2019.pdf.*

[5] Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended, 42 U.S.C. 5121 *et seq.*

[6] On January 1, 2021, Congress passed the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act, Public Law 116–284, which authorizes a hazard mitigation revolving loan program. FEMA is currently developing an implementation strategy for the program.

the following FEMA preparedness grant programs: (1) Emergency Management Performance Grant Program; (2) Assistance to Firefighters Grant Program; (3) Homeland Security Grant Program; (4) Tribal Homeland Security Grant Program; (5) Intercity Bus Security Grant Program; (6) Intercity Passenger Rail Grant Program; (7) Presidential Residence Protection Assistance; (8) Regional Catastrophic Preparedness Grants Program; (9) Transit Security Grant Program; (10) Port Security Grant Program; (11) Nonprofit Security Grant Program; (12) Staffing for Adequate Fire and Emergency Response Grant Program; and (13) Fire Prevention and Safety Grant Program. The National Preparedness Directorate (NPD) within Resilience also administers a range of non-disaster grant programs, including: (1) National Incident Management System (NIMS); (2) Emergency Management Baseline Assessment Grant (EMBAG); (3) Homeland Security National Training Program (HSNTP)—National Domestic Preparedness Consortium (NDPC) and Homeland Security Preparedness Technical Assistance Program (HSPTAP); and (4) United States Fire Administration (USFA) State Fire Systems Training Grant Program.

FEMA seeks specific input from the public regarding the programs, regulations, collections of information, and policies implemented by the Office of Response and Recovery and Resilience. FEMA is seeking information and input from the public regarding these key programs and their regulations and policies as part of the agency's efforts to ensure it is operating its programs in compliance with the Executive orders detailed above.

III. Request for Input

A. Importance of Public Feedback

A central tenet of each of the Executive orders is the critical and essential role of public input in driving and focusing FEMA review of its existing programs, regulations, and policies. Because the impacts and effects of federal regulations and policies tend to be widely dispersed in society, members of the public are likely to have useful information, data, and perspectives on the benefits and burdens of our existing programs, regulations, information collections, and policies. Given the importance of public input, FEMA is seeking broad public feedback to facilitate these program reviews in the context of equity for all, including those in underserved communities, bolstering resilience to the impacts of climate change, particularly for those disproportionately impacted by climate change, and environmental justice. In a period in which disasters of many kinds may become more common, in part because of climate change, it is essential to reevaluate programs to reduce unnecessary barriers to participation and effectiveness, to serve all communities, to increase equity, and to promote preparedness.

B. Maximizing the Value of Public Feedback

This notice contains a list of questions, the answers to which will assist FEMA in identifying those programs, regulations, and/or policies that may benefit from modification, streamlining, expansion, or repeal in light of the Executive orders. FEMA encourages public comment on these questions and seeks any other data commenters believe are relevant to FEMA's review efforts. The type of feedback that is most useful to the agency includes feedback that identifies specific programs, regulations, information collections, and/or policies that could benefit from reform; feedback that refers to specific barriers to participation; feedback about how to improve risk perception; feedback that offers actionable data; and feedback that specifies viable alternatives to existing approaches that meet statutory obligations. For example, feedback that simply states that a stakeholder feels strongly that FEMA should change a regulation but does not contain specific information on how the proposed change would impact the costs and benefits of the regulation, is much less useful to FEMA. FEMA is looking for new information and new data to support any proposed changes.

Highlighted below are a few of those points, noting comments that are most useful to FEMA, guided by corresponding principles. Commenters should consider these principles as they answer and respond to the questions in this notice.

- Commenters should identify, with specificity, the program, regulation, information collection, and/or policy at issue, providing the Code of Federal Regulation (CFR) citation where appropriate.
- Commenters should identify, with specificity, administrative burdens, program requirements, information collection burdens, waiting time, or unnecessary complexity that may impose unjustified barriers in general, or that may have adverse effects on equity for all, including individuals who belong to underserved communities that have been denied equitable treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
- Commenters should identify, with specificity, small or large reforms that might be justified in light of the risks posed by climate change, whether those reforms involve preparedness, mitigation, or other steps to reduce suffering.
- Commenters should provide, in as much detail as possible, an explanation why a program, regulation, information collection, and/or policy should be modified, streamlined, expanded, or repealed, as well as specific suggestions of ways the agency can better achieve its statutory and regulatory objectives in light of the Executive orders cited.
- Commenters should provide specific data that document the costs, burdens, and benefits of existing requirements to the extent they are available. Commenters might also address how FEMA can best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of existing programs and regulations and whether there are existing sources of data that FEMA can use to evaluate the post-promulgation effects of its regulations over time.
- Particularly where comments relate to a program's costs or benefits, comments will be most useful if there are data and experience under the program available to ascertain the program's actual impact.

C. List of Questions for Commenters

The below non-exhaustive list of questions is meant to assist members of the public in the formulation of comments and is not intended to restrict the issues that commenters may address. FEMA has divided the list into a series of general questions which may be answered as applicable to any of FEMA's programs and specific questions that solicit more targeted feedback:

General Questions

(1) Are there FEMA programs, regulations, and/or policies that perpetuate systemic barriers to opportunities and benefits for people of color and/or other underserved groups as defined in Executive Order 13985 and, if so, what are they? How can those

programs, regulations, and/or policies be modified, expanded, streamlined, or repealed to deliver resources and benefits more equitably?

(2) Are there FEMA programs, regulations, and/or policies that do not bolster resilience to impacts of climate change, particularly for those disproportionately impacted by climate change, and, if so, what are they? How can those programs, regulations, and/or policies be modified, expanded, streamlined, or repealed to bolster resilience to the impacts of climate change?

(3) Are there FEMA programs, regulations, and/or policies that do not promote environmental justice? How can those programs, regulations, and/or policies be modified, expanded, streamlined, or repealed to promote environmental justice?

(4) Are there FEMA programs, regulations, and/or policies that are unnecessarily complicated or could be streamlined to achieve the objectives of equity for all (including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality), bolstering resilience to climate change, or addressing the disproportionately high and adverse climate-related impacts on disadvantaged communities in more efficient ways? If so, what are they and how can they be made less complicated and/or streamlined?

(5) Are there any FEMA regulations and/or policies that create duplication, overlap, complexity, or inconsistent requirements within FEMA programs, other DHS components, or any other Federal Government agency that impact equity, resilience to the effects of climate change, and/or environmental justice? If so, what are they and how can they be improved or updated to meet the required objectives of equity, resiliency, and environmental justice?

(6) Does FEMA currently collect information, use forms, or require documentation that impede access to FEMA programs and/or are not effective to achieve statutory, regulatory, and/or program objectives? If so, what are they and how can FEMA revise them to reduce burden, save time or costs, increase simplification and navigability, reduce confusion or frustration, and increase equity in access to FEMA programs and achieving statutory and/or regulatory objectives?

(7) Are there FEMA regulations and/or policies that have been overtaken by technological developments? Can FEMA leverage new technologies to modify, streamline, or do away with existing regulatory and/or policy requirements? If so, what are they and how can FEMA use new technologies to achieve its statutory and regulatory objectives in light of the Executive orders cited?

(8) Are there any FEMA regulations and/or policies that are duplicative, overlapping, or contain inconsistent requirements generally? Are there areas where FEMA's regulations create duplicative, overlapping, or difficult to navigate situations for individuals also navigating regulatory requirements of another Federal Government agency?

(9) Are there existing sources of data that FEMA can use to evaluate the post-promulgation effects of regulations over time? Or, are there sources of data that FEMA can use to evaluate the effects of FEMA policies or regulations on equity for all, including individuals who belong to underserved communities?

(10) What successful approaches to advance equity and climate resilience have been taken by State, local, Tribal, and territorial governments, and in what ways do FEMA's programs present barriers or opportunities to successful implementation of these approaches?

(11) Are there FEMA regulations, programs, or processes that create barriers to mitigation, response, recovery, or resilience for a specific industry or sector of the economy, geographic location within the United States, or government type (*e.g.* a specific tribal or territorial government or a specific local government)?

In addition to these general questions, FEMA seeks specific input on the programs described above.

Specific Questions

(1) Individual Assistance: Are there regulations and/or policies that act as a barrier to people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty, inequality, and climate change?

(2) Public Assistance: Are there measures FEMA could take to more effectively bolster or incentivize resilience to the impacts of climate change?

(3) National Flood Insurance Program: Are there regulations and/or policies that disincentivize purchasing flood insurance, particularly by lower-income communities, communities of color, and Tribal communities? Are there measures FEMA could take to increase nationwide the number of flood-insured homes in the general population and particularly in lower-income communities, communities of color, and Tribal communities?

(4) Hazard Mitigation Programs: Are there measures FEMA could take to prioritize funding to mitigate the disproportionate impact climate change has on the most vulnerable in society, particularly lower-income communities, communities of color, and Tribal communities?

(5) Preparedness Grant Programs: Are there measures FEMA could take to improve our Preparedness Grant Programs to ensure the funding provided to our State and local partners and other stakeholders addresses the domestic terrorism threats currently faced, particularly when those threats impact or target groups that have been historically underserved or subjected to discrimination? What should FEMA address beyond the types of activities these grants support the priority areas on which we ask our State, local, and Tribal partners and other stakeholders to should focus; and the risk methodologies to use in determining how to allocate funding?

FEMA notes that this notice is issued solely for information and program-planning purposes. Responses to this notice do not bind FEMA to any further actions related to the response.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

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DEPARTMENT OF HOMELAND SECURITY

[Docket No. ICEB–2021–0003]

RIN 1653–ZA17

Employment Authorization for Venezuelan F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Humanitarian Crisis in Venezuela

AGENCY: U.S. Immigration and Customs Enforcement (ICE); Department of Homeland Security (DHS).

SUMMARY: This notice announces that the Secretary of Homeland Security (Secretary) has suspended certain regulatory requirements for F–1 nonimmigrant students whose country of citizenship is Venezuela (regardless of country of birth) and who are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Venezuela. The Secretary is taking action to provide relief to Venezuelan citizens who are lawful F–1 nonimmigrant students so the students may request employment authorization, work an increased number of hours while school is in

session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status. DHS will deem an F–1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a ''full course of study'' for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

DATES: This F–1 Notice is effective April 22, 2021 and will remain in effect until September 9, 2022.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program; U.S. Immigration and Customs Enforcement, 500 12th Street SW, Stop 5600, Washington, DC, 20536–5600; email: *sevp@ice.dhs.gov,* telephone: (703) 603–3400. This is not a toll-free number. Program information is available at *http://www.ice.gov/sevis/.*

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F–1 nonimmigrant students whose country of citizenship is Venezuela (regardless of country of birth), who are present in the United States in lawful F–1 nonimmigrant student status as of April 22, 2021, and who are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Venezuela. Effective with this publication, suspension of the employment limitations is available through September 9, 2022, for those who are in lawful F–1 nonimmigrant status as of April 22, 2021. DHS will deem an F–1 nonimmigrant student granted employment authorization by means of this notice to be engaged in a ''full course of study'' for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice.[1] *See* 8 CFR 214.2(f)(6)(i)(F).

Who is covered by this notice?

This notice applies exclusively to F–1 nonimmigrant students who meet all of the following conditions:

(1) Are citizens of Venezuela, *regardless of country of birth;*

(2) Were lawfully present in the United States in an F–1 nonimmigrant status on April 22, 2021, under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i);

(3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment of F–1 nonimmigrant students;

(4) Are currently maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Venezuela.

This notice applies to F–1 nonimmigrant students engaged in private kindergarten through grade 12, public school grades 9 through 12, and undergraduate and graduate education. An F–1 nonimmigrant student covered by this notice who transfers to another SEVP-certified academic institution remains eligible for the relief provided by means of this notice.

Why is DHS taking this action?

As a result of the current humanitarian crisis in Venezuela, the Secretary designated Venezuela for Temporary Protected Status (TPS) for 18 months, effective March 9, 2021 through September 9, 2022. *See* 86 FR 13574. DHS now is taking action to provide relief to Venezuelan F–1 nonimmigrant students experiencing severe economic hardship as a direct result of the current humanitarian crisis in Venezuela. These nonimmigrant students may request employment authorization, work an increased number of hours while school is in session, and reduce the students' course load while continuing to maintain F–1 nonimmigrant student status.

DHS has reviewed conditions in Venezuela and determined that making employment authorization available for eligible nonimmigrant students is warranted due to conditions in Venezuela. Venezuela is facing a wide range of emergencies, including: Economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment; reduced access to and shortages of food and medicine; a severely weakened medical system; the reappearance or increased incidence of certain communicable diseases; a collapse in basic services; water, electricity, and fuel shortages; political polarization; institutional and political tensions; human rights abuses and repression; crime and violence; corruption; increased human mobility and displacement (including internal migration, emigration, and return); and the impact of the COVID–19 pandemic, among other factors.[2]

As of February 22, 2021, approximately 7,274 F–1 nonimmigrant students whose country of citizenship is Venezuela (regardless of country of birth) were physically present the United States and enrolled in SEVP certified academic institutions. Given the extent of the humanitarian crisis in Venezuela, affected nonimmigrant students whose primary means of financial support comes from Venezuela may need to be exempt from the normal student employment requirements to continue studying in the United States. The humanitarian crisis has created financial barriers for nonimmigrant students to afford to return to Venezuela for the foreseeable future. Without employment authorization, these students may lack the means to meet basic living expenses.

What is the minimum course load requirement set forth in this notice?

Undergraduate F–1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term.[3] A graduate-level F–1

[1] Because the suspension of requirements applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is issued to be engaging in a ''full course of study,'' *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of September 9, 2022, provided the student satisfies the minimum course load requirement in this notice. DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID–19, available at *https://www.ice.gov/coronavirus* [last visited Mar. 2021].

[2] Ribando Seelke, Clare, Nelson, Rebecca M., Brown, Phillip, Margesson, Rhoda, Venezuela: Background and U.S. Relations, Congressional Research Service (CRS), Summary, Aug. 26, 2020; Venezuelan Humanitarian and Refugee Crisis, Center for Disaster Philanthropy, Jan. 18, 2021; Venezuela: Complex Crisis—Overview, ACAPS, Jul. 27, 2020, *https://www.acaps.org/country/venezuela/crisis/*complex-crisis (last visited Feb. 2, 2021); Venezuela: Humanitarian Response Plan with Humanitarian Needs Overview 2020, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.7–9, Jul. 2020; Detailed findings of the independent international factfinding mission on the Bolivarian Republic of Venezuela, United Nations Human Rights Council, p.27, Sep. 15, 2020; Conflictividad Social 2020 [Social Conflict 2020], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 25, 2021; Asmann, Parker, and Jones, Katie, InSight Crime's 2020 Homicide Round-Up, InSight Crime, Jan. 29, 2021; Venezuela 2020 Crime & Safety Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, Jul. 21, 2020.

[3] Undergraduate F–1 students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a ''full course of study.'' *See* 8 CFR 214.2(f)(6)(i)(B).

nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. *See* 8 CFR 214.2(f)(5)(v).

In addition, an F–1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless the course of study is in a language study program.[4] *See* 8 CFR 214.2(f)(6)(i)(G). An F–1 nonimmigrant student attending an approved private school grades kindergarten through grade 12, or public high school grades 9 through 12 must maintain ''class attendance for no less than the minimum number of hours a week prescribed by the school for normal progress toward graduation,'' as required under 8 CFR 214.2(f)(6)(i)(E).

May an eligible F–1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. A Venezuelan F–1 nonimmigrant student who already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i)(A) and (B) and the employment eligibility requirements under 8 CFR 214.2(f)(9) as specified in this notice. Such an eligible F–1 nonimmigrant student may benefit without having to apply for a new Form I–766, Employment Authorization Document (EAD). To benefit from this notice, the F–1 nonimmigrant student must request the designated school official (DSO) enter the following statement in the remarks field of the student's Student and Exchange Visitor Information System (SEVIS) record, which the student's Form I–20, Certificate of Eligibility for Nonimmigrant (F–1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert ''on-campus'' or ''off-campus,'' depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert either the student's program end date, the current EAD expiration date (if the student is currently authorized for off-campus employment), or the end date of this notice, whichever comes first].

Must the F–1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces their ''full course of study''?

No. DHS will deem an F–1 nonimmigrant student who receives and comports with the employment authorization permitted under this notice to be engaged in a ''full course of study''[5] for the duration of the student's employment authorization, provided that a qualifying undergraduate level F–1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term and a qualifying graduate level F–1 nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term.[6] *See* 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if otherwise maintaining F–1 nonimmigrant student status.

Will an F–2 dependent (spouse or minor child) of an F–1 nonimmigrant student covered by this notice be eligible to apply for employment authorization?

No. An F–2 spouse or minor child of an F–1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment under the F–2 nonimmigrant status. *See* 8 CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who receives an initial F–1 Visa and makes an initial entry in the United States after publication of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to those F–1 nonimmigrant students who meet the following conditions:

(1) Are citizens of Venezuela, regardless of country of birth;

(2) Were lawfully present in the United States in F–1 nonimmigrant status on April 22, 2021, under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i);

(3) Are enrolled in an academic institution that is SEVP-certified for enrollment for F–1 nonimmigrant students;

(4) Are currently maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the current humanitarian crisis in Venezuela.

An F–1 nonimmigrant student who does not meet all of these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing severe economic hardship as a direct result of the current humanitarian crisis in Venezuela).

Does this notice apply to a continuing F–1 nonimmigrant student who departs the United States after publication of this notice in the Federal Register and who needs to obtain a new F–1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such a nonimmigrant student, but only if the DSO has properly notated the SEVIS record, which will then appear on the student's Form I–20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F–1 visa to continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F–1 status?

Yes. However, this notice does not by itself reduce the required course load for private kindergarten through grade 12, or public high school grades 9 through 12, F–1 nonimmigrant students. Such Venezuelan students must maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation. *See* 8 CFR 214.2(f)(6)(i)(E). The suspension of

[4] DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID–19, *available at https://www.ice.gov/coronavirus* [last visited Mar. 2021].

[5] See 8 CFR 214.2(f)(6).

[6] Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a ''full course of study.'' *See* 8 CFR 214.2(f)(6)(i)(B).

certain regulatory requirements related to employment through this notice is applicable to all eligible F–1 nonimmigrant students regardless of educational level. Thus, eligible F–1 nonimmigrant students from Venezuela enrolled in an elementary school, middle school, or high school do benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session. Nothing in this notice affects the applicability of federal and state labor laws limiting the employment of minors.

On-Campus Employment Authorization

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F–1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F–1 student's on-campus employment to 20 hours per week while school is in session. An eligible nonimmigrant student has authorization to work more than 20 hours per week while school is in session, if the DSO has entered the following statement in the remarks field of the SEVIS student record, which will appear on the student's Form I–20:

Approved for more than 20 hours per week of on-campus employment and reduced course load, under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the students employment, whichever date is later] until [DSO must insert the student's program end date or the end date of the notice, whichever date comes first].

To obtain on-campus employment authorization, the F–1 nonimmigrant student must demonstrate to the DSO that the employment is necessary to avoid severe economic hardship directly resulting from the current humanitarian crisis in Venezuela. A nonimmigrant student authorized by the DSO to engage in on-campus employment by means of this notice does not need to file with U.S. Citizenship and Immigration Services (USCIS). The standard rules that permit full-time employment on-campus when school is not in session or during school vacations apply. *See* 8 CFR 214.2(f)(9)(i).

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain the student's F–1 nonimmigrant student status?

Yes. DHS will deem an F–1 nonimmigrant student who receives on-campus employment authorization under this notice to be engaged in a ''full course of study'' [7] for the purpose of maintaining F–1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice. *See* 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if the reduction would not meet the school's minimum course load requirement for continued enrollment.[8]

Off-Campus Employment Authorization

What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F–1 student covered by this notice, as provided under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F–1 nonimmigrant student status for one full academic year to be eligible for off-campus employment;

(b) The requirement that an F–1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study;

(c) The requirement that limits an F–1 nonimmigrant student's employment authorization to no more than 20 hours per week of off-campus employment while school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F–1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F–1 nonimmigrant status?

Yes. DHS will deem an F–1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a ''full course of study'' [9] for the purpose of maintaining F–1 nonimmigrant student status for the duration of the students' employment authorization if the student satisfies the minimum course load requirement described in this notice. *See* 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1 student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if such a reduced course load would not meet the school's minimum course load requirement.[10]

How may an eligible F–1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F–1 nonimmigrant student must file a Form I–765, Application for Employment Authorization, with USCIS to apply for off-campus employment authorization based on the severe economic hardship directly resulting from the humanitarian crisis in Venezuela. Filing instructions are at *http://www.uscis.gov/i-765.*

Fee considerations. Submission of a Form I–765 currently requires payment of a $410 fee. An applicant who is unable to pay the fee may submit a completed Form I–912, Request for Fee Waiver, along with the Form I–765 Application for Employment Authorization. *See www.uscis.gov/feewaiver.* The submission must include an explanation of why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). *See* 8 CFR 103.7(c).

Supporting documentation. An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to the DSO:

(1) This employment is necessary to avoid severe economic hardship; and

[7] *See* 8 CFR 214.2(f)(6).

[8] Minimum course load requirement for enrollment in a school must be established in a publicly available document (*e.g.,* catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

[9] *See* 8 CFR 214.2(f)(6).

[10] Minimum course load requirement for enrollment in a school must be established in a publicly available document (*e.g.,* catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

(2) The hardship is a direct result of the current humanitarian crisis in Venezuela.

If the DSO agrees that the F–1 nonimmigrant student should receive such employment authorization, the DSO must recommend application approval to USCIS by entering the following statement in the remarks field of the student's SEVIS record, which will then appear on that student's Form I–20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I–766 until [DSO must insert students' program end date or the end date of the notice, whichever date comes first]

The F–1 nonimmigrant student must then file the properly endorsed Form I–20 and Form I–765 according to the instructions for the Form I–765. The F–1 nonimmigrant student may begin working off campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that a nonimmigrant student be approved for Special Student Relief, the DSO certifies the following:

(a) The F–1 nonimmigrant student is in good academic standing and carrying a ''full course of study'' [11] at the time of the request for employment authorization;

(b) The F–1 nonimmigrant student is a citizen of Venezuela (regardless of country of birth) and is experiencing severe economic hardship as a direct result of the current humanitarian crisis in Venezuela, as documented on the Form I–20;

(c) The F–1 nonimmigrant student has confirmed that the student will comply with the reduced course load requirements of 8 CFR 214.2(f)(5)(v) and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level or for a minimum of three semester or quarter hours of instruction per academic term if at the graduate level; and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the current humanitarian crisis in Venezuela.

Processing. To facilitate prompt adjudication of the student's application for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F–1 nonimmigrant student should do both of the following::

(a) Ensure that the application package includes all of the following documents:

(1) A completed Form I–765;

(2) The required fee or properly documented fee waiver request as defined in 8 CFR 103.7(c);

(3) A signed and dated copy of the student's Form I–20 with the appropriate DSO recommendation, as previously described in this notice; and

(b) Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase ''SPECIAL STUDENT RELIEF.'' Failure to include this notation may result in significant processing delays.

If USCIS approves the student's Form I–765, a USCIS official will send the student an EAD as evidence of employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

Temporary Protected Status Considerations

Can an F–1 nonimmigrant student apply for TPS and for benefits under this notice at the same time?

Yes. An F–1 nonimmigrant student who has not yet applied for TPS or other relief that reduce the student's course load per term and permits an increase number of work hours per week, such as the Special Student Relief,[12] under this notice has two options.

Under the first option, the nonimmigrant student may file the TPS application according to the instructions in the **Federal Register** notice designating Venezuela for TPS. *See* 86 FR 13574 (March, 9, 2021). All TPS applicants must file a Form I–821, Application for Temporary Protected Status (or submit a Request for a Fee Waiver (Form I–912)). Although not required to do so, if an F–1 nonimmigrant student wants to obtain a new EAD based on their TPS application valid through September 9, 2022, and to be eligible for EAD extensions that may be available to EADs with an A–12 or C–19 category code, they must file Form I–765 and pay the Form I–765 fee (or submit a Request for a Fee Waiver (Form I–912)). After receiving the TPS-related EAD, an F–1 nonimmigrant student may request that the student's DSO make the required entry in SEVIS, issue an updated Form I–20 as described in this notice and notate that the nonimmigrant student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate the student's nonimmigrant status, including as provided under 8 CFR 214.1(g), and maintains the student's TPS, then the student maintains F–1 status and TPS concurrently.

Under the second option, the nonimmigrant student may apply for an EAD under Special Student Relief by filing the Form I–765 with the location specified in the filing instructions. At the same time, the F–1 nonimmigrant student may file a separate TPS application but must submit the TPS filing according to the instructions provided in the **Federal Register** notice designating Venezuela for TPS. Because the F–1 nonimmigrant student already has applied for employment authorization under Special Student Relief, they are not required to submit the Form I–765 as part of the TPS application. However, some nonimmigrant students may wish to obtain a TPS EAD in light of certain extensions that may be available to EADs with an A–12 or C–19 category code. The nonimmigrant student should check the appropriate box when filling-out Form I–821 to request a TPS-related EAD. Again, the nonimmigrant will be able to maintain compliance requirements for F–1 nonimmigrant student status and TPS.

When a student applies simultaneously for TPS and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F–1 nonimmigrant student must maintain normal course load requirements for a ''full course of study'' [13] unless or until the nonimmigrant student receives employment authorization under this notice. TPS-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (*e.g.,* clock hours for language students). Once approved for Special Student Relief employment authorization, the F–1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter credit hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter

[11] *See* 8 CFR 214.2(f)(6).

[12] DHS Study in the States, Special Student Relief *available at https://studyinthestates.dhs.gov/students/special-student-relief* [last visited Mar. 2021].

[13] *See* 8 CFR 214.2(f)(6).

credit hours of instruction per academic term if at the graduate level). *See* 8 CFR 214.2(f)(5)(v), (f)(6), and (f)(9)(i) and (ii).

How does a student who has received a TPS-related employment authorization document then apply for authorization to take a reduced course load under this notice?

There is no further application process if a student has been approved for a TPS-related employment authorization document. The F–1 nonimmigrant student must demonstrate and provide documentation to the DSO of the direct economic hardship resulting from the humanitarian crisis in Venezuela. The DSO will then verify and update the student's record in SEVIS to enable the F–1 nonimmigrant student with TPS to reduce their course load without any further action or application. No other EAD needs to be issued for the F–1 nonimmigrant student to have employment authorization.

Can a noncitizen who has been granted TPS apply for reinstatement of F–1 nonimmigrant student status after the noncitizen's F–1 nonimmigrant student status has lapsed?

Yes. Current regulations permit certain students who fall out of F–1 nonimmigrant student status to apply for reinstatement. *See* 8 CFR 214.2(f)(16). This provision might apply to a student who worked on a TPS-related EAD or dropped their course load before publication of this notice, and therefore fell out of student status. The student must satisfy the criteria set forth in the student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief until September 9, 2022, to eligible F–1 nonimmigrant students. DHS will continue to monitor the situation in Venezuela. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the **Federal Register**.

Paperwork Reduction Act (PRA)

An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653–0038.

This notice also allows an eligible F–1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce the course load while continuing to maintain F–1 nonimmigrant student status.

To apply for employment authorization, certain F–1 nonimmigrant students must complete and submit a currently approved Form I–765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I–765, consistent with the PRA (OMB Control No. 1615–0040). Although there will be a slight increase in the number of Form I–765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I–765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

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DEPARTMENT OF HOMELAND SECURITY

[DHS Docket No. ICEB–2021–0002]

RIN 1653–ZA16

Employment Authorization for Syrian F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of Civil Unrest in Syria Since March 2011

AGENCY: U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS).

SUMMARY: This notice announces that the Secretary of Homeland Security (Secretary) has suspended certain regulatory requirements for F–1 nonimmigrant students whose country of citizenship is Syria (regardless of country of birth) and who are experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 2011. The Secretary is taking action to provide relief to Syrian citizens who are lawful F–1 nonimmigrant students so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status. DHS will deem an F–1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a ''full course of study'' for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

DATES: This F–1 Notice is effective April 22, 2021 and will remain in effect until September 30, 2022.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536–5600; email: *sevp@ice.dhs.gov,* telephone: (703) 603–3400. This is not a toll-free number. Program information can be found at *http://www.ice.gov/sevis/.*

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F–1 nonimmigrant students whose country of citizenship is Syria (regardless of country of birth), who are present in the United States in lawful F–1 nonimmigrant student status as of April 22, 2021, and who are experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 2011. The original notice, which applied to F–1 nonimmigrant students who met certain criteria, including having been lawfully present in the United States in F–1 nonimmigrant status on April 3, 2012, was effective from April 3, 2012, until October 3, 2013. *See* 77 FR 20038 (April 3, 2012). A subsequent notice provided for an 18-month extension from October 3, 2013, through March 31, 2015. *See* 78 FR 36211 (June 17, 2013). A third notice provided another 18-month extension from March 31, 2015, through September 30, 2016. *See* 80 FR 232 (January 5, 2015). A fourth notice provided another 18-month extension from September 30, 2016, through March 31, 2018, and expanded the applicability of such suspension to Syrian F–1 nonimmigrant students who were in lawful F–1 nonimmigrant student status between April 3, 2012 and September 9, 2016. *See* 81 FR 62520 (September 9, 2016). A fifth notice

provided another 18-month extension from March 31, 2018, until September 30, 2019. *See* 83 FR 11553 (March 15, 2018). Effective with this publication, suspension of the employment limitations is available through September 30, 2022, for those who are in lawful F–1 nonimmigrant status as of April 22, 2021. DHS will deem an F–1 nonimmigrant student granted employment authorization through the notice to be engaged in a ''full course of study,'' for the duration of the employment authorization if the student satisfies the minimum course load set forth in this notice.[1] *See* 8 CFR 214.2(f)(6)(i)(F).

Who is covered by this notice?

This notice applies exclusively to F–1 nonimmigrant students who meet all of the following conditions:

(1) Are citizens of Syria, regardless of country of birth;

(2) Were lawfully present in the United States in an F–1 nonimmigrant status on April 22, 2021, under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i);

(3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment of F–1 nonimmigrant students,

(4) Are currently maintaining F–1 nonimmigrant status, and

(5) Are experiencing severe economic hardship as a direct result of the ongoing civil unrest in Syria since March 2011.

This notice applies to F–1 nonimmigrant students engaged in private kindergarten through grade 12, public school grades 9 through 12, and undergraduate and graduate education. F–1 nonimmigrant students covered by this notice who transfer to other SEVP-certified academic institutions remain eligible for the relief provided by means of this notice.

Why is DHS taking this action?

As a result of the ongoing armed conflict and extraordinary and temporary conditions in Syria, the Secretary has extended and redesignated Syria for TPS for 18 months, from March 31, 2021 through September 30, 2022. *See* 86 FR 14946. Previously DHS took action to provide temporary relief to F–1 nonimmigrant students whose country of citizenship is Syria and who experienced severe economic hardship because of the civil unrest in Syria. *See* 77 FR 20038 (April 3, 2012). That action enabled these F–1 nonimmigrant students to obtain employment authorization, work an increased number of hours while the academic institution was in session, and reduce the students' course loads, while continuing to maintain F–1 nonimmigrant student status. DHS extended the temporary relief to these Syrian F–1 nonimmigrant students until September 30, 2019 through further notices issued in June 2013, January 2015, September 2016, and again in March 2018. In each of those notices, DHS acknowledged that the civil unrest in Syria continued to affect Syria's citizens, with many people still displaced as a result. Recognizing that the civil conflict in Syria continued well beyond the October 3, 2013 expiration date of the original notice, DHS's September 9, 2016 notice extended the application of the temporary relief in the original April 3, 2012 notice to those Syrian F–1 nonimmigrant students who were in lawful F–1 nonimmigrant status between April 3, 2012, and September 9, 2016.

DHS has reviewed conditions in Syria and determined that making employment authorization available for eligible nonimmigrant students is again warranted due to the ongoing armed conflict and extraordinary temporary conditions in Syria. The conflict in Syria continues to affect the physical and economic security of its citizens. There are more than 13.4 million displaced Syrians in the region,[2] of which 6.6 million are Internally Displaced Persons (IDPs)[3] and 5.6 million are United Nations High Commissioner for Refugees (UNHCR)-registered refugees.[4] Of the country's 23 million people, 11.1 million require humanitarian assistance.[5] Approximately 1.5 million Syrians were newly displaced by hostilities in 2020.[6] Although the UNHCR reported that 371,600 Syrian IDPs chose to return to their places of origin in 2020[7] and another 21,618 refugees returned to Syria in 2020,[8] the UNHCR assessed that current conditions in Syria make it difficult for civilians to return safely anywhere in Syria.[9]

The last publicly documented chemical weapons attack by the Syrian government was an attack using chlorine on May 19, 2019 in Syria's Latakia province that injured several civilians, and in October 2020, United States Ambassador to the United Nations (UN) Kelly Craft stated that Syria had breached its obligations under the Chemical Weapons Convention and a UN Security Council resolution to destroy its chemical weapons program.[10]

According to the Department of State (DOS), the regime also frequently employed cluster munitions and barrel bombs. Per DOS, the Syrian Network for Human Rights[11] documented at least 3,420 barrel bombs dropped by Russian and Syrian helicopters and planes on Idlib, Syria, between April 2019 and September 2019, often striking civilians and civilian infrastructure, including homes, medical facilities, and schools. In the last weeks of December 2020, the regime's forces dropped barrel bombs in Maaret al-Norman, in northwest Syria, resulting in the deaths of a child and a humanitarian volunteer.[12]

[1] Because the suspension of requirements applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is issued to be engaging in a ''full course of study,'' *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of September 30, 2022, provided the student satisfies the minimum course load requirement in this notice. DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID–19, *available at https://www.ice.gov/coronavirus* [last visited Mar. 2021].

[2] United Nations High Commissioner for Refugees (UNHCR), *Refugee Statistics, available at https://www.unrefugees.org/refugee-facts/statistics/* [last visited Feb. 2021].

[3] UNHCR *Refugee Data Finder,* December 2020, *available at https://www.unhcr.org/refugee-statistics/#:~:text=An%20estimated%2030%20%E2%80%93%2034%20million,age%20(end%2D2019).&text=Developing%20countries%20host%2086%20per,per%20cent%20of%20the%20total* [last visited Feb. 2021].

[4] UNHCR, *Operational Update Syria,* October 2020, *available at https://reporting.unhcr.org/sites/default/files/UNHCR%20Syria%20Operational%20Update%20October%202020.pdf* [last visited Feb. 2021].

[5] *Id.*

[6] UNHCR *Operational Update Syria,* January 2020, *available at https://www.unhcr.org/sy/wp-content/uploads/sites/3/2020/02/UNHCR-Syrias-Operational-Update-2020.pdf* [last visited Feb. 2021].

[7] UNHCR, *Operational Update Syria.* October 2020, *available at https://reporting.unhcr.org/sites/default/files/UNHCR%20Syria%20Operational%20Update%20October%202020.pdf* [last visited Feb. 2021].

[8] *Id.*

[9] *Id.*

[10] Detsch, Jack, Lynch, Colum, Gramer, Robbie. (2020). ''Syria Is Still Trying to Use Chemical Weapons'', Foreign Policy. October 6, 2020, *available at https://foreignpolicy.com/2020/10/06/syria-chemical-weapons-trump-assad-russia-united-nations/* [last visited Mar. 2021].

[11] The Syrian Network for Human Rights (''an independent, neutral, non-governmental, non-profit human rights organization'' which documents human rights violations in Syria), *available at https://sn4hr.org/* [last visited Feb. 2021].

[12] United States Department of State 2019 Country Reports on Human Rights Practices: Syria,

DOS reported that in late 2019, regime and pro-regime forces reportedly struck civilians in hospitals, residential areas, schools, and settlements for IDPs and refugee camps; these attacks included bombardment with barrel bombs in addition to the use of chemical weapons.[13] These forces used the massacre of civilians, as well as their forced displacement, rape, starvation, and protracted sieges that occasionally forced local surrenders, as military tactics.[14]

According to the UN Independent International Commission of Inquiry on the Syrian Arab Republic, Syrian Government forces carried out air and ground attacks in Syria which decimated civilian infrastructure and depopulated towns and villages, killing hundreds of women, men and children between November of 2019 and June of 2020.[15] In a press release related to a report on conditions in Syria, Commission Chair Paulo Pinheiro stated that, ''Children were shelled at school, parents were shelled at the market, patients were shelled at the hospital . . . entire families were bombarded even while fleeing. What is clear from the military campaign is that pro-government forces and UN-designated terrorists flagrantly violated the laws of war and the rights of Syrian civilians.'' [16]

Syria's economy has significantly deteriorated since the outbreak of conflict in 2011, declining by more than 70% from 2010 to 2017,[17] the most recent year for which confirmed economic data is available. Over eight in ten Syrians live below the poverty line.[18] Syria ranks last in the CIA World Factbook's survey of 224 countries in real annual Gross Domestic Product (GDP) growth rate, and 199th out of 228 countries in real GDP per capita.[19]

Civilian health needs remain critical in Syria due to the ongoing conflict, and access to medical care is limited. Hundreds of thousands of civilians have suffered injuries, of which 57% are expected to sustain permanent impairment and require lifelong medical attention.[20] In 2019, 50% of Syrian hospitals and 25% of healthcare facilities are estimated to be functional.[21] From March 2011 through February 2020, Physicians for Human Rights, estimated 595 attacks impacting medical facilities. Physicians for Human Rights concluded that ninety percent of the attacks (536) were perpetrated by the Syrian government and allied forces.[22] Additionally, during this time 923 medical personnel were killed.[23] Mass displacement has contributed to a reduction of up to 50% of qualified medical personnel in some areas, further compromising the provision of quality medical assistance.[24]

As of December 2020, 11.1 million people in Syria required humanitarian assistance, and 9.3 million people continue to face life-threatening food insecurity.[25] In 2020, the number of food insecure people increased by 22%, from 6.5 million in 2019 to 8 million people in 2020.[26] Given the conditions in Syria, affected nonimmigrant students whose primary means of financial support come from Syria may need to be exempt from the normal nonimmigrant student employment requirements to be able to continue their studies in the United States and meet basic living expenses.

The United States is committed to continuing to assist the people of Syria. ICE records show that, as of February 4, 2021, approximately 254 Syrian F–1 nonimmigrants students were physically present in the United States and enrolled in SEVP-certified academic institutions. DHS is therefore making employment authorization available for F–1 nonimmigrant students whose country of citizenship is Syria (regardless of country of birth), who are in lawful F–1 nonimmigrant student status as of April 22, 2021, who are currently maintaining F–1 status, and who are continuing to experience severe economic hardship as a direct result of the civil unrest since March 2011.

What is the minimum course load requirement set forth in this notice?

Undergraduate F–1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term.[27] A graduate-level F–1 nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. *See* 8 CFR 214.2(f)(5)(v).

In addition, an F–1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless the course of study is in a language study program.[28] *See* 8 CFR 214.2(f)(6)(i)(G). An F–1 nonimmigrant student attending an approved private elementary or middle school or public or private academic high school must maintain ''class attendance for no less than the minimum number of hours a week prescribed by the school for normal

available at https://www.state.gov/wp-content/uploads/2020/03/SYRIA-2019-HUMAN-RIGHTS-REPORT.pdf [last visited Mar. 2021].

[13] *Id.*

[14] *Id.*

[15] UN Human Rights Council, 44 Session, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/44/61)* (July 2020) *available at https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_44_61_AdvanceUneditedVersionFINAL_0.pdf* [last visited Mar. 2021].

[16] United Nations Human Rights Council (2020) ''Rampant Human Rights Violations and War crimes as War-torn Idlib Faces the Pandemic UN Syria Commission of Inquiry report'', available at *https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26044&LangID=E* [last visited Mar. 2021].

[17] Central Intelligence Agency (2021) Syria-In *The World Factbook, available at https://www.cia.gov/the-world-factbook/countries/syria/* [last visited Feb. 2021].

[18] *Id.*

[19] *Id.*

[20] UNHCR, *Operational Update Syria.* October 2020, *available at https://reporting.unhcr.org/sites/default/files/UNHCR%20Syria%20Operational%20Update%20October%202020.pdf* [last visited Feb. 2021].

[21] World Health Organization (WHO), Whole of Syria consolidated Health Resources and Services Availability Monitoring System (HeRAMS), Q4 2019, *available at https://www.who.int/publications/m/item/herams-2019-annual-report* [last visited Feb. 2021].

[22] Physicians for Human Rights, ''Physicians for Human Rights' Findings of Attacks on Health Care in Syria''; findings as of February 2020, *available at http://syriamap.phr.org/#/en/findings* [last visited Feb. 2021].

[23] *Id.*

[24] UN Office for the Coordination of Humanitarian Affairs, *2019 Humanitarian Needs Overview: Syrian Arab Republic* (March 2019), *available at https://reliefweb.int/sites/reliefweb.int/files/resources/2019_Syr_HNO_Full.pdf* [last visited Mar. 2021].

[25] UN Office for the Coordination of Humanitarian Affairs, *Syrian Arab Republic: 2020 Humanitarian Response Plan* (December 2020), *available at https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-2020-humanitarian-response-plan-december-2020* [last visited Feb. 2021].

[26] Food Security Information Network—2020 Global Report on Food Crises, *available at https://www.fsinplatform.org/sites/default/files/resources/files/GRFC_2020_ONLINE_200420.pdf* [last visited Feb. 2021].

[27] Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a ''full course of study.'' *See* 8 CFR 214.2(f)(6)(i)(B).

[28] DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID–19, *available at https://www.ice.gov/coronavirus* [last visited Mar. 2021].

progress toward graduation,'' as required under 8 CFR 214.2(f)(6)(i)(E).

May an eligible F–1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. A Syrian F–1 nonimmigrant student who already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i)(A) and (B) and the employment eligibility requirements under 8 CFR 214.2(f)(9) as specified in this notice. Such an eligible F–1 nonimmigrant student may benefit without having to apply for a new Form I–766, Employment Authorization Document (EAD). To benefit from this notice, the F–1 nonimmigrant student must request the designated school official (DSO) enter the following statement in the remarks field of the student's Student and Exchange Visitor Information System (SEVIS) student record, which the student's Form I–20, Certificate of Eligibility for Nonimmigrant (F–1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert ''on-campus'' or ''off-campus,'' depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert either the student's program end date, the current EAD expiration date (if the student is currently working off campus), or the end date of this notice, whichever date comes first].

Must the F–1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces their full course of study?

No. DHS will deem an F–1 nonimmigrant student who receives and comports with the employment authorization permitted under this notice to be engaged in a ''full course of study'' for the duration of the student's employment authorization, provided that a qualifying undergraduate level F–1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term, and a qualifying graduate level F–1 nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term.[29] *See* 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if they are otherwise maintaining F–1 nonimmigrant status.

Will an F–2 dependent (spouse or minor child) of an F–1 nonimmigrant student covered by this notice be eligible to apply for employment authorization?

No. An F–2 spouse or minor child of an F–1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment under the F–2 nonimmigrant status. *See* 8 CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who receives an initial F–1 visa and makes an initial entry in the United States after publication of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to those F–1 nonimmigrant students who meet the following conditions:

(1) Are citizens of Syria, regardless of country of birth;

(2) Were lawfully present in the United States in F–1 nonimmigrant status on April 22, 2021 under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i);

(3) Are enrolled in an academic institution that is SEVP certified for enrollment of F–1 nonimmigrant students;

(4) Are currently maintaining F–1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the civil unrest in Syria.

An F–1 nonimmigrant student who does not meet all of these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 2011).

[29] Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a ''full course of study.'' *See* 8 CFR 214.2(f)(6)(i)(B).

Does this notice apply to a continuing F–1 nonimmigrant student who departs the United States after publication of this notice in the Federal Register and who needs to obtain a new F–1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such a nonimmigrant student, but only if the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I–20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F–1 visa in order to continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F–1 status?

Yes. However, this notice does not by itself reduce the required course load for private kindergarten through grade 12, or public school grades 9 through 12, F–1 nonimmigrant students. Such Syrian students must maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation. *See* 8 CFR 214.2(f)(6)(i)(E). The suspension of certain regulatory requirements related to employment through this notice is applicable to all eligible F–1 nonimmigrant students regardless of educational level. Thus, eligible F–1 nonimmigrant students from Syria enrolled in elementary, middle school, and high school do benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session. Nothing in this notice affects the applicability of federal and state labor laws limiting the employment of minors.

On-Campus Employment Authorization

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F–1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F–1 student's on-campus employment to 20 hours per week while school is in session. An eligible nonimmigrant student has authorization to work more than 20 hours per week while school is in session if the DSO has entered the following statement in the remarks field of the SEVIS student record, which will appear on the student's Form I–20:

Approved for more than 20 hours per week of on-campus employment and reduced course load, under the Special Student Relief authorization from [DSO must insert the beginning date of this notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert the student's program end date or the end date of this notice, whichever date comes first].

To obtain on-campus employment authorization, the F–1 nonimmigrant student must demonstrate to the student's DSO that the employment is necessary to avoid severe economic hardship directly resulting from the civil unrest in Syria. A nonimmigrant student authorized by the student's DSO to engage in on-campus employment by means of this notice does not need to file with U.S. Citizenship and Immigration Services (USCIS). The standard rules that permit full-time employment on-campus when school is not in session or during school vacations apply. *See* 8 CFR 214.2(f)(9)(i).

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain the student's F–1 nonimmigrant status?

Yes. DHS will deem an F–1 nonimmigrant student who receives on-campus employment authorization under this notice to be engaged in a ''full course of study'' for the purpose of maintaining F–1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice. *See* 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if the reduction would not meet the school's minimum course load requirement for continued enrollment.[30]

Off-Campus Employment Authorization

What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F–1 student covered by this notice, as provided under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F–1 status for one full academic year in order to be eligible for off-campus employment;

(b) The requirement that an F–1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study;

(c) The requirement that limits an F–1 nonimmigrant student's employment authorization to no more than 20 hours per week of off-campus employment while school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F–1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F–1 nonimmigrant status?

Yes. DHS will deem an F–1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a ''full course of study'' for purposes of maintaining F–1 nonimmigrant student status for the duration of the student's employment authorization if the student satisfies the minimum course load requirement described in this notice. *See* 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1 status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take reduced course load if such reduced course load would not meet the school's minimum course load requirement.[31]

How may an eligible F–1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F–1 nonimmigrant student must file a Form I–765, Application for Employment Authorization, with USCIS to apply for off-campus employment authorization based on severe economic hardship directly resulting from the civil unrest in Syria since March 1, 2011. Filing instructions are located at: *http://www.uscis.gov/i-765.*

Fee considerations. Submission of a Form I–765 currently requires payment of a $410 fee. An applicant who is unable to pay the fee may submit a completed Form I–912, Request for Fee Waiver, along with the Form I–765 Application for Employment Authorization. *See www.uscis.gov/feewaiver.* The submission must include an explanation of why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). *See* 8 CFR 103.7(c).

Supporting documentation. An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to the DSO:

(1) This employment is necessary to avoid severe economic hardship; and

(2) The hardship is a direct result of the civil unrest in Syria since March 1, 2011.

If the DSO agrees that the F–1 nonimmigrant student should receive such employment authorization, the DSO must recommend application approval to USCIS by entering the following statement in the remarks field of the student's SEVIS record, which will then appear on the student's Form I–20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I–766 until [DSO must insert the program end date or the end date of this notice, whichever date comes first].

The F–1 nonimmigrant student must then file the properly endorsed Form I–20 and Form I–765, according to the instructions for the Form I–765. The F–1 nonimmigrant student may begin working off campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that a nonimmigrant student be approved for Special Student Relief, the DSO certifies that:

(a) The F–1 nonimmigrant student is in good academic standing and is carrying a ''full course of study'' [32] at the time of the request for employment authorization;

(b) The F–1 nonimmigrant student is a citizen of Syria (regardless of country of birth) and is experiencing severe economic hardship as a direct result of the civil unrest in Syria since March 1, 2011, as documented on the Form I–20;

(c) The F–1 nonimmigrant student has confirmed that the student will comply

[30] Minimum course load requirement for enrollment in a school must be established in a publicly available document (*e.g.,* catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

[31] Minimum course load requirement for enrollment in a school must be established in a publicly available document (*e.g.,* catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

[32] *See* 8 CFR 214.2(f)(6).

with the reduced load requirements of 8 CFR 214.2(f)(5)(v) and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level; and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the civil unrest in Syria since March 1, 2011.

Processing. To facilitate prompt adjudication of the student's application for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F–1 nonimmigrant student should do both of the following:

(a) Ensure that the application package includes all of the following documents:

(1) A completed Form I–765;

(2) The required fee or properly documented fee waiver request as defined in 8 CFR 103.7(c);

(3) A signed and dated copy of the student's Form I–20 with the appropriate DSO recommendation, as previously described in this notice; and

(b) Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase ''SPECIAL STUDENT RELIEF.'' Failure to include this notation may result in significant processing delays.

If USCIS approves the student's Form I–765, a USCIS official will send the student an EAD as evidence of the student's employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

Temporary Protected Status Considerations

Can an F–1 nonimmigrant student apply for TPS and for benefits under this notice at the same time?

Yes. An F–1 nonimmigrant student who has not yet applied for Temporary Protected Status (TPS) or other relief that reduce the student's course load per term and permits an increase number of work hours per week, such as the Special Student Relief,[33] under this notice has two options.

Under the first option, the nonimmigrant student may file the TPS application according to the instructions in the **Federal Register** Notice designating Syria for TPS. *See* 86 FR 14946 (March 19, 2021). All TPS applicants must file a Form I–821, Application for Temporary Protected Status (or submit a Request for a Fee Waiver (Form I–912)). Although not required to do so, if an F–1 nonimmigrant student wants to obtain a new EAD based on the student's TPS application valid through September 30, 2022, and to be eligible for extensions that may be available to EADs with an A–12 or C–19 category code, the student must file Form I–765 and pay the Form I–765 fee (or submit a Request for a Fee Waiver (Form I–912)). After receiving the TPS-related EAD, an F–1 nonimmigrant student may request that the student's DSO make the required entry in SEVIS, issue an updated Form I–20, as described in this notice, and notate that the nonimmigrant student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate the student's nonimmigrant status, including as provided under 8 CFR 214.1(g), and maintains the student's TPS, then the student maintains F–1 status and TPS concurrently.

Under the second option, the nonimmigrant student may apply for an EAD under Special Student Relief by filing the Form I–765 with the location specified in the filing instructions. At the same time, the F–1 nonimmigrant student may file a separate TPS application, but must submit the TPS application according to the instructions provided in the **Federal Register** Notice designating Syria for TPS. Because the nonimmigrant student has already applied for employment authorization under student relief, they are not required to submit the Form I–765 as part of the TPS application. However, some nonimmigrant students may wish to obtain a TPS EAD in light of certain extensions that may be available to EADs with an A–12 or C–19 category code. The nonimmigrant student should check the appropriate box when filling out Form I–821 to request a TPS-related EAD. Again, the nonimmigrant student will be able to maintain compliance requirements for F–1 nonimmigrant student status and TPS.

When a student applies simultaneously for TPS and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F–1 nonimmigrant student must maintain normal course load requirements for a ''full course of study''[34] unless or until the nonimmigrant student receives employment authorization under this notice. TPS-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (*e.g.,* clock hours for language students). Once approved for Special Student Relief employment authorization, the F–1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter hours of instruction per academic term if the student is at the undergraduate level, or a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level). *See* 8 CFR 214.2(f)(5)(v), (f)(6), and (f)(9)(i) and (ii).

How does a student who has received a TPS-related employment authorization document then apply for authorization to take a reduced course load under this notice?

There is no further application process if a student has been approved for a TPS-related employment authorization document. The F–1 nonimmigrant student must demonstrate and provide documentation to the DSO of the direct economic hardship resulting from the civil unrest in Syria since March 1, 2011. The DSO will then verify and note this in the student's SEVIS record to enable the F–1 nonimmigrant student with TPS to reduce their course load without any further action or application. No other EAD needs to be issued for the F–1 nonimmigrant student to have employment authorization.

Can a noncitizen who has been granted TPS apply for reinstatement of F–1 nonimmigrant student status after the noncitizen's F–1 nonimmigrant student status lapsed?

Yes. Current regulations permit certain students who fall out of F–1 nonimmigrant student status to apply for reinstatement. *See* 8 CFR 214.2(f)(16). This provision might apply to a student who worked on a TPS-related EAD or dropped their course load before publication of this notice, and therefore fell out of student status. The student must satisfy the criteria set forth in the student status reinstatement regulations.

[33] DHS Study in the States, Special Student Relief *available at https://studyinthestates.dhs.gov/students/special-student-relief* [last visited Mar. 2021].

[34] *See* 8 CFR 214.2(f)(6).

How long will this notice remain in effect?

This notice grants temporary relief until September 30, 2022, to eligible F–1 nonimmigrant students. DHS will continue to monitor the situation in Syria. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the **Federal Register**.

Paperwork Reduction Act (PRA)

An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653–0038.

This notice also allows eligible F–1 nonimmigrant students to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce the student's course load while continuing to maintain F–1 nonimmigrant student status.

To apply for employment authorization, certain F–1 nonimmigrant students must complete and submit a currently approved Form I–765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I–765, consistent with the PRA (OMB Control No. 1615–0040). Although there will be a slight increase in the number of Form I–765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I–765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2021–08302 Filed 4–21–21; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One New Public Collection of Information: Speaker Request Form

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on a new Information Collection Request (ICR) abstracted below that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the basic point of contact information on the person/organization requesting a TSA speaker, the logistical information for that speaking engagement, and context for the request to determine the audience reach, ethical concerns, and possible promotion of the speaking engagement.

DATES: Send your comments by June 21, 2021.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology, TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Purpose and Description of Data Collection

To respond to public speaking invitations, TSA has created the Speaker Request Form, which collects information on the requestor and the event a speaker would attend. TSA is requesting OMB approval of the Speaker Request Form. The form requests the name of the organization and if it is a profit or nonprofit organization; the point of contact information for the person coordinating the event; the date, time, and location of the event; the type of event *(e.g.,* keynote, dinner, panel, interview, etc.); the purpose of the event; the topics of discussion; the audience makeup; other notable guests; and if media will be attending.

This basic contact information is needed to respond to the requestor, determine where to find a TSA speaker geographically, and what resources would be needed to send a speaker to the event. TSA also collects information to determine if it is in the best interests of the agency to send a speaker to the speaking engagement, if it aligns with the agency's communication goals, and if it is, who should speak on behalf of the agency on the requested topics. The information is collected only once for any engagement and is completely voluntary on the part of the requestor.

TSA is submitting the form as a Common Form to permit Federal agency users beyond the agency that created the form (*e.g.,* Department of Homeland Security or U.S. Office of Personnel Management) to streamline the information collection process in coordination with OMB.

TSA expects to receive approximately 300 speaker requests per year. The agency estimates that each respondent will spend approximately 10 minutes to complete the Speaker Request Form, for a total annual burden of 3,000 minutes (50 hours).

Use of Results

TSA Speaker's Bureau will use the information on the form to determine which TSA speaker may attend the speaking engagement, if any. The organization and point of contact

information is only shared with the proposed TSA speaker to allow the speaker to coordinate the day of logistics. The event information may be shared among TSA offices, particularly within the Strategic Communications and Public Affairs office to identify greater opportunities to align the engagement or the organization with its communication goals and possibly promote the TSA speaker on other external platforms.

The form is emailed to the TSA Speaker's Bureau which is limited to only the employees tasked with coordinating TSA speaking engagements. Any archiving of the forms information would be on a secure and closed system, accessible by only employees with system permissions and could be used to identify trends over time.

Dated: April 19, 2021.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2021–08393 Filed 4–21–21; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0091]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Replacement Naturalization/ Citizenship Document

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until June 21, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0091 in the body of the letter, the agency name and Docket ID USCIS–2006–0052. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2006–0052. USCIS is limiting communications for this Notice as a result of USCIS' COVID–19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2006–0052 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

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

(2) *Title of the Form/Collection:* Application for Replacement Naturalization/Citizenship Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–565; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. U.S. Citizenship and Immigration Services (USCIS) uses Form N–565 to determine the applicant's eligibility for a replacement document. An applicant may file for a replacement if they were issued one of the documents described above and it was lost, mutilated, or destroyed; if the document is incorrect due to a typographical or clerical error by USCIS; if the applicant's name was changed by a marriage, divorce, annulment, or court order after the document was issued and the applicant now seeks a document in the new name; or if the applicant is seeking a change of the gender listed on their document after obtaining a court order, a government-issued document, or a letter from a licensed health care professional recognizing that the applicant's gender is different from that listed on their current document. The only document that can be replaced on the basis of a change to the applicant's date of birth, as evidenced by a court order or a document issued by the U.S. government or the government of a U.S. state, is the Certificate of Citizenship. If the applicant is a naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign country, he or she may apply for a special certificate for that purpose.

USCIS may request that applicants who reside within the United States attend an appointment at a USCIS

Application Support Center to have a photograph taken. USCIS may also require applicants to submit additional biometrics under 8 CFR 103.2(b)(9).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–565 (paper-filed) is 13,270 and the estimated hour burden per response is 1.33 hours; the estimated total number of respondents for the information collection N–565 (filed online) is 13,270 and the estimated hour burden per response is 0.917 hours; the estimated total number of respondents for the photograph appointment is 26,340 (accounts for an estimated 200 respondents that file from overseas and do not need to attend a photo appointment) and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 60,635 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $3,417,025.

Dated: April 16, 2021.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–08288 Filed 4–21–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031762; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arizona Museum of Natural History, Mesa, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Arizona Museum of Natural History has corrected an inventory of human remains, published in a Notice of Inventory Completion in the **Federal Register** on May 14, 2020. This notice corrects the minimum number of individuals. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Arizona Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Arizona Museum of Natural History at the address in this notice by May 24, 2021.

ADDRESSES: Ms. Melanie Deer, Arizona Museum of Natural History, 53 N MacDonald, Mesa, AZ 85201, telephone (480) 644–4381, email *melanie.deer@mesaaz.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains under the control of the Arizona Museum of Natural History, Mesa, AZ. The human remains were removed from AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals published in a Notice of Inventory Completion in the **Federal Register** (85 FR 28978–28979, May 14, 2020). Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (85 FR 28979, May 14, 2020), column 2, paragraph 1, sentence 1 is corrected by substituting the following sentence:

> Prior to 2018, human remains representing, at minimum, 12 individuals were removed from AZ.

In the **Federal Register** (85 FR 28979, May 14, 2020), column 2, paragraph 5, sentence 1 under the heading ''Determinations Made by the Arizona Museum of Natural History'' is corrected by substituting the following sentence:

> Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 99 individuals of Native American ancestry.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Ms. Melanie Deer, Arizona Museum of Natural History, 53 N MacDonald, Mesa, AZ 85201, telephone (480) 644–4381, email *melanie.deer@mesaaz.gov,* by May 24, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Arizona Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: April 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08400 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031764; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Gilcrease Museum, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Gilcrease Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definitions of sacred objects and objects of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Gilcrease Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Gilcrease Museum at the address in this notice by May 24, 2021.

ADDRESSES: Laura Bryant, Gilcrease Museum, 1400 N Gilcrease Museum

Road, Tulsa, OK 74127, telephone (918) 596–2747, email *laura-bryant@utulsa.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Gilcrease Museum, Tulsa, OK, that meet the definitions of sacred objects and objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In the early 1900s, 11 cultural items were removed from the Winnebago Tribe of Nebraska community. Emil Lenders, a German-American artist, traveled throughout the mid- and western United States in the early 1900s and collected many items from Indigenous communities and from Wild West shows. The Thomas Gilcrease Foundation purchased Emil Lenders' collection of approximately 600 items in 1950, and it was transferred to the City of Tulsa in 1955. The 11 sacred objects and objects of cultural patrimony are 10 decorated otter bags (accession numbers 84.694, 84.701, 84.702, 84.703, 84.704, 84.705, 84.706, 84.707, 84.709, 85.55) and one war bundle (accession numbers 84.1752a–m, 73.244, 82.44).

Likely around the turn of the century, two cultural items were removed from the Winnebago Tribe of Nebraska community. An unknown person acquired these items, which were likely purchased by the Thomas Gilcrease Foundation in the mid-20th century. The items were transferred to the City of Tulsa in 1955. The two sacred objects and objects of cultural patrimony are decorated otter bags (accession numbers 84.695 and 84.708).

All of these cultural items were determined to be culturally affiliated with the Winnebago Tribe of Nebraska during consultation with the Tribe. The documentation and records at the museum identify these items as Winnebago. These items are still used in current traditional ceremonies and are communally owned and cannot be legally separated from the originating community by an individual.

Determinations Made by the Gilcrease Museum

Officials of the Gilcrease Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 13 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the 13 cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects, and objects of cultural patrimony and the Winnebago Tribe of Nebraska.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Laura Bryant, Gilcrease Museum, 1400 N Gilcrease Museum Road, Tulsa, OK 74127, telephone (918) 596–2747, email *laura-bryant@utulsa.edu,* by May 24, 2021. After that date, if no additional claimants have come forward, transfer of control of the sacred objects and objects of cultural patrimony to the Winnebago Tribe of Nebraska may proceed.

The Gilcrease Museum is responsible for notifying the Winnebago Tribe of Nebraska that this notice has been published.

Dated: April 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08401 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031763; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Hartwick College, Yager Museum of Art & Culture, Oneonta, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Hartwick College, Yager Museum of Art & Culture (hereafter Yager Museum), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an object of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Yager Museum. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Yager Museum at the address in this notice by May 24, 2021.

ADDRESSES: Dr. Quentin Lewis, Yager Museum of Art & Culture, Hartwick College, 1 Hartwick Drive, Oneonta, NY 13820, telephone (607) 431–4481, email *lewisq@hartwick.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of Hartwick College, Yager Museum of Art & Culture, Oneonta, NY, that meets the definition of an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1994, Frederick W. Dockstader, former Director of the Museum of the American Indian of the Heye Foundation, New York City, gave the Yager Museum of Art & Culture at Hartwick College one cultural item that he described as a family heirloom of the Quinney Family that had been among the belongings of John Wannuaucon Quinney (1797–1855), Sachem of the Stockbridge Tribe of Indians (later the Stockbridge Munsee Community, Wisconsin). It is unclear how Dockstader acquired the object, and it is

also unclear how and when the object left the possession of the Quinney Family. The object of cultural patrimony is one set of three silver ring brooches.

Research by the Yager Museum staff, as well as information provided by the Stockbridge-Munsee Community, Wisconsin in consultation with the Museum, has demonstrated that this object meets the definition of object of cultural patrimony. The brooches were likely badges of office, utilized by Quinney in his role as intercultural broker and diplomat, acting on behalf of the Stockbridge-Munsee across lines of political and cultural difference. Quinney's brooches are a material signifier of Stockbridge-Munsee sovereignty and their struggle to maintain such sovereignty in the face of attempts at dissolution.

Determinations Made by the Hartwick College, Yager Museum of Art & Culture

Officials of the Hartwick College, Yager Museum of Art & Culture have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Stockbridge Munsee Community, Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Dr. Quentin Lewis, Yager Museum of Art & Culture, Hartwick College, 1 Hartwick Drive, Oneonta, NY 13820, telephone (607) 431–4481, email *lewisq@hartwick.edu,* by May 24, 2021. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Stockbridge Munsee Community, Wisconsin may proceed.

Hartwick College, Yager Museum of Art & Culture is responsible for notifying the Stockbridge Munsee Community, Wisconsin that this notice has been published.

Dated: April 8, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08402 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031804; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Federal Bureau of Investigation, Indianapolis Field Office, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Federal Bureau of Investigation (FBI) has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Federal Bureau of Investigation. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Federal Bureau of Investigation at the address in this notice by May 24, 2021.

ADDRESSES: Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent Timothy Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (954) 931–3670, email *artifacts@ic.fbi.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Federal Bureau of Investigation, Indianapolis Field Office, Indianapolis, IN. The human remains were removed from various locations throughout New Mexico and Arizona.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by FBI professional staff in consultation with representatives of Fort Sill Apache Tribe of Oklahoma; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Picuris, New Mexico; and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At various unknown dates, human remains representing, at minimum, six individuals were removed from undisclosed locations throughout New Mexico and Arizona. The human remains were transported to Indiana, where they remained as part of a private collection of Native American antiquities and cultural heritage. In April 2014, the human remains were seized by the FBI as part of a criminal investigation.

Although these human remains were heavily co-mingled at the time of recovery, a preponderance of evidence supports the findings that these human remains are Native American from the Southwest region of New Mexico and/or Arizona. Careful consideration of the evidence included: Cultural, geographical, biological, archeological, anthropological, and expert opinion from the region. No known individuals were identified. No associated funerary objects were present.

The known region and non-invasive/non-destructive skeletal analysis, indicate that the individuals are affiliated with Native American people from the Southwest. The particular composition of the soil matrix present on the human remains, in addition to other evidence, indicates that the individuals were taken from various undisclosed locations in the Southwest.

Determinations Made by the Federal Bureau of Investigation

Officials of the Federal Bureau of Investigation have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of six

individuals of Native American/Southwest ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent Timothy Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (954) 931–3670, email *artifacts@ic.fbi.gov,* by May 24, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Federal Bureau of Investigation is responsible for notifying The Tribes that this notice has been published.

Dated: April 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08395 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031805; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Federal Bureau of Investigation, Art Theft Program, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Federal Bureau of Investigation (FBI), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of a sacred object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the FBI. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the FBI at the address in this notice by May 24, 2021.

ADDRESSES: Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent Timothy Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (954) 931–3670, email *artifacts@ic.fbi.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Federal Bureau of Investigation, Washington, DC, that meets the definition of a sacred object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

At an unknown date, one sacred object was acquired and transported to the East Coast, where it remained part of a private collection of Native American antiquities, art, and cultural heritage. In the spring of 2018, this item was seized by the FBI as part of a criminal investigation. The one item is a *gahan* mask culturally affiliated with the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, based on consultation with an official representative of the Tribe. Initial expertise concerning this item was also provided by staff at museums and universities in the Southwest region.

Determinations Made by the Federal Bureau of Investigation

Officials of the Federal Bureau of Investigation have determined that:

• Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Federal Bureau of Investigation, FBI Headquarters, Attn: Supervisory Special Agent Timothy Carpenter, Art Theft Program, 935 Pennsylvania Avenue NW, Washington, DC 20535, telephone (954) 931–3670, email *artifacts@ic.fbi.gov,* by May 24, 2021. After that date, if no additional claimants have come forward, transfer of control of the sacred object to the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico may proceed.

The Federal Bureau of Investigation is responsible for notifying the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico that this notice has been published.

Dated: April 16, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08396 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031684; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The California State University, Sacramento has completed an inventory of human remains and an associated funerary object in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary object and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and this associated funerary object should submit a written request to the California State University, Sacramento. If no additional requestors come forward, transfer of control of the human remains and associated funerary

object to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and this associated funerary object should submit a written request with information in support of the request to the California State University, Sacramento at the address in this notice by May 24, 2021.

ADDRESSES: Dr. Dianne Hyson, Dean of the College of Social Sciences and Interdisciplinary Studies, California State University, Sacramento, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–6504, email *dhyson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and an associated funerary object under the control of the California State University, Sacramento, CA. The human remains and associated funerary object were removed from Sudden #1 site, Santa Barbara, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and the associated funerary object. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the California State University, Sacramento professional staff. The Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California as well as three non-federally recognized Indian groups—the Barbareno Chumash Council, the Coastal Band of Chumash Indians, and the San Luis Obispo County Chumash—were contacted by California State University, Sacramento several times, but ultimately, no in-person consultation was requested. Hereafter, all the above entities are referred to as ''The Tribe and Groups.''

History and Description of the Remains

On March 8, 1936, human remains representing, at minimum, one individual were removed from Sudden #1 site in Santa Barbara, CA, by Anthony Zallio, a private collector associated with Sacramento City College. While the exact location of this site is unknown, Zallio was with a party of professional and amateur archeologists visiting sites in the vicinity of Casmalia and Happy Canyon, located approximately four to ten miles east and northeast of Santa Ynez. In 1951, Zallio's estate posthumously donated the collection to the Department of Anthropology at Sacramento State College, California (now California State University, Sacramento). The individual is represented by a cranium and belongs to a male between 30–40 years old. No known individual was identified. The one associated funerary object is a small Olivella shell bead.

No information about the Sudden #1 site was located. The lack of temporally diagnostic associated funerary objects makes it impossible to date the human remains. The Casmalia and Happy Canyon areas are within the aboriginal territory of the Ynezeño Chumash. Recent archeological research suggests that the Chumash have been in the region since at least the early Holocene.

Determinations Made by California State University, Sacramento

Officials of the California State University, Sacramento have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary object and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and this associated funerary object should submit a written request with information in support of the request to Dr. Dianne Hyson, Dean of the College of Social Sciences and Interdisciplinary Studies, California State University, Sacramento, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–6504, email *dhyson@csus.edu,* by May 24, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California may proceed. If joined to a request from the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, any of the following non-federally recognized Indian groups may receive transfer of control of the human remains and associated funerary object: The Barbareno Chumash Council, the Coastal Band of Chumash Indians, and the San Luis Obispo County Chumash.

The California State University, Sacramento is responsible for notifying The Tribe and Groups that this notice has been published.

Dated: April 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08397 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031685; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The California State University, Sacramento, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the California State University, Sacramento. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to

the California State University, Sacramento at the address in this notice by May 24, 2021.

ADDRESSES: Dr. Dianne Hyson, Dean of the College of Social Sciences and Interdisciplinary Studies, California State University, Sacramento, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–6504, email *dhyson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the California State University, Sacramento, CA, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1935 or 1936, two cultural items were removed from Happy Canyon in Santa Barbara County, CA, by Anthony Zallio, a private collector associated with Sacramento City College. While the exact site location is unknown, Zallio was with a party of professional and amateur archeologists visiting sites in the vicinity of Casmalia and Happy Canyon, which is located approximately four to ten miles east and northeast of Santa Ynez. In 1951, Zallio's estate posthumously donated the collection to the Department of Anthropology at Sacramento State College, California (now California State University, Sacramento). The two unassociated funerary objects are one modified bone tube with adhered asphaltum and inlaid Olivella tiny saucer (Type G1) shell beads and one ochre sample.

Happy Canyon is within the aboriginal territory of the Ynezeño Chumash. The objects were designated as unassociated funerary objects because associated documentation indicates that they were found in association with a burial and the location of the human remains is unknown. Recent archeological research suggests that the Chumash have been in the region since at least the early Holocene.

Determinations Made by the California State University, Sacramento

Officials of the California State University, Sacramento have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the two cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Dianne Hyson, Dean of the College of Social Sciences and Interdisciplinary Studies, California State University, Sacramento, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–6504, email *dhyson@csus.edu,* by May 24, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California and the joint requestors—the Barbareno Chumash Council, the Coastal Band of Chumash Indians, and the San Luis Obispo County Chumash, which are non-federally recognized Indian groups—may proceed.

The California State University, Sacramento is responsible for notifying the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California and the joint requestors—the Barbareno Chumash Council, the Coastal Band of Chumash Indians, and the San Luis Obispo County Chumash, which are non-federally recognized Indian groups—that this notice has been published.

Dated: April 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08398 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031755; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The California Department of Transportation has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the California Department of Transportation. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the California Department of Transportation at the address in this notice by May 24, 2021.

ADDRESSES: Sarah M. Allred, Native American Cultural Studies Branch Chief, Cultural Studies Office, California Department of Transportation, 1120 N Street, MS–27, Sacramento, CA 95814, telephone (916)-956–5506, email *sarah.allred@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the California Department of Transportation, Sacramento, CA, and in the physical custody of California State University, Sacramento, CA. The human remains and associated funerary objects

were removed from site CA–SAC–166 in Sacramento County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made jointly by California Department of Transportation (Caltrans) and California State University, Sacramento professional staff in consultation with representatives of the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; and the United Auburn Indian Community of the Auburn Rancheria of California. The Buena Vista Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians [previously listed as Jackson Rancheria of Me-Wuk Indians of California]; Wilton Rancheria, California; and four non-federally recognized Indian groups—the Miwok Tribe of the El Dorado Rancheria; Nashville-Eldorado Rancheria; Nevada City Rancheria; and the Tsi-akim Maidu—were invited to consult but did not participate. Hereafter, all the above entities are referred to as ''The Consulted and Invited Tribes and Groups.''

History and Description of the Remains

Between 1959 and 1997, human remains representing, at minimum, 10 individuals were removed from site CA–SAC–166 in Sacramento County, CA. The 1959–60 excavations were led by the State Indian Museum for the California Department of Parks and Recreation (DPR). The 1961–62 excavations were led by the American River Junior College for the Department of Public Works, Division of Highways (now Caltrans). The 1995 and 1997 excavations were led by PAR Environmental within Caltrans' right of way. Collections from CA–SAC–166 were placed in the custody of California State University, Sacramento in 1993, 1997, and the late 1990s. One child, six adults, and three individuals of undetermined age were identified. No known individuals were identified. The 7,069 associated funerary objects include: seven stone abraders, eight pieces of baked clay, 191 shell beads, 16 bifaces, one steel bolt, two brick fragments, one tin can, two pieces of chalk, one metal cap, 183 fragments of wood charcoal, 40 cores, 17 core tools, 479 pieces of debitage, two discoidals, 10 edge modified flakes, five quartz crystals, one piece of mica, two expedient tools, one metal fastener, one antler fish spear, three flotation samples, six ground stone artifacts, 16 hammerstones, 36 handstones, 1,435 invertebrate remains, 46 metal fragments, seven metates, two metal nails, four net weights, three nut fragments, three haliotis shell ornaments, two pieces of plastic, one fiber, six stone pendants, five pestles, 34 pieces of ochre, two polishing stones, 12 projectile points, 164 non-cultural rocks, one piece of modified quartzite, two modified stones, one piece CCR, six scrapers, 408 glass sherds, one ceramic sherd, three plastic sherds, two pieces of shoe leather, four soil samples, two leather straps, two pieces of canvas, 106 thermally altered rocks, two unidentified stones, one metavolcanic flaked stone, three pieces of paper, one piece of redwood, one unidentified piece of plastic, 3,665 vertebrate remains, four stone vessels, one steel washer, 56 worked bones, three worked shells, seven worked stones, and 30 pieces of worked historic era redwood.

The distribution of human remains and three burials in disturbed contexts support the preponderance of evidence that the objects were displaced from their associated burials. The discovery of a formal burial and isolated human remains throughout contiguous archeological units and a possible cremation show that the site was used, in part, for interment.

Chronological data from temporally diagnostic objects indicate CA–SAC–166 was occupied from the Middle Period up until the protohistoric or historic periods. CA–SAC–166 lies within the historic ethnolinguistic boundaries of the Nisenan in an area known to have been a transitional territory used seasonally by both Valley and Foothill Nisenan groups. CA–SAC–166 is situated near two named Foothill Nisenan villages, Yodok and Yolimhu. During the historic period, Miwok groups were known to enter the area due to displacement and depopulation caused by the Mission system, disease, John Sutter's fort, and Euro-American intrusions.

Determinations Made by the California Department of Transportation

Officials of the California Department of Transportation have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 7,069 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Buena Vista Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians [previously listed as Jackson Rancheria of Me-Wuk Indians of California]; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Sarah M. Allred, Native American Cultural Studies Branch Chief, Cultural Studies Office, California Department of Transportation, 1120 N Street, MS–27, Sacramento, CA 95814, telephone (916)-956–5506, email *sarah.allred@dot.ca.gov,* by May 24, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed. If joined to a request from one or more of The Tribes, the following non-federally recognized Indian groups may receive transfer of control of the human remains and associated funerary objects: the Nashville-Eldorado Miwok Tribe, Nevada City Rancheria, and Tsi-akim Maidu.

The California Department of Transportation is responsible for notifying The Consulted and Invited Tribes and Groups that this notice has been published.

Dated: April 15, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–08399 Filed 4–21–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1195]

Certain Electronic Candle Products and Components Thereof Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge (''ALJ'') has issued a recommended determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended general exclusion order against certain electronic candle products and components thereof. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A general exclusion order. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's recommended determination on remedy and bonding issued in this investigation on April 2, 2021. Comments should address whether issuance of the recommended general exclusion order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended general exclusion order are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended general exclusion order;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended general exclusion order within a commercially reasonable time; and

(v) explain how the recommended general exclusion order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on May 3, 2021.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1195'') in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: April 16, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–08319 Filed 4–21–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 02–21]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

TIME AND DATE: Thursday, April 29, 2021, at 10:00 a.m.

PLACE: This meeting will be held by teleconference. There will be no physical meeting place.

STATUS: Open. Members of the public who wish to observe the meeting via teleconference should contact Patricia M. Hall, Foreign Claims Settlement Commission, Tele: (202) 616–6975, two business days in advance of the

meeting. Individuals will be given call-in information upon notice of attendance to the Commission.

MATTERS TO BE CONSIDERED: 10:00 a.m.—Issuance of Proposed Decisions under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328.

CONTACT PERSON FOR MORE INFORMATION: Requests for information, advance notices of intention to observe an open meeting, and requests for teleconference dial-in information may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 441 G St. NW, Room 6234, Washington, DC 20579. Telephone: (202) 616–6975.

Jeremy R. LaFrancois,

Chief Administrative Counsel.

[FR Doc. 2021–08526 Filed 4–20–21; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Amendment Under The Clean Air Act

On April 13, 2021, the Department of Justice lodged a proposed Fourth Consent Decree Amendment Concerning ExxonMobil's Joliet Refinery (the ''Fourth Decree Amendment'') with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States* v. *Exxon Mobil Corp.,* Case No. 05 C 5809.

In 2005, the United States and the states of Illinois, Louisiana, and Montana filed a Complaint in this lawsuit seeking civil penalties and injunctive relief from Defendants Exxon Mobil Corporation and ExxonMobil Oil Corporation (''ExxonMobil''). The Complaint alleged violations of the Clean Air Act, 42 U.S.C. 7401–7671q, and several other environmental statutes at ExxonMobil's six domestic petroleum refineries, including ExxonMobil's refinery in Joliet, Illinois (the ''Joliet Refinery''). When the Complaint was filed, the United States also lodged a proposed Consent Decree containing the terms of a proposed settlement, which included requirements that ExxonMobil pay $7.7 million in civil penalties and make an array of improvements to its refineries' pollution control equipment and environmental compliance programs. The Court approved and entered that proposed Consent Decree after a public comment period. The 2005 Consent Decree and three subsequent amendments (collectively referred to here as the ''Original Consent Decree'') are posted on this EPA website: *https://www.epa.gov/enforcement/exxonmobil-refinery-settlement.*

ExxonMobil paid the civil penalties required by the Original Consent Decree and has satisfied most requirements of the Original Consent Decree for the Joliet Refinery. However, the United States contends that ExxonMobil has violated some requirements of the Original Consent Decree that apply to the Joliet Refinery. The United States also contends that ExxonMobil has violated some other Clean Air Act requirements applicable to the Joliet Refinery. Furthermore, the United States contends that those violations of the Original Consent Decree and the Clean Air Act support claims for stipulated penalties, statutory civil penalties, and additional injunctive relief.

The proposed Fourth Decree Amendment would make material changes to the Original Consent Decree, but only as it applies to ExxonMobil's Joliet Refinery. The Fourth Decree Amendment would replace the Original Consent Decree's requirement for the Joliet Refinery with more targeted requirements addressing ExxonMobil's recent alleged failings. Among other things, the proposed Fourth Decree Amendment would require that ExxonMobil: (i) Accept and comply with more stringent air pollutant emission limits for one major process unit at the Joliet Refinery, called the fluid catalytic cracking unit; (ii) improve the capture and control of emissions from sulfur accumulation pits that are part of another major process unit at the Refinery, called the sulfur recovery plant; (iii) implement an enhanced compliance program to identify and reduce outages and downtime in continuous emissions monitoring systems that measure air pollutant emissions from various sources at the Refinery; (iv) complete a customized leak detection and repair enhanced compliance program using a high technology optical gas imaging camera, to help identify and address hydrocarbon leaks from particular types of equipment at the Refinery; and (v) pay the United States and Illinois a total of $1,515,463 in settlement of claims for alleged stipulated penalties under the Original Consent Decree and civil penalties under the Clean Air Act and corresponding Illinois law. The Fourth Decree Amendment would not alter the requirements applicable to the other five refineries covered by the Original Consent Decree with ExxonMobil.

The publication of this notice opens a period for public comment on the proposed Fourth Decree Amendment. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Exxon Mobil Corp.,* D.J. Ref. No. 90–5–2–1–07030/6. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Acting Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Fourth Decree Amendment may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the proposed Fourth Decree Amendment upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $21.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–08361 Filed 4–21–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Agency Information Collection Activities; Request for Public Comment

AGENCY: Employee Benefits Security Administration (EBSA), Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. Currently, the EBSA is soliciting comments on Mental Health and Substance Use Disorder Parity Implementation and the *Consolidated Appropriations Act of 2021* Part 45. A copy of the information collection request (ICR) may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before June 21, 2021.

ADDRESSES: Please direct all written comments regarding the information collection request and burden estimates to James Butikofer, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5647, Washington, DC 20210. Telephone: (202) 693–8410; Fax: (202) 219–4745. These are not toll-free numbers. Comments may also be submitted electronically to the following internet email address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The *Consolidated Appropriations Act* (the Act) was signed on December 27, 2020. The Departments of Labor, Health and Human Services, and the Treasury share interpretive jurisdiction of the Mental Health Parity and Addiction Equity Act (MHPAEA) and have split enforcement jurisdictions. The Department of Labor is responsible for enforcing MHPAEA with respect to private employer-sponsored group health plans. The Act amended MHPAEA, in part, by expressly requiring group health plans to perform and document a comparative analysis of the design and application of any non-quantitative treatment limitations (NQTLs) that apply to medical/surgical and mental health and substance use disorder benefits. As of 45 days after the date of enactment of the Act (February 10, 2021), group health plans must make their comparative analyses and related information available to the Department, upon request. The Act also provides that the Department shall request comparative analyses from plans that involve a potential violation of MHPAEA, or upon receipt of complaints regarding noncompliance with MHPAEA, and any other instances in which the Department determines appropriate. The Department must also issue an annual report to Congress regarding findings of compliance and noncompliance.

The Department, jointly with the Departments of Health and Human Services and the Treasury, issued FAQs about MHPAEA part 45 to provide guidance on how group health plans should prepare comparative analyses of NQTLs in order to avoid a determination of noncompliance. In particular, these FAQs clarify what the analyses must include to be sufficiently specific and detailed. These FAQs also clarify how the Department will evaluate comparative analyses in the course of an investigation, and what steps the Department will take if the plan is found to be noncompliant.

On April 2, 2021, the Office of Management and Budget (OMB) approved the information collection request (OMB Control Number 1210–0138 under the emergency procedures for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. The approval is scheduled to expire on September 31, 2021.

II. Current Actions

This notice requests public comment pertaining to the Department's request for extension of OMB's approval of the Application. After considering comments received in response to this notice, the Department intends to submit an ICR to OMB for continuing approval. No change to the existing ICR is proposed or made at this time. The Department notes that an agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. A summary of the ICR and the current burden estimates follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Mental Health and Substance Use Disorder Parity Implementation and the *Consolidated Appropriations Act of 2021* Part 45.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0138.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Respondents: 1,413,420.

Frequency of Responses: On occasion.

Responses: 1,413,420.

Estimated Total Burden Hours: 3,046,961.

Estimated Total Burden Cost (Operating and Maintenance): $3,994,517.

III. Desired Focus of Comments

The Department of Labor is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; 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.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Dated: April 16, 2021.

Ali Khawar,

Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2021–08344 Filed 4–21–21; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Hazardous Energy Control Standard (Lockout/Tagout)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 24, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The collections of information contained in the standard are needed to reduce injuries and deaths in the workplace that occur when employees are engaged in maintenance, repair, and other service related activities requiring the control of potentially hazardous energy. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 23, 2020 (85 FR 84004).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Hazardous Energy Control Standard (Lockout/Tagout).

OMB Control Number: 1218–0150.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents: 773,209.

Total Estimated Number of Responses: 69,257,657.

Total Estimated Annual Time Burden: 2,622,912 hours.

Total Estimated Annual Other Costs Burden: $1,370,654.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

PRA Senior Analyst.

[FR Doc. 2021–08346 Filed 4–21–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

[DOL Docket No. DOL–2020–0010]

Privacy Act of 1974; System of Records

AGENCY: Office of Inspector General (OIG), United States Department of Labor.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), the U.S. Department of Labor (''Department'') publishes this notice of a new system of records, the Office of Inspector General (''OIG''), Office of Legal Services (''OLS'') Legal Information System for Administration, Records, and Disclosure (''LISARD''), DOL/OIG–13. This system will consist of records of the OLS legal services, and the whistleblower protection coordinator, information disclosure, and records management programs program.

DATES: This System of Records Notice (SORN) is effective upon its publication in today's **Federal Register** with the exception of the routine uses. The new routine uses will not be effective until May 24, 2021 ending public comment. Comments on the new routine uses or other aspects of the SORN must be submitted on or before May 24, 2021.

ADDRESSES: Submit your comments by one of the following methods:

Electronic Comments: Comments may be sent via email to *SORNComments@oig.dol.gov. http://www.regulations.gov,* to submit comments on documents that agencies have published in the **Federal Register** and that are open for comment.

Mail: Address written submissions (including disk and CD–ROM submissions) to Chief, Branch of Database Management and Applications, 200 Constitution Avenue NW, Washington, DC 20210, DC 20210.

Instructions: Please submit only one copy of your comments by only one method. All submissions must include the agency's name and the Docket Number 2020–0010. Please be advised that comments received will become a matter of public record and will be posted without change to *http://www.regulations.gov,* including any personal information provided. Comments that are mailed must be received by the date indicated for consideration.

Docket: For access to the docket to read background documents or comments, go to the Federal e-Rulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Birdsell, Chief, Branch of Database Management and Applications, 200 Constitution Avenue NW, Washington, DC 20210, DC 20210. Mr. Birdsell can also be reached via email at *Birdsell.john@oig.dol.gov* or via phone at (202)–693–7055.

SUPPLEMENTARY INFORMATION: The Department of Labor has established a system of records pursuant to the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), hereinafter referred to as the Privacy Act. This new system of records is established for the general purpose of enabling the Department's Office of Inspector General (OIG) to fulfill its statutory duties and responsibilities under the Inspector General Act of 1978, as amended, 5 U.S.C. Appendix 3 (''IG Act'').

SYSTEM NAME AND NUMBER:

Office of Legal Services Records, Administration, and Tracking System, DOL/OIG–13.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary location: Offices in various components within the U.S. Department of Labor, at the Frances Perkins Building, 200 Constitution Avenue NW, Washington, DC 20210, or other Department offices. Additionally, duplicate versions of some or all system information may also be at satellite locations where the OIG has granted direct access to support OIG operations, system backup, emergency preparedness, and/or continuity of operations. To determine the location of particular program records, contact the system manager, listed in section ''SYSTEM MANAGER'' below.

SYSTEM MANAGER(S):

U.S. DOL Office of Inspector General, Office of Management and Policy, Attention: Chief, Branch of Database Management and Applications, 200 Constitution Avenue NW, Washington, DC 20210.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as amended, 5 U.S.C. Appendix 3.

PURPOSE(S) OF THE SYSTEM:

The system will facilitate supervision and coordination of legal services, records management program, information disclosure program, and the whistleblower protection coordinator program. The system tracks OLS program matters and generates statistical reports to support OLS processes. The records are used to answer, advise, evaluate, adjudicate, defend, opine, prosecute, or settle claims, complaints, lawsuits, or criminal and civil investigations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who contacts OLS for legal services regarding OLS-supported programs (information disclosure, records management, and whistleblower complaints); any individual who is the subject of, or is a witness to, the matter; and OLS employees and contractors who are assigned matters are documented within the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes records created by any individual who submits a request for OLS assistance, or to facilitate assignment, answer, and closure of OIG legal matters or program matters. Information may be obtained from litigation case files, opinion and advice files, OIG mission-related files, OLS program files, correspondence, and records originating from non-OIG sources and submitted to the OIG for OLS action.

RECORD SOURCE CATEGORIES:

The system includes records created by any individual who submits a request for OLS assistance, or to facilitate assignment, answer, and closure of OIG legal matters or program matters. Information may be obtained from litigation case files, opinion and advice files, OIG mission-related files, OLS program files, correspondence, and records originating from non-OIG sources and submitted to the OIG for OLS action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to the disclosures permitted under 5 U.S.C. 522a(b), as well as those contained in the Department's Universal Routine Uses of Records, records and information may be disclosed to other federal inspector general offices, the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and other law enforcement agencies for the purpose of providing assistance to the OIG.

CONGRESSIONAL INQUIRIES DISCLOSURE ROUTINE USE:

The following Universal Routine Use for DOL Privacy Act Systems applies: Disclosure from a system of records maintained by a DOL Agency may be made to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE:

The following Universal Routine Use for DOL Privacy Act Systems applies: To the Department of Justice when: (a) DOL or any component thereof; or (b) any employee of DOL in his or her official capacity; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, DOL determines that the records are both relevant and necessary to the litigation, and the use of such records by the Department of Justice is for a purpose that is compatible with the purpose for which DOL collected the records.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE:

The following Universal Routine Use for DOL Privacy Act Systems applies: A record from a system of records maintained by a DOL Agency may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

PRIVACY ACT ROUTINE USES REQUIRED TO RESPOND TO A BREACH:

(1) To appropriate agencies, entities, and persons when (1) DOL suspects or has confirmed that there has been a breach of the system of records, (2) DOL has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOL (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOL efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(2) To another Federal agency or Federal entity, when DOL determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records are primarily maintained in electronic form, and individual users may retain paper copies.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system of records may be retrieved by a system-generated identifying number or any identifying information of an individual or organization.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the OIG's Records Disposition Schedules applicable to OIG records. Disposition is pending for OLS records. Until the National Archive and Records Administration approves the retention and disposal schedule for these records, treat the records as permanent.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

LISARD is an electronic system with access restricted to authorized personnel, with tiered access rights. All data contained in the system is kept on a secured and restricted non-pubic network. Only authorized OIG employees and contractors can access the web-based system, and the general public does not have access.

RECORD ACCESS PROCEDURES:

A request for access should be mailed to the System Manager and comply with the requirements specified in 29 CFR 71.2.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be mailed to the System Manager, and

should include contact information for the requester. Requests for correction or amendment must identify the record to be changed and the corrective action sought.

NOTIFICATION PROCEDURES:

Inquiries should be mailed to the System Manager and comply with the requirements specified in 29 CFR 71.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

To facilitate legal services and other OLS program support, the new system includes records that may be exempt from certain Privacy Act requirements. Pursuant to 5 U.S.C. 552a(j)(2), the Department may exempt from a limited number of Privacy Act requirements a system of records that is maintained by a component which performs as its primary function any activity pertaining to the enforcement of criminal laws and which consists of information compiled in furtherance of its functions. Additionally, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), through rulemaking, the Department may exempt from a limited number of Privacy Act requirements a system of records which are disclosed to departmental officers and employees with a need for the record, or which contains investigatory materials compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552(j)(2). The OIG will apply to individual records within the system any Privacy Act exemptions which apply to the system(s) from which the relevant record(s) originated. In accordance with 5 U.S.C. 522(r), the Department provided a report to OMB and Congress on this new system.

HISTORY:

None.

Rachana Desai Martin,

Senior Agency Official for Privacy, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Administration and Management, Department of Labor.

[FR Doc. 2021–08343 Filed 4–21–21; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Voluntary Protection Program Information

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 24, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Voluntary Protection Program (VPP) recognizes employers and workers in the private industry and federal agencies who have implemented effective safety and health management systems and maintain injury and illness rates below national Bureau of Labor Statistics averages for their respective industries. In VPP, management, labor, and OSHA work cooperatively and proactively to prevent fatalities, injuries, and illnesses through a system focused on: Hazard prevention and control; worksite analysis; training; and management commitment and worker involvement. OSHA Challenge provides interested employers and workers the opportunity to gain assistance in improving their safety and health management systems. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 23, 2020 (85 FR 84007).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Voluntary Protection Program Information.

OMB Control Number: 1218–0239.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents: 3,903.

Total Estimated Number of Responses: 4,772.

Total Estimated Annual Time Burden: 90,500 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

PRA Senior Analyst.

[FR Doc. 2021–08342 Filed 4–21–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET Laboratories, Inc.: Grant of Expansion of Recognition and Modification to the Nationally Recognized Testing Laboratory (NRTL) Program's List of Appropriate Test Standards

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for MET Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final decision to add two new test

standards to the NRTL Program's List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes effective on April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of MET Laboratories, Inc. (MET), as a NRTL. MET's expansion covers the addition of four test standards to the NRTL scope of recognition, including two test standards that will be added to the NRTL Program's List of Appropriate Test Standards.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details the scope of recognition. These pages are available from the agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

MET submitted four applications, one dated November 6, 2017 (OSHA–2006–0028–0042), two dated April 4, 2018 (OSHA–2006–0028–0043 and OSHA–2006–0028–0044), and a fourth on January 14, 2019 (OSHA–2006–0028–0045) to expand the recognition to include four additional test standards. OSHA staff performed a detailed analysis of the application packets and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to the applications.

OSHA published the preliminary notice announcing MET's expansion applications in the **Federal Register** on January 21, 2021 (86 FR 6368). The agency requested comments by February 5, 2021, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of MET's scope of recognition.

To obtain or review copies of all public documents pertaining to MET's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210. Docket No. OSHA–2006–0028 contains all materials in the record concerning MET's recognition. Please note: Due to the COVID–19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693–2350.

II. Final Decision and Order

OSHA staff examined MET's expansion applications, the capability to meet the requirements of the test standards, and other pertinent information. Based on the review of this evidence, OSHA finds that MET meets the requirements of 29 CFR 1910.7 for expansion of the NRTL scope of recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant MET's scope of recognition. OSHA limits the expansion of MET's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
* UL 61010–2–201	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–201: Particular Requirements for Control Equipment.
UL 61010–2–030	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–030: Particular Requirements for Testing and Measuring Circuits.
UL 61010–031	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 031: Safety Requirements for Hand-Held and Hand-Manipulated Probe Assemblies for Electrical Measurement and Test.
*UL 60335–2–72	Household and Similar Electrical Appliances—Safety—Part 2–72: Particular Requirements for Floor Treatment Machines With or Without Traction Drive, for Commercial Use.

* Indicates standards that OSHA is adding to the NRTL Program's List of Appropriate Test Standards.

In this notice, OSHA also announces the addition of two new test standards to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA has determined that these test standards are appropriate test standards and will include them in the NRTL Program's List of Appropriate Test Standards.

TABLE 2—TEST STANDARDS OSHA IS ADDING TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 61010–2–201	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–201: Particular Requirements for Control Equipment.
UL 60335–2–72	Household and Similar Electrical Appliances—Safety—Part 2–72: Particular Requirements for Floor Treatment Machines With or Without Traction Drive, for Commercial Use.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, MET must abide by the following conditions of the recognition:

1. MET must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in their operations as a NRTL, and provide details of the change(s);
2. MET must meet all the terms of the NRTL recognition and comply with all OSHA policies pertaining to this recognition; and
3. MET must continue to meet the requirements for recognition, including all previously published conditions on MET's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of MET Inc., subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020)), and 29 CFR 1910.7.

Signed at Washington, DC, on April 14, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–08338 Filed 4–21–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET Laboratories, Inc.: Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of MET Laboratories, Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before May 7, 2021.

ADDRESSES: Submit comments by any of the following methods:

Electronically: Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2006–0028). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or contact the OSHA Docket Office. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office.

Extension of comment period: Submit requests for an extension of the comment period on or before May 7, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that MET Laboratories, Inc. (MET), is applying for expansion of the current recognition as a NRTL. MET requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) The type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including MET, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

MET currently has one facility (site) recognized by OSHA for product testing and certification, with the headquarters located at: MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, Maryland 21230. A complete list of MET's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/met.html.*

II. General Background on the Application

MET submitted one application, dated May 11, 2018 (OSHA–2006–0028–0046), to expand the recognition to include one additional test standard. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the appropriate test standard found in MET's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 61010–2–010.	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use Part 2–010: Particular requirements for Laboratory Equipment for the Heating of Materials.

III. Preliminary Findings on the Application

MET submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that MET has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the one test standard for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of MET's applications.

OSHA welcomes public comment as to whether MET meets the requirements of 29 CFR 1910.7 for expansion of the recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0028.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health whether to grant MET's applications for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of the final decision in the **Federal Register.**

IV. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on April 14, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–08337 Filed 4–21–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0026]

Bureau Veritas Consumer Products Services, Inc.: Grant of Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition of Bureau Veritas Consumer Products Services, Inc. (BVCPS) as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Bureau Veritas Consumer Product Services (BVCPS) as a NRTL. BVCPS's expansion covers the addition of two recognized test sites and twenty-one

recognized test standards to the scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

BVCPS currently has one facility (site) recognized by OSHA for product testing and certification, with headquarters located at: Bureau Veritas Consumer Products Services, Inc., One Distribution Circle, Suite #1, Littleton, MA 01460. A complete list of BVCPS's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/csl.html.*

BVCPS submitted an application, dated June 28, 2018 (OSHA–2009–0026–0083), to expand recognition to include the addition of two recognized testing and certification sites. BVCPS amended this application on May 20, 2020, to include the addition of twenty-one recognized test standards. The amended application listed an additional standard, UL 962, which is already included in BVCPS's NRTL scope of recognition and will not be considered in this notice. The first new site is located at: Bureau Veritas Consumer Products Services (H.K.) Ltd. Taoyuan Branch, No. 19, Hwa Ya 2nd Rd., Wen Hwa Vil., Kewi Shan Dist., Taoyuan City, Taiwan. The second new site is located at: LCIE China Company Limited, Building 4, No. 518, Xin Zhuan Road, CaoHejiing Songjiang High-Tech Park, Shanghai 201612 China. OSHA staff performed on-site reviews of BVCPS Shanghai, China's testing facility on February 27–28, 2019 and BVCPS Taoyuan Branch's testing facility on March 5–6, 2019, in which the assessors found some non-conformances with the requirements of 29 CFR 1910.7. BVCPS addressed these non-conformances satisfactorily, and OSHA made a preliminary decision to approve the application.

OSHA published the preliminary notice announcing BVCPS's expansion application in the **Federal Register** on February 23, 2021 (86 FR 11001). The agency requested comments by March 10, 2021, but received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of BVCPS's scope of recognition.

To obtain or review copies of all public documents pertaining to BVCPS's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210. Docket No. OSHA–2009–0026 contains all materials in the record concerning BVCPS's recognition. Please note: Due to the COVID–19 pandemic, the Docket Office is closed to the public at this time but can be contacted at (202) 693–2350.

II. Final Decision and Order

OSHA staff examined BVCPS's expansion application, the capability to meet the requirements of the test standards, and other pertinent information. Based on a review of this evidence, OSHA finds that BVCPS meets the requirements of 29 CFR 1910.7 for expansion of the recognition, subject to the specified limitations, and conditions listed. OSHA, therefore, is proceeding with this final notice to grant BVCPS's scope of recognition. OSHA limits the expansion of BVCPS's recognition to include the sites at Shanghai, China and Taoyuan City, Taiwan, in addition to the testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN BVCPS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 1081	Electric Swimming Pools Pumps, Filters and Chlorinators.
UL 1450	Motor-Operated Air Compressors, Vacuum Pumps and Painting Equipment.
UL 1563	Electric Spas, Equipment Assemblies and Associated Equipment.
UL 60335–2–24	Household Refrigerators and Freezers.
UL 471	Commercial Refrigerators and Freezers.
UL 484	Room Air Conditioners.
UL 60335–2–40	Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers.
UL 778	Motor-Operated Water Pumps.
UL 859	Personal Grooming Appliance.
UL 867	Electrostatic Air Cleaners.
UL 1598C	Light Emitting Diode (LED) Retrofit Luminaire Conversion Kit.
UL 1838	Low Voltage Landscape Lighting Systems.
UL 2108	Low Voltage Lighting Systems.
UL 60745–2–13	Particular Requirements for Chain Saws.
UL 60745–2–14	Particular Requirements for Planers.
UL 60745–2–15	Particular Requirements Hedge Trimmers.
UL 60745–2–16	Particular Requirements for Tackers.
UL 60745–2–17	Particular Requirements for Routers and Trimmers.
UL 60745–2–22	Particular Requirements for Cut-Off Machines.
UL 60745–2–8	Particular Requirements for Shears and Nibblers.
UL 60745–2–9	Particular Requirements for Tappers.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, BVCPS must abide by the following conditions of the recognition:

1. BVCPS must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. BVCPS must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. BVCPS must continue to meet the requirements for recognition, including all previously published conditions on BVCPS's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of BVCPS, subject to the limitations and conditions specified above.

IV. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 655(6)(d), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1905.11.

Signed at Washington, DC, on April 14, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–08340 Filed 4–21–21; 8:45 am]

BILLING CODE 4510–26–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 21–04]

Proposed Agency Information Collection Request; Comment Request; Restricted Data Use Application

AGENCY: Millennium Challenge Corporation.

ACTION: 60-Day notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Millennium Challenge Corporation (MCC) invites public comment on a new proposed information collection request that the agency will submit to the Office of Management and Budget (OMB) for approval. This document describes the collection of information for which the MCC intends to seek OMB approval. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection request to OMB.

DATES: Comments are due by June 21, 2021.

ADDRESSES: Please send all written comments by email to James Porter, Chief Information Officer, *pra@mcc.gov.* Because of the coronavirus pandemic, written comments are not being received by mail or fax.

FOR FURTHER INFORMATION CONTACT: James Porter, Chief Information Officer, MCC, *pra@mcc.gov,* 202–521–3716.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for MCC's performance; (b) the accuracy of the estimated burden of the proposed collection; (c) ways for MCC to enhance the quality, utility, and clarity of the information to be collected; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection and your comments will become a matter of public record.

Title of Information Collection: MCC Restricted Data Use Application.

OMB Control Number: Not assigned.

Type of Review: A new information collection.

Respondents/Affected Public: Researchers, including university and college faculty and students, who will use this data for statistical analysis.

Total Estimated Number of Respondents: Approximately 50 new respondents are expected annually to access MCC-funded restricted data.

Frequency: One application for each restricted data package for which access is requested by a respondent.

Estimated Average Burden per Response: 90 minutes.

Estimated Total Annual Burden: 4500 hours total.

Estimated Total Annual Cost to Public: There are no costs to respondents other than their time.

Respondents' Obligation: Voluntary reply.

Abstract: MCC is committed to providing public access to high-value data collected as part of the development, implementation, and evaluation of MCC-funded assistance programs, while being equally committed to protecting the confidentiality of individuals and organizations from which the data are collected. To achieve these twin aims, MCC publishes de-identified public use files of microdata on its website through the MCC Evaluation Catalog. In addition, MCC plans to make restricted data files available in cases where the de-identification efforts for public use files would significantly impair the analytic potential of the data, or where the data contain highly sensitive information that cannot be shared as a public-use file. However, access to restricted data will only be granted to users who meet eligibility criteria and agree to terms of access established by MCC, including agreeing to follow strict requirements for maintaining data confidentiality. The MCC Restricted Data Use Application collects information that will be used by MCC and its data steward, the University of Michigan's Interagency Consortium for Political and Social Research (ICPSR), to evaluate whether respondents qualify for access to MCC's restricted data. The application, which will be submitted electronically, requires the provision of specific information by the respondent, such as (i) the name, contact information, and CV/Resume/Biosketch for each person that will access the restricted data, (ii) a research proposal describing the need for the data and how it will be used, (iii) evidence of Institutional Review Board approval or

exemption of the research proposal, and (iv) a signed restricted data use agreement.

(Authority: Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)

Dated: April 16, 2021.

Thomas G. Hohenthaner,

Acting VP/General Counsel and Corporate Secretary.

[FR Doc. 2021–08289 Filed 4–21–21; 8:45 am]

BILLING CODE 9211–03–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of April 26, May 3, 10, 17, 24, 31, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of April 26, 2021

Wednesday, April 28, 2021

2:30 p.m. Affirmation Session (Public Meeting) (Tentative); Holtec International (HI–STORE Consolidated Interim Storage Facility), Fasken Land and Minerals Appeal of LBP–20–10 and Motion to Reopen (Tentative); (Contact: Wesley Held: 301–287–3591)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode may be found at *https://www.nrc.gov/pmns/mtg.*

Week of 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/.*

Week of May 31, 2021—Tentative

There are no meetings scheduled for the week of May 31, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* Braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: April 20, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–08552 Filed 4–20–21; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–85 and CP2021–88]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 26, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. Docket No(s).: MC2021–85 and CP2021–88; Filing Title: USPS Request to Add Priority Mail Contract 695 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: April 16, 2021; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Curtis E. Kidd; Comments Due: April 26, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–08369 Filed 4–21–21; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 15, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 694 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–84, CP2021–87.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–08298 Filed 4–21–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 13, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 693 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–83, CP2021–86.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–08297 Filed 4–21–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 6, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 692 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–82, CP2021–85.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–08296 Filed 4–21–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 16, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 695 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–85, CP2021–88.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–08299 Filed 4–21–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 5, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 691 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–81, CP2021–84.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–08295 Filed 4–21–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 5, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express Contract 88 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–80, CP2021–83.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–08294 Filed 4–21–21; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. *Title and purpose of information collection:* Claimant Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act; OMB 3220–0007.

Under Section 7(b)(3) of the Railroad Retirement Act (RRA) (45 U.S.C. 231f), and Section 5(c) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 355) any person aggrieved by a decision made by an office of the RRB on his or her application for an annuity or benefit under those Acts has the right to appeal to the RRB. This right is prescribed in 20 CFR 260 and 20 CFR 320. The notification letter, which is provided at the time of filing the original application, informs the applicant of such right. When an applicant protests a decision, the concerned RRB office reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that to protest further, they can appeal to the RRB's Bureau of Hearings and Appeals. The appeal process is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

To file a request for an appeal the applicant must complete Form HA–1, Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act. The form asks the applicant to explain the basis for their request for an appeal and, if necessary, to describe any additional evidence they wish to submit in support of the appeal. Completion is voluntary, however, if the information is not provided the RRB cannot process the appeal. The RRB proposes minor changes to Form HA–1 to the reference citation and minor grammar on page 2.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
HA–1	550	20	183

2. *Title and purpose of information collection:* Application for Benefits Due But Unpaid at Death; OMB 3220–0055.

Under Section 2(g) of the Railroad Unemployment Insurance Act (45 U.S.C. 352), benefits that accrued but were not paid because of the death of the employee shall be paid to the same individual(s) to whom benefits are payable under Section 6(a)(1) of the Railroad Retirement Act. The provisions relating to the payment of such benefits are prescribed in 20 CFR 325.5 and 20 CFR 335.5.

The RRB provides Form UI–63, Application for Benefits Due But Unpaid at Death, to those applying for the accrued sickness or unemployment benefits unpaid at the death of the employee and for obtaining the information needed to identify the proper payee. One response is requested of each respondent. Completion is required to obtain a benefit. The RRB proposes no changes to Form UI–63.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
UI–63	24	7	3

3. *Title and purpose of information collection:* Medicare; OMB 3220–0082.

Under Section 7(d) of the Railroad Retirement Act (RRA) (45 U.S.C. 231f), the Railroad Retirement Board (RRB) administers the Medicare program for persons covered by the railroad retirement system. The RRB uses Form AA–6, Employee Application for Medicare; Form AA–7, Spouse/Divorced Spouse Application for Medicare; and Form AA–8, Widow/Widower Application for Medicare; to obtain the information needed to determine whether individuals who have not yet filed for benefits under the RRA are qualified for Medicare payments

provided under Title XVIII of the Social Security Act.

Further, in order to determine if a qualified railroad retirement beneficiary who is claiming supplementary medical insurance coverage under Medicare is entitled to a Special Enrollment Period (SEP) and/or premium surcharge relief because of coverage under an Employer Group Health Plan (EGHP), the RRB needs to obtain information regarding the claimant's EGHP coverage, if any. The RRB uses Form RL–311–F, Evidence of Coverage Under An Employer Group Health Plan, to obtain the basic information needed to establish EGHP coverage for a qualified railroad retirement beneficiary.

Completion of the forms is required to obtain a benefit. One response is requested of each respondent. The RRB proposes no changes to the forms AA–6, AA–7, or AA–8. The RRB proposed the following changes to Form RL–311–F:

- Add the option to return the form by facsimile.
- Changed question 4 to replace working with employed, add an employment start date for the employee, and add additional instructions.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–6	180	8	24
AA–7	50	8	7
AA–8	10	8	1
RL–311–F	2,000	10	333
Total	2,240		365

4. *Title and purpose of information collection:* Request to Non-Railroad Employer for Information About Annuitant's Work and Earnings; OMB 3220–0107.

Under Section 2 of the Railroad Retirement Act (RRA) (45 U.S.C. 231a), a railroad employee's retirement annuity or an annuity paid to the spouse of a railroad employee is subject to work deductions in the Tier II component of the annuity and any employee supplemental annuity for any month in which the annuitant works for a Last Pre-Retirement Non-Railroad Employer (LPE). The LPE is defined as the last person, company, or institution, other than a railroad employer, that employed an employee or spouse annuitant. In addition, the employee, spouse, or divorced spouse Tier I annuity benefit is subject to work deductions under Section 2(f)(1) of the RRA for earnings from any non-railroad employer that are over the annual exempt amount. The regulations pertaining to non-payment of annuities by reason of work and LPE are contained in 20 CFR 230.1 and 230.2.

The RRB utilizes Form RL–231–F, Request to Non-Railroad Employer for Information About Annuitant's Work and Earnings, to obtain the information needed to determine if a work deduction should be applied because an annuitant worked in non-railroad employment after the annuity beginning date. One response is requested of each respondent. Completion is voluntary. The RRB proposes no changes to Form RL–231–F.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
RL–231–F	300	30	150

5. *Title and purpose of information collection:* Annual Earnings Questionnaire for Annuitants in Last Pre-Retirement Non-Railroad Employment; OMB 3220–0179.

Under Section 2(e)(3) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a), an annuity is not payable for any month in which a beneficiary works for a railroad. In addition, an annuity is reduced for any month in which the beneficiary works for an employer other than a railroad employer and earns more than a prescribed amount. Under the 1988 amendments to the RRA, the Tier II portion of the regular annuity and any supplemental annuity must be reduced by one dollar for each two dollars of Last Pre-Retirement Non-Railroad Employment (LPE) earnings for each month of such service. However, the reduction cannot exceed 50 percent of the Tier II and supplemental annuity amount for the month to which such deductions apply. The LPE generally refers to an annuitant's last employment with a non-railroad person, company, or institution prior to retirement, which was performed at the same time as railroad employment or after the annuitant stopped railroad employment. The collection obtains earnings information needed by the RRB to determine if possible reductions in annuities are in order due to LPE.

The RRB utilizes Form G–19L, *Annual Earnings Questionnaire,* to obtain LPE earnings information from annuitants. One response is requested of each respondent. Completion is required to retain a benefit. The RRB proposes no changes to Form G–19L.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–19L	300	15	75

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian D. Foster,

Clearance Officer.

[FR Doc. 2021–08300 Filed 4–21–21; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91593; File No. SR–CboeBYX–2021–010]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend its Fees Schedule

April 16, 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 12, 2021, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') 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 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 BYX Exchange, Inc. (the ''Exchange'' or ''BYX'' or ''BYX Equities'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to decrease the standard liquidity removing rebate and eliminate the Step-Up Tiers provided under footnote 2. The Exchange proposes to implement the proposed change to its Fee Schedule on April 1, 2021.[4]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange has more than 16% of the market share.[5] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Taker-Maker'' model whereby it pays credits to members that remove liquidity and assesses fees to those that add liquidity. The Exchange's Fees Schedule sets forth the standard rebates and rates applied per share for orders that remove and provide liquidity, respectively. Particularly, for securities at or above $1.00, the Exchange provides a standard rebate of $0.00050 per share for orders that remove liquidity and assesses a fee of $0.00200 per share for orders that add liquidity. For orders priced below $1.00, the Exchange does not assess a fee or provide a rebate for orders that add liquidity and assesses a fee of 0.10% of total dollar value for orders that remove liquidity. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue 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 trade on competing venues if they deem pricing levels at those other venues to be more favorable.

As stated above, the Exchange currently provides a standard rebate of $0.00050 per share for liquidity removing orders (*i.e.,* those yielding fee codes N,[6] W,[7] and BB [8]) in securities priced at or above $1.00. Orders in securities priced below $1.00 that remove liquidity are assessed a fee of 0.10% of the total dollar value. The Exchange now proposes to decrease the current standard rebate of $0.00050 per share to $0.00020 per share for orders that remove liquidity for securities priced at or above $1.00. Orders that remove liquidity in securities priced below $1.00 would continue to be assessed a fee of 0.10% of the total dollar value. Although this proposed standard rebate for liquidity removing orders is lower than the current base rate for such orders, other taker-maker exchanges charge a fee for firms removing liquidity that do not meet certain volume thresholds.[9]

The tiered pricing models set forth in footnote 2 of the Fee Schedule (Step-Up Tiers) provide Members an opportunity to qualify for a reduced fee on their orders that add liquidity where they increase their relative liquidity each month over a predetermined baseline.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange initially filed the proposed fee changes April 1, 2021 (SR–CboeBYX–2021–007). On April 12, 2021, the Exchange withdrew that filing and submitted this proposal.

[5] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (March 30, 2021), available at *https://markets.cboe.com/us/equities/market_statistics/.*

[6] Orders yielding Fee Code ''N'' are orders removing liquidity from BYX (Tape C).

[7] Orders yielding Fee Code ''W'' are orders removing liquidity from BYX (Tape A).

[8] Orders yielding Fee Code ''BB'' are orders removing liquidity from BYX (Tape B).

[9] *E.g.,* the Nasdaq BX offers rebates ranging from $0.0009 to $0.0018 to firms reaching certain adding and removing liquidity volume thresholds; however, it charges a fee of $0.0007 to firms removing liquidity that do not reach the adding and removing volume thresholds. *See http://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2.*

Tier 1 of the Step-Up Tiers provides a reduced fee of $0.0016 per share to a Member that has a Step-Up Add TCV [10] from December 2019 equal to or greater than 0.05%. The Exchange now proposes to eliminate the Step-Up Tiers and reserve footnote 2. The Exchange no longer wishes to, nor is it required to, maintain such a tier and therefore proposes to eliminate the Step-Up Tier from the Fee Schedule. Specifically, the proposed rule change removes this tier as the Exchange would rather redirect resources and funding into other programs and tiers intended to incentivize increased order flow. As a result of the proposed change, the Exchange also proposes to eliminate references to footnote 2 from fee codes B,[11] V,[12] and Y.[13]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[14] in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5),[15] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members, issuers and other persons using its facilities. The Exchange 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 changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

In particular, the Exchange believes that the proposed amendment to reduce the standard liquidity removing rebate is reasonable, equitable and non-discriminatory because the proposed change represents a rebate decrease and such rebates are equally applicable to liquidity removing orders and thus are also equally applicable to all Members of the Exchange. Additionally, the proposed rebate for liquidity removing orders are still higher than rebates offered at other exchanges for similar transactions.[16]

The Exchange also believes the proposed amendment to remove the Step-Up Tier is reasonable because no Member has achieved this tier in several months. Furthermore, the Exchange is not required to maintain this tier and as discussed, Members still have a number of other opportunities and a variety of ways to receive reduced fees, including the including existing Tiers 1 through 5 of the Add/Remove Volume Tiers. The Exchange believes the proposal to eliminate the Step-Up Tier is also equitable and not unfairly discriminatory because it applies to all Members.

As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several taker-maker exchanges. Competing equity exchanges offer similar rates and tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

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. Particularly, the proposed changes apply to all liquidity removing orders equally, and thus apply to all Members equally. Additionally, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purpose of the Act.

As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% of the market share.[17] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [18] 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'. . . .''.[19] Accordingly, the Exchange does not believe its proposed fee changes impose 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) [20] of the Act and paragraph (f) of Rule 19b–4 [21] 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

[10] ''Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV.

[11] Orders yielding Fee Code ''B'' are orders adding liquidity to BYX (Tape B).

[12] Orders yielding Fee Code ''V'' are orders adding liquidity to BYX (Tape A).

[13] Orders yielding Fee Code ''Y'' are orders adding liquidity to BYX (Tape C).

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] *Supra* note 7[sic].

[17] *Supra* note 3[sic].

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[19] 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)).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(2).

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–CboeBYX–2021–010 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–2021–010. 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–2021–010, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 2021–08309 Filed 4–21–21; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91599; File No. SR–NYSEAMER–2021–21]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Amend the Schedule of Wireless, Circuits, and Non-Colocation Connectivity Services Available at the Mahwah Data Center

April 16, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 9, 2021, NYSE American LLC (''NYSE American'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the schedule of wireless, circuits, and non-colocation connectivity services available at the Mahwah data center (the ''Fee Schedule'') to add services available to customers in the meet me rooms in the Mahwah data center and procedures for the allocation of cabinets and power to such customers. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 Exchange proposes to amend the Fee Schedule to add services available to customers in the two meet me rooms on the north and south sides of the Mahwah data center (''MMRs'') and procedures for the allocation of cabinets and power to MMR customers.

The Exchange makes the current proposal solely as a result of its determination that the Commission's recent interpretations of the Act's definitions of the terms ''exchange'' and ''facility,'' as expressed in the Wireless Approval Order,[4] apply to the connectivity services described herein that are offered by entities other than the Exchange. The Exchange disagrees with the Commission's interpretations, denies the services covered herein (and in the Wireless Approval Order) are offerings of an ''exchange'' or a ''facility'' thereof, and has sought review of the Commission's interpretations, as expressed in the Wireless Approval Order, in the Court of Appeals for the District of Columbia Circuit.[5] Pending resolution of such appeal, however, the Exchange is making this proposed rule change in recognition that the Commission's current interpretation brings certain offerings of the Exchange's affiliates into the scope of the terms ''exchange'' or ''facility.''

Background

Through its ICE Data Services (''IDS'') business, Intercontinental Exchange,

[4] *See* Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044 (October 21, 2020) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order'').

[5] *Intercontinental Exchange, Inc.* v. *SEC,* No. 20–1470 (D.C. Cir. 2020).

Inc. (''ICE'')[6] operates a data center in Mahwah, New Jersey (the ''Mahwah Data Center''), from which the Exchange provides co-location services to any market participant that requests to receive co-location services directly from the Exchange (''Users'').[7] Services are also available to customers that are not colocation Users (''NCL Customers'' and, together with Users, ''Mahwah Customers'').

Mahwah Customers require circuits connecting into and out of the Mahwah Data Center in order to connect their equipment outside of the Mahwah Data Center to their equipment or port within the Mahwah Data Center. IDS and numerous third-party telecommunications service providers offer these connections to the Mahwah Customers in the form of wired circuits[8] into and out of the Mahwah Data Center.

A third-party telecommunications service provider that provides wired circuits into and out of the Mahwah Data Center (a ''Telecom'')[9] completes a circuit by placing equipment in a MMR and installing carrier circuits between its MMR equipment and one or more points outside the Mahwah Data Center.[10] Mahwah Customers that have contracted with the Telecom to use the circuit connect to the Telecom's MMR equipment using a cross connect. Once connected to the Telecom's equipment, the Mahwah Customers can use the Telecom's circuit to transport data into and out of the Mahwah Data Center.

In addition, a Telecom may sell access to its circuits to a second Telecom, which allows the second Telecom to use the first Telecom's circuit to access the Mahwah Data Center. In this way, the second Telecom gains access to the Mahwah Data Center, where it installs its equipment in an MMR, without incurring the cost of installing its own proprietary circuits to the Mahwah Data Center. IDS does not consent to, and need not be informed of, a Telecom's sale of a circuit to another Telecom.

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. If the MMR services were not available, IDS circuits would be the only option for all Mahwah Customers and third-party telecommunications service providers.

MMR Services

The Exchange proposes to add change the title of the Fee Schedule to ''Wireless and Meet-Me-Room Connectivity Fees and Charges'' and add the following MMR services and fees to the end of the Fee Schedule, under the heading ''C. Meet-Me-Room ('MMR') Services.''[11]

Cabinet-Related Services

The Exchange proposes to add the following services and fees relating to the cabinets that IDS provides to Telecoms for them to set up their servers in the MMRs (collectively, the ''Cabinet-Related Services''). The Cabinet-Related Services are substantially similar to co-location services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in their price lists and fee schedules (the ''Affiliate SRO Price Lists'').[12]

Initial Fee per MMR Cabinet and MMR Monthly Fee for Cabinets: IDS offers Telecoms dedicated cabinets in the MMRs to house their equipment. The cabinets come in sizes based on the number of kilowatts (''kW'') allocated, subject to a maximum of 8 kW per cabinet. Telecoms pay an initial fee for each cabinet and a monthly fee based on the number of kW allocated to all the Telecom's cabinets.[13] To indicate how the fee is calculated, the Exchange proposes to add a note stating that the monthly fee is based on total kWs allocated to all of a Telecom's cabinets.

The Exchange proposes to add the following fees and language to the Fee Schedule for the Cabinet-Related Services:

Initial Fee per MMR Cabinet:	
Dedicated Cabinet of up to 8 kW	$5,000
MMR Monthly Fee for Cabinets:	
Monthly fee is based on total kWs allocated to all of a Telecom's cabinets	
Number of kWs	*Monthly fee per kW*
4–8	$1,200
9–20	1,050
21–40	950
41+	900

Access and Service Fees

The Exchange proposes to add the following services and fees relating to the access and services IDS provides to Telecoms (collectively, the ''Access and Service Fees'') to the Fee Schedule. Most of the Access and Service Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[14]

Data Center Fiber Cross Connect: IDS offers fiber cross connects for an initial and monthly charge. Cross connects may run between a Telecom's cabinets, between its cabinet and the cabinet of another Telecom, or between its cabinet and its customer's cabinet or port.[15] Cross connects may be bundled (*i.e.,* multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or six cross connects.

Conduit Sleeve Fee: A Telecom's circuits into and out of the Mahwah Data Center run through IDS conduits.

[6] The Exchange is an indirect subsidiary of ICE and is an affiliate of New York Stock Exchange LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–25, SR–NYSEArca–2021–24, SR–NYSECHX–2021–07, and SR–NYSENAT–2021–09.

[7] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSEAmex–2010–80).

[8] A Mahwah Customer may use a third party wireless connection, including a proprietary wireless connection, to the Mahwah Data Center. In such a case, the portion of the connection closest to the Mahwah Data Center is wired.

[9] Telecoms are licensed by the Federal Communications Commission (''FCC'') and are not required to be, or be affiliated with, a member of the Exchange or of an Affiliate SRO.

[10] Neither IDS nor the Exchange knows the termination point of a Telecom's circuit or the content of any data sent on a circuit. A Telecom elects which MMR it will use, or if it will use both.

[11] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* Securities Exchange Act Release No. 91218 (February 26, 2021), 86 FR 12744 (March 4, 2021) (SR–NYSEAmer–2021–10). If such filing is approved by the Commission, the Exchange expects to file an amendment to the present filing to conform to the relevant changes.

[12] *See* ''Co-Location Fees'' in ''New York Stock Exchange Price List 2021'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf;* ''NYSE American Equities Price List'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf;* ''NYSE American Options Fee Schedule'' at *https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf;* ''NYSE Arca Equities Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf;* ''NYSE Arca Options Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf;* ''Fee Schedule of NYSE Chicago, Inc.'' at *https://www.nyse.com/publicdocs/nyse/NYSE_Chicago_Fee_Schedule.pdf;* and ''NYSE National, Inc. Schedule of Fees and Rebates'' at *https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf.*

[13] For example, a Telecom that had two cabinets with a total power allocation of 12 kW would have a monthly charge of $1,200 per kW for the first eight kW and $1,050 per kW for the next four kW (between 9 kW and 12 kw), for a total of $13,800, irrespective of how it divided the 12 kW between its cabinets.

[14] *See* note 12, *supra.*

[15] A cross connect to MMR cabinets may be purchased by the Telecom or the Telecom's customer. The same fee applies irrespective of which entity purchases the cross connect.

There are currently three IDS conduit paths leading into the Mahwah Data Center. A Telecom determines which conduit or conduits it will use to carry its circuits, which are carried in individual conduit sleeves. The Telecom is charged an initial charge for the installation of circuits in the IDS conduit, which covers up to five hours of work, and a monthly fee per conduit sleeve for using the IDS conduit.[16]

Carrier Connection Fee: Telecoms contract with their customers for circuits into and out of the Mahwah Data Center. A Telecom is charged a monthly fee for providing such circuits to Mahwah Customers, on a per connection basis.

Connection to Time Protocol Feed: IDS offers Telecoms the option to purchase connectivity to the Precision Time Protocol, with monthly and initial charges. Telecoms may make use of time feeds to receive time and to synchronize clocks between computer systems or throughout a computer network, and time feeds may assist Telecoms in other functions, including record keeping or measuring response times.

Expedite Fee: IDS offers Telecoms the option to expedite the completion of MMR services purchased or ordered by the Telecoms, for which the Exchange charges an ''Expedite Fee.''

The Exchange proposes to add the following fees and language to the Fee Schedule:

Type of service	Description	Amount of charge
Data Center Fiber Cross Connect	Furnish and install 1 cross connect	$500 initial charge plus $600 monthly charge.
	Furnish and install bundle of 6 cross connects	$500 initial charge plus $1,800 monthly charge.
Conduit Sleeve Fee	Install (5 hrs) and maintain conduit sleeve supporting Telecom circuit into data center.	$1,000 initial charge plus $2,000 monthly charge per conduit sleeve.
Carrier Connection Fee	Maintain Telecom's connections to its non-Telecom data center customers.	$1,150 monthly charge per connection.
Connection to Time Protocol Feed	Precision Time Protocol	$1,000 initial charge plus $250 monthly charge.
Expedite Fee	Expedited installation/completion of MMR service.	$4,000 per request.

Service-Related Fees

The Exchange proposes to add the following services and fees relating to services IDS provides to Telecoms (collectively, the ''Service-Related Fees'') to the Fee Schedule. The Service-Related Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[17]

Change Fee: IDS charges a Telecom a ''Change Fee'' if the Telecom requests a change to one or more existing MMR services that IDS has already established or completed for the Telecom. The Change Fee is charged per order. If a Telecom orders two or more services at one time (for example, through submitting an order form requesting multiple services) the Telecom is charged a one-time Change Fee, which would cover the multiple services.

Hot Hands Service: IDS offers Telecoms a ''Hot Hands Service,'' which allows Telecoms to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack a server in a Telecom's cabinet, power recycling, and install and document the fitting of cable in a Telecom's cabinet(s). The Hot Hands fee is charged per half hour.

Shipping and Receiving: IDS offers shipping and receiving services to Telecoms, with a per shipment fee for the receipt of one shipment of goods at the Mahwah Data Center from the Telecom or supplier.

Visitor Security Escort: Telecom representatives are required to be accompanied by a visitor security escort during visits to the Mahwah Data Center. A fee per visit is charged.

To reflect the above IDS services and fees, the Exchange proposes to add the following to the Fee Schedule:

Type of service	Description	Amount of charge
Change Fee	Change to a service that has already been installed/completed for a Telecom.	$950 per request.
Hot Hands Service	Allows Telecom to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack, power recycling, and install and document cable.	$100 per half hour.
Shipping and Receiving	Receipt of one shipment of goods at data center on behalf of Telecom (includes coordination of shipping and receiving).	$100 per shipment.
Visitor Security Escort	All Telecom representatives are required to be accompanied by a visitor security escort during visits to the data center.	$75 per visit.

Allocation of Cabinets and Power

The Exchange proposes to establish procedures for the allocation of cabinets and power to Telecoms. The Exchange believes it would be prudent to have procedures in place for the allocation of cabinets and power to Telecoms (''Proposed Procedures''), should such allocation be necessary. The Exchange proposes to add the Proposed

[16] The number of conduit sleeves a Telecom uses is dependent on the equipment and technology it uses and the size of the circuits it sells to Mahwah Customers. Most Telecoms that use them have one conduit sleeve.

[17] *See* note 12, *supra.*

Procedures to the Fee Schedule under the heading ''MMR Notes.''

As noted above, IDS offers dedicated cabinets in the MMRs to Telecoms to house their equipment. A Telecom pays an initial fee for each cabinet and a monthly fee based on the number of kW allocated to the Telecom's cabinets. The Exchange allocates cabinets on a first-come/first-serve basis.

A Telecom may request power upgrades to a dedicated cabinet in addition to the power allocated to such cabinet (the ''Standard Cabinet Power''), subject to a maximum of 8 kW per cabinet. A Telecom may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later.[18] A Telecom with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the Telecom would not need an additional cabinet.

The Proposed Procedures would be set forth in Notes 1 and 2. Note 1 would provide that, if the amount of power or cabinets available fell below specified thresholds, Telecoms would be subject to purchasing limits. Note 1 would also specify when the purchasing limits would cease to apply and would provide that if a Telecom requests a number of cabinets and/or amount of Additional Power that would cause the unallocated capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the Telecoms's order below the relevant threshold.[19]

Note 2 would provide that, if the amount of power or cabinets available fell to zero, Telecoms seeking to purchase power or cabinets would be put on a waitlist. In both Notes 1 and 2, the Proposed Procedures would also state how the procedures regarding cabinets and the procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits.

Proposed MMR Note 1

The Exchange proposes to add the following under the heading ''Note 1: Cabinet and Power Purchasing Limits'':

If (i) unallocated cabinet inventory is at or below 3 cabinets (''Cabinet Threshold''), or (ii) the unallocated power capacity in the MMRs is at or below 8 kW (the ''Power Threshold''), the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

- The Exchange will limit each Telecom's purchase of new cabinets to a maximum of one dedicated cabinet.
- If a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 3 cabinets, the Cabinet Limits will only apply to the portion of the Telecom's order below the Cabinet Threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new cabinet again.
- When unallocated cabinet inventory for the MMRs is more than 3 cabinets, the Exchange will discontinue the Cabinet Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

- A Telecom may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 4 kW:

a. One new cabinet, subject to a maximum standard power allocation of 4 kW (''Standard Cabinets'').

b. Additional power for new or existing cabinets.

- If a Telecom requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the Telecom's order below the relevant threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new Standard Cabinet or additional power again.
- When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Limits would enter into effect.

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed MMR Note 2

The Exchange proposes to add the following under the heading ''Note 2: Cabinet and Combined Waitlists'':

a. Cabinet Waitlist. The Exchange will create a cabinet waitlist (''Cabinet Waitlist'') if the available cabinet inventory is zero, or a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Telecoms seeking cabinets on a Cabinet Waitlist, as follows:

- A Telecom will be placed on the Cabinet Waitlist based on the date its signed order is received. A Telecom may only have one order for a new cabinet on the Cabinet Waitlist at a time, and the order is subject to the Cabinet Limits. If a Telecom changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Cabinet Limits.
- As cabinets become available, the Exchange will offer a cabinet to the Telecom at the top of the Cabinet Waitlist. If the Telecom's order is completed, it will be removed from the Cabinet Waitlist.
- A Telecom will be removed from the Cabinet Waitlist (a) at the Telecom's request or (b) if the Telecom turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the Telecom a cabinet of a different size than the Telecom requested in its order, the Telecom may turn down the offer and remain at the top of the Cabinet Waitlist until its order is completed.
- A Telecom that is removed from the Cabinet Waitlist but subsequently submits a new written order for a cabinet will be added back to the bottom of the Cabinet Waitlist.
- When unallocated cabinet inventory is more than 3 cabinets, the Exchange will cease use of the Cabinet Waitlist.

[18] For example, a Telecom with a 4 kW cabinet may purchase an additional 1 kW of Additional Power. It would then have a cabinet with 5 kW of power. It could not, however, purchase more than 4 kW of Additional Power, as that would take the cabinet to above 8 kW. The smallest Standard Cabinet Power is 4 kW.

[19] For example, if there was 10 kW unallocated power capacity in the MMR and a Telecom requested to purchase cabinets and Additional Power that would, together, total 9 kW, the purchasing limits in MMR Note 1 would not apply to the Telecom's purchase of the first 2 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the Telecom's purchase of additional cabinets and Additional Power. In all, the Telecom would be permitted to purchase a total of 6 kW out of its original order of 9 kW. The Telecom could choose whether the 6 kW was in the form of cabinets, Additional Power, or both.

b. Combined Waitlist. The Exchange will create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a Telecom requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange will place Telecoms seeking cabinets or power on the Combined Waitlist, as follows:

- If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.
- A Telecom will be placed on the Combined Waitlist based on the date its signed order for a cabinet and/or additional power is received. A Telecom may only have one order for a new cabinet and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a Telecom changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Combined Limits.
- As additional power and/or cabinets become available, the Exchange will offer them to the Telecom at the top of the Combined Waitlist. If the Telecom's order is completed, the order will be removed from the Combined Waitlist. If the Telecom's order is not completed, it will remain at the top of the Combined Waitlist.
- A Telecom will be removed from the Combined Waitlist (a) at the Telecom's request; or (b) if the Telecom turns down an offer that is the same as its order (*e.g.,* the offer includes a cabinet of the same size and/or the amount of additional power that the Telecom requested in its order). If the Exchange offers the Telecom an offer that is different than its order, the Telecom may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.
- A Telecom that is removed from the Combined Waitlist but subsequently submits a new written order for a cabinet and/or additional power will be added back to the bottom of the waitlist.
- If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 8 kW or more, the Exchange will cease use of the Combined Waitlist. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Waitlist would enter into effect.

Application and Impact of the Proposed Changes

The existing Telecoms are currently subject to the described services and fees. Accordingly, the Exchange expects that if it is approved, the impact of the proposed change would be minimal.

The proposed change applies to all market participants and does not apply differently to distinct types or sizes of licensed telecommunications service providers. Rather, it applies to all equally.

Use of the services proposed in this filing is completely voluntary and available to all market participants on a non-discriminatory basis.

Competitive Environment

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each market participant considering whether to purchase a circuit can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

The Exchange understands that most of the Telecoms that provide circuits do so at fees lower than those of IDS, and that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits if they wanted access to the Mahwah Data Center, thereby reducing competition.[20]

The Exchange does not expect that IDS would attract any new customers as a result of the proposed change.

IDS operates in a highly competitive market in which exchanges, third party telecommunications providers, Hosting Users,[21] and other third-party vendors offer connectivity services as a means to facilitate the trading and other market activities of market participants. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and 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.'' [22]

The proposed changes are not otherwise intended to address any other issues relating to services related to the Mahwah Data Center and/or related fees, and the Exchange is not aware of any problems that market participants would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] 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 mechanism 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 further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[25] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market

[20] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* note 11, *supra.*

[21] ''Hosting'' is a service offered by a User to another entity In the User's space within the Mahwah Data Center. The Exchange allows Users to act as Hosting Users for a monthly fee. *See* Securities Exchange Act Release No. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67).

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78f(b)(4).

system and, in general, protect investors and the public interest, for the following reasons.

The Exchange believes that the proposed rule change is reasonable because, by making it possible for Telecoms to continue to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits to access the Mahwah Data Center, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

Use of any MMR service is completely voluntary. Each third-party telecommunications provider is able to determine whether to use MMR services based on the requirements of its business operations, and each Mahwah Customer is able to determine whether to use Telecom or IDS services based on the requirements of their business operations.

The Exchange believes that the proposed rule change is reasonable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis. All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed fees are reasonable because, to the extent the services IDS offers to Telecoms are substantially the same as the services offered by the Exchange to Users, the fees are the same. With respect to the two services not offered to Users, the Conduit Sleeve Fee and Carrier Connection Fee, the Exchange believes the fees IDS charges Telecoms are reasonable because the services correspond to the Telecoms' usage of the IDS conduits and the Telecoms' ability to offer their circuits to their customers. The Exchange believes the proposed fees are reasonable because to offer the MMRs, IDS must provide, maintain and operate the Mahwah Data Center technology infrastructure, including the installation, monitoring, support, and maintenance of the MMR services. Also in connection with providing the MMR services, IDS needs to expand the network infrastructure to keep pace with the services available to Telecoms, including any increasing demand for bandwidth and conduit space, and to establish any additional administrative controls. Finally, IDS has to handle the installation, administration, monitoring, support and maintenance of the MMR services, including by responding to any production issues.

The Exchange believes that IDS's fees for different MMR services are reasonable because not all Telecoms need, or choose, to utilize the same services. The variety of services offered by IDS, particularly with respect to cabinets and power, allows Telecoms to select which services to use, based on their business needs, and Telecoms are only charged for the services that they select. By charging only those Telecoms that utilize a service, those Telecoms that directly benefit from a service support it.

The Exchange believes the proposed MMR Notes 1 and 2 are reasonable because it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis.

The Exchange believes that it is reasonable that, if a shortage in power or in both power and cabinets should arise, the Proposed Procedures would address the allocation of both power and cabinets, as the Exchange would not be able to provide cabinets if no power were available. If Telecoms purchased sufficient Additional Power to trigger the Combined Waitlist, the Exchange would be unable to provide Telecoms with cabinets, even if it did not have a shortage in cabinets, because cabinets come with power. For the same reason, if Telecoms purchased sufficient Additional Power to trigger the Combined Limits, it would be reasonable to have limits that apply to both power and cabinets.

The Exchange believes that integrating the procedures for the allocation of cabinets and power would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that having a two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Proposed Procedures are consistent with both the Nasdaq procedures for allocating cabinets and the Exchange procedures for allocating cabinets and power in colocation.[26]

The Exchange believes that the proposed thresholds are reasonable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are reasonable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs and leave a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a Telecom may have on the waitlist at any one time, stating what happens if a Telecom changes its order while on the waitlist, and removing a Telecom from the waitlist if it turns down an offer that is the same as what it requested, the Proposed Procedures are reasonably designed to prevent Telecoms from

[26] *See* Securities Exchange Act Release Nos. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019) and 91515 (February 18, 2021), 86 FR 11350 (February 24, 2021) (SR–NYSE–2021–12; SR–NYSEAmer–2021–08; SR–NYSEArca–2021–11; SR–NYSECHX–2021–02; and SR–NYSENAT–2021–03).

utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again, the Proposed Procedures are reasonably designed to prevent a Telecom from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable because the Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable because a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the waitlists.

The Proposed Change Is Equitable

The Exchange believes that IDS's fees for MMR services are equitably allocated among market participants.

By making it possible for Telecoms to continue to offer their customer circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed change is equitable because it would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is equitable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed MMR Notes 1 and 2 are equitable because the Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Telecoms that requested new cabinets or Additional Power.

The Exchange believes that the proposed thresholds are equitable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are equitable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that the Proposed Procedures facilitate an equitable distribution of cabinets and power, as they are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and because they would require a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again. The Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. A waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is not unfairly discriminatory because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each of the Telecoms offers circuits to market participants in competition with the IDS offerings. Each market participant considering whether to purchase a circuit can weigh whether to purchase an IDS or Telecom circuit, and can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use,

allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed rule change is not unfairly discriminatory because, if the Proposed Procedures were in place, all Telecoms would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. The Proposed Procedures would assist the Exchange in accommodating demand for MMR services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

As noted above, the Exchange is making the current proposal solely as a result of the Commission's recent interpretation of the definitions of ''exchange'' and ''facility'' in the Wireless Approval Order, which the Exchange is presently challenging on appeal to the Court of Appeals for the District of Columbia Circuit.[27] The Exchange has nevertheless proposed this rule change in order to preserve the ability of IDS to offer the services described herein.

If IDS were compelled to stop offering such services, Telecoms would not be able to provide circuits into and out of the Mahwah Data Center, and all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center, which would be a detriment to competition overall. Indeed, the Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. That option would be removed if IDS were compelled to stop offering MMR services.

The Exchange notes that IDS competes with the Telecoms to provide circuits for Mahwah Customers, as well as other Telecoms, and that none of the Telecoms have been compelled to file their services or fees with the Commission. Requiring IDS to do so puts IDS at a competitive disadvantage vis-à-vis its competitors. Requiring the Exchange to file IDS services and fees is therefore a burden on competition.

The Exchange believes competition would be best served by allowing IDS to freely compete with the other providers of connectivity services into and out of the Mahwah Data Center, without the additional burden on IDS alone to file any proposed changes to services and fees with the Commission.

With respect to the proposed MMR Notes 1 and 2, the Exchange believes that, if triggered, the imposition of the purchase limits or waitlist provisions would not impose a burden on a Telecom's ability to compete that is not necessary or appropriate. The Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Telecoms' ability to purchase new power and cabinets if either or both the proposed Power Threshold and Cabinet Threshold were met. Similarly, a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

The Exchange believes that the proposed MMR Notes would articulate rational, objective procedures, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register**, or such longer period *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2021–21 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–NYSEAMER–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

[27] *See* note 5, *supra.*

public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2021–21, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Lynn Taylor,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91598; File No. SR–NYSE–2021–25]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend the Schedule of Wireless, Circuits, and Non-Colocation Connectivity Services Available at the Mahwah Data Center

April 16, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 9, 2021, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the schedule of wireless, circuits, and non-colocation connectivity services available at the Mahwah data center (the ''Fee Schedule'') to add services available to customers in the meet me rooms in the Mahwah data center and procedures for the allocation of cabinets and power to such customers. 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 Exchange proposes to amend the Fee Schedule to add services available to customers in the two meet me rooms on the north and south sides of the Mahwah data center (''MMRs'') and procedures for the allocation of cabinets and power to MMR customers.

The Exchange makes the current proposal solely as a result of its determination that the Commission's recent interpretations of the Act's definitions of the terms ''exchange'' and ''facility,'' as expressed in the Wireless Approval Order,[4] apply to the connectivity services described herein that are offered by entities other than the Exchange. The Exchange disagrees with the Commission's interpretations, denies the services covered herein (and in the Wireless Approval Order) are offerings of an ''exchange'' or a ''facility'' thereof, and has sought review of the Commission's interpretations, as expressed in the Wireless Approval Order, in the Court of Appeals for the District of Columbia Circuit.[5] Pending resolution of such appeal, however, the Exchange is making this proposed rule change in recognition that the Commission's current interpretation brings certain offerings of the Exchange's affiliates into the scope of the terms ''exchange'' or ''facility.''

Background

Through its ICE Data Services (''IDS'') business, Intercontinental Exchange, Inc. (''ICE'')[6] operates a data center in Mahwah, New Jersey (the ''Mahwah Data Center''), from which the Exchange provides co-location services to any market participant that requests to receive co-location services directly from the Exchange (''Users'').[7] Services are also available to customers that are not colocation Users (''NCL Customers'' and, together with Users, ''Mahwah Customers'').

Mahwah Customers require circuits connecting into and out of the Mahwah Data Center in order to connect their equipment outside of the Mahwah Data Center to their equipment or port within the Mahwah Data Center. IDS and numerous third-party telecommunications service providers offer these connections to the Mahwah Customers in the form of wired circuits[8] into and out of the Mahwah Data Center.

A third-party telecommunications service provider that provides wired circuits into and out of the Mahwah Data Center (a ''Telecom'')[9] completes a circuit by placing equipment in a MMR and installing carrier circuits between its MMR equipment and one or more

[28] 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. 90209 (October 15, 2020), 85 FR 67044 (October 21, 2020) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order'').

[5] *Intercontinental Exchange, Inc.* v. *SEC,* No. 20–1470 (D.C. Cir. 2020).

[6] The Exchange is an indirect subsidiary of ICE and is an affiliate of NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSEAMER–2021–21, SR–NYSEArca–2021–24, SR–NYSECHX–2021–07, and SR–NYSENAT–2021–09.

[7] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62960 (September 21, 2010), 75 FR 59310 (September 27, 2010) (SR–NYSE–2010–56).

[8] A Mahwah Customer may use a third party wireless connection, including a proprietary wireless connection, to the Mahwah Data Center. In such a case, the portion of the connection closest to the Mahwah Data Center is wired.

[9] Telecoms are licensed by the Federal Communications Commission (''FCC'') and are not required to be, or be affiliated with, a member of the Exchange or of an Affiliate SRO.

points outside the Mahwah Data Center.[10] Mahwah Customers that have contracted with the Telecom to use the circuit connect to the Telecom's MMR equipment using a cross connect. Once connected to the Telecom's equipment, the Mahwah Customers can use the Telecom's circuit to transport data into and out of the Mahwah Data Center.

In addition, a Telecom may sell access to its circuits to a second Telecom, which allows the second Telecom to use the first Telecom's circuit to access the Mahwah Data Center. In this way, the second Telecom gains access to the Mahwah Data Center, where it installs its equipment in an MMR, without incurring the cost of installing its own proprietary circuits to the Mahwah Data Center. IDS does not consent to, and need not be informed of, a Telecom's sale of a circuit to another Telecom.

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. If the MMR services were not available, IDS circuits would be the only option for all Mahwah Customers and third-party telecommunications service providers.

MMR Services

The Exchange proposes to add change the title of the Fee Schedule to ''Wireless and Meet-Me-Room Connectivity Fees and Charges'' and add the following MMR services and fees to the end of the Fee Schedule, under the heading ''C. Meet-Me-Room ('MMR') Services.'' [11]

Cabinet-Related Services

The Exchange proposes to add the following services and fees relating to the cabinets that IDS provides to Telecoms for them to set up their servers in the MMRs (collectively, the ''Cabinet-Related Services''). The Cabinet-Related Services are substantially similar to co-location services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in their price lists and fee schedules (the ''Affiliate SRO Price Lists'').[12]

Initial Fee per MMR Cabinet and MMR Monthly Fee for Cabinets: IDS offers Telecoms dedicated cabinets in the MMRs to house their equipment. The cabinets come in sizes based on the number of kilowatts (''kW'') allocated, subject to a maximum of 8 kW per cabinet. Telecoms pay an initial fee for each cabinet and a monthly fee based on the number of kW allocated to all the Telecom's cabinets.[13] To indicate how the fee is calculated, the Exchange proposes to add a note stating that the monthly fee is based on total kWs allocated to all of a Telecom's cabinets.

The Exchange proposes to add the following fees and language to the Fee Schedule for the Cabinet-Related Services:

Initial Fee per MMR Cabinet:	
Dedicated Cabinet of up to 8 kW	$5,000
MMR Monthly Fee for Cabinets:	
Monthly fee is based on total kWs allocated to all of a Telecom's cabinets.	
Number of kWs	*Monthly Fee per kW*
4–8	$1,200
9–20	1,050
21–40	950
41 + ...	900

Access and Service Fees

The Exchange proposes to add the following services and fees relating to the access and services IDS provides to Telecoms (collectively, the ''Access and Service Fees'') to the Fee Schedule. Most of the Access and Service Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[14]

Data Center Fiber Cross Connect: IDS offers fiber cross connects for an initial and monthly charge. Cross connects may run between a Telecom's cabinets, between its cabinet and the cabinet of another Telecom, or between its cabinet and its customer's cabinet or port.[15] Cross connects may be bundled (*i.e.,* multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or six cross connects.

Conduit Sleeve Fee: A Telecom's circuits into and out of the Mahwah Data Center run through IDS conduits. There are currently three IDS conduit paths leading into the Mahwah Data Center. A Telecom determines which conduit or conduits it will use to carry its circuits, which are carried in individual conduit sleeves. The Telecom is charged an initial charge for the installation of circuits in the IDS conduit, which covers up to five hours of work, and a monthly fee per conduit sleeve for using the IDS conduit.[16]

Carrier Connection Fee: Telecoms contract with their customers for circuits into and out of the Mahwah Data Center. A Telecom is charged a monthly fee for providing such circuits to Mahwah Customers, on a per connection basis.

Connection to Time Protocol Feed: IDS offers Telecoms the option to purchase connectivity to the Precision Time Protocol, with monthly and initial charges. Telecoms may make use of time feeds to receive time and to synchronize clocks between computer systems or throughout a computer network, and time feeds may assist Telecoms in other functions, including record keeping or measuring response times.

Expedite Fee: IDS offers Telecoms the option to expedite the completion of MMR services purchased or ordered by the Telecoms, for which the Exchange charges an ''Expedite Fee.''

The Exchange proposes to add the following fees and language to the Fee Schedule:

[10] Neither IDS nor the Exchange knows the termination point of a Telecom's circuit or the content of any data sent on a circuit. A Telecom elects which MMR it will use, or if it will use both.

[11] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* Securities Exchange Act Release No. 91217 (February 26, 2021), 86 FR 12715 (March 4, 2021) (SR–NYSE–2021–14). If such filing is approved by the Commission, the Exchange expects to file an amendment to the present filing to conform to the relevant changes.

[12] *See* ''Co-Location Fees'' in ''New York Stock Exchange Price List 2021'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf;* ''NYSE American Equities Price List'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf;* ''NYSE American Options Fee Schedule'' at *https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf;* ''NYSE Arca Equities Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf;* ''NYSE Arca Options Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf;* ''Fee Schedule of NYSE Chicago, Inc.'' at *https://www.nyse.com/publicdocs/nyse/NYSE_Chicago_Fee_Schedule.pdf;* and ''NYSE National, Inc. Schedule of Fees and Rebates'' at *https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf.*

[13] For example, a Telecom that had two cabinets with a total power allocation of 12 kW would have a monthly charge of $1,200 per kW for the first eight kW and $1,050 per kW for the next four kW (between 9 kW and 12 kw), for a total of $13,800, irrespective of how it divided the 12 kW between its cabinets.

[14] *See* note 12, *supra.*

[15] A cross connect to MMR cabinets may be purchased by the Telecom or the Telecom's customer. The same fee applies irrespective of which entity purchases the cross connect.

[16] The number of conduit sleeves a Telecom uses is dependent on the equipment and technology it uses and the size of the circuits it sells to Mahwah Customers. Most Telecoms that use them have one conduit sleeve.

Type of service	Description	Amount of charge
Data Center Fiber Cross Connect.	Furnish and install 1 cross connect	$500 initial charge plus $600 monthly charge.
	Furnish and install bundle of 6 cross connects	$500 initial charge plus $1,800 monthly charge.
Conduit Sleeve Fee	Install (5 hrs) and maintain conduit sleeve supporting Telecom circuit into data center.	$1,000 initial charge plus $2,000 monthly charge per conduit sleeve.
Carrier Connection Fee	Maintain Telecom's connections to its non-Telecom data center customers.	$1,150 monthly charge per connection.
Connection to Time Protocol Feed.	Precision Time Protocol	$1,000 initial charge plus $250 monthly charge.
Expedite Fee	Expedited installation/completion of MMR service	$4,000 per request.

Service-Related Fees

The Exchange proposes to add the following services and fees relating to services IDS provides to Telecoms (collectively, the ''Service-Related Fees'') to the Fee Schedule. The Service-Related Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[17]

Change Fee: IDS charges a Telecom a ''Change Fee'' if the Telecom requests a change to one or more existing MMR services that IDS has already established or completed for the Telecom. The Change Fee is charged per order. If a Telecom orders two or more services at one time (for example, through submitting an order form requesting multiple services) the Telecom is charged a one-time Change Fee, which would cover the multiple services.

Hot Hands Service: IDS offers Telecoms a ''Hot Hands Service,'' which allows Telecoms to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack a server in a Telecom's cabinet, power recycling, and install and document the fitting of cable in a Telecom's cabinet(s). The Hot Hands fee is charged per half hour.

Shipping and Receiving: IDS offers shipping and receiving services to Telecoms, with a per shipment fee for the receipt of one shipment of goods at the Mahwah Data Center from the Telecom or supplier.

Visitor Security Escort: Telecom representatives are required to be accompanied by a visitor security escort during visits to the Mahwah Data Center. A fee per visit is charged.

To reflect the above IDS services and fees, the Exchange proposes to add the following to the Fee Schedule:

Type of service	Description	Amount of charge
Change Fee	Change to a service that has already been installed/completed for a Telecom	$950 per request.
Hot Hands Service	Allows Telecom to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack, power recycling, and install and document cable.	$100 per half hour.
Shipping and Receiving	Receipt of one shipment of goods at data center on behalf of Telecom (includes coordination of shipping and receiving).	$100 per shipment.
Visitor Security Escort	All Telecom representatives are required to be accompanied by a visitor security escort during visits to the data center.	$75 per visit.

Allocation of Cabinets and Power

The Exchange proposes to establish procedures for the allocation of cabinets and power to Telecoms. The Exchange believes it would be prudent to have procedures in place for the allocation of cabinets and power to Telecoms (''Proposed Procedures''), should such allocation be necessary. The Exchange proposes to add the Proposed Procedures to the Fee Schedule under the heading ''MMR Notes.''

As noted above, IDS offers dedicated cabinets in the MMRs to Telecoms to house their equipment. A Telecom pays an initial fee for each cabinet and a monthly fee based on the number of kW allocated to the Telecom's cabinets. The Exchange allocates cabinets on a first-come/first-serve basis.

A Telecom may request power upgrades to a dedicated cabinet in addition to the power allocated to such cabinet (the ''Standard Cabinet Power''), subject to a maximum of 8 kW per cabinet. A Telecom may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later.[18] A Telecom with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the Telecom would not need an additional cabinet.

The Proposed Procedures would be set forth in Notes 1 and 2. Note 1 would provide that, if the amount of power or cabinets available fell below specified thresholds, Telecoms would be subject to purchasing limits. Note 1 would also specify when the purchasing limits would cease to apply and would provide that if a Telecom requests a number of cabinets and/or amount of Additional Power that would cause the unallocated capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the Telecoms's order below the relevant threshold.[19]

Note 2 would provide that, if the amount of power or cabinets available fell to zero, Telecoms seeking to purchase power or cabinets would be put on a waitlist. In both Notes 1 and 2, the Proposed Procedures would also state how the procedures regarding

[17] *See* note 12, *supra.*

[18] For example, a Telecom with a 4 kW cabinet may purchase an additional 1 kW of Additional Power. It would then have a cabinet with 5 kW of power. It could not, however, purchase more than 4 kW of Additional Power, as that would take the cabinet to above 8 kW. The smallest Standard Cabinet Power is 4 kW.

[19] For example, if there was 10 kW unallocated power capacity in the MMR and a Telecom requested to purchase cabinets and Additional Power that would, together, total 9 kW, the purchasing limits in MMR Note 1 would not apply to the Telecom's purchase of the first 2 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the Telecom's purchase of additional cabinets and Additional Power. In all, the Telecom would be permitted to purchase a total of 6 kW out of its original order of 9 kW. The Telecom could choose whether the 6 kW was in the form of cabinets, Additional Power, or both.

cabinets and the procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits.

Proposed MMR Note 1

The Exchange proposes to add the following under the heading ''Note 1: Cabinet and Power Purchasing Limits'':

If (i) unallocated cabinet inventory is at or below 3 cabinets (''Cabinet Threshold''), or (ii) the unallocated power capacity in the MMRs is at or below 8 kW (the ''Power Threshold''), the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

• The Exchange will limit each Telecom's purchase of new cabinets to a maximum of one dedicated cabinet.

• If a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 3 cabinets, the Cabinet Limits will only apply to the portion of the Telecom's order below the Cabinet Threshold.

• A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new cabinet again.

• When unallocated cabinet inventory for the MMRs is more than 3 cabinets, the Exchange will discontinue the Cabinet Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

• A Telecom may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 4 kW:

a. One new cabinet, subject to a maximum standard power allocation of 4 kW (''Standard Cabinets'').

b. Additional power for new or existing cabinets.

• If a Telecom requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the Telecom's order below the relevant threshold.

• A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new Standard Cabinet or additional power again.

• When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Limits would enter into effect.

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed MMR Note 2

The Exchange proposes to add the following under the heading ''Note 2: Cabinet and Combined Waitlists'':

a. Cabinet Waitlist. The Exchange will create a cabinet waitlist (''Cabinet Waitlist'') if the available cabinet inventory is zero, or a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Telecoms seeking cabinets on a Cabinet Waitlist, as follows:

• A Telecom will be placed on the Cabinet Waitlist based on the date its signed order is received. A Telecom may only have one order for a new cabinet on the Cabinet Waitlist at a time, and the order is subject to the Cabinet Limits. If a Telecom changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Cabinet Limits.

• As cabinets become available, the Exchange will offer a cabinet to the Telecom at the top of the Cabinet Waitlist. If the Telecom's order is completed, it will be removed from the Cabinet Waitlist.

• A Telecom will be removed from the Cabinet Waitlist (a) at the Telecom's request or (b) if the Telecom turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the Telecom a cabinet of a different size than the Telecom requested in its order, the Telecom may turn down the offer and remain at the top of the Cabinet Waitlist until its order is completed.

• A Telecom that is removed from the Cabinet Waitlist but subsequently submits a new written order for a cabinet will be added back to the bottom of the Cabinet Waitlist.

• When unallocated cabinet inventory is more than 3 cabinets, the Exchange will cease use of the Cabinet Waitlist.

b. Combined Waitlist. The Exchange will create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a Telecom requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange will place Telecoms seeking cabinets or power on the Combined Waitlist, as follows:

• If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.

• A Telecom will be placed on the Combined Waitlist based on the date its signed order for a cabinet and/or additional power is received. A Telecom may only have one order for a new cabinet and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a Telecom changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Combined Limits.

• As additional power and/or cabinets become available, the Exchange will offer them to the Telecom at the top of the Combined Waitlist. If the Telecom's order is completed, the order will be removed from the Combined Waitlist. If the Telecom's order is not completed, it will remain at the top of the Combined Waitlist.

• A Telecom will be removed from the Combined Waitlist (a) at the Telecom's request; or (b) if the Telecom turns down an offer that is the same as its order (*e.g.,* the offer includes a cabinet of the same size and/or the amount of additional power that the Telecom requested in its order). If the Exchange offers the Telecom an offer that is different than its order, the Telecom may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.

• A Telecom that is removed from the Combined Waitlist but subsequently submits a new written order for a cabinet and/or additional power will be added back to the bottom of the waitlist.

• If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 8 kW or more, the Exchange will cease use of the

Combined Waitlist. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Waitlist would enter into effect.

Application and Impact of the Proposed Changes

The existing Telecoms are currently subject to the described services and fees. Accordingly, the Exchange expects that if it is approved, the impact of the proposed change would be minimal.

The proposed change applies to all market participants and does not apply differently to distinct types or sizes of licensed telecommunications service providers. Rather, it applies to all equally.

Use of the services proposed in this filing is completely voluntary and available to all market participants on a non-discriminatory basis.

Competitive Environment

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each market participant considering whether to purchase a circuit can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

The Exchange understands that most of the Telecoms that provide circuits do so at fees lower than those of IDS, and that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits if they wanted access to the Mahwah Data Center, thereby reducing competition.[20]

The Exchange does not expect that IDS would attract any new customers as a result of the proposed change.

IDS operates in a highly competitive market in which exchanges, third party telecommunications providers, Hosting Users,[21] and other third-party vendors offer connectivity services as a means to facilitate the trading and other market activities of market participants. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and 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.'' [22]

The proposed changes are not otherwise intended to address any other issues relating to services related to the Mahwah Data Center and/or related fees, and the Exchange is not aware of any problems that market participants would have in complying with the proposed change.

2. *Statutory Basis*

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] 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 mechanism 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 further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[25] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, for the following reasons.

The Exchange believes that the proposed rule change is reasonable because, by making it possible for Telecoms to continue to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits to access the Mahwah Data Center, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

Use of any MMR service is completely voluntary. Each third-party telecommunications provider is able to determine whether to use MMR services based on the requirements of its business operations, and each Mahwah Customer is able to determine whether to use Telecom or IDS services based on the requirements of their business operations.

The Exchange believes that the proposed rule change is reasonable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis. All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed fees are reasonable because, to the extent the services IDS offers to Telecoms are substantially the same as the services offered by the Exchange to Users, the fees are the same. With respect to the two services not offered to Users, the Conduit Sleeve Fee and Carrier Connection Fee, the Exchange

[20] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* note 11, *supra.*

[21] ''Hosting'' is a service offered by a User to another entity In the User's space within the Mahwah Data Center. The Exchange allows Users to act as Hosting Users for a monthly fee. *See* Securities Exchange Act Release No. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40).

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78f(b)(4).

believes the fees IDS charges Telecoms are reasonable because the services correspond to the Telecoms' usage of the IDS conduits and the Telecoms' ability to offer their circuits to their customers. The Exchange believes the proposed fees are reasonable because to offer the MMRs, IDS must provide, maintain and operate the Mahwah Data Center technology infrastructure, including the installation, monitoring, support, and maintenance of the MMR services. Also in connection with providing the MMR services, IDS needs to expand the network infrastructure to keep pace with the services available to Telecoms, including any increasing demand for bandwidth and conduit space, and to establish any additional administrative controls. Finally, IDS has to handle the installation, administration, monitoring, support and maintenance of the MMR services, including by responding to any production issues.

The Exchange believes that IDS's fees for different MMR services are reasonable because not all Telecoms need, or choose, to utilize the same services. The variety of services offered by IDS, particularly with respect to cabinets and power, allows Telecoms to select which services to use, based on their business needs, and Telecoms are only charged for the services that they select. By charging only those Telecoms that utilize a service, those Telecoms that directly benefit from a service support it.

The Exchange believes the proposed MMR Notes 1 and 2 are reasonable because it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis.

The Exchange believes that it is reasonable that, if a shortage in power or in both power and cabinets should arise, the Proposed Procedures would address the allocation of both power and cabinets, as the Exchange would not be able to provide cabinets if no power were available. If Telecoms purchased sufficient Additional Power to trigger the Combined Waitlist, the Exchange would be unable to provide Telecoms with cabinets, even if it did not have a shortage in cabinets, because cabinets come with power. For the same reason, if Telecoms purchased sufficient Additional Power to trigger the Combined Limits, it would be reasonable to have limits that apply to both power and cabinets.

The Exchange believes that integrating the procedures for the allocation of cabinets and power would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that having a two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Proposed Procedures are consistent with both the Nasdaq procedures for allocating cabinets and the Exchange procedures for allocating cabinets and power in colocation.[26]

The Exchange believes that the proposed thresholds are reasonable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are reasonable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs and leave a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a Telecom may have on the waitlist at any one time, stating what happens if a Telecom changes its order while on the waitlist, and removing a Telecom from the waitlist if it turns down an offer that is the same as what it requested, the Proposed Procedures are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again, the Proposed Procedures are reasonably designed to prevent a Telecom from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable because the Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable because a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the waitlists.

The Proposed Change Is Equitable

The Exchange believes that IDS's fees for MMR services are equitably allocated among market participants.

By making it possible for Telecoms to continue to offer their customer circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed change is equitable because it would apply to all market participants and would not apply differently to distinct types or sizes of licensed

[26] *See* Securities Exchange Act Release Nos. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019) and 91515 (February 18, 2021), 86 FR 11350 (February 24, 2021) (SR–NYSE–2021–12; SR–NYSEAmer–2021–08; SR–NYSEArca–2021–11; SR–NYSECHX–2021–02; and SR–NYSENAT–2021–03).

telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is equitable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed MMR Notes 1 and 2 are equitable because the Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Telecoms that requested new cabinets or Additional Power.

The Exchange believes that the proposed thresholds are equitable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are equitable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that the Proposed Procedures facilitate an equitable distribution of cabinets and power, as they are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and because they would require a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again. The Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. A waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is not unfairly discriminatory because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each of the Telecoms offers circuits to market participants in competition with the IDS offerings. Each market participant considering whether to purchase a circuit can weigh whether to purchase an IDS or Telecom circuit, and can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed rule change is not unfairly discriminatory because, if the Proposed Procedures were in place, all Telecoms would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. The Proposed Procedures would assist the Exchange in accommodating demand for MMR services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

As noted above, the Exchange is making the current proposal solely as a result of the Commission's recent interpretation of the definitions of ''exchange'' and ''facility'' in the Wireless Approval Order, which the Exchange is presently challenging on appeal to the Court of Appeals for the District of Columbia Circuit.[27] The Exchange has nevertheless proposed this rule change in order to preserve the ability of IDS to offer the services described herein.

If IDS were compelled to stop offering such services, Telecoms would not be able to provide circuits into and out of the Mahwah Data Center, and all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center, which would be a detriment to competition overall. Indeed, the Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. That option would be removed if IDS were compelled to stop offering MMR services.

[27] *See* note 5, *supra.*

The Exchange notes that IDS competes with the Telecoms to provide circuits for Mahwah Customers, as well as other Telecoms, and that none of the Telecoms have been compelled to file their services or fees with the Commission. Requiring IDS to do so puts IDS at a competitive disadvantage vis-à-vis its competitors. Requiring the Exchange to file IDS services and fees is therefore a burden on competition.

The Exchange believes competition would be best served by allowing IDS to freely compete with the other providers of connectivity services into and out of the Mahwah Data Center, without the additional burden on IDS alone to file any proposed changes to services and fees with the Commission.

With respect to the proposed MMR Notes 1 and 2, the Exchange believes that, if triggered, the imposition of the purchase limits or waitlist provisions would not impose a burden on a Telecom's ability to compete that is not necessary or appropriate. The Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Telecoms' ability to purchase new power and cabinets if either or both the proposed Power Threshold and Cabinet Threshold were met. Similarly, a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

The Exchange believes that the proposed MMR Notes would articulate rational, objective procedures, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register**, or such longer period *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2021–25 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–2021–25. 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–2021–25, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Lynn Taylor,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91594; File No. SR–CboeBZX–2021–030]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

April 16, 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 12, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'' or ''BZX Equities'') is filing with the Securities and Exchange Commission

[28] 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.

(''Commission'') a proposed rule change to amend its fee schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule as follows: (1) Decrease the standard liquidity adding rebate and non-displayed liquidity adding rebate, (2) modify the Add/Remove Volume Tiers, (3) modify Tier 2 of the Step-Up Tiers, and (4) eliminate the Cross-Asset Tape B Tier. The Exchange proposes to implement the proposed change to its fee schedule on April 1, 2021.[4]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[5] no single registered equities exchange has more than 16% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays credits to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's fee schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Particularly, for securities at or above $1.00, the Exchange provides a standard rebate of $0.0020 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Standard Liquidity Rebate and Non-Displayed Liquidity Adding Rebate

As stated above, the Exchange currently provides a standard rebate of $0.0020 per share for liquidity adding orders (*i.e.,* those yielding fee codes B,[6] V,[7] and Y [8]) in securities priced at or above $1.00. Orders in securities priced below $1.00 that add liquidity are provided a rebate of $0.00009. The Exchange now proposes to decrease the current standard rebate of $0.0020 per share to $0.0018 per share for orders that add liquidity for securities priced at or above $1.00. Orders that add liquidity in securities priced below $1.00 would continue to be provided a rebate of $0.00009. Although this proposed standard rebate for liquidity adding orders is lower than the current base rate for such orders, the proposed rebate is in line with similar rebates for liquidity adding orders in place on other exchanges.[9]

The Exchange also proposes to decrease the rebate applied to non-displayed, liquidity adding orders (*i.e.,* orders yielding Fee Code HB,[10] HV,[11] or HY [12]). The current rebate applied to non-displayed liquidity adding orders is $0.00150 per share. Now, the Exchange proposes to decrease the rebate to $0.00100 per share. Although this proposed rebate for non-displayed liquidity adding orders is lower than the current rate for such orders, the proposed rebate is in line with similar rebates for non-displayed liquidity adding orders in place on other exchanges.[13]

Add/Remove Volume Tiers

Pursuant to footnote 1 of the Fee Schedule, the Exchange currently offers Add Volume Tiers (tiers 1 through 5) that provide Members an opportunity to receive an enhanced rebate from the standard rebate for liquidity adding orders that yield fee codes B, V, and Y and meet certain required volume-based criteria. Specifically, the Add Volume Tiers are as follows:

- Tier 1 provides an enhanced rebate of $0.0025 per share to a Member that has an ADAV [14] of greater than or equal to 3,000,000.
- Tier 2 provides an enhanced rebate of $0.0027 per share to a Member that has an ADAV as a percentage of TCV [15] greater than or equal to 0.10%.
- Tier 3 provides an enhanced rebate of $0.0029 per share to a Member that has an ADAV as a percentage of TCV greater than or equal to 0.25%.
- Tier 4 provides an enhanced rebate of $0.0030 per share to a Member that has an ADAV as a percentage of TCV greater than or equal to 0.40%.
- Tier 5 provides an enhanced rebate of $0.0031 per share to a Member that has an ADAV as a percentage of TCV greater than or equal to 0.85%.

Now, the Exchange proposes to modify the five Add Volume Tiers to provide the enhanced rebate if a Member meets certain ADAV as a percentage of TCV percentage thresholds or meets certain ADAV share volume. Specifically, the Exchange

[4] The Exchange initially filed the proposed fee changes April 1, 2021 (SR–CboeBZX–2021–026). On April 12, 2021, the Exchange withdrew that filing and submitted this proposal.

[5] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (March 29, 2021), available at *https://markets.cboe.com/us/equities/market_statistics/.*

[6] Orders yielding Fee Code ''B'' are displayed orders adding liquidity to BZX (Tape B).

[7] Orders yielding Fee Code ''V'' are displayed orders adding liquidity to BZX (Tape A).

[8] Orders yielding Fee Code ''Y'' are displayed orders adding liquidity to BZX (Tape C).

[9] *E.g.,* the Nasdaq base rebate ranges from $0.0015 to $0.0020 for liquidity adding orders in securities priced at or above $1.00. *See http://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2.*

[10] Orders yielding Fee Code ''HB'' are non-displayed orders adding liquidity to BZX (Tape B).

[11] Orders yielding Fee Code ''HV'' are non-displayed orders adding liquidity to BZX (Tape A).

[12] Orders yielding Fee Code ''HY'' are non-displayed orders adding liquidity to BZX (Tape C).

[13] *E.g.,* the Nasdaq rebate for non-displayed orders ranges from $0.0000 to $0.00220 for non-displayed liquidity adding orders. *See http://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2.*

[14] ''ADAV'' means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

[15] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

proposes to modify Tier 1 to require a certain ADAV as a percentage of TCV or an ADAV over a certain volume threshold. Although the proposed changes to Tier 1 result in more stringent criteria, Members still have an opportunity to receive the additional rebate if they meet the tier threshold. The Exchange also proposes to modify the Add Volume Tiers 2 through 5 to increase the existing ADAV as a percentage of TCV criteria and offer an alternative criteria which requires an ADAV over a certain volume threshold. The proposed changes to Tiers 2 through 5 are less stringent than the existing criteria and are designed to encourage Members to increase their liquidity adding volume on the Exchange. Specifically, the proposed Add Volume Tiers are as follows:

- To meet the proposed criteria in Tier 1, a Member must have an ADAV as a percentage of TCV equal to or greater than 0.08% or an ADAV of greater than or equal to 8,000,000.
- To meet the proposed criteria in Tier 2, a Member must have an ADAV as a percentage of TCV equal to or greater than 0.15% or an ADAV of greater than or equal to 15,000,000.
- To meet the proposed criteria in Tier 3, a Member must have an ADAV as a percentage of TCV equal to or greater than 0.35% or an ADAV of greater than or equal to 35,000,000.
- To meet the proposed criteria in Tier 4, a Member must have an ADAV as a percentage of TCV equal to or greater than 0.60% or an ADAV of greater than or equal to 60,000,000.
- To meet the proposed criteria in Tier 5, a Member must have an ADAV as a percentage of TCV equal to or greater than 1.00% or an ADAV of greater than or equal to 100,000,000.

The Exchange notes the Add Volume Tiers, as modified, continue to be available to all Members and provide Members an opportunity to receive an enhanced rebate. Moreover, the proposed changes are designed to encourage Members to increase displayed liquidity on the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants.

Tier 2 of the Step-Up Tiers

The tiered pricing models set forth in footnote 2 of the fee schedule (Step-Up Tiers) provides Members an opportunity to qualify for an enhanced rebate on their orders that add liquidity where they increase their relative liquidity each month over a predetermined baseline. Tier 2 of the Step-Up Tiers provides an enhanced rebate of $0.0033 per share to a Member that has a Step-Up Add TCV [16] from April 2020 equal to or greater than 0.30%. The Exchange notes that step-up tiers are designed to encourage Members that provide displayed liquidity on the Exchange to increase their order flow, which would benefit all Members by providing greater execution opportunities on the Exchange.

Now, the Exchange proposes to reduce the rebate provided under Tier 2 of the Step-Up Tiers to $0.0032 per share. While the Exchange is proposing no change to the criteria of Tier 2 of the Step-Up Tiers, the Exchange believes that the tier will continue to incentivize increased order flow to the Exchange, which may contribute to a deeper, more liquid market to the benefit of all market participants by creating a more robust and well-balanced market ecosystem. Step-Up Tier 2, as modified, continues to be available to all Members and provide Members an opportunity to receive an enhanced rebate, albeit a reduced rebate. The proposed rebate is in line with similar rebates for growth programs in place on other exchanges.[17]

Cross-Asset Tape B Tier

The Cross-Asset Tape B Tier is provided under footnote 12 of the Fee Schedule and provides an enhanced rebate to orders yielding fee code B. Specifically, the Cross-Asset Tape B Tier provides an enhanced rebate of $0.0031 per share to a Member that has a Tape B Step-Up Add TCV [18] from February 2015 equal to or greater than 0.06% and has an Options Market Maker Add OCV [19] greater than or equal to 1.00%. The Cross-Asset Tape B Tier is designed to encourage members that provide displayed liquidity on the BZX Equities and BZX Options to increase their order flow, which would benefit all Members by providing greater execution opportunities on the Exchange.

The Exchange now proposes to eliminate the Cross-Asset Tape B Tier as no Member has reached this tier in several months and the Exchange the Exchange no longer wishes to, nor is it required to, maintain such a tier.[20] Further, the Exchange would rather redirect future resources and funding into other programs and tiers intended to incentivize increased order flow.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[21] in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5),[22] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members, issuers and other persons using its facilities. The Exchange 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 changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

In particular, the Exchange believes that the proposed amendment to reduce the standard liquidity adding rebate and non-displayed liquidity adding rebate is reasonable, equitable and non-discriminatory because the proposed change represents a rebate decrease and such rebates are equally applicable to all Members of the Exchange. Additionally, the proposed rebates for liquidity adding orders are in-line with rebates offered at other exchanges for similar transactions.[23]

The Exchange also believes the proposed changes to the Add Volume Tiers and Tier 2 of the Step-Up Tiers are reasonable because each tier, as modified, continues to be available to all Members and provide Members an opportunity to receive an enhanced rebate. The Exchange next notes that relative volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable, and non-discriminatory because they are open to all Members on an equal basis and provide additional discounts that are reasonably related to (i) the value to an

[16] ''Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV.

[17] *E.g.,* the Nasdaq Growth Program which offers members a rebate of $0.0025 to members that meet certain execution volume and increase their add volume as a percentage of TCV by 20% versus the member's growth baseline. *See http://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2.*

[18] ''Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV.

[19] ''Options Market Maker Add OCV'' for purposes of equities pricing means ADAV resulting from Market Maker orders as a percentage of OCV, using the definitions of ADAV, Market Maker and OCV as provided under the Exchange's fee schedule for BZX Options.

[20] The Exchange proposes to reserve Footnote 12.

[21] 15 U.S.C. 78f.

[22] 15 U.S.C. 78f(b)(4) and (5).

[23] *Supra* notes 7 and 11[sic].

exchange's market quality and (ii) associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. The Exchange also believes that the current enhanced rebates under the Add Volume Tiers and proposed rebate under Tier 2 of the Step-Up Tiers continue to be commensurate with the proposed and existing criteria, respectively. That is, the rebates reasonably reflect the difficulty in achieving the corresponding criteria as amended.

The Exchange believes that the changes to the Add Volume Tiers, will benefit all market participants by incentivizing continuous liquidity and, thus, deeper more liquid markets as well as increased execution opportunities. Particularly, the proposed changes to the Add Volume Tiers are designed to incentivize displayed liquidity, which further contributes to a deeper, more liquid market and provide even more execution opportunities for active market participants at improved prices. This overall increase in activity deepens the Exchange's liquidity pool, offers additional cost savings, supports the quality of price discovery, promotes market transparency and improves market quality, for all investors.

The Exchange also believes that the proposed amendments to the Add Volume Tiers and Tier 2 of the Step-Up Tiers represent an equitable allocation of rebates and are not unfairly discriminatory because all Members are eligible for the Add Volume Tiers and Tier 2 of the Step-Up Tiers and would have the opportunity to meet the tiers' criteria and would receive the proposed rebate if such criteria is met. The Exchange also notes that proposed tiers/rebate will not adversely impact any Member's ability to qualify for other reduced fee or enhanced rebate tiers. Should a Member not meet the proposed criteria under any of the proposed tiers, the Member will merely not receive that corresponding enhanced rebate.

The Exchange also believes the proposed amendment to remove the Cross-Asset Tape B Tier is reasonable because no Member has achieved this tier in several months. Furthermore, the Exchange is not required to maintain this tier and Members still have a number of other opportunities and a variety of ways to receive enhanced rebates, including the proposed enhanced standard rebates for displayed orders adding liquidity. The Exchange believes the proposal to eliminate the Cross-Asset Tape B Tier is also equitable and not unfairly discriminatory because it applies to all Members.

As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several maker-taker exchanges. Competing equity exchanges offer similar rates and tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

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. Particularly, the proposed change applies to all liquidity adding orders equally, and thus applies to all Members equally. Additionally, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purpose of the Act.

As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% of the market share.[24] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [25] 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'. . . .''.[26] Accordingly, the Exchange does not believe its proposed fee changes 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) [27] of the Act and paragraph (f) of Rule 19b–4 [28] 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.

[24] *Supra* note 3[sic].

[25] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[26] *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)).

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(2).

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–2021–030 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–2021–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–030, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 2021–08313 Filed 4–21–21; 8:45 am]

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[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91600; File No. SR–NYSEArca–2021–24]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend the Schedule of Wireless, Circuits, and Non-Colocation Connectivity Services Available at the Mahwah Data Center

April 16, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 9, 2021, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the schedule of wireless, circuits, and non-colocation connectivity services available at the Mahwah data center (the ''Fee Schedule'') to add services available to customers in the meet me rooms in the Mahwah data center and procedures for the allocation of cabinets and power to such customers. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to add services available to customers in the two meet me rooms on the north and south sides of the Mahwah data center (''MMRs'') and procedures for the allocation of cabinets and power to MMR customers.

The Exchange makes the current proposal solely as a result of its determination that the Commission's recent interpretations of the Act's definitions of the terms ''exchange'' and ''facility,'' as expressed in the Wireless Approval Order,[4] apply to the connectivity services described herein that are offered by entities other than the Exchange. The Exchange disagrees with the Commission's interpretations, denies the services covered herein (and in the Wireless Approval Order) are offerings of an ''exchange'' or a ''facility'' thereof, and has sought review of the Commission's interpretations, as expressed in the Wireless Approval Order, in the Court of Appeals for the District of Columbia Circuit.[5] Pending resolution of such appeal, however, the Exchange is making this proposed rule change in recognition that the Commission's current interpretation brings certain offerings of the Exchange's affiliates into the scope of the terms ''exchange'' or ''facility.''

Background

Through its ICE Data Services (''IDS'') business, Intercontinental Exchange, Inc. (''ICE'') [6] operates a data center in Mahwah, New Jersey (the ''Mahwah Data Center''), from which the Exchange provides co-location services to any market participant that requests to receive co-location services directly from the Exchange (''Users'').[7] Services

[4] *See* Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044 (October 21, 2020) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order'').

[5] *Intercontinental Exchange, Inc.* v. *SEC,* No. 20–1470 (D.C. Cir. 2020).

[6] The Exchange is an indirect subsidiary of ICE and is an affiliate of New York Stock Exchange LLC, NYSE American LLC, NYSE Chicago, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–25, SR–NYSEAMER–2021–21, SR–NYSECHX–2021–07, and SR–NYSENAT–2021–09.

[7] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission

are also available to customers that are not colocation Users (''NCL Customers'' and, together with Users, ''Mahwah Customers'').

Mahwah Customers require circuits connecting into and out of the Mahwah Data Center in order to connect their equipment outside of the Mahwah Data Center to their equipment or port within the Mahwah Data Center. IDS and numerous third-party telecommunications service providers offer these connections to the Mahwah Customers in the form of wired circuits [8] into and out of the Mahwah Data Center.

A third-party telecommunications service provider that provides wired circuits into and out of the Mahwah Data Center (a ''Telecom'') [9] completes a circuit by placing equipment in a MMR and installing carrier circuits between its MMR equipment and one or more points outside the Mahwah Data Center.[10] Mahwah Customers that have contracted with the Telecom to use the circuit connect to the Telecom's MMR equipment using a cross connect. Once connected to the Telecom's equipment, the Mahwah Customers can use the Telecom's circuit to transport data into and out of the Mahwah Data Center.

In addition, a Telecom may sell access to its circuits to a second Telecom, which allows the second Telecom to use the first Telecom's circuit to access the Mahwah Data Center. In this way, the second Telecom gains access to the Mahwah Data Center, where it installs its equipment in an MMR, without incurring the cost of installing its own proprietary circuits to the Mahwah Data Center. IDS does not consent to, and need not be informed of, a Telecom's sale of a circuit to another Telecom.

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. If the MMR services were not available, IDS circuits would be the only option for all Mahwah Customers and third-party telecommunications service providers.

MMR Services

The Exchange proposes to add change the title of the Fee Schedule to ''Wireless and Meet-Me-Room Connectivity Fees and Charges'' and add the following MMR services and fees to the end of the Fee Schedule, under the heading ''C. Meet-Me-Room ('MMR') Services.'' [11]

Cabinet-Related Services

The Exchange proposes to add the following services and fees relating to the cabinets that IDS provides to Telecoms for them to set up their servers in the MMRs (collectively, the ''Cabinet-Related Services''). The Cabinet-Related Services are substantially similar to co-location services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in their price lists and fee schedules (the ''Affiliate SRO Price Lists'').[12]

Initial Fee per MMR Cabinet and MMR Monthly Fee for Cabinets: IDS offers Telecoms dedicated cabinets in the MMRs to house their equipment. The cabinets come in sizes based on the number of kilowatts (''kW'') allocated, subject to a maximum of 8 kW per cabinet. Telecoms pay an initial fee for each cabinet and a monthly fee based on the number of kW allocated to all the Telecom's cabinets.[13] To indicate how the fee is calculated, the Exchange proposes to add a note stating that the monthly fee is based on total kWs allocated to all of a Telecom's cabinets.

The Exchange proposes to add the following fees and language to the Fee Schedule for the Cabinet-Related Services:

Initial Fee per MMR Cabinet: Dedicated Cabinet of up to 8 kW	$5,000
MMR Monthly Fee for Cabinets: *Monthly fee is based on total kWs allocated to all of a Telecom's cabinets.*	
Number of kWs	*Monthly fee per kW*
4–8	$1,200
9–20	1,050
21–40	950
41+	900

Access and Service Fees

The Exchange proposes to add the following services and fees relating to the access and services IDS provides to Telecoms (collectively, the ''Access and Service Fees'') to the Fee Schedule. Most of the Access and Service Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[14]

Data Center Fiber Cross Connect: IDS offers fiber cross connects for an initial and monthly charge. Cross connects may run between a Telecom's cabinets, between its cabinet and the cabinet of another Telecom, or between its cabinet and its customer's cabinet or port.[15] Cross connects may be bundled (*i.e.,* multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or six cross connects.

Conduit Sleeve Fee: A Telecom's circuits into and out of the Mahwah Data Center run through IDS conduits. There are currently three IDS conduit paths leading into the Mahwah Data Center. A Telecom determines which conduit or conduits it will use to carry its circuits, which are carried in individual conduit sleeves. The Telecom is charged an initial charge for the installation of circuits in the IDS conduit, which covers up to five hours of work, and a monthly fee per conduit sleeve for using the IDS conduit.[16]

Carrier Connection Fee: Telecoms contract with their customers for

(''Commission'') in 2010. *See* Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca-2010–100).

[8] A Mahwah Customer may use a third party wireless connection, including a proprietary wireless connection, to the Mahwah Data Center. In such a case, the portion of the connection closest to the Mahwah Data Center is wired.

[9] Telecoms are licensed by the Federal Communications Commission (''FCC'') and are not required to be, or be affiliated with, a member of the Exchange or of an Affiliate SRO.

[10] Neither IDS nor the Exchange knows the termination point of a Telecom's circuit or the content of any data sent on a circuit. A Telecom elects which MMR it will use, or if it will use both.

[11] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* Securities Exchange Act Release No. 91216 (February 26, 2021), 86 FR 12735 (March 4, 2021) (SR–NYSEArca–2021–13). If such filing is approved by the Commission, the Exchange expects to file an amendment to the present filing to conform to the relevant changes.

[12] *See* ''Co-Location Fees'' in ''New York Stock Exchange Price List 2021'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf*; ''NYSE American Equities Price List'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf*; ''NYSE American Options Fee Schedule'' at *https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf*; ''NYSE Arca Equities Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*; ''NYSE Arca Options Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf*; ''Fee Schedule of NYSE Chicago, Inc.'' at *https://www.nyse.com/publicdocs/nyse/NYSE_Chicago_Fee_Schedule.pdf*; and ''NYSE National, Inc. Schedule of Fees and Rebates'' at *https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf*.

[13] For example, a Telecom that had two cabinets with a total power allocation of 12 kW would have a monthly charge of $1,200 per kW for the first eight kW and $1,050 per kW for the next four kW (between 9 kW and 12 kw), for a total of $13,800, irrespective of how it divided the 12 kW between its cabinets.

[14] *See* note 12, *supra.*

[15] A cross connect to MMR cabinets may be purchased by the Telecom or the Telecom's customer. The same fee applies irrespective of which entity purchases the cross connect.

[16] The number of conduit sleeves a Telecom uses is dependent on the equipment and technology it uses and the size of the circuits it sells to Mahwah Customers. Most Telecoms that use them have one conduit sleeve.

circuits into and out of the Mahwah Data Center. A Telecom is charged a monthly fee for providing such circuits to Mahwah Customers, on a per connection basis.

Connection to Time Protocol Feed: IDS offers Telecoms the option to purchase connectivity to the Precision Time Protocol, with monthly and initial charges. Telecoms may make use of time feeds to receive time and to synchronize clocks between computer systems or throughout a computer network, and time feeds may assist Telecoms in other functions, including record keeping or measuring response times.

Expedite Fee: IDS offers Telecoms the option to expedite the completion of MMR services purchased or ordered by the Telecoms, for which the Exchange charges an ''Expedite Fee.''

The Exchange proposes to add the following fees and language to the Fee Schedule:

Type of service	Description	Amount of charge
Data Center Fiber Cross Connect.	Furnish and install 1 cross connect	$500 initial charge plus $600 monthly charge.
	Furnish and install bundle of 6 cross connects	$500 initial charge plus $1,800 monthly charge.
Conduit Sleeve Fee	Install (5 hrs) and maintain conduit sleeve supporting Telecom circuit into data center.	$1,000 initial charge plus $2,000 monthly charge per conduit sleeve.
Carrier Connection Fee	Maintain Telecom's connections to its non-Telecom data center customers.	$1,150 monthly charge per connection.
Connection to Time Protocol Feed.	Precision Time Protocol	$1,000 initial charge plus $250 monthly charge.
Expedite Fee	Expedited installation/completion of MMR service	$4,000 per request.

Service-Related Fees

The Exchange proposes to add the following services and fees relating to services IDS provides to Telecoms (collectively, the ''Service-Related Fees'') to the Fee Schedule. The Service-Related Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[17]

Change Fee: IDS charges a Telecom a ''Change Fee'' if the Telecom requests a change to one or more existing MMR services that IDS has already established or completed for the Telecom. The Change Fee is charged per order. If a Telecom orders two or more services at one time (for example, through submitting an order form requesting multiple services) the Telecom is charged a one-time Change Fee, which would cover the multiple services.

Hot Hands Service: IDS offers Telecoms a ''Hot Hands Service,'' which allows Telecoms to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack a server in a Telecom's cabinet, power recycling, and install and document the fitting of cable in a Telecom's cabinet(s). The Hot Hands fee is charged per half hour.

Shipping and Receiving: IDS offers shipping and receiving services to Telecoms, with a per shipment fee for the receipt of one shipment of goods at the Mahwah Data Center from the Telecom or supplier.

Visitor Security Escort: Telecom representatives are required to be accompanied by a visitor security escort during visits to the Mahwah Data Center. A fee per visit is charged.

To reflect the above IDS services and fees, the Exchange proposes to add the following to the Fee Schedule:

Type of service	Description	Amount of charge
Change Fee	Change to a service that has already been installed/completed for a Telecom	$950 per request.
Hot Hands Service	Allows Telecom to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack, power recycling, and install and document cable.	$100 per half hour.
Shipping and Receiving	Receipt of one shipment of goods at data center on behalf of Telecom (includes coordination of shipping and receiving).	$100 per shipment.
Visitor Security Escort	All Telecom representatives are required to be accompanied by a visitor security escort during visits to the data center.	$75 per visit.

Allocation of Cabinets and Power

The Exchange proposes to establish procedures for the allocation of cabinets and power to Telecoms. The Exchange believes it would be prudent to have procedures in place for the allocation of cabinets and power to Telecoms (''Proposed Procedures''), should such allocation be necessary. The Exchange proposes to add the Proposed Procedures to the Fee Schedule under the heading ''MMR Notes.''

As noted above, IDS offers dedicated cabinets in the MMRs to Telecoms to house their equipment. A Telecom pays an initial fee for each cabinet and a monthly fee based on the number of kW allocated to the Telecom's cabinets. The Exchange allocates cabinets on a first-come/first-serve basis.

A Telecom may request power upgrades to a dedicated cabinet in addition to the power allocated to such cabinet (the ''Standard Cabinet Power''), subject to a maximum of 8 kW per cabinet. A Telecom may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later.[18] A Telecom with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the Telecom would not need an additional cabinet.

The Proposed Procedures would be set forth in Notes 1 and 2. Note 1 would provide that, if the amount of power or cabinets available fell below specified thresholds, Telecoms would be subject to purchasing limits. Note 1 would also specify when the purchasing limits would cease to apply and would

[17] *See* note 12, *supra.*

[18] For example, a Telecom with a 4 kW cabinet may purchase an additional 1 kW of Additional Power. It would then have a cabinet with 5 kW of power. It could not, however, purchase more than 4 kW of Additional Power, as that would take the cabinet to above 8 kW. The smallest Standard Cabinet Power is 4 kW.

provide that if a Telecom requests a number of cabinets and/or amount of Additional Power that would cause the unallocated capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the Telecoms's order below the relevant threshold.[19]

Note 2 would provide that, if the amount of power or cabinets available fell to zero, Telecoms seeking to purchase power or cabinets would be put on a waitlist. In both Notes 1 and 2, the Proposed Procedures would also state how the procedures regarding cabinets and the procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits.

Proposed MMR Note 1

The Exchange proposes to add the following under the heading ''Note 1: Cabinet and Power Purchasing Limits'':

If (i) unallocated cabinet inventory is at or below 3 cabinets (''Cabinet Threshold''), or (ii) the unallocated power capacity in the MMRs is at or below 8 kW (the ''Power Threshold''), the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

- The Exchange will limit each Telecom's purchase of new cabinets to a maximum of one dedicated cabinet.
- If a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 3 cabinets, the Cabinet Limits will only apply to the portion of the Telecom's order below the Cabinet Threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new cabinet again.
- When unallocated cabinet inventory for the MMRs is more than 3 cabinets, the Exchange will discontinue the Cabinet Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

- A Telecom may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 4 kW:

a. One new cabinet, subject to a maximum standard power allocation of 4 kW (''Standard Cabinets'').

b. Additional power for new or existing cabinets.

- If a Telecom requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the Telecom's order below the relevant threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new Standard Cabinet or additional power again.
- When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Limits would enter into effect.

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed MMR Note 2

The Exchange proposes to add the following under the heading ''Note 2: Cabinet and Combined Waitlists'':

a. Cabinet Waitlist. The Exchange will create a cabinet waitlist (''Cabinet Waitlist'') if the available cabinet inventory is zero, or a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Telecoms seeking cabinets on a Cabinet Waitlist, as follows:

- A Telecom will be placed on the Cabinet Waitlist based on the date its signed order is received. A Telecom may only have one order for a new cabinet on the Cabinet Waitlist at a time, and the order is subject to the Cabinet Limits. If a Telecom changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Cabinet Limits.
- As cabinets become available, the Exchange will offer a cabinet to the Telecom at the top of the Cabinet Waitlist. If the Telecom's order is completed, it will be removed from the Cabinet Waitlist.
- A Telecom will be removed from the Cabinet Waitlist (a) at the Telecom's request or (b) if the Telecom turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the Telecom a cabinet of a different size than the Telecom requested in its order, the Telecom may turn down the offer and remain at the top of the Cabinet Waitlist until its order is completed.
- A Telecom that is removed from the Cabinet Waitlist but subsequently submits a new written order for a cabinet will be added back to the bottom of the Cabinet Waitlist.
- When unallocated cabinet inventory is more than 3 cabinets, the Exchange will cease use of the Cabinet Waitlist.

b. Combined Waitlist. The Exchange will create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a Telecom requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange will place Telecoms seeking cabinets or power on the Combined Waitlist, as follows:

- If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.
- A Telecom will be placed on the Combined Waitlist based on the date its signed order for a cabinet and/or additional power is received. A Telecom may only have one order for a new cabinet and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a Telecom changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Combined Limits.
- As additional power and/or cabinets become available, the Exchange will offer them to the Telecom at the top of the Combined Waitlist. If the Telecom's order is completed, the order

[19] For example, if there was 10 kW unallocated power capacity in the MMR and a Telecom requested to purchase cabinets and Additional Power that would, together, total 9 kW, the purchasing limits in MMR Note 1 would not apply to the Telecom's purchase of the first 2 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the Telecom's purchase of additional cabinets and Additional Power. In all, the Telecom would be permitted to purchase a total of 6 kW out of its original order of 9 kW. The Telecom could choose whether the 6 kW was in the form of cabinets, Additional Power, or both.

will be removed from the Combined Waitlist. If the Telecom's order is not completed, it will remain at the top of the Combined Waitlist.

- A Telecom will be removed from the Combined Waitlist (a) at the Telecom's request; or (b) if the Telecom turns down an offer that is the same as its order (*e.g.,* the offer includes a cabinet of the same size and/or the amount of additional power that the Telecom requested in its order). If the Exchange offers the Telecom an offer that is different than its order, the Telecom may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.
- A Telecom that is removed from the Combined Waitlist but subsequently submits a new written order for a cabinet and/or additional power will be added back to the bottom of the waitlist.
- If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 8 kW or more, the Exchange will cease use of the Combined Waitlist. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Waitlist would enter into effect.

Application and Impact of the Proposed Changes

The existing Telecoms are currently subject to the described services and fees. Accordingly, the Exchange expects that if it is approved, the impact of the proposed change would be minimal.

The proposed change applies to all market participants and does not apply differently to distinct types or sizes of licensed telecommunications service providers. Rather, it applies to all equally.

Use of the services proposed in this filing is completely voluntary and available to all market participants on a non-discriminatory basis.

Competitive Environment

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each market participant considering whether to purchase a circuit can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

The Exchange understands that most of the Telecoms that provide circuits do so at fees lower than those of IDS, and that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits if they wanted access to the Mahwah Data Center, thereby reducing competition.[20]

The Exchange does not expect that IDS would attract any new customers as a result of the proposed change.

IDS operates in a highly competitive market in which exchanges, third party telecommunications providers, Hosting Users,[21] and other third-party vendors offer connectivity services as a means to facilitate the trading and other market activities of market participants. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and 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.'' [22]

The proposed changes are not otherwise intended to address any other issues relating to services related to the Mahwah Data Center and/or related fees, and the Exchange is not aware of any problems that market participants would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] 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 mechanism 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 further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[25] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, for the following reasons.

The Exchange believes that the proposed rule change is reasonable because, by making it possible for Telecoms to continue to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits to access the Mahwah Data Center, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

Use of any MMR service is completely voluntary. Each third-party telecommunications provider is able to determine whether to use MMR services based on the requirements of its business operations, and each Mahwah Customer is able to determine whether to use Telecom or IDS services based on the requirements of their business operations.

[20] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* note 11, *supra.*

[21] ''Hosting'' is a service offered by a User to another entity In the User's space within the Mahwah Data Center. The Exchange allows Users to act as Hosting Users for a monthly fee. *See* Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82).

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78f(b)(4).

The Exchange believes that the proposed rule change is reasonable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis. All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed fees are reasonable because, to the extent the services IDS offers to Telecoms are substantially the same as the services offered by the Exchange to Users, the fees are the same. With respect to the two services not offered to Users, the Conduit Sleeve Fee and Carrier Connection Fee, the Exchange believes the fees IDS charges Telecoms are reasonable because the services correspond to the Telecoms' usage of the IDS conduits and the Telecoms' ability to offer their circuits to their customers. The Exchange believes the proposed fees are reasonable because to offer the MMRs, IDS must provide, maintain and operate the Mahwah Data Center technology infrastructure, including the installation, monitoring, support, and maintenance of the MMR services. Also in connection with providing the MMR services, IDS needs to expand the network infrastructure to keep pace with the services available to Telecoms, including any increasing demand for bandwidth and conduit space, and to establish any additional administrative controls. Finally, IDS has to handle the installation, administration, monitoring, support and maintenance of the MMR services, including by responding to any production issues.

The Exchange believes that IDS's fees for different MMR services are reasonable because not all Telecoms need, or choose, to utilize the same services. The variety of services offered by IDS, particularly with respect to cabinets and power, allows Telecoms to select which services to use, based on their business needs, and Telecoms are only charged for the services that they select. By charging only those Telecoms that utilize a service, those Telecoms that directly benefit from a service support it.

The Exchange believes the proposed MMR Notes 1 and 2 are reasonable because it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis.

The Exchange believes that it is reasonable that, if a shortage in power or in both power and cabinets should arise, the Proposed Procedures would address the allocation of both power and cabinets, as the Exchange would not be able to provide cabinets if no power were available. If Telecoms purchased sufficient Additional Power to trigger the Combined Waitlist, the Exchange would be unable to provide Telecoms with cabinets, even if it did not have a shortage in cabinets, because cabinets come with power. For the same reason, if Telecoms purchased sufficient Additional Power to trigger the Combined Limits, it would be reasonable to have limits that apply to both power and cabinets.

The Exchange believes that integrating the procedures for the allocation of cabinets and power would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that having a two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Proposed Procedures are consistent with both the Nasdaq procedures for allocating cabinets and the Exchange procedures for allocating cabinets and power in colocation.[26]

The Exchange believes that the proposed thresholds are reasonable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are reasonable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs and leave a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a Telecom may have on the waitlist at any one time, stating what happens if a Telecom changes its order while on the waitlist, and removing a Telecom from the waitlist if it turns down an offer that is the same as what it requested, the Proposed Procedures are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again, the Proposed Procedures are reasonably designed to prevent a Telecom from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable because the Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable because a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the waitlists.

The Proposed Change Is Equitable

The Exchange believes that IDS's fees for MMR services are equitably allocated among market participants.

By making it possible for Telecoms to continue to offer their customer circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

[26] *See* Securities Exchange Act Release Nos. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019) and 91515 (February 18, 2021), 86 FR 11350 (February 24, 2021) (SR–NYSE–2021–12; SR–NYSEAmer–2021–08; SR–NYSEArca–2021–11; SR–NYSECHX–2021–02; and SR–NYSENAT–2021–03).

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed change is equitable because it would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is equitable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed MMR Notes 1 and 2 are equitable because the Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Telecoms that requested new cabinets or Additional Power.

The Exchange believes that the proposed thresholds are equitable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are equitable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that the Proposed Procedures facilitate an equitable distribution of cabinets and power, as they are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and because they would require a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again. The Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. A waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is not unfairly discriminatory because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each of the Telecoms offers circuits to market participants in competition with the IDS offerings. Each market participant considering whether to purchase a circuit can weigh whether to purchase an IDS or Telecom circuit, and can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed rule change is not unfairly discriminatory because, if the Proposed Procedures were in place, all Telecoms would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. The Proposed Procedures would assist the Exchange in accommodating demand for MMR services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

As noted above, the Exchange is making the current proposal solely as a result of the Commission's recent interpretation of the definitions of ''exchange'' and ''facility'' in the Wireless Approval Order, which the

Exchange is presently challenging on appeal to the Court of Appeals for the District of Columbia Circuit.[27] The Exchange has nevertheless proposed this rule change in order to preserve the ability of IDS to offer the services described herein.

If IDS were compelled to stop offering such services, Telecoms would not be able to provide circuits into and out of the Mahwah Data Center, and all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center, which would be a detriment to competition overall. Indeed, the Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. That option would be removed if IDS were compelled to stop offering MMR services.

The Exchange notes that IDS competes with the Telecoms to provide circuits for Mahwah Customers, as well as other Telecoms, and that none of the Telecoms have been compelled to file their services or fees with the Commission. Requiring IDS to do so puts IDS at a competitive disadvantage vis-à-vis its competitors. Requiring the Exchange to file IDS services and fees is therefore a burden on competition.

The Exchange believes competition would be best served by allowing IDS to freely compete with the other providers of connectivity services into and out of the Mahwah Data Center, without the additional burden on IDS alone to file any proposed changes to services and fees with the Commission.

With respect to the proposed MMR Notes 1 and 2, the Exchange believes that, if triggered, the imposition of the purchase limits or waitlist provisions would not impose a burden on a Telecom's ability to compete that is not necessary or appropriate. The Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Telecoms' ability to purchase new power and cabinets if either or both the proposed Power Threshold and Cabinet Threshold were met. Similarly, a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

The Exchange believes that the proposed MMR Notes would articulate rational, objective procedures, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register**, or such longer period *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2021–24 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–NYSEArca–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–NYSEArca–2021–24, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 2021–08312 Filed 4–21–21; 8:45 am]

BILLING CODE 8011–01–P

[27] *See* note 5, *supra.*

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91587; File Nos. SR–DTC–2021–002; SR–FICC–2021–001; SR–NSCC–2021–003]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; National Securities Clearing Corporation; Order Approving Proposed Rule Changes To Revise the Clearing Agency Investment Policy

April 16, 2021.

On March 8, 2021, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC''), and National Securities Clearing Corporation (''NSCC,'' each a ''Clearing Agency,'' and collectively, the ''Clearing Agencies''), filed with the Securities and Exchange Commission (''Commission'') proposed rule changes SR–DTC–2021–002; SR–FICC–2021–001; SR–NSCC–2021–003, respectively, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule changes were published for comment in the **Federal Register** on March 16, 2021,[3] and the Commission received no comment letters regarding the proposed rule changes. For the reasons discussed below, the Commission is granting approval of the proposed rule changes.[4]

I. Description of the Proposed Rule Changes

A. Background

Each Clearing Agency has established a Clearing Agency Investment Policy (''Investment Policy''),[5] which governs the management, custody, and investment of cash deposited to the DTC Participants Fund and the respective NSCC and FICC Clearing Funds,[6] the proprietary liquid net assets (cash and cash equivalents) of the Clearing Agencies, and other funds held by the Clearing Agencies pursuant to their respective rules. The Investment Policy states that it would adhere to a conservative investment philosophy that places the highest priority on maximizing the liquidity and avoiding risk to the funds in the custody of the Clearing Agencies.[7]

The Investment Policy includes, generally, a glossary of key terms, the roles and responsibilities of DTCC staff in administering the Investment Policy, guiding principles for investments, sources of investable funds, allowable investments of those funds, limitations on such investments, authority required for those investments, and authority required to exceed established investment limits.[8] In particular, the Investment Policy provides that allowable investments include bank deposits, reverse repurchase agreements, direct obligations of the U.S. government, money market mutual funds, high-grade corporate debt, and hedge transactions.[9]

B. Settling Bank Deposit Investment Limits

The Investment Policy sets forth the investment limits applicable to bank deposit investments. Currently, bank deposit investment limits are determined based on the bank counterparty's external credit rating.[10]

The Clearing Agencies propose to revise the methodology for setting investment limits on bank deposits with a particular counterparty by including a consideration of the size of the bank counterparty, measured as the total shareholders' equity capital, in this calculation. Under the proposed methodology, an investment limit for a bank deposit counterparty would continue to be based on the counterparty's credit rating, but would be the lower of (1) a percentage of its total shareholders' equity capital, and (2) the applicable dollar value that is currently in the Investment Policy. The proposed approach would take into account the size of a counterparty in setting investment limits rather than applying the same investment limits to each counterparty with the same credit rating without regard to the entity's size.

C. Description of Investable Funds of GSD

The Clearing Agencies also propose to amend their respective Investment Policy to revise the description of investable funds of GSD. The current term used in the Investment Policy, ''GSD Forward Margin,'' would be changed to ''GSD Forward Mark Adjustment Payment.'' The GSD Rules define these funds as ''Forward Mark Adjustment Payment,'' [11] and the Clearing Agencies represent that the proposed change is to harmonize the terms used in the Investment Policy with the GSD Rules, and prevent any confusion about which funds are investable by the Clearing Agencies pursuant to the Investment Policy.[12]

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [13] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After careful consideration, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Clearing Agencies. In particular, the Commission finds that the proposed rule changes are consistent with Section 17A(b)(3)(F) [14] of the Act and Rule 17Ad–22(e)(16) thereunder.[15]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[16]

The proposed changes would require the Clearing Agencies to consider the counterparty shareholders' equity capital in limiting investments for bank deposit investments. By considering not only the credit rating of a bank

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 91291 (March 10, 2021), 86 FR 14500 (March 16, 2021) (SR–DTC–2021–002) (''DTC Notice of Filing''); 91292 (March 10, 2021), 86 FR 14503 (March 16, 2021) (SR–FICC–2021–001) (''FICC Notice of Filing''); and 91293 (March 10, 2021), 86 FR 14506 (March 16, 2021) (SR–NSCC2021–003) (''NSCC Notice of Filing'').

[4] Capitalized terms not defined herein are defined in the DTC Rules, By-laws and Organization Certificate (''DTC Rules''), the Rules & Procedures of NSCC (''NSCC Rules''), the Clearing Rules of the Mortgage-Backed Securities Division of FICC (''MBSD Rules''), or the Rulebook of the Government Securities Division of FICC (''GSD Rules''), as applicable, *available at http://dtcc.com/legal/rules-and-procedures.*

[5] *See* Securities Exchange Act Release No. 79528 (December 12, 2016), 81 FR 91232 (December 16, 2016) (SR–DTC–2016–007; SR–FICC–2016–005; SR–NSCC–2016–003) (''2016 Framework Order'').

[6] The DTC Participants Fund and the respective Clearing Funds of NSCC and FICC are described further in DTC Rules, NSCC Rules, MBSD Rules, GSD Rules, respectively. *See* DTC Rules, Rule 4 (Participants Fund and Participants Investment); NSCC Rules, Rule 4 (Clearing Fund); GSD Rules, Rule 4 (Clearing Fund and Loss Allocation); MBSD Rules, Rule 4 (Clearing Fund and Loss Allocation).

[7] *See* 2016 Framework Order, 81 FR at 91233.

[8] *See* 2016 Framework Order, 81 FR at 91232–33.

[9] *See* DTC Notice of Filing, 86 FR at 14501; FICC Notice of Filing, 86 FR at 14504; NSCC Notice of Filing, 86 FR at 14506.

[10] *See* DTC Notice of Filing, 86 FR at 14501; FICC Notice of Filing, 86 FR at 14504; NSCC Notice of Filing, 86 FR at 14507.

[11] *See* GSD Rules, Rule 1 (Definitions).

[12] *See* DTC Notice of Filing, 86 FR at 14501; FICC Notice of Filing, 86 FR at 14504; NSCC Notice of Filing, 86 FR at 14507.

[13] 15 U.S.C. 78s(b)(2)(C).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(e)(16).

[16] 15 U.S.C. 78q–1(b)(3)(F).

counterparty, but also the size of a bank counterparty in setting its bank deposit investment limit, the proposed change would help the Clearing Agencies to cap their exposure to smaller counterparties, measured by their shareholders' equity capital. In turn, the proposed changes should help the Clearing Agencies to continue to adhere to the prudent and conservative investment philosophy that places the highest priority on maximizing liquidity and risk avoidance.

In addition, the proposed changes would align the terminology used in the Investment Policy with the terminology used in the GSD Rules to clarify the investable funds that are subject to the Investment Policy. By eliminating inconsistent use of terminology, the proposed changes should help to improve the effectiveness of the Investment Policy.

Therefore, for the reasons stated above, the Commission believes that the proposed rule changes are designed to assure the safeguarding of securities and funds in the custody and control of the Clearing Agencies consistent with the requirements of Section 17A(b)(3)(F) of the Act.[17]

B. Consistency With Rule 17Ad–22(e)(16) Under the Act

Rule 17Ad–22(e)(16) under the Act requires the Clearing Agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to safeguard the Clearing Agencies' own and their participants' assets, minimize the risk of loss and delay in access to these assets, and invest such assets in instruments with minimal credit, market, and liquidity risks.[18]

As stated above, the proposed changes would require the Clearing Agencies to consider the counterparty shareholders' equity capital in limiting investment for bank deposit investments, and align the description of investable funds of GSD in the Investment Policy with the description of these funds in the GSD Rules to clarify the funds that are subject to the Investment Policy. By limiting the Clearing Agencies' exposure to smaller counterparties and removing any confusion about which funds are subject to the Investment Policy, the proposed changes are designed to strengthen the risk management objectives, and improve the clarity, of the Investment Policy.

Accordingly, the Commission believes that the proposed changes are reasonably designed to help safeguard the Clearing Agencies' own and their participants' assets, minimize the risk of loss and delay in access to these assets, and invest such assets in instruments with minimal credit, market, and liquidity risks, and is therefore consistent with Rule 17Ad–22(e)(16) under the Act.[19]

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act,[20] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that proposed rule changes SR–DTC–2021–002, SR–FICC–2021–001, SR–NSCC–2021–003, be, and they hereby are, *Approved.*[22]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Lynn Taylor,

Assistant Secretary.

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[17] *Id.*

[18] 17 CFR 240.17Ad–22(e)(16).

[19] *Id.*

[20] 15 U.S.C. 78q–1.

[21] 15 U.S.C. 78s(b)(2).

[22] In approving the proposed rule changes, the Commission considered the proposals' 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. 34–91602; File No. SR–NYSENAT–2021–09]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing of Proposed Rule Change To Amend the Schedule of Wireless, Circuits, and Non-Colocation Connectivity Services Available at the Mahwah Data Center

April 16, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 9, 2021, NYSE National, Inc. (''NYSE National'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the schedule of wireless, circuits, and non-colocation connectivity services available at the Mahwah data center (the ''Fee Schedule'') to add services available to customers in the meet me rooms in the Mahwah data center and procedures for the allocation of cabinets and power to such customers. 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 Exchange proposes to amend the Fee Schedule to add services available to customers in the two meet me rooms on the north and south sides of the Mahwah data center (''MMRs'') and procedures for the allocation of cabinets and power to MMR customers.

The Exchange makes the current proposal solely as a result of its determination that the Commission's recent interpretations of the Act's definitions of the terms ''exchange'' and ''facility,'' as expressed in the Wireless Approval Order,[4] apply to the connectivity services described herein that are offered by entities other than the Exchange. The Exchange disagrees with the Commission's interpretations,

[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. 90209 (October 15, 2020), 85 FR 67044 (October 21, 2020) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order'').

denies the services covered herein (and in the Wireless Approval Order) are offerings of an ''exchange'' or a ''facility'' thereof, and has sought review of the Commission's interpretations, as expressed in the Wireless Approval Order, in the Court of Appeals for the District of Columbia Circuit.[5] Pending resolution of such appeal, however, the Exchange is making this proposed rule change in recognition that the Commission's current interpretation brings certain offerings of the Exchange's affiliates into the scope of the terms ''exchange'' or ''facility.''

Background

Through its ICE Data Services (''IDS'') business, Intercontinental Exchange, Inc. (''ICE'')[6] operates a data center in Mahwah, New Jersey (the ''Mahwah Data Center''), from which the Exchange provides co-location services to any market participant that requests to receive co-location services directly from the Exchange (''Users'').[7] Services are also available to customers that are not colocation Users (''NCL Customers'' and, together with Users, ''Mahwah Customers'').

Mahwah Customers require circuits connecting into and out of the Mahwah Data Center in order to connect their equipment outside of the Mahwah Data Center to their equipment or port within the Mahwah Data Center. IDS and numerous third-party telecommunications service providers offer these connections to the Mahwah Customers in the form of wired circuits[8] into and out of the Mahwah Data Center.

A third-party telecommunications service provider that provides wired circuits into and out of the Mahwah Data Center (a ''Telecom'')[9] completes a circuit by placing equipment in a MMR and installing carrier circuits between its MMR equipment and one or more points outside the Mahwah Data Center.[10] Mahwah Customers that have contracted with the Telecom to use the circuit connect to the Telecom's MMR equipment using a cross connect. Once connected to the Telecom's equipment, the Mahwah Customers can use the Telecom's circuit to transport data into and out of the Mahwah Data Center.

In addition, a Telecom may sell access to its circuits to a second Telecom, which allows the second Telecom to use the first Telecom's circuit to access the Mahwah Data Center. In this way, the second Telecom gains access to the Mahwah Data Center, where it installs its equipment in an MMR, without incurring the cost of installing its own proprietary circuits to the Mahwah Data Center. IDS does not consent to, and need not be informed of, a Telecom's sale of a circuit to another Telecom.

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. If the MMR services were not available, IDS circuits would be the only option for all Mahwah Customers and third-party telecommunications service providers.

MMR Services

The Exchange proposes to add change the title of the Fee Schedule to ''Wireless and Meet-Me-Room Connectivity Fees and Charges'' and add the following MMR services and fees to the end of the Fee Schedule, under the heading ''C. Meet-Me-Room ('MMR') Services.''[11]

Cabinet-Related Services

The Exchange proposes to add the following services and fees relating to the cabinets that IDS provides to Telecoms for them to set up their servers in the MMRs (collectively, the ''Cabinet-Related Services''). The Cabinet-Related Services are substantially similar to co-location services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in their price lists and fee schedules (the ''Affiliate SRO Price Lists'').[12]

Initial Fee per MMR Cabinet and MMR Monthly Fee for Cabinets: IDS offers Telecoms dedicated cabinets in the MMRs to house their equipment. The cabinets come in sizes based on the number of kilowatts (''kW'') allocated, subject to a maximum of 8 kW per cabinet. Telecoms pay an initial fee for each cabinet and a monthly fee based on the number of kW allocated to all the Telecom's cabinets.[13] To indicate how the fee is calculated, the Exchange proposes to add a note stating that the monthly fee is based on total kWs allocated to all of a Telecom's cabinets.

The Exchange proposes to add the following fees and language to the Fee Schedule for the Cabinet-Related Services:

Initial Fee per MMR Cabinet:	
Dedicated Cabinet of up to 8 kW	$5,000
MMR Monthly Fee for Cabinets:	
Monthly fee is based on total kWs allocated to all of a Telecom's cabinets.	
Number of kWs	*Monthly Fee per kW*
4–8	$1,200
9–20	1,050
21–40	950
41 +	900

Access and Service Fees

The Exchange proposes to add the following services and fees relating to the access and services IDS provides to Telecoms (collectively, the ''Access and Service Fees'') to the Fee Schedule. Most of the Access and Service Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are

[5] *Intercontinental Exchange, Inc.* v. *SEC,* No. 20–1470 (D.C. Cir. 2020).

[6] The Exchange is an indirect subsidiary of ICE and is an affiliate of New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE Chicago, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–25, SR–NYSEAMER–2021–21, SR–NYSEArca–2021–24, and SR–NYSECHX–2021–07.

[7] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2018. *See* Securities Exchange Act Release No. 83351 (May 31, 2018), 83 FR 26314 (June 6, 2018) (SR–NYSENAT–2018–07) (''NYSE National Co-location Notice'').

[8] A Mahwah Customer may use a third party wireless connection, including a proprietary wireless connection, to the Mahwah Data Center. In such a case, the portion of the connection closest to the Mahwah Data Center is wired.

[9] Telecoms are licensed by the Federal Communications Commission (''FCC'') and are not required to be, or be affiliated with, a member of the Exchange or of an Affiliate SRO.

[10] Neither IDS nor the Exchange knows the termination point of a Telecom's circuit or the content of any data sent on a circuit. A Telecom elects which MMR it will use, or if it will use both.

[11] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* Securities Exchange Act Release No. 91215 (February 26, 2021), 86 FR 12752 (March 4, 2021) (SR–NYSENAT–2021–04). If such filing is approved by the Commission, the Exchange expects to file an amendment to the present filing to conform to the relevant changes.

[12] *See* ''Co-Location Fees'' in ''New York Stock Exchange Price List 2021'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf;* ''NYSE American Equities Price List'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf;* ''NYSE American Options Fee Schedule'' at *https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf;* ''NYSE Arca Equities Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf;* ''NYSE Arca Options Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf;* ''Fee Schedule of NYSE Chicago, Inc.'' at *https://www.nyse.com/publicdocs/nyse/NYSE_Chicago_Fee_Schedule.pdf;* and ''NYSE National, Inc. Schedule of Fees and Rebates'' at *https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf.*

[13] For example, a Telecom that had two cabinets with a total power allocation of 12 kW would have a monthly charge of $1,200 per kW for the first eight kW and $1,050 per kW for the next four kW (between 9 kW and 12 kw), for a total of $13,800, irrespective of how it divided the 12 kW between its cabinets.

set forth in the Affiliate SRO Price Lists.[14]

Data Center Fiber Cross Connect: IDS offers fiber cross connects for an initial and monthly charge. Cross connects may run between a Telecom's cabinets, between its cabinet and the cabinet of another Telecom, or between its cabinet and its customer's cabinet or port.[15] Cross connects may be bundled (*i.e.,* multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or six cross connects.

Conduit Sleeve Fee: A Telecom's circuits into and out of the Mahwah Data Center run through IDS conduits. There are currently three IDS conduit paths leading into the Mahwah Data Center. A Telecom determines which conduit or conduits it will use to carry its circuits, which are carried in individual conduit sleeves. The Telecom is charged an initial charge for the installation of circuits in the IDS conduit, which covers up to five hours of work, and a monthly fee per conduit sleeve for using the IDS conduit.[16]

Carrier Connection Fee: Telecoms contract with their customers for circuits into and out of the Mahwah Data Center. A Telecom is charged a monthly fee for providing such circuits to Mahwah Customers, on a per connection basis.

Connection to Time Protocol Feed: IDS offers Telecoms the option to purchase connectivity to the Precision Time Protocol, with monthly and initial charges. Telecoms may make use of time feeds to receive time and to synchronize clocks between computer systems or throughout a computer network, and time feeds may assist Telecoms in other functions, including record keeping or measuring response times.

Expedite Fee: IDS offers Telecoms the option to expedite the completion of MMR services purchased or ordered by the Telecoms, for which the Exchange charges an ''Expedite Fee.''

The Exchange proposes to add the following fees and language to the Fee Schedule:

Type of service	Description	Amount of charge
Data Center Fiber Cross Connect.	Furnish and install 1 cross connect	$500 initial charge plus $600 monthly charge.
	Furnish and install bundle of 6 cross connects	$500 initial charge plus $1,800 monthly charge.
Conduit Sleeve Fee	Install (5 hrs) and maintain conduit sleeve supporting Telecom circuit into data center.	$1,000 initial charge plus $2,000 monthly charge per conduit sleeve.
Carrier Connection Fee	Maintain Telecom's connections to its non-Telecom data center customers.	$1,150 monthly charge per connection.
Connection to Time Protocol Feed.	Precision Time Protocol	$1,000 initial charge plus $250 monthly charge.
Expedite Fee	Expedited installation/completion of MMR service	$4,000 per request.

Service-Related Fees

The Exchange proposes to add the following services and fees relating to services IDS provides to Telecoms (collectively, the ''Service-Related Fees'') to the Fee Schedule. The Service-Related Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[17]

Change Fee: IDS charges a Telecom a ''Change Fee'' if the Telecom requests a change to one or more existing MMR services that IDS has already established or completed for the Telecom. The Change Fee is charged per order. If a Telecom orders two or more services at one time (for example, through submitting an order form requesting multiple services) the Telecom is charged a one-time Change Fee, which would cover the multiple services.

Hot Hands Service: IDS offers Telecoms a ''Hot Hands Service,'' which allows Telecoms to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack a server in a Telecom's cabinet, power recycling, and install and document the fitting of cable in a Telecom's cabinet(s). The Hot Hands fee is charged per half hour.

Shipping and Receiving: IDS offers shipping and receiving services to Telecoms, with a per shipment fee for the receipt of one shipment of goods at the Mahwah Data Center from the Telecom or supplier.

Visitor Security Escort: Telecom representatives are required to be accompanied by a visitor security escort during visits to the Mahwah Data Center. A fee per visit is charged.

To reflect the above IDS services and fees, the Exchange proposes to add the following to the Fee Schedule:

Type of service	Description	Amount of charge
Change Fee	Change to a service that has already been installed/completed for a Telecom	$950 per request.
Hot Hands Service	Allows Telecom to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack, power recycling, and install and document cable.	$100 per half hour.
Shipping and Receiving	Receipt of one shipment of goods at data center on behalf of Telecom (includes coordination of shipping and receiving).	$100 per shipment.
Visitor Security Escort	All Telecom representatives are required to be accompanied by a visitor security escort during visits to the data center.	$75 per visit.

[14] *See* note 12, *supra.*

[15] A cross connect to MMR cabinets may be purchased by the Telecom or the Telecom's customer. The same fee applies irrespective of which entity purchases the cross connect.

[16] The number of conduit sleeves a Telecom uses is dependent on the equipment and technology it uses and the size of the circuits it sells to Mahwah Customers. Most Telecoms that use them have one conduit sleeve.

[17] *See* note 12, *supra.*

Allocation of Cabinets and Power

The Exchange proposes to establish procedures for the allocation of cabinets and power to Telecoms. The Exchange believes it would be prudent to have procedures in place for the allocation of cabinets and power to Telecoms (''Proposed Procedures''), should such allocation be necessary. The Exchange proposes to add the Proposed Procedures to the Fee Schedule under the heading ''MMR Notes.''

As noted above, IDS offers dedicated cabinets in the MMRs to Telecoms to house their equipment. A Telecom pays an initial fee for each cabinet and a monthly fee based on the number of kW allocated to the Telecom's cabinets. The Exchange allocates cabinets on a first-come/first-serve basis.

A Telecom may request power upgrades to a dedicated cabinet in addition to the power allocated to such cabinet (the ''Standard Cabinet Power''), subject to a maximum of 8 kW per cabinet. A Telecom may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later.[18] A Telecom with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the Telecom would not need an additional cabinet.

The Proposed Procedures would be set forth in Notes 1 and 2. Note 1 would provide that, if the amount of power or cabinets available fell below specified thresholds, Telecoms would be subject to purchasing limits. Note 1 would also specify when the purchasing limits would cease to apply and would provide that if a Telecom requests a number of cabinets and/or amount of Additional Power that would cause the unallocated capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the Telecoms's order below the relevant threshold.[19]

Note 2 would provide that, if the amount of power or cabinets available fell to zero, Telecoms seeking to purchase power or cabinets would be put on a waitlist. In both Notes 1 and 2, the Proposed Procedures would also state how the procedures regarding cabinets and the procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits.

Proposed MMR Note 1

The Exchange proposes to add the following under the heading ''Note 1: Cabinet and Power Purchasing Limits'':

If (i) unallocated cabinet inventory is at or below 3 cabinets (''Cabinet Threshold''), or (ii) the unallocated power capacity in the MMRs is at or below 8 kW (the ''Power Threshold''), the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

- The Exchange will limit each Telecom's purchase of new cabinets to a maximum of one dedicated cabinet.
- If a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 3 cabinets, the Cabinet Limits will only apply to the portion of the Telecom's order below the Cabinet Threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new cabinet again.
- When unallocated cabinet inventory for the MMRs is more than 3 cabinets, the Exchange will discontinue the Cabinet Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

- A Telecom may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 4 kW:

a. One new cabinet, subject to a maximum standard power allocation of 4 kW (''Standard Cabinets'').

b. Additional power for new or existing cabinets.

- If a Telecom requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the Telecom's order below the relevant threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new Standard Cabinet or additional power again.
- When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Limits would enter into effect.

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed MMR Note 2

The Exchange proposes to add the following under the heading ''Note 2: Cabinet and Combined Waitlists'':

a. Cabinet Waitlist. The Exchange will create a cabinet waitlist (''Cabinet Waitlist'') if the available cabinet inventory is zero, or a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Telecoms seeking cabinets on a Cabinet Waitlist, as follows:

- A Telecom will be placed on the Cabinet Waitlist based on the date its signed order is received. A Telecom may only have one order for a new cabinet on the Cabinet Waitlist at a time, and the order is subject to the Cabinet Limits. If a Telecom changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Cabinet Limits.
- As cabinets become available, the Exchange will offer a cabinet to the Telecom at the top of the Cabinet Waitlist. If the Telecom's order is completed, it will be removed from the Cabinet Waitlist.
- A Telecom will be removed from the Cabinet Waitlist (a) at the Telecom's request or (b) if the Telecom turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the Telecom a cabinet of a different size than the Telecom requested in its order, the Telecom may turn down the offer and remain at the

[18] For example, a Telecom with a 4 kW cabinet may purchase an additional 1 kW of Additional Power. It would then have a cabinet with 5 kW of power. It could not, however, purchase more than 4 kW of Additional Power, as that would take the cabinet to above 8 kW. The smallest Standard Cabinet Power is 4 kW.

[19] For example, if there was 10 kW unallocated power capacity in the MMR and a Telecom requested to purchase cabinets and Additional Power that would, together, total 9 kW, the purchasing limits in MMR Note 1 would not apply to the Telecom's purchase of the first 2 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the Telecom's purchase of additional cabinets and Additional Power. In all, the Telecom would be permitted to purchase a total of 6 kW out of its original order of 9 kW. The Telecom could choose whether the 6 kW was in the form of cabinets, Additional Power, or both.

top of the Cabinet Waitlist until its order is completed.

• A Telecom that is removed from the Cabinet Waitlist but subsequently submits a new written order for a cabinet will be added back to the bottom of the Cabinet Waitlist.

• When unallocated cabinet inventory is more than 3 cabinets, the Exchange will cease use of the Cabinet Waitlist.

b. Combined Waitlist. The Exchange will create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a Telecom requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange will place Telecoms seeking cabinets or power on the Combined Waitlist, as follows:

• If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.

• A Telecom will be placed on the Combined Waitlist based on the date its signed order for a cabinet and/or additional power is received. A Telecom may only have one order for a new cabinet and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a Telecom changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Combined Limits.

• As additional power and/or cabinets become available, the Exchange will offer them to the Telecom at the top of the Combined Waitlist. If the Telecom's order is completed, the order will be removed from the Combined Waitlist. If the Telecom's order is not completed, it will remain at the top of the Combined Waitlist.

• A Telecom will be removed from the Combined Waitlist (a) at the Telecom's request; or (b) if the Telecom turns down an offer that is the same as its order (*e.g.,* the offer includes a cabinet of the same size and/or the amount of additional power that the Telecom requested in its order). If the Exchange offers the Telecom an offer that is different than its order, the Telecom may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.

• A Telecom that is removed from the Combined Waitlist but subsequently submits a new written order for a cabinet and/or additional power will be added back to the bottom of the waitlist.

• If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 8 kW or more, the Exchange will cease use of the Combined Waitlist. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Waitlist would enter into effect.

Application and Impact of the Proposed Changes

The existing Telecoms are currently subject to the described services and fees. Accordingly, the Exchange expects that if it is approved, the impact of the proposed change would be minimal.

The proposed change applies to all market participants and does not apply differently to distinct types or sizes of licensed telecommunications service providers. Rather, it applies to all equally.

Use of the services proposed in this filing is completely voluntary and available to all market participants on a non-discriminatory basis.

Competitive Environment

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each market participant considering whether to purchase a circuit can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

The Exchange understands that most of the Telecoms that provide circuits do so at fees lower than those of IDS, and that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits if they wanted access to the Mahwah Data Center, thereby reducing competition.[20]

The Exchange does not expect that IDS would attract any new customers as a result of the proposed change.

IDS operates in a highly competitive market in which exchanges, third party telecommunications providers, Hosting Users,[21] and other third-party vendors offer connectivity services as a means to facilitate the trading and other market activities of market participants. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and 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.'' [22]

The proposed changes are not otherwise intended to address any other issues relating to services related to the Mahwah Data Center and/or related fees, and the Exchange is not aware of any problems that market participants would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] 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 mechanism 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 further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[25] because it provides for the equitable allocation of

[20] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* note 11, *supra.*

[21] ''Hosting'' is a service offered by a User to another entity In the User's space within the Mahwah Data Center. The Exchange allows Users to act as Hosting Users for a monthly fee. *See* NYSE National Co-location Notice, *supra* note 7, at 26318.

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78f(b)(4).

reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, for the following reasons.

The Exchange believes that the proposed rule change is reasonable because, by making it possible for Telecoms to continue to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits to access the Mahwah Data Center, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

Use of any MMR service is completely voluntary. Each third-party telecommunications provider is able to determine whether to use MMR services based on the requirements of its business operations, and each Mahwah Customer is able to determine whether to use Telecom or IDS services based on the requirements of their business operations.

The Exchange believes that the proposed rule change is reasonable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis. All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed fees are reasonable because, to the extent the services IDS offers to Telecoms are substantially the same as the services offered by the Exchange to Users, the fees are the same. With respect to the two services not offered to Users, the Conduit Sleeve Fee and Carrier Connection Fee, the Exchange believes the fees IDS charges Telecoms are reasonable because the services correspond to the Telecoms' usage of the IDS conduits and the Telecoms' ability to offer their circuits to their customers. The Exchange believes the proposed fees are reasonable because to offer the MMRs, IDS must provide, maintain and operate the Mahwah Data Center technology infrastructure, including the installation, monitoring, support, and maintenance of the MMR services. Also in connection with providing the MMR services, IDS needs to expand the network infrastructure to keep pace with the services available to Telecoms, including any increasing demand for bandwidth and conduit space, and to establish any additional administrative controls. Finally, IDS has to handle the installation, administration, monitoring, support and maintenance of the MMR services, including by responding to any production issues.

The Exchange believes that IDS's fees for different MMR services are reasonable because not all Telecoms need, or choose, to utilize the same services. The variety of services offered by IDS, particularly with respect to cabinets and power, allows Telecoms to select which services to use, based on their business needs, and Telecoms are only charged for the services that they select. By charging only those Telecoms that utilize a service, those Telecoms that directly benefit from a service support it.

The Exchange believes the proposed MMR Notes 1 and 2 are reasonable because it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis.

The Exchange believes that it is reasonable that, if a shortage in power or in both power and cabinets should arise, the Proposed Procedures would address the allocation of both power and cabinets, as the Exchange would not be able to provide cabinets if no power were available. If Telecoms purchased sufficient Additional Power to trigger the Combined Waitlist, the Exchange would be unable to provide Telecoms with cabinets, even if it did not have a shortage in cabinets, because cabinets come with power. For the same reason, if Telecoms purchased sufficient Additional Power to trigger the Combined Limits, it would be reasonable to have limits that apply to both power and cabinets.

The Exchange believes that integrating the procedures for the allocation of cabinets and power would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that having a two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Proposed Procedures are consistent with both the Nasdaq procedures for allocating cabinets and the Exchange procedures for allocating cabinets and power in colocation.[26]

The Exchange believes that the proposed thresholds are reasonable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are reasonable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs and leave a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

[26] *See* Securities Exchange Act Release Nos. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019) and 91515 (February 18, 2021), 86 FR 11350 (February 24, 2021) (SR–NYSE–2021–12; SR–NYSEAmer–2021–08; SR–NYSEArca–2021–11; SR–NYSECHX–2021–02; and SR–NYSENAT–2021–03).

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a Telecom may have on the waitlist at any one time, stating what happens if a Telecom changes its order while on the waitlist, and removing a Telecom from the waitlist if it turns down an offer that is the same as what it requested, the Proposed Procedures are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again, the Proposed Procedures are reasonably designed to prevent a Telecom from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable because the Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable because a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the waitlists.

The Proposed Change Is Equitable

The Exchange believes that IDS's fees for MMR services are equitably allocated among market participants.

By making it possible for Telecoms to continue to offer their customer circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed change is equitable because it would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is equitable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed MMR Notes 1 and 2 are equitable because the Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Telecoms that requested new cabinets or Additional Power.

The Exchange believes that the proposed thresholds are equitable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are equitable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that the Proposed Procedures facilitate an equitable distribution of cabinets and power, as they are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and because they would require a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again. The Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. A waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is not unfairly discriminatory because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each of the Telecoms offers circuits to market participants in competition with the IDS offerings. Each market participant considering whether to purchase a circuit can weigh whether to purchase an IDS or Telecom circuit, and can choose which circuit to purchase based on which combination of provider,

latency, bandwidth, price, and route diversity best meets its business needs.

If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed rule change is not unfairly discriminatory because, if the Proposed Procedures were in place, all Telecoms would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. The Proposed Procedures would assist the Exchange in accommodating demand for MMR services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

As noted above, the Exchange is making the current proposal solely as a result of the Commission's recent interpretation of the definitions of ''exchange'' and ''facility'' in the Wireless Approval Order, which the Exchange is presently challenging on appeal to the Court of Appeals for the District of Columbia Circuit.[27] The Exchange has nevertheless proposed this rule change in order to preserve the ability of IDS to offer the services described herein.

If IDS were compelled to stop offering such services, Telecoms would not be able to provide circuits into and out of the Mahwah Data Center, and all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center, which would be a detriment to competition overall. Indeed, the Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. That option would be removed if IDS were compelled to stop offering MMR services.

The Exchange notes that IDS competes with the Telecoms to provide circuits for Mahwah Customers, as well as other Telecoms, and that none of the Telecoms have been compelled to file their services or fees with the Commission. Requiring IDS to do so puts IDS at a competitive disadvantage vis-à-vis its competitors. Requiring the Exchange to file IDS services and fees is therefore a burden on competition.

The Exchange believes competition would be best served by allowing IDS to freely compete with the other providers of connectivity services into and out of the Mahwah Data Center, without the additional burden on IDS alone to file any proposed changes to services and fees with the Commission.

With respect to the proposed MMR Notes 1 and 2, the Exchange believes that, if triggered, the imposition of the purchase limits or waitlist provisions would not impose a burden on a Telecom's ability to compete that is not necessary or appropriate. The Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Telecoms' ability to purchase new power and cabinets if either or both the proposed Power Threshold and Cabinet Threshold were met. Similarly, a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

The Exchange believes that the proposed MMR Notes would articulate rational, objective procedures, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register**, or such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSENAT–2021–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSENAT–2021–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

[27] *See* note 5, *supra*.

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–2021–09, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 2021–08306 Filed 4–21–21; 8:45 am]

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[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91585; File No. SR–BOX–2021–03]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC Facility

April 16, 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 1, 2021, BOX Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (''BOX'') facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

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 expects to move to a new, larger, Trading Floor in Q2 2021. The move has been driven, in part, by an increase in demand for participation on the BOX Trading Floor, particularly for Floor Market Makers. The larger Trading Floor will allow a greater number of Floor Participants—specifically Floor Market Makers—and their associated personnel to be present on the Trading Floor while also continuing to follow the social distancing requirements imposed by the COVID–19 pandemic.[5] In conjunction with the move to a larger floor, the Exchange now proposes to modify the Fee Schedule for trading on BOX to amend certain fees in Section VIII.C. (Trading Floor Participant Fees) to allow the Exchange to more accurately assess fees for space utilized by Floor Participants and their associated personnel.

First, the Exchange proposes to amend the Trading Floor Participant Fees for Floor Market Makers. Currently, each Floor Market Maker pays a monthly Trading Floor Participant Fee which entitles the firm to one podium[6] on the BOX Trading Floor[7] and an unlimited amount of registered trading permits for the Floor Market Maker's employees to transact on the BOX Trading Floor.[8] BOX also offers Floor Market Makers the option to pay $1,500 per month for additional podiums on the Trading Floor.

The Exchange now proposes to remove the $1,500 per month fee for an additional podium for Floor Market Makers. This proposed change would, in effect, require Floor Market Makers who would like to have two or more podiums on the BOX Trading Floor to purchase each additional podium at $5,500 per month.[9]

BOX also charges a $100 Badge Fee per month for persons who are not trading permit holders but are employed by or associated with a Floor Participant and have access to the BOX Trading Floor (*e.g.,* Clerks, interns, stock execution clerks etc.).[10] The Exchange is proposing to remove the current Section VIII(C)(c)(Badge Fee) and replace it with

[5] *See* Standards of Conduct for the Safety and Welfare of Persons on the BOX Trading Floor related to COVID–19, available at: *https://boxoptions.com/assets/BOX-Floor_-Standards-of-Conduct_V1.1-1.pdf.* The Exchange notes that due to the social distancing requirements imposed by the COVID–19 pandemic the Exchange restricted ''Other Registered On-Floor Persons'' (defined below) access to the Trading Floor, as well as removed some Market Maker podia. Moving to the larger Trading Floor will enable the Exchange to allow those personnel to return to the Floor.

[6] A podium is the term used within the industry for the Floor Market Maker workspace located in the middle of the Crowd Area (defined below).

[7] The ''Trading Floor'' is the physical trading floor located in Chicago. The Trading Floor shall consist of one ''Crowd Area'' or ''Pit'' where all option classes will be located. The Crowd Area or Pit shall be marked with specific visible boundaries on the Trading Floor, as determined by the Exchange. *See* BOX Rule 100(a)(67).

[8] The Exchange notes each podium is limited to one registered trading permit holder actively trading at any given time.

[9] Floor Market Makers will continue to be allowed only one registered trading permit holder at a podium at any one time.

[10] *See* BOX Rule 7630. The Exchange notes only registered trading permit holders are permitted to effect transactions on the Trading Floor. The Exchange also notes, registered trading permit holders (Floor Market Makers and Floor Brokers) are not assessed a Badge Fee as their access to the Trading Floor is granted through their registered trading permits.

the proposed Section VIII(C)(c)(Other Registered On-Floor Persons'').[11] The proposed change will retitle the subsection while continuing to assess the current Badge Fee of $100 to all Other Registered On-Floor Persons associated with Floor Market Makers or Floor Brokers.[12] The Exchange also proposes to introduce a Desk Fee of $350 per month for these Other Registered On-Floor Persons. Like the Desk Fee currently assessed for Floor Brokers, the proposed Desk Fee will entitle Other Registered On-Floor Persons associated with Floor Market Makers or Floor Brokers one desk adjacent to the Crowd Area on the Trading Floor.[13] The Exchange notes, although no Floor Participant is required to have a Clerk, if a Floor Participant chooses to employ a Clerk(s) whom, by the nature of their roles, are consistently present on the Trading Floor, that Floor Participant will need to purchase a desk for such Clerk. In contrast, if a Floor Participant employ's an IT professional to service their technology needs, and who only enters the Trading Floor on an infrequent basis, the Floor Participant will not need to purchase a desk for such personnel. For example, under the proposed fee structure, a Floor Broker that occupies one desk on the Trading Floor who wishes to have a Clerk[14] would be assessed a $5,000 per month Floor Broker Participant Fee[15] and a $350 Floor Broker Desk Fee. Their Clerk would be assessed a $100 Badge Fee and a $350 Desk Fee per month.[16] The Exchange notes, although Floor Market Makers operate at the point of sale in the Crowd Area/Pit, Floor Market Makers can employ support staff (Other Registered On-Floor Persons, for example Clerks) who may work at desks adjacent to the Crowd Area on the Trading Floor.[17]

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[18] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

First, the Exchange believes the proposed change to remove the $1,500 monthly additional podium fee is reasonable, equitable, and not unfairly discriminatory. Market Maker podia must be located in the middle of the trading crowd, and as such, represent valuable space currently in high demand on the Exchange's Trading Floor. The location of Market Maker podia is unique and different from that of Floor Broker booth space, and as such, represents valuable space currently in high demand on the Exchange's Trading Floor. Market Maker podia must be located in the Crowd Area so that they may hear the open outcry of an order and respond accordingly. Unlike podia, Floor Broker booth space is outside of the Crowd Area along the walls of the Trading Floor. The Exchange notes Floor Market Maker podia space has reached maximum capacity on the current Trading Floor and the Exchange anticipates, due to increased demand, to have limited availability for such podia on its new floor as well. The Exchange does not currently have the same level of demand for Floor Broker booth space and will continue to have ample space on its new Trading Floor to accommodate Floor Brokers. Due to the increased demand for Floor Market Maker podia on the Exchange's Trading Floor and the limited supply of such space—even in the larger Trading Floor footprint—the Exchange believes it is reasonable and appropriate to charge $5,500 per month, per podium for the following reasons.[19] Despite moving to a larger floor space, the Exchange's proposed fee for each podium reflects the fact that the space available for podia is not unlimited and the Exchange is anticipating space to be further limited based on current Market Makers adding additional podia/desks and new market makers interested in joining BOX and utilizing more space on the new Trading Floor. Because Floor Market Maker podia are integrated in the Trading Floor, the more physical space occupied by a single Market Making firm (*e.g.,* multiple podia) means less physical space for other Market Makers to participate in the trading crowd. Thus, the Exchange proposes to revise the podium fee to charge Floor Market Makers in a manner that reflects this reality and to encourage the efficient use of space by these Participants. Furthermore, the Exchange believes this part of the proposal is reasonable because the new, larger floor space (which includes more podia) will provide each Floor Market Making firm the opportunity to participate in additional options transactions. In addition, the Exchange believes the proposed fee is reasonable as the current amount assessed for one podium is $5,500 per month. When the Exchange initially established the BOX Trading Floor (and in turn, the Additional Podium Fee), a lower rate was assessed because the Exchange was trying to incentivize participation on the BOX Trading Floor and was uncertain about the level of demand for such podia. Based on the increased interest in trading on the BOX Trading Floor, the Exchange now believes it is reasonable and appropriate to assess a higher fee for each podium.[20]

The Exchange notes it operates in a highly competitive market in which market participants can readily move their options business to competing venues if they deem fee levels at a particular venue to be excessive or

[11] ''Other Registered On-Floor Persons'' include all persons registered to be on the Trading Floor except Floor Market Makers and Floor Brokers.

[12] The Exchange notes this part of the proposal does not change any fees assessed to Floor Participants.

[13] Only one ''Other Registered On-Floor Person'' will be allowed at a desk at any one time, however, the Floor Participant may still have more than one ''Other Registered On-Floor Persons''. For example, a Floor Market Maker may have one desk for Other Registered On-Floor Persons and employ two Clerks part-time; each Clerk will be assessed a $100 Badge Fee per month, and only one Clerk at a time may be at the desk on the BOX Trading Floor. The Exchange believes this assessment of Desk Fees is reasonable and appropriate as it aligns with the Exchange's effort to charge based on the space utilized by each firm.

[14] A Clerk is a registered on-floor person employed by or associated with a Floor Broker or Floor Market Maker and who is not eligible to effect transactions on the Trading Floor as a Floor Market Maker or Floor Broker. *See* BOX Rule 7630 (Clerks).

[15] Subject to the Trading Floor Credit Floor Brokers may receive.

[16] Although no Floor Participant is required to employ Other Registered On-Floor Persons (*e.g.,* Clerks), if a Floor Participant does employ such person(s), and that employee will be consistently on the Trading Floor, they are required to have a desk. The Exchange notes there will be variability on the required number of desks for each Floor Participant depending on the Floor Participants staffing needs. For example, a Floor Participant may employ multiple Clerks and only have one shared desk where each of those Clerks would work at any given time. The Exchange notes, in the aforementioned example, if the Participant was a Floor Market Maker, the Floor Market Maker Clerk would be charged the same Badge Fee and Desk Fee.

[17] The Exchange notes desks for Floor Market Maker personnel is not considered ''booth space.'' Booth space is a term solely for Floor Brokers on the Trading Floor. Specifically, Floor Broker booth space is akin to private office space where employees of the same firm communicate with customers, receive orders, and coordinate covering the Trading Floor to announce such orders into the Crowd Area.

[18] 15 U.S.C. 78f(b)(4) and (5).

[19] The Exchange notes, currently there is a waiting list for Market Maker podia due to the space constraints caused by the COVID–19 social distancing requirements. Once the Exchange transitions to its new floor, there will be more space available, however, it will still be limited due to the COVID–19 safety measures in place.

[20] The Exchange again notes the demand from current Floor Market Makers and prospective firms necessitated the Exchange's move to a new trading floor in order to accommodate these space requirements.

incentives to be insufficient.[21] Further, transacting on the BOX Trading Floor is entirely voluntary and operating on the BOX Trading Floor is merely an additional option for Participants to transact on BOX. In addition, the Exchange believes offering one podium to Floor Market Makers for $5,500 per month (and if necessary, additional podia for $5,500 per month) will better incentivize market making firms to only purchase podia they will make productive use of on the Trading Floor. Removing the additional podium fee of $1,500 per month reduces the potential for a single Market Making firm to use more podia space than needed on the Trading Floor. If a Market Making firm is required to pay the higher $5,500 per month fee for each podium, the Exchange believes this will encourage the efficient use and allocation of such valuable space. Furthermore, the Exchange believes the proposed change is reasonable as it aligns the Exchange's fees with fees that are assessed at other exchanges with physical trading floors.[22] The Exchange believes that the proposed change is equitable and not unfairly discriminatory as it will apply equally to all Floor Market Makers on the BOX Trading Floor.

Furthermore, the Exchange believes that it is equitable and not unfairly discriminatory to continue to charge Floor Market Makers more per month than Floor Brokers.[23] Unlike Floor Market Makers, Floor Brokers play a critical role in bringing liquidity to the BOX Trading Floor. Orders are brought to the Trading Floor by Floor Brokers only, and benefit all Floor Participants by providing more trading opportunities, which may attract Market Makers, Customers and other market participants.[24] An increase in activity, in turn, may facilitate tighter spreads, contribute to overall deeper, more liquid market, and increase price discovery, which can benefit all market participants. The Exchange also notes that Floor Market Makers are not obligated to provide continuous quotes like Market Makers on BOX's electronic market.[25] Further, Floor Market Makers are not obligated to respond to all Floor Brokers Orders on the BOX Trading Floor. As such, the Exchange believes Floor Market Makers benefit from the access they have to interact with (at their discretion) orders which are made available in open outcry on the Trading Floor by Floor Brokers. The Exchange also notes that Floor Market Makers may choose to conduct their business on the Trading Floor, unlike Floor Brokers, who have a business model that is naturally tied to the physical trading space. The Exchange offers Market Makers a choice on how to conduct business, only electronic or floor and electronic. The Exchange believes that it is equitable and not unfairly discriminatory to assess Floor Market Makers a higher monthly fee because they have the benefit of trading on both if they so choose. The Exchange believes assessing Floor Brokers a lower fee accounts for the value Floor Brokers provide to the Exchange's market and other participants. As described above, Floor Market Makers benefit from the access they have on the BOX Trading Floor to interact with orders from Floor Brokers which are made available in open outcry on the Trading Floor.

In addition, the Exchange believes the fee differential between Floor Brokers and Floor Market Makers is reasonable and not unfairly discriminatory because pricing differences between these participant types currently exist at other exchanges within the industry.[26] As an example, on Phlx, Floor Market Makers are charged $6,000 per month per permit while Floor Brokers are charged $4,000 per month per permit.[27] Further, other exchanges also seek to incentivize Floor Broker order flow by reducing their fees. The Exchange notes Cboe also has a fee structure in place to incentivize Floor Brokers to bring orders to the floor in order to avail themselves of reduced Permit Fees in comparison to Floor Market Makers.[28] In a previous filing, Cboe has stated that their Floor Broker ADV Discount (which allows Floor Brokers to pay lower fees than Floor Market Makers) ''is designed to encourage the execution of orders in all classes via open outcry, which may increase volume, which would benefit all market participants . . . trading via open outcry.'' [29]

In addition, the Exchange believes the proposal is equitable and not unfairly discriminatory because it aligns the Exchange's fees with at least one other competitor when considering the degree of price differentiation.[30] For example, assume that Market Making Firm A on NYSE American has two (2) registered ATPs [31] and are therefore charged $10,000 in monthly ATP Fees for operating on the trading floor.[32] In addition, NYSE American Market Makers are charged $90 per month per podium. As such, Market Making Firm A would be charged in total $10,180 monthly for its permit fees and podia fees.[33] By comparison, Floor Brokers on

[21] The Exchange is aware of multiple competitors with trading floors offering competing products and services to BOX. See Cboe Rule 5.80 (Admission to and Conduct on the Trading Floor); NYSEArca Rule 6.2–O (Admission to and Conduct on the Options Trading Floor); NYSEAmer Rule 902NY (Admission and Conduct on the Options Trading Floor); Nasdaq Phlx Options 8 Floor Trading: Section 8 (Trading Floor Registration).

[22] *See* Nasdaq Phlx Options 7 Pricing Schedule Section 8.A (Permit and Registration Fees). Phlx charges $6,000 per month per permit for each Floor Market Maker with a physical presence on Phlx's trading floor. NYSE American charges $5,000 per month for NYSE American Options Floor Market Makers. *See* NYSE American Options Fee Schedule III.A. NYSE American Options Market Makers are ATP Holders registered with the Exchange for the purpose of making transactions as a dealer-specialist on the Floor of the Exchange. *See* NYSE American Rule 920NY. *See also* Cboe Fee Schedule, Floor Trading Permit Sliding Scales ($6,000 for 1 permit, $4,500 for permits 2 to 5). Floor permit entitles the holder to act as a Market-Maker on the floor of the exchange.

[23] The Exchange notes that a Floor Market Maker is an Options Participant of the Exchange located on the Trading Floor who has received permission from the Exchange to trade in options for his own account. A Floor Broker is an individual who is registered with the Exchange for the purpose, while on the Trading Floor, of accepting and handling options orders.

[24] The Exchange emphasizes that no market making firm would be interested in trading on the BOX Trading Floor unless Floor Brokers brought liquidity to the floor. Floor Brokers are essential to the operation of the Exchange's trading floor.

[25] Among other requirements and obligations, electronic Market Makers on BOX are required to post valid quotes at least sixty percent (60%) of the time that the classes are open for trading. See BOX Rule 8050(e). Floor Market Makers are instead obligated to, in response to any request for quote by a Floor Broker or Options Exchange Official, provide a two-sided market. See BOX Rule 8510(c). Therefore, because Floor Market Makers are deriving a substantial benefit from participating in transactions on the floor without carrying more significant obligations to quote on the Trading Floor, the Exchange believes it is fair and equitable to assess higher fees to Floor Market Makers.

[26] The Exchange notes, pursuant to this proposal Floor Market Makers will continue to be charged $500 more for a podium compared to Floor Broker firm's booth space (if the Floor Broker does not achieve their Trading Floor Credit).

[27] *See* Nasdaq Phlx Options 7 Pricing Schedule Section 8.A (Permit and Registration Fees).

[28] Cboe Options Fee Schedule, Floor Trading Permit Sliding Scales and Floor Broker ADV Discount. Cboe's monthly Permit Fees work on a sliding scale basis in conjunction with Floor Brokers being able to achieve discounts based on the Average Daily Volume (''ADV'') Floor Brokers achieve each month.

[29] See Securities Exchange Act Release No. 34–89826 (September 10, 2020), 85 FR 57900 (September 16, 2020) (SR–CBOE–2020–086) (Noticed by Commission for Immediate Effectiveness).

[30] See NYSE American Options Fee Schedule Section III. Monthly Trading Permit, Rights, Floor Access and Premium Product Fees.

[31] NYSE American ''ATPs'' are registered Broker-Dealers who are permit holders on the exchange, this includes NYSE American Floor Brokers and Market Makers. *See id.; See also* NYSEAmer Rule 920NY. (Market Makers). These two participant types are analogous to BOX's Floor Brokers and Floor Market Makers.

[32] *See id.*

[33] The Exchange notes, NYSE American limits the number of Floor Market Makers allowed on the floor to two ATPs per month, the Exchange is proposing no such restrictions at this time.

NYSE American are assessed a $500 per month ATP Fee and $40 per linear foot per month for all booth space utilized by such Floor Broker.[34] Assume Floor Broker Firm B has two Floor Brokers and 10 linear feet of booth space for two, five-foot desks. Floor Broker Firm B would pay $1,000 in ATP Fees and $400 in booth space, for a total of $1,400 per month. The fee differential between Market Making Firm A and Floor Broker Firm B on NYSE would be $8,780 per month.

Now consider the same Market Making Firm A with two Market Makers on the BOX Trading Floor. Under this proposal, Market Making Firm A would be charged $11,000 for their two Market Maker Trading Floor Participant fees. Next, assume Floor Broker Firm B is assessed their $5,000 Trading Floor Participant Fee and do not execute a trade on more than 50% of the trading days in the given month.[35] Floor Broker B would be charged $5,000 and $350 for each desk for both Floor Brokers, for a total monthly fee of $5,700. The fee differential between Market Making Firm A and Floor Broker Firm B would be $5,300.

The Exchange notes, if Floor Broker Firm B achieved its Trading Floor Credit it would only pay for two desks, one for each of its Floor Brokers. Therefore, Floor Broker Firm B would only pay a total of $700 per month in Floor Broker Desk Fees. The fee differential between Market Making Firm A and Floor Broker Firm B on BOX would be $10,300. As discussed herein, when Floor Broker Firm B achieves their Trading Floor Credit, the fee differentials between Participant types are in line with the fee differential on NYSE American. The Exchange recognizes the value that Floor Brokers bring to trading floors and have in place reduced fees (like those discussed above when compared to Floor Market Makers) and other fee caps and rebates to the benefit of Floor Brokers in order to incentivize Floor Brokers to continue bringing their customer order flow to the physical trading floor to the benefit of all market participants.

Second, the Exchange believes that replacing the Badge Fee subsection with the proposed Other Registered On-Floor Persons subsection is reasonable, equitable, and not unfairly discriminatory. The proposed change is reasonable as it seeks to consolidate the fees that are assessed to all Other Registered On-Floor Persons that are not Floor Brokers or Floor Market Makers. In addition, the Exchange believes it is reasonable to now assess a Desk Fee to Other Registered On-Floor Persons because of the space that these individuals will utilize on the new BOX Trading Floor.[36] The Exchange believes charging per desk will offer flexibility to Floor Participants to customize the precise amount of floor space needed for their business, while ensuring that each Floor Participant is charged equitably based on the amount of floor space all their Other Registered On-Floor Persons utilize. The Exchange believes the proposed Desk Fee for Other Registered On-Floor Persons is reasonable and appropriate as a similar fee is assessed on at least one other exchange with a physical trading floor[37] as well as identical to the current Desk fee assessed to BOX Floor Brokers. Finally, the Exchange believes the proposed Other Registered On-Floor Persons Desk Fee is equitable and not unfairly discriminatory as such fee will be applied to all Other Registered On-Floor Persons who are not a Floor Brokers or Floor Market Makers.

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 Exchange does not believe that the proposed rule changes will impose any burden on intramarket competition because the proposed changes would be applied to all similarly situated participants (*i.e.,* Floor Market Makers, Clerks), and as such, would not impose a disparate burden on competition among the same classes of market participants. As described in further detail above, the proposed removal of additional podium fees for Floor Market Makers does not impose an undue burden on intermarket competition because the resulting fee per podium is similar to other fees at competing exchanges with trading floors.[38] Further, the Exchange believes assessing a Desk Fee to Other Registered On-Floor Persons does not create an undue burden on competition because the Exchange is allocating fees to market participants depending on the space they utilize on the Trading Floor. Further, at least one other exchange with a physical trading floor assesses a similar fee for Other Registered On-Floor Persons.[39] Lastly, purchasing Desk Space for Other Registered On-Floor Persons employed by a Floor Participant is entirely voluntary.

Furthermore, as noted above, the Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is limited. For the reasons discussed above, the Exchange believes that the proposed changes do not impose an undue burden on competition.

Lastly, as described above, the Trading Floor Participant Fees for Floor Market Makers are in line with fees assessed at other exchanges with physical trading floors.[40] The Exchange, along with at least one other competitor, recognize the value that Floor Brokers bring to trading floors and, as such, offer reduced Trading Participant Fees to

[34] The Exchange notes NYSE American also has an incentive and rebate structure in place to incent Floor Brokers to bring liquidity and execute orders on its floor. See NYSE American Options Fee Schedule, Section III.E. Floor Broker Incentive and Rebate Programs. The FB Prepay Program affords Floor Brokers the opportunity to prepay Monthly ATP Fees (in addition to other fixed costs) and thereby qualify for a percentage reduction of pre-paid annual eligible fixed costs (*e.g.,* ATP Fees) or an Alternative Rebate. If a Floor Broker firm achieves the highest Tier 4, it is eligible for 100% refund of eligible fixed costs, or $16,000 per month rebate of eligible fixed costs.

[35] The Exchange notes, if a Floor Broker firm executes a trade on 50% or more of trading days in a given month, the firm receives a $5,000 Trading Floor Credit which equals its Trading Floor Participant Fee of $5,000 per month.

[36] The Exchange notes that Other Registered On-Floor Persons are not currently allowed on the BOX Trading Floor due to the space constraints caused by the COVID–19 social distancing requirements. Once the Exchange transitions to its new floor, there will be more space available and these individuals will be allowed to return to the BOX Trading Floor, however, space will still be limited due to the COVID–19 safety measures in place.

[37] In 2011, Phlx charged a flat $300 per month fee for Trading/Administrative Booth paid by floor brokers and clearing firms. *See* Securities Exchange Act Release No. 34–66086 (January 3, 2012), 77 FR 1111 (January 9, 2012) (SR–Phlx–2011–181). In 2013, Phlx eliminated the Trading/Administrative Booth Fees but increased the Floor Facility Fee to $330 per month and assessed this fee to Clerks among other persons. Clerks on Phlx are defined as ''any registered on-floor person employed by or associated with a member or member organization who is not a member and is not eligible to effect transactions on the Options Floor as a Lead Market Maker, Floor Market Maker, or Floor Broker.'' *See* Phlx Options 8 Section 12 (defining ''Clerks''). As such, the Exchange believes that the proposed Desk Fee for ''all Other Registered On-Floor Persons'' is reasonable and appropriate as a similar fee (the Floor Facility Fee) currently exists to cover similar costs on Phlx. *See* Securities Exchange Act Release No. 69672 (May 30, 2013), 78 FR 33873 (June 5, 2013) (SR–Phlx–2013–58). *See also* Phlx Fee Schedule Options 7, Section 9A.

[38] *See supra* note 22.

[39] *See supra* note 37.

[40] *See supra* note 22.

Floor Brokers (in comparison to Floor Market Makers) in order to incentivize Floor Brokers to continue to bring customer order flow to physical trading floors for the benefit of all market participants.[41]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[42] and Rule 19b–4(f)(2) thereunder,[43] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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–BOX–2021–03 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–BOX–2021–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–BOX–2021–03, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[44]

J. Lynn Taylor,

Assistant Secretary.

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[41] *See supra* note 30.

[42] 15 U.S.C. 78s(b)(3)(A)(ii).

[43] 17 CFR 240.19b–4(f)(2).

[44] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91605; File No. SR–PEARL–2021–16]

Self-Regulatory Organizations: MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Fee Schedule

April 16, 2021.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 8, 2021, MIAX PEARL, LLC ("MIAX Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Fee Schedule (the "Fee Schedule") for the Exchange's options market.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make several amendments to the tables for the Add/Remove Tiered Rebates/Fees set forth in Section (1)(a) of the Fee Schedule that apply to the Priority Customer[3] Origin, MIAX Pearl Market Maker[4] Origin, and Non-Priority Customer, Firm, BD, and Non-MIAX Pearl Market Maker Origin (collectively, "Professional Members"). As described more fully below, the Exchange proposes to: (i) Modify the volume

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] "Priority Customer" means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 of Exchange Rule 100. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100, including Interpretation and Policy .01.

[4] "Market Maker" means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of Exchange Rules. *See* the Definitions Section of the Fee Schedule.

thresholds for standard volume criteria in all Tiers (defined below) for all Origin types; (ii) decrease the Maker (defined below) rebate in Tier 4 for options transactions in Penny Classes (defined below) for the Priority Customer Origin; (iii) modify the volume threshold for the alternative volume criteria in Tiers 3 and 4 for the Market Maker Origin; and (iv) modify the volume thresholds for the alternative volume criteria for certain Maker rebates and Taker fees for Professional Members.

Background

The Exchange currently assesses transaction rebates and fees to all market participants which are based upon the total monthly volume executed by the Member [5] on MIAX Pearl in the relevant, respective origin type (not including Excluded Contracts) [6] (as the numerator) expressed as a percentage of (divided by) TCV [7] (as the denominator). In addition, the per contract transaction rebates and fees are applied retroactively to all eligible volume for that origin type once the respective threshold tier (''Tier'') has been reached by the Member. The Exchange aggregates the volume of Members and their Affiliates.[8] Members that place resting liquidity, *i.e.,* orders resting on the book of the MIAX Pearl System,[9] are paid the specified ''maker'' rebate (each a ''Maker''), and Members that execute against resting liquidity are assessed the specified ''taker'' fee (each a ''Taker''). For opening transactions and ABBO [10] uncrossing transactions, per contract transaction rebates and fees are waived for all market participants. Finally, Members are assessed lower transaction fees and receive lower rebates for order executions in standard option classes in the Penny Interval Program [11] (''Penny Classes'') than for order executions in standard option classes that are not in the Penny Interval Program (''Non-Penny Classes''), where Members are assessed higher transaction fees and receive higher rebates.

Modifications to Standard Volume Criteria Percentage Thresholds in all Tiers for all Origins

The Exchange proposes to amend the Add/Remove Tiered Rebates/Fees set forth in Section (1)(a) of the Fee Schedule to modify the volume thresholds for standard volume criteria in all Tiers for all Origins. In particular, for the Priority Customer Origin, the Exchange proposes to amend the volume criteria percentage thresholds in each Tier, as follows: (i) Tier 1 will be amended from 0.00%–0.10% to now be 0.00%–0.15%; (ii) Tier 2 will be amended from above 0.10%–0.35% to now be above 0.15%–0.40%; (iii) Tier 3 will be amended from above 0.35%–0.50% to now be above 0.40%–0.85%; (iv) Tier 4 will be amended from above 0.50%–0.75% to now be above 0.85%–1.25%; (v) Tier 5 will be amended from above 0.75%–1.25% to now be above 1.25%–2.25%; and (vi) Tier 6 will be amended from above 1.25% to now be above 2.25%.

Next, the Exchange proposes to modify the volume thresholds for standard volume criteria in all Tiers for the MIAX Pearl Market Maker Origin.[12] For the MIAX Pearl Market Maker Origin, the Exchange proposes to amend the standard volume criteria percentage thresholds in each Tier, as follows: (i) Tier 1 will be amended from 0.00%–0.15% to now be 0.00%–0.20%; (ii) Tier 2 will be amended from above 0.15%–0.40% to now be above 0.20%–0.50%; (iii) Tier 3 will be amended from above 0.40%–0.65% to now be above 0.50%–0.85%; (iv) Tier 4 will be amended from above 0.65%–1.00% to now be above 0.85%–1.25%; (v) Tier 5 will be amended from above 1.00%–1.40% to now be above 1.25%–1.50%; and (vi) Tier 6 will be amended from above 1.40% to now be above 1.50%.

Next, the Exchange proposes to modify the volume thresholds for volume criteria in all Tiers for the Professional Members Origin. For the Professional Members Origin, the Exchange proposes to amend the volume criteria percentage thresholds in each Tier, as follows: (i) Tier 1 will be amended from 0.00%–0.15% to now be 0.00%–0.20%; (ii) Tier 2 will be amended from above 0.15%–0.40% to now be above 0.20%–0.50%; (iii) Tier 3 will be amended from above 0.40%–0.65% to now be above 0.50%–0.85%; (iv) Tier 4 will be amended from above 0.65%–1.00% to now be above 0.85%–1.25%; (v) Tier 5 will be amended from above 1.00%–1.40% to now be above 1.25%–1.50%; and (vi) Tier 6 will be amended from above 1.40% to now be above 1.50%.

The purpose of adjusting the percentage thresholds for standard volume criteria in all Tiers for all Origins is for business and competitive reasons. In order to attract order flow, the Exchange initially set its volume thresholds so that they were meaningfully lower than other options exchanges that operate comparable maker/taker pricing models. The Exchange now believes that it is appropriate to adjust the volume

[5] ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[6] ''Excluded Contracts'' means any contracts routed to an away market for execution. *See* the Definitions Section of the Fee Schedule.

[7] ''TCV'' means total consolidated volume calculated as the total national volume in those classes listed on MIAX Pearl for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an ''Exchange System Disruption'' (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX Pearl electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange believes that it is reasonable and appropriate to select two consecutive hours as the amount of time necessary to constitute an Exchange System Disruption, as two hours equates to approximately 1.4% of available trading time per month. The Exchange notes that the term ''Exchange System Disruption'' and its meaning have no applicability outside of the Fee Schedule, as it is used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

[8] ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX Pearl Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Pearl Market Maker) that has been appointed by a MIAX Pearl Market Maker, pursuant to the process described in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

[9] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[10] ''ABBO'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[11] *See* Securities Exchange Act Release No. 88992 (June 2, 2020), 85 FR 35142 (June 8, 2020) (SR–PEARL–2020–06).

[12] The Exchange notes that it also proposes to amend the alternative volume criteria in Tiers 3 and 4 for the Market Maker Origin, described below. The Exchange does not propose to amend the alternative volume criteria in Tier 2 for the Market Maker Origin at this time.

thresholds so that they are more in line with other exchanges, but will still remain highly competitive such that it should enable the Exchange to continue to attract order flow and maintain market share.

Decrease to Priority Customer Origin Tier 4 Rebate

The Exchange proposes to amend the Maker rebate in Tier 4 for options transactions in Penny Classes for the Priority Customer Origin. Currently, the Exchange offers a Maker rebate of ($0.51) in Tier 4 for options transactions in Penny Classes for the Priority Customer Origin. The Exchange now proposes to decrease the Maker rebate in Tier 4 for options transactions in Penny Classes for the Priority Customer Origin from ($0.51) to ($0.49).

The purpose of adjusting the specified Maker rebate is for business and competitive reasons. In order to attract order flow, the Exchange initially set its Maker rebates and Taker fees so that they were meaningfully higher/lower than other options exchanges that operate comparable maker/taker pricing models. The Exchange now believes that it is appropriate to further adjust this specified Maker rebate so that it is more in line with other exchanges, but will still remain highly competitive such that it should enable the Exchange to continue to attract order flow and maintain market share.

Modification to Alternative Volume Criteria for Market Maker Origin Tier 3

The Market Maker Origin set forth in Section (1)(a) of the Fee Schedule currently provides an alternative volume criteria in Tier 3.[13] The alternative volume criteria in Tier 3 is based upon the total monthly volume executed in SPY options on MIAX Pearl by a MIAX Pearl Market Maker when adding liquidity. Pursuant to this alternative volume criteria, Market Makers qualify for: (i) Maker rebates of ($0.44) in SPY, QQQ and IWM options for their Market Maker Origin when trading against Origins not Priority Customer, and (ii) Maker rebates of ($0.42) in SPY, QQQ and IWM options for their Market Maker Origin when trading against Priority Customer Origins, if the Market Maker executes at least 1.10% in SPY options when adding liquidity. The Tier 3 alternative Volume Criteria (above 1.10% in SPY when Adding Liquidity) is calculated based on the total monthly volume that added liquidity executed by the Market Maker solely in SPY options on MIAX Pearl, not including Excluded Contracts, (as the numerator) expressed as a percentage of (divided by) SPY TCV[14] (as the denominator). The Exchange notes that Market Makers that achieve the standard Tier 3 volume percentage but do not qualify for the proposed alternative Volume Criteria in that Tier, receive the Tier 3 rates in the Market Maker Origin table in Penny Classes and Non-Penny Classes. Members receive the highest tier based on the thresholds achieved. Other Penny classes and Non-Penny classes receive the Tier 3 rates in the Market Maker Origin table.

The Exchange now proposes to amend the Tier 3 alternative volume criteria percentage threshold from above 1.10% to now be above 1.20% in SPY when adding liquidity. With the proposed change, Market Makers will qualify for: (i) Maker rebates of ($0.44) in SPY, QQQ and IWM options for their Market Maker Origin when trading against Origins not Priority Customer, and (ii) Maker rebates of ($0.42) in SPY, QQQ and IWM options for their Market Maker Origin when trading against Priority Customer Origins, if the Market Maker executes at least 1.20% in SPY options when adding liquidity. Other Penny Classes and Non-Penny Classes receive the Tier 3 rates in the Market Maker Origin table. The Exchange does not propose to modify the calculation method for a Market Maker to reach the alternative Volume Criteria in Tier 3, only the threshold percentage. The Exchange proposes to make the corresponding changes to the volume threshold percentages described in the explanatory paragraph in footnote ''✦'' for the alternative volume criteria for Tier 3 that is below the fee/rebate tables in Section 1)a) of the Fee Schedule. The purpose of this proposed change is for business and competitive reasons.

Alternative Volume Criteria for Market Maker Origin Tier 4

The Market Maker Origin set forth in Section 1)a) of the Fee Schedule currently provides alternative volume criteria in Tier 4.[15] In Tier 4 for MIAX Pearl Market Makers, the alternative volume criteria (above 2.25% in SPY) is calculated based on the total monthly volume executed by the Market Maker solely in SPY options on MIAX Pearl in the relevant Origin type, not including Excluded Contracts, (as the numerator) expressed as a percentage of (divided by) SPY TCV (as the denominator). Pursuant to this alternative volume criteria, a Market Maker could currently reach the Tier 4 threshold if the Market Maker's total executed monthly volume in SPY options on MIAX Pearl is above 2.25% of total consolidated national monthly volume in SPY options.

The Exchange proposes to amend the threshold percentage for the alternative volume criteria such that a Market Maker can reach the Tier 4 threshold if the Market Maker's total executed monthly volume in SPY options on MIAX Pearl is above 2.50% of the total consolidated national monthly volume in SPY options. The alternative volume criteria threshold in Tier 4 for Market Makers in SPY options is also discussed in the note beneath the transaction fee tables, which provides more explanation on the alternative threshold. Accordingly, the Exchange also proposes to change the threshold amount (increasing it from 2.25% to 2.50%) in that note beneath the tables.

The Exchange notes that it does not propose to amend the volume threshold for the alternative criteria in Tier 2 for the Market Maker Origin (above 0.75% in SPY/QQQ/IWM) for business reasons.

The Exchange notes that it does not propose to amend the volume threshold for the alternative criteria in Tier 2 for the Market Maker Origin (above 0.75% in SPY/QQQ/IWM) for business reasons.

Modification to Volume Thresholds for Alternative Volume Criteria for Certain Maker Rebates and Taker Fees for Professional Members

The Exchange also proposes to amend footnote ''∧'' below the tables in the Add/Remove Tiered Rebates/Fees set forth in Section (1)(a) of the Fee Schedule to increase the Priority Customer threshold in which Members may qualify for alternative Maker rebates for options transactions in all classes for Professional Members, provided that the Member meets certain volume criteria. Currently, Members may qualify for Maker rebates equal to the greater of: (A) ($0.40) for Penny Classes and ($0.65) for Non-Penny Classes, or (B) the amount set forth in the applicable Tier reached by the Member in the relevant Origin, if the Member and their Affiliates execute at least 2.00% volume in the relevant month, in Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to the TCV in all MIAX Pearl listed option classes.

[13] *See* Securities Exchange Act Release No. 90906 (January 12, 2021), 86 FR 5296 (January 19, 2021) (SR–PEARL–2020–38).

[14] ''SPY TCV'' means total consolidated volume in SPY calculated as the total national volume in SPY for the month for which the fees apply, excluding consolidated volume executed during the period of time in which the Exchange experiences an Exchange System Disruption (solely in SPY options). *See* the Definitions Section of the Fee Schedule.

[15] *See* Securities Exchange Act Release no. 83419 (June 12, 2018), 83 FR 28285 (June 18, 2018) (SR–PEARL–2018–13).

The Exchange proposes to increase the Priority Customer threshold percentage amount in footnote ''∧'' from at least 2.00% to at least 2.25% of volume in the relevant month, in Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to the TCV in all MIAX Pearl listed option classes, in order to qualify for the alternative Maker rebates. For purposes of qualifying for such rates, the Exchange will continue to aggregate the Priority Customer volume transacted by Members and their Affiliates. As the amount and type of volume that is executed on the Exchange has shifted since it first established the alternative Maker rebates for options transactions in all classes for Professional Members, provided that the Member meets certain volume criteria,[16] the Exchange has determined to level-set this threshold amount so that it is more reflective of the current operating conditions and the current type and amount of volume executed on the Exchange.

The Exchange also proposes to amend footnote ''✧'' below the tables in the Add/Remove Tiered Rebates/Fees set forth in Section (1)(a) of the Fee Schedule to increase the Priority Customer threshold in which Members may qualify for alternative Taker fees for options transactions in Penny Classes for Professional Members, provided that the Member meets certain volume criteria. Currently, Members may qualify for Taker fees of $0.48 for Penny Classes for their Firm Origin when trading against Origins not Priority Customer if the Member and their Affiliates execute at least 2.00% of TCV in the relevant month in the Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to TCV in all MIAX Pearl listed option classes.

The Exchange proposes to increase the Priority Customer threshold percentage amount in footnote ''✧'' from at least 2.00% to at least 2.25% of volume in the relevant month, in Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to the TCV in all MIAX Pearl listed option classes, in order to qualify for the alternative Taker fees. For purposes of qualifying for such rates, the Exchange will continue to aggregate the Priority Customer volume transacted by Members and their Affiliates. As the amount and type of volume that is executed on the Exchange has shifted since it first established the alternative Taker fees for options transactions in all classes for Professional Members, provided that the Member meets certain volume criteria,[17] the Exchange has determined to level-set this threshold amount so that it is more reflective of the current operating conditions and the current type and amount of volume executed on the Exchange.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [18] in general, and furthers the objectives of Section 6(b)(4) of the Act,[19] in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and issuers and other persons using its facilities, and 6(b)(5) of the Act,[20] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes its proposal provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory for the following reasons. 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.'' [21] There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than approximately 14–15% of the market share of executed volume of multiply-listed equity and ETF options trades as of March 25, 2021, for the month of March 2021.[22] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, as of March 25, 2021, the Exchange had a market share of approximately 5.87% of executed volume of multiply-listed equity and ETF options for the month of March 2021.[23]

The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to transaction and/or non-transaction fee changes. For example, on February 28, 2019, the Exchange filed with the Commission a proposal to increase Taker fees in certain Tiers for options transactions in certain Penny classes for Priority Customers and decrease Maker rebates in certain Tiers for options transactions in Penny classes for Priority Customers (which fee was to be effective March 1, 2019).[24] The Exchange experienced a decrease in total market share between the months of February and March of 2019, after the fees were in effect. Accordingly, the Exchange believes that the March 1, 2019 fee change may have contributed to the decrease in the Exchange's market share and, as such, the Exchange believes competitive forces constrain options exchange transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

The Exchange believes its proposal to modify the volume thresholds for standard volume criteria and certain alternative volume criteria is reasonable, equitably allocated and not unfairly discriminatory because these changes are for business and competitive reasons. In order to attract order flow, the Exchange initially set its volume thresholds for standard and alternative volume criteria at meaningful low levels. The Exchange now believes that it is appropriate to adjust these volume thresholds so that they are more reflective of the current operating conditions and the current type and amount of volume executed on the Exchange. The Exchange believes that the proposed volume thresholds will still allow the Exchange to remain

[16] *See* Securities Exchange Act Release Nos. 83419 (June 12, 2018), 83 FR 28285 (June 18, 2018) (SR–PEARL–2018–13); 85608 (April 11, 2019), 84 FR 16073 (April 17, 2019) (SR–PEARL–2019–13).

[17] *See* Securities Exchange Act Release Nos. 85608 (April 11, 2019), 84 FR 16073 (April 17, 2019) (SR–PEARL–2019–13); 85807 (May 8, 2019), 84 FR 21368 (May 14, 2019) (SR–PEARL–2019–15).

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(4).

[20] 15 U.S.C. 78f(b)(1) and (b)(5).

[21] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[22] *See https://www.cboe.com/us/options/market_statistics/.*

[23] *See id.*

[24] *See* Securities Exchange Act Release No. 85304 (March 13, 2019), 84 FR 10144 (March 19, 2019) (SR–PEARL–2019–07).

highly competitive such that the thresholds should enable the Exchange to continue to attract order flow and maintain market share.

The Exchange also believes that its proposal is not unfairly discriminatory as all Market Makers can qualify for the alternative volume criteria in Tiers 3 and 4 of the MIAX Pearl Market Maker Origin by meeting the requirements that are designed to incentivize Market Makers to maintain quality markets. In addition, the Exchange continues to believe that it is not unfairly discriminatory to offer certain rebates pursuant to this proposal to only Market Makers because Market Makers add value by adding liquidity and are subject to additional requirements and obligations that other market participants are not.

The Exchange believes its proposal to decrease the Maker rebate in Tier 4 for options transactions in Penny Classes for Priority Customers is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants in the same Origin type are subject to the same tiered Maker rebates and Taker fees and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange believes it is equitable and not unfairly discriminatory to reduce the Maker rebate to Priority Customer orders in Penny Classes for business and competitive reasons because the Exchange initially set its Maker rebates for such orders higher than certain other options exchanges that operate comparable maker/taker pricing models. The Exchange now believes that it is appropriate to further decrease the specified Maker rebate so that it is more in line with other exchanges,[25] and will still remain highly competitive such that they should enable the Exchange to continue to attract order flow and maintain market share.

The Exchange believes its proposal to increase the Priority Customer threshold for alternative Maker rebates for options transactions in all classes for Professional Members, provided that the Member meets certain volume criteria (the Member and their Affiliates execute at least 2.25% (instead of 2.00%) of volume in the relevant month, in Priority Customer Origin type, in all options classes, not including Excluded Contracts, as compared to the TCV in all MIAX Pearl listed option classes), is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants are subject to the same tiered rebates and fees and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange believes that providing alternative Maker rebates for options transactions in all classes for Professional Members (if the Member meets certain volume criteria relating to Priority Customer volume), and adjusting the threshold requirements so that they are reflective of current operating conditions and the current type and amount of volume executed on the Exchange, will encourage Members to execute additional Priority Customer and Professional Member volume on the Exchange. The Exchange believes that additional Priority Customer and Professional Member volume executed on the Exchange will attract further liquidity to the Exchange, which in turn will benefit all market participants.

The Exchange believes its proposal to modify the volume thresholds for the alternative volume criteria for certain Taker fees for Professional Members is consistent with Section 6(b)(4) of the Act[26] because the proposed change applies equally to all Members for their Firm Origin with similar order flow. The Exchange believes that the proposed alternative threshold by which any Member may qualify for the lower Taker fee of $0.48 for Penny Classes for their Firm Origin when trading against Origins other than Priority Customer instead of the Taker fee otherwise applicable to such orders is fair, equitable, and not unreasonably discriminatory because it will encourage Members to submit both Firm and Priority Customer orders, which will increase liquidity to the benefit all market participants by providing more trading opportunities and tighter spreads. The alternative Taker fee is reasonable because it will incentivize providers of Priority Customer order flow to send that Priority Customer order flow to the Exchange in order to obtain the highest volume threshold and receive a Taker fee in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes its proposal will not impose any burden on intra-market competition because the Exchange believes that its proposal will not place any category of Exchange market participant at a competitive disadvantage. The proposal to modify the volume thresholds for standard and alternative volume criteria is intended to improve market quality. The Exchange believes that its proposal will continue to encourage additional Priority Customer and Professional Member volume be executed on the Exchange, which will attract further liquidity to the Exchange and benefit all market participants. Accordingly, the Exchange believes that the proposed changes will continue to attract order flow to the Exchange, thereby encouraging additional volume and liquidity to the benefit of all market participants.

The Exchange believes its proposal will not impose any burden on inter-market competition because the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than approximately 14–15% of the market share of executed volume of multiply-listed equity and ETF options trades as of March 25, 2021, for the month of March 2021.[27] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, as of March 25, 2021, the Exchange had a market share of approximately 5.87% of executed volume of multiply-listed equity and ETF options for the month of March 2021.[28] In such an environment, the Exchange must continually adjust its fees to remain competitive with other options exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. The Exchange believes that the proposed rule changes reflect this

[25] *See* Cboe BZX Exchange, Inc. Options Fee Schedule (standard Customer Add rates for Penny Program securities ranging from ($0.25) to ($0.53)); *see also* Nasdaq GEMX, LLC, Options 7, Pricing Schedule, Section 3 (Priority Customer Maker Rebates for Penny Symbol securities ranging from ($0.25) to ($0.53)).

[26] 15 U.S.C. 78f(b)(4).

[27] *See supra* note 22.

[28] *See id.*

competitive environment because they modify the Exchange's fees in a manner that encourages market participants to continue to provide liquidity and to send order flow to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[29] and Rule 19b–4(f)(2) [30] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2021–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2021–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–16, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Lynn Taylor,

Assistant Secretary.

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[29] 15 U.S.C. 78s(b)(3)(A)(ii).

[30] 17 CFR 240.19b–4(f)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91601; File No. SR–NYSECHX–2021–07)

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing of Proposed Rule Change To Amend the Schedule of Wireless, Circuits, and Non-Colocation Connectivity Services Available at the Mahwah Data Center

April 16, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 9, 2021, the NYSE Chicago, Inc. (''NYSE Chicago'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the schedule of wireless, circuits, and non-colocation connectivity services available at the Mahwah data center (the ''Fee Schedule'') to add services available to customers in the meet me rooms in the Mahwah data center and procedures for the allocation of cabinets and power to such customers. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to add services available to customers in the two meet me rooms on the north and south sides of the Mahwah data center (''MMRs'') and procedures for the allocation of cabinets and power to MMR customers.

The Exchange makes the current proposal solely as a result of its determination that the Commission's recent interpretations of the Act's definitions of the terms ''exchange'' and ''facility,'' as expressed in the Wireless Approval Order,[4] apply to the connectivity services described herein that are offered by entities other than the Exchange. The Exchange disagrees

[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. 90209 (October 15, 2020), 85 FR 67044 (October 21, 2020) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order'').

with the Commission's interpretations, denies the services covered herein (and in the Wireless Approval Order) are offerings of an ''exchange'' or a ''facility'' thereof, and has sought review of the Commission's interpretations, as expressed in the Wireless Approval Order, in the Court of Appeals for the District of Columbia Circuit.[5] Pending resolution of such appeal, however, the Exchange is making this proposed rule change in recognition that the Commission's current interpretation brings certain offerings of the Exchange's affiliates into the scope of the terms ''exchange'' or ''facility.''

Background

Through its ICE Data Services (''IDS'') business, Intercontinental Exchange, Inc. (''ICE'') [6] operates a data center in Mahwah, New Jersey (the ''Mahwah Data Center''), from which the Exchange provides co-location services to any market participant that requests to receive co-location services directly from the Exchange (''Users'').[7] Services are also available to customers that are not colocation Users (''NCL Customers'' and, together with Users, ''Mahwah Customers'').

Mahwah Customers require circuits connecting into and out of the Mahwah Data Center in order to connect their equipment outside of the Mahwah Data Center to their equipment or port within the Mahwah Data Center. IDS and numerous third-party telecommunications service providers offer these connections to the Mahwah Customers in the form of wired circuits [8] into and out of the Mahwah Data Center.

A third-party telecommunications service provider that provides wired circuits into and out of the Mahwah Data Center (a ''Telecom'') [9] completes a circuit by placing equipment in a MMR and installing carrier circuits between its MMR equipment and one or more points outside the Mahwah Data Center.[10] Mahwah Customers that have contracted with the Telecom to use the circuit connect to the Telecom's MMR equipment using a cross connect. Once connected to the Telecom's equipment, the Mahwah Customers can use the Telecom's circuit to transport data into and out of the Mahwah Data Center.

In addition, a Telecom may sell access to its circuits to a second Telecom, which allows the second Telecom to use the first Telecom's circuit to access the Mahwah Data Center. In this way, the second Telecom gains access to the Mahwah Data Center, where it installs its equipment in an MMR, without incurring the cost of installing its own proprietary circuits to the Mahwah Data Center. IDS does not consent to, and need not be informed of, a Telecom's sale of a circuit to another Telecom.

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. If the MMR services were not available, IDS circuits would be the only option for all Mahwah Customers and third-party telecommunications service providers.

MMR Services

The Exchange proposes to add change the title of the Fee Schedule to ''Wireless and Meet-Me-Room Connectivity Fees and Charges'' and add the following MMR services and fees to the end of the Fee Schedule, under the heading ''C. Meet-Me-Room ('MMR') Services.'' [11]

Cabinet-Related Services

The Exchange proposes to add the following services and fees relating to the cabinets that IDS provides to Telecoms for them to set up their servers in the MMRs (collectively, the ''Cabinet-Related Services''). The Cabinet-Related Services are substantially similar to co-location services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in their price lists and fee schedules (the ''Affiliate SRO Price Lists'').[12]

Initial Fee per MMR Cabinet and MMR Monthly Fee for Cabinets: IDS offers Telecoms dedicated cabinets in the MMRs to house their equipment. The cabinets come in sizes based on the number of kilowatts (''kW'') allocated, subject to a maximum of 8 kW per cabinet. Telecoms pay an initial fee for each cabinet and a monthly fee based on the number of kW allocated to all the Telecom's cabinets.[13] To indicate how the fee is calculated, the Exchange proposes to add a note stating that the monthly fee is based on total kWs allocated to all of a Telecom's cabinets.

The Exchange proposes to add the following fees and language to the Fee Schedule for the Cabinet-Related Services:

Initial Fee per MMR Cabinet:	
Dedicated Cabinet of up to 8 kW	$5,000
MMR Monthly Fee for Cabinets:	
Monthly fee is based on total kWs allocated to all of a Telecom's cabinets.	
Number of kWs	*Monthly fee per kW*
4–8	$1,200
9–20	1,050
21–40	950
41+	900

Access and Service Fees

The Exchange proposes to add the following services and fees relating to the access and services IDS provides to Telecoms (collectively, the ''Access and Service Fees'') to the Fee Schedule. Most of the Access and Service Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are

[5] *Intercontinental Exchange, Inc.* v. *SEC,* No. 20–1470 (DC Cir. 2020).

[6] The Exchange is an indirect subsidiary of ICE and is an affiliate of New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–25, SR–NYSEAMER–2021–21, SR–NYSEArca–2021–24, and SR–NYSENAT–2021–09.

[7] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2019. *See* Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 (November 1, 2019) (SR–NYSECHX–2019–27) (''NYSE Chicago Co-location Notice'').

[8] A Mahwah Customer may use a third party wireless connection, including a proprietary wireless connection, to the Mahwah Data Center. In such a case, the portion of the connection closest to the Mahwah Data Center is wired.

[9] Telecoms are licensed by the Federal Communications Commission (''FCC'') and are not required to be, or be affiliated with, a member of the Exchange or of an Affiliate SRO.

[10] Neither IDS nor the Exchange knows the termination point of a Telecom's circuit or the content of any data sent on a circuit. A Telecom elects which MMR it will use, or if it will use both.

[11] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* Securities Exchange Act Release No. 91219 (February 26, 2021), 86 FR 12724 (March 4, 2021) (SR–NYSECHX–2021–03). If such filing is approved by the Commission, the Exchange expects to file an amendment to the present filing to conform to the relevant changes.

[12] *See* ''Co-Location Fees'' in ''New York Stock Exchange Price List 2021'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf;* ''NYSE American Equities Price List'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf;* ''NYSE American Options Fee Schedule'' at *https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf;* ''NYSE Arca Equities Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf;* ''NYSE Arca Options Fees and Charges'' at *https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf;* ''Fee Schedule of NYSE Chicago, Inc.'' at *https://www.nyse.com/publicdocs/nyse/NYSE_Chicago_Fee_Schedule.pdf;* and ''NYSE National, Inc. Schedule of Fees and Rebates'' at *https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf.*

[13] For example, a Telecom that had two cabinets with a total power allocation of 12 kW would have a monthly charge of $1,200 per kW for the first eight kW and $1,050 per kW for the next four kW (between 9 kW and 12 kw), for a total of $13,800, irrespective of how it divided the 12 kW between its cabinets.

set forth in the Affiliate SRO Price Lists.[14]

Data Center Fiber Cross Connect: IDS offers fiber cross connects for an initial and monthly charge. Cross connects may run between a Telecom's cabinets, between its cabinet and the cabinet of another Telecom, or between its cabinet and its customer's cabinet or port.[15] Cross connects may be bundled (*i.e.,* multiple cross connects within a single sheath) such that a single sheath can hold either one cross connect or six cross connects.

Conduit Sleeve Fee: A Telecom's circuits into and out of the Mahwah Data Center run through IDS conduits. There are currently three IDS conduit paths leading into the Mahwah Data Center. A Telecom determines which conduit or conduits it will use to carry its circuits, which are carried in individual conduit sleeves. The Telecom is charged an initial charge for the installation of circuits in the IDS conduit, which covers up to five hours of work, and a monthly fee per conduit sleeve for using the IDS conduit.[16]

Carrier Connection Fee: Telecoms contract with their customers for circuits into and out of the Mahwah Data Center. A Telecom is charged a monthly fee for providing such circuits to Mahwah Customers, on a per connection basis.

Connection to Time Protocol Feed: IDS offers Telecoms the option to purchase connectivity to the Precision Time Protocol, with monthly and initial charges. Telecoms may make use of time feeds to receive time and to synchronize clocks between computer systems or throughout a computer network, and time feeds may assist Telecoms in other functions, including record keeping or measuring response times.

Expedite Fee: IDS offers Telecoms the option to expedite the completion of MMR services purchased or ordered by the Telecoms, for which the Exchange charges an ''Expedite Fee.''

The Exchange proposes to add the following fees and language to the Fee Schedule:

Type of service	Description	Amount of charge
Data Center Fiber Cross Connect.	Furnish and install 1 cross connect	$500 initial charge plus $600 monthly charge.
	Furnish and install bundle of 6 cross connects	$500 initial charge plus $1,800 monthly charge.
Conduit Sleeve Fee	Install (5 hrs) and maintain conduit sleeve supporting Telecom circuit into data center.	$1,000 initial charge plus $2,000 monthly charge per conduit sleeve.
Carrier Connection Fee	Maintain Telecom's connections to its non-Telecom data center customers.	$1,150 monthly charge per connection.
Connection to Time Protocol Feed.	Precision Time Protocol	$1,000 initial charge plus $250 monthly charge.
Expedite Fee	Expedited installation/completion of MMR service	$4,000 per request.

Service-Related Fees

The Exchange proposes to add the following services and fees relating to services IDS provides to Telecoms (collectively, the ''Service-Related Fees'') to the Fee Schedule. The Service-Related Fees are substantially similar to services and related fees that the Exchange and the Affiliate SROs offer to Users, which are set forth in the Affiliate SRO Price Lists.[17]

Change Fee: IDS charges a Telecom a ''Change Fee'' if the Telecom requests a change to one or more existing MMR services that IDS has already established or completed for the Telecom. The Change Fee is charged per order. If a Telecom orders two or more services at one time (for example, through submitting an order form requesting multiple services) the Telecom is charged a one-time Change Fee, which would cover the multiple services.

Hot Hands Service: IDS offers Telecoms a ''Hot Hands Service,'' which allows Telecoms to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack a server in a Telecom's cabinet, power recycling, and install and document the fitting of cable in a Telecom's cabinet(s). The Hot Hands fee is charged per half hour.

Shipping and Receiving: IDS offers shipping and receiving services to Telecoms, with a per shipment fee for the receipt of one shipment of goods at the Mahwah Data Center from the Telecom or supplier.

Visitor Security Escort: Telecom representatives are required to be accompanied by a visitor security escort during visits to the Mahwah Data Center. A fee per visit is charged.

To reflect the above IDS services and fees, the Exchange proposes to add the following to the Fee Schedule:

Type of service	Description	Amount of charge
Change Fee	Change to a service that has already been installed/completed for a Telecom.	$950 per request.
Hot Hands Service	Allows Telecom to use on-site data center personnel to maintain Telecom equipment, support network troubleshooting, rack and stack, power recycling, and install and document cable.	$100 per half hour.
Shipping and Receiving	Receipt of one shipment of goods at data center on behalf of Telecom (includes coordination of shipping and receiving).	$100 per shipment.
Visitor Security Escort	All Telecom representatives are required to be accompanied by a visitor security escort during visits to the data center.	$75 per visit.

[14] *See* note 12, *supra.*

[15] A cross connect to MMR cabinets may be purchased by the Telecom or the Telecom's customer. The same fee applies irrespective of which entity purchases the cross connect.

[16] The number of conduit sleeves a Telecom uses is dependent on the equipment and technology it uses and the size of the circuits it sells to Mahwah Customers. Most Telecoms that use them have one conduit sleeve.

[17] *See* note 12, *supra.*

Allocation of Cabinets and Power

The Exchange proposes to establish procedures for the allocation of cabinets and power to Telecoms. The Exchange believes it would be prudent to have procedures in place for the allocation of cabinets and power to Telecoms (''Proposed Procedures''), should such allocation be necessary. The Exchange proposes to add the Proposed Procedures to the Fee Schedule under the heading ''MMR Notes.''

As noted above, IDS offers dedicated cabinets in the MMRs to Telecoms to house their equipment. A Telecom pays an initial fee for each cabinet and a monthly fee based on the number of kW allocated to the Telecom's cabinets. The Exchange allocates cabinets on a first-come/first-serve basis.

A Telecom may request power upgrades to a dedicated cabinet in addition to the power allocated to such cabinet (the ''Standard Cabinet Power''), subject to a maximum of 8 kW per cabinet. A Telecom may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later.[18] A Telecom with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the Telecom would not need an additional cabinet.

The Proposed Procedures would be set forth in Notes 1 and 2. Note 1 would provide that, if the amount of power or cabinets available fell below specified thresholds, Telecoms would be subject to purchasing limits. Note 1 would also specify when the purchasing limits would cease to apply and would provide that if a Telecom requests a number of cabinets and/or amount of Additional Power that would cause the unallocated capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the Telecoms's order below the relevant threshold.[19]

Note 2 would provide that, if the amount of power or cabinets available fell to zero, Telecoms seeking to purchase power or cabinets would be put on a waitlist. In both Notes 1 and 2, the Proposed Procedures would also state how the procedures regarding cabinets and the procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits.

Proposed MMR Note 1

The Exchange proposes to add the following under the heading ''Note 1: Cabinet and Power Purchasing Limits'':

If (i) unallocated cabinet inventory is at or below 3 cabinets (''Cabinet Threshold''), or (ii) the unallocated power capacity in the MMRs is at or below 8 kW (the ''Power Threshold''), the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

- The Exchange will limit each Telecom's purchase of new cabinets to a maximum of one dedicated cabinet.
- If a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 3 cabinets, the Cabinet Limits will only apply to the portion of the Telecom's order below the Cabinet Threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new cabinet again.
- When unallocated cabinet inventory for the MMRs is more than 3 cabinets, the Exchange will discontinue the Cabinet Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

- A Telecom may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 4 kW:

a. One new cabinet, subject to a maximum standard power allocation of 4 kW (''Standard Cabinets'').

b. Additional power for new or existing cabinets.

- If a Telecom requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the Telecom's order below the relevant threshold.
- A Telecom will have to wait 30 days from the date of its signed order form before purchasing a new Standard Cabinet or additional power again.
- When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Limits would enter into effect.

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed MMR Note 2

The Exchange proposes to add the following under the heading ''Note 2: Cabinet and Combined Waitlists'':

a. Cabinet Waitlist. The Exchange will create a cabinet waitlist (''Cabinet Waitlist'') if the available cabinet inventory is zero, or a Telecom requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Telecoms seeking cabinets on a Cabinet Waitlist, as follows:

- A Telecom will be placed on the Cabinet Waitlist based on the date its signed order is received. A Telecom may only have one order for a new cabinet on the Cabinet Waitlist at a time, and the order is subject to the Cabinet Limits. If a Telecom changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Cabinet Limits.
- As cabinets become available, the Exchange will offer a cabinet to the Telecom at the top of the Cabinet Waitlist. If the Telecom's order is completed, it will be removed from the Cabinet Waitlist.
- A Telecom will be removed from the Cabinet Waitlist (a) at the Telecom's request or (b) if the Telecom turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the Telecom a cabinet of a different size than the Telecom requested in its order, the Telecom may turn down the offer and remain at the

[18] For example, a Telecom with a 4 kW cabinet may purchase an additional 1 kW of Additional Power. It would then have a cabinet with 5 kW of power. It could not, however, purchase more than 4 kW of Additional Power, as that would take the cabinet to above 8 kW. The smallest Standard Cabinet Power is 4 kW.

[19] For example, if there was 10 kW unallocated power capacity in the MMR and a Telecom requested to purchase cabinets and Additional Power that would, together, total 9 kW, the purchasing limits in MMR Note 1 would not apply to the Telecom's purchase of the first 2 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the Telecom's purchase of additional cabinets and Additional Power. In all, the Telecom would be permitted to purchase a total of 6 kW out of its original order of 9 kW. The Telecom could choose whether the 6 kW was in the form of cabinets, Additional Power, or both.

top of the Cabinet Waitlist until its order is completed.

• A Telecom that is removed from the Cabinet Waitlist but subsequently submits a new written order for a cabinet will be added back to the bottom of the Cabinet Waitlist.

• When unallocated cabinet inventory is more than 3 cabinets, the Exchange will cease use of the Cabinet Waitlist.

b. Combined Waitlist. The Exchange will create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a Telecom requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange will place Telecoms seeking cabinets or power on the Combined Waitlist, as follows:

• If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.

• A Telecom will be placed on the Combined Waitlist based on the date its signed order for a cabinet and/or additional power is received. A Telecom may only have one order for a new cabinet and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a Telecom changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, provided that the Telecom may not increase the size of its order such that it would exceed the Combined Limits.

• As additional power and/or cabinets become available, the Exchange will offer them to the Telecom at the top of the Combined Waitlist. If the Telecom's order is completed, the order will be removed from the Combined Waitlist. If the Telecom's order is not completed, it will remain at the top of the Combined Waitlist.

• A Telecom will be removed from the Combined Waitlist (a) at the Telecom's request; or (b) if the Telecom turns down an offer that is the same as its order (*e.g.* the offer includes a cabinet of the same size and/or the amount of additional power that the Telecom requested in its order). If the Exchange offers the Telecom an offer that is different than its order, the Telecom may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.

• A Telecom that is removed from the Combined Waitlist but subsequently submits a new written order for a cabinet and/or additional power will be added back to the bottom of the waitlist.

• If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 8 kW or more, the Exchange will cease use of the Combined Waitlist. If at that time the unallocated cabinet inventory is 3 or fewer cabinets, the Cabinet Waitlist would enter into effect.

Application and Impact of the Proposed Changes

The existing Telecoms are currently subject to the described services and fees. Accordingly, the Exchange expects that if it is approved, the impact of the proposed change would be minimal.

The proposed change applies to all market participants and does not apply differently to distinct types or sizes of licensed telecommunications service providers. Rather, it applies to all equally.

Use of the services proposed in this filing is completely voluntary and available to all market participants on a non-discriminatory basis.

Competitive Environment

By making it possible for Telecoms to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing allow Telecoms to compete with IDS. Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each market participant considering whether to purchase a circuit can choose which circuit to purchase based on which combination of provider, latency, bandwidth, price, and route diversity best meets its business needs.

The Exchange understands that most of the Telecoms that provide circuits do so at fees lower than those of IDS, and that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits if they wanted access to the Mahwah Data Center, thereby reducing competition.[20]

The Exchange does not expect that IDS would attract any new customers as a result of the proposed change.

IDS operates in a highly competitive market in which exchanges, third party telecommunications providers, Hosting Users,[21] and other third-party vendors offer connectivity services as a means to facilitate the trading and other market activities of market participants. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and 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.'' [22]

The proposed changes are not otherwise intended to address any other issues relating to services related to the Mahwah Data Center and/or related fees, and the Exchange is not aware of any problems that market participants would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[23] in general, and furthers the objectives of Section 6(b)(5) of the Act,[24] 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 mechanism 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 further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[25] because it provides for the equitable allocation of

[20] The Exchange recently filed proposed rule changes regarding the IDS circuits and services offered to NCL Customers. *See* note 11, *supra.*

[21] ''Hosting'' is a service offered by a User to another entity In the User's space within the Mahwah Data Center. The Exchange allows Users to act as Hosting Users for a monthly fee. *See* NYSE Chicago Co-location Notice, *supra* note 7, at 58782–83.

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78f(b)(4).

reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable and would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, for the following reasons.

The Exchange believes that the proposed rule change is reasonable because, by making it possible for Telecoms to continue to offer their customers circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits to access the Mahwah Data Center, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

Use of any MMR service is completely voluntary. Each third-party telecommunications provider is able to determine whether to use MMR services based on the requirements of its business operations, and each Mahwah Customer is able to determine whether to use Telecom or IDS services based on the requirements of their business operations.

The Exchange believes that the proposed rule change is reasonable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis. All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed fees are reasonable because, to the extent the services IDS offers to Telecoms are substantially the same as the services offered by the Exchange to Users, the fees are the same. With respect to the two services not offered to Users, the Conduit Sleeve Fee and Carrier Connection Fee, the Exchange believes the fees IDS charges Telecoms are reasonable because the services correspond to the Telecoms' usage of the IDS conduits and the Telecoms' ability to offer their circuits to their customers. The Exchange believes the proposed fees are reasonable because to offer the MMRs, IDS must provide, maintain and operate the Mahwah Data Center technology infrastructure, including the installation, monitoring, support, and maintenance of the MMR services. Also in connection with providing the MMR services, IDS needs to expand the network infrastructure to keep pace with the services available to Telecoms, including any increasing demand for bandwidth and conduit space, and to establish any additional administrative controls. Finally, IDS has to handle the installation, administration, monitoring, support and maintenance of the MMR services, including by responding to any production issues.

The Exchange believes that IDS's fees for different MMR services are reasonable because not all Telecoms need, or choose, to utilize the same services. The variety of services offered by IDS, particularly with respect to cabinets and power, allows Telecoms to select which services to use, based on their business needs, and Telecoms are only charged for the services that they select. By charging only those Telecoms that utilize a service, those Telecoms that directly benefit from a service support it.

The Exchange believes the proposed MMR Notes 1 and 2 are reasonable because it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis.

The Exchange believes that it is reasonable that, if a shortage in power or in both power and cabinets should arise, the Proposed Procedures would address the allocation of both power and cabinets, as the Exchange would not be able to provide cabinets if no power were available. If Telecoms purchased sufficient Additional Power to trigger the Combined Waitlist, the Exchange would be unable to provide Telecoms with cabinets, even if it did not have a shortage in cabinets, because cabinets come with power. For the same reason, if Telecoms purchased sufficient Additional Power to trigger the Combined Limits, it would be reasonable to have limits that apply to both power and cabinets.

The Exchange believes that integrating the procedures for the allocation of cabinets and power would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that having a two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Proposed Procedures are consistent with both the Nasdaq procedures for allocating cabinets and the Exchange procedures for allocating cabinets and power in colocation.[26]

The Exchange believes that the proposed thresholds are reasonable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are reasonable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs and leave a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

[26] *See* Securities Exchange Act Release Nos. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019) and 91515 (February 18, 2021), 86 FR 11350 (February 24, 2021) (SR–NYSE–2021–12; SR–NYSEAmer–2021–08; SR–NYSEArca–2021–11; SR–NYSECHX–2021–02; and SR–NYSENAT–2021–03).

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a Telecom may have on the waitlist at any one time, stating what happens if a Telecom changes its order while on the waitlist, and removing a Telecom from the waitlist if it turns down an offer that is the same as what it requested, the Proposed Procedures are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again, the Proposed Procedures are reasonably designed to prevent a Telecom from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable because the Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable because a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the waitlists.

The Proposed Change Is Equitable

The Exchange believes that IDS's fees for MMR services are equitably allocated among market participants.

By making it possible for Telecoms to continue to offer their customer circuits into and out of the Mahwah Data Center, the MMR services that are the subject of the present filing would allow Telecoms to continue to compete with IDS.

The benefit is not just to the Telecoms themselves. The Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed change is equitable because it would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is equitable because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

The Exchange believes the proposed MMR Notes 1 and 2 are equitable because the Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Telecoms that requested new cabinets or Additional Power.

The Exchange believes that the proposed thresholds are equitable. Based on experience, the Exchange believes that the Cabinet Threshold and Power Threshold are both reasonable and appropriate because they are sufficiently low that they would not be triggered repeatedly, yet offer a reasonable buffer during which the purchase limits would apply before a waitlist would become effective.

The Exchange believes that the proposed purchase limits are equitable. Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

Further, the Exchange believes that the Proposed Procedures facilitate an equitable distribution of cabinets and power, as they are reasonably designed to prevent Telecoms from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, and because they would require a 30-day delay before a Telecom subject to the Cabinet Limits or Combined Limits could purchase a cabinet or Additional Power again. The Exchange would only place limits on Telecoms' ability to purchase cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. A waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory. The proposed change would apply to all market participants and would not apply differently to distinct types or sizes of licensed telecommunications service providers. It would apply to all equally.

The Exchange believes that the proposed rule change is not unfairly discriminatory because only the market participants that voluntarily select to receive the MMR services described herein are charged for them, and those services are available to all telecommunications service providers licensed by the FCC. Furthermore, the IDS services described in this filing are available to all such market participants on an equal basis (*i.e.,* the same products and services are available to all telecommunications service providers licensed by the FCC). All Telecoms that voluntarily select a specific MMR service are charged the same amount for that service as all other Telecoms purchasing that service. A Telecom could change what services it receives at any time.

Due to the MMR services, the market for circuits into and out of the Mahwah Data Center is competitive, with market participants able to choose between various Telecom and IDS options. Each of the Telecoms offers circuits to market participants in competition with the IDS offerings. Each market participant considering whether to purchase a circuit can weigh whether to purchase an IDS or Telecom circuit, and can choose which circuit to purchase based on which combination of provider,

latency, bandwidth, price, and route diversity best meets its business needs.

If the MMR services were not available, all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center. So long as the MMR services are available, such market participants have more choices with respect to the provider, latency, bandwidth, price, and route diversity of the circuits they use, allowing market participants to select the circuits that better suit their needs, thereby helping them tailor their circuits to the requirements of their businesses.

The Exchange believes that the proposed rule change is not unfairly discriminatory because, if the Proposed Procedures were in place, all Telecoms would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. The Proposed Procedures would assist the Exchange in accommodating demand for MMR services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between IDS and its commercial competitors.

As noted above, the Exchange is making the current proposal solely as a result of the Commission's recent interpretation of the definitions of ''exchange'' and ''facility'' in the Wireless Approval Order, which the Exchange is presently challenging on appeal to the Court of Appeals for the District of Columbia Circuit.[27] The Exchange has nevertheless proposed this rule change in order to preserve the ability of IDS to offer the services described herein.

If IDS were compelled to stop offering such services, Telecoms would not be able to provide circuits into and out of the Mahwah Data Center, and all Mahwah Customers and third-party telecommunications service providers would be required to use IDS circuits, thereby reducing competition for connectivity into the Mahwah Data Center, which would be a detriment to competition overall. Indeed, the Exchange understands that most Mahwah Customers use Telecom circuits into and out of the Mahwah Data Center. That option would be removed if IDS were compelled to stop offering MMR services.

The Exchange notes that IDS competes with the Telecoms to provide circuits for Mahwah Customers, as well as other Telecoms, and that none of the Telecoms have been compelled to file their services or fees with the Commission. Requiring IDS to do so puts IDS at a competitive disadvantage vis-à-vis its competitors. Requiring the Exchange to file IDS services and fees is therefore a burden on competition.

The Exchange believes competition would be best served by allowing IDS to freely compete with the other providers of connectivity services into and out of the Mahwah Data Center, without the additional burden on IDS alone to file any proposed changes to services and fees with the Commission.

With respect to the proposed MMR Notes 1 and 2, the Exchange believes that, if triggered, the imposition of the purchase limits or waitlist provisions would not impose a burden on a Telecom's ability to compete that is not necessary or appropriate. The Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Telecoms' ability to purchase new power and cabinets if either or both the proposed Power Threshold and Cabinet Threshold were met. Similarly, a waitlist would only be created if unallocated cabinet inventory or power capacity fell to zero, or if a Telecom requests, in writing, a number of cabinets or amount of power that, if provided, would cause the available inventory of cabinets and/or unallocated power capacity to be below zero.

Based on its experience with the MMR and purchasing trends over the last few years, the Exchange believes that in most cases one cabinet would be sufficient for a Telecom's needs while leaving a margin for potential growth. For the same reason, the Exchange believes that the amount of power that a Telecom would be allowed to buy under the proposed limitations, whether in the form of a cabinet or Additional Power, would be sufficient for a Telecom's needs while leaving a margin for potential growth.

The Exchange believes that the proposed MMR Notes would articulate rational, objective procedures, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register**, or such longer period *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSECHX–2021–07 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–NYSECHX–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

[27] *See* note 5, *supra*.

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–2021–07, and should be submitted on or before May 13, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 2021–08316 Filed 4–21–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91586; File No. SR–ICEEU–2021–006]

Self-Regulatory Organizations; ICE Clear Europe Limited; Order Approving Proposed Rule Change Relating to the ICE Clear Europe CDS Clearing Stress Testing Policy, CDS End of Day Price Discovery Policy, CDS Risk Model Description and CDS Risk Policy and CDS Parameters Review Procedures

April 16, 2021.

I. Introduction

On February 23, 2021, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4,[2] a proposed rule change to amend its CDS End of Day Price Discovery Policy (''Price Discovery Policy''), CDS Clearing Stress Testing Policy (''Stress Testing Policy''), CDS Risk Policy (''Risk Policy''), and CDS Risk Model Description (''Risk Model Description'') and to formalize a set of CDS Parameters Review Procedures (''Parameters Review Procedures''). The proposed rule change was published for comment in the **Federal Register** on March 8, 2021.[3] The Commission did not receive comments regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

As discussed further below, the proposed rule change would amend the Price Discovery Policy, Stress Testing Policy, Risk Policy, and Risk Model Description, and would formalize the Parameters Review Procedures, to describe more fully certain existing operational practices at ICE Clear Europe. The proposed rule change also would amend the Stress Testing Policy to incorporate the impact of the COVID–19 pandemic into the stress testing framework and would amend the Risk Model Description to address findings of an independent validation.[4]

A. Amendments to the Price Discovery Policy

The Price Discovery Policy describes the procedures and processes that ICE Clear Europe uses to produce reliable, market-driven prices for credit default swap (''CDS'') instruments. In order to provide more reliable pricing where fewer than three Clearing Members have open interest in a particular instrument, the proposed rule change would clarify the general process for determining prices in such a situation. The proposed rule change also would make minor terminology updates to add uniformity to defined terms, properly reference various ICE Clear Europe personnel and operations, add a new table illustrating example assignment of index risk factors to market proxy groups, and make typographical corrections throughout the document to better reflect the Rules and other ICE Clear Europe documentation.

The proposed rule change first would amend the Price Discovery Policy to consolidate and clarify the process that ICE Clear Europe would use to determine prices for a particular instrument or risk sub-factor when fewer than three Clearing Members have open interest in that instrument or risk sub-factor.[5] The Price Discovery Policy currently states that if fewer than three Clearing Members clear open interest in an instrument, ICE Clear Europe may require all Clearing Members to provide a price submission for that instrument. In that case, the Price Discovery Policy further provides that ICE Clear Europe would not use its firm trade mechanism to require Clearing Members to enter into trades for that instrument at the prices submitted. For single-name CDS, the current version of the Price Discovery Policy provides an identical process where fewer than three Clearing Members have open interest in a particular risk sub-factor.

The proposed rule change would combine the separately described processes for instruments and risk sub-factors. The proposed amendments first would state that tradeable quotes (meaning price submissions from Clearing Members having an open interest) would be ICE Clear Europe's preferred source of price data and should be used where possible and reliable. As revised, the Price Discovery Policy would acknowledge, however, that where there are fewer than three Clearing Members with open interest in an instrument or risk sub-factor, there would not be enough Clearing Members for ICE Clear Europe to use its firm trade mechanism.[6] In that case, ICE Clear Europe would require indicative price quotes[7] from all Clearing Members but would not require Clearing Members to enter into firm trades at those prices.

[28] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change Relating to the ICE Clear Europe CDS Clearing Stress Testing Policy, CDS End of Day Price Discovery Policy, CDS Risk Model Description and CDS Risk Policy and CDS Parameters Review Procedures, Exchange Act Release No. 91240 (March 2, 2021); 86 FR 13417 (March 8, 2021) (SR–ICEEU–2021–006) (''Notice'').

[4] Capitalized terms not otherwise defined herein have the meanings assigned to them in the ICE Clear Europe Rulebook, Price Discovery Policy, Stress Testing Policy, Risk Policy, Risk Model Description, and Parameters Review Procedures, as applicable. The description that follows is excerpted from the Notice, 86 FR at 13417.

[5] As explained in the Price Discovery Policy, the term instrument refers to the complete set of contractual terms that affect the value of a CDS contract, while the term risk sub-factor refers to the complete set of contractual terms that affect the value of a CDS contract as well as the reference entity for that contract.

[6] As described above, under ICE Clear Europe's firm trade mechanism, ICE Clear Europe selects Clearing Members to enter into trades at the prices submitted, and thus this serves as means of ensuring that Clearing Members submit realistic price quotes.

[7] As proposed to be revised, the Price Discovery Policy would provide that an indicative quote is a reasonable estimate of the market price but does not necessarily reflect a price at which the member would transact.

The minimum number of three Clearing Members, below which indicative quotes would be used, would be subject to ongoing review by ICE Clear Europe and ICE Clear Europe could change it as necessary.

The proposed rule change would also add a new Table 4 illustrating an example of assignment of certain CDS indices (referred to as index risk factors) to market proxy groups. The proposed new Table 4 would show the index risk factors for each of the CDX and iTraxx market proxy groups, clarifying how ICE Clear Europe categorizes those index risk factors. The market proxy group for a particular index risk factor affects how ICE Clear Europe determines the end-of-day bid-offer width for that index risk factor.[8] Relatedly, the proposed rule change would update a reference to Table 2 in the EOD BOWs section to Table 4 and update existing references to Tables 4 through 7 to Tables 5 through 8. The new table would clarify the Price Discovery Policy and would not change ICE Clear Europe's existing practices.[9]

Moreover, the proposed rule change would update the governance section of the policy. In the governance section addressing material changes to the EOD price discovery methodology, spread-to-price conversion determinants, or parameters, the proposed rule change would clarify that review is to be performed by the Trading Advisory Group (instead of the Trading Advisory Committee) and the Product Risk Committee (instead of the Risk Committee). These changes would reflect the current names of those groups at ICE Clear Europe. Moreover, the Price Discovery Policy currently requires that the Board and Executive Risk Committee be notified of level red breaches of the policy, which are the most severe breaches, as soon as possible. The proposed rule change would replace ''as soon as possible'' with ''immediately'', thus clarifying the need for immediate notification to the Board and Executive Risk Committee.

Finally, the proposed rule change would update certain references and the titles of defined terms throughout the Price Discovery Policy to be consistent with terminology used in the Rules and other ICE Clear Europe documentation and make other minor typographical updates. For example, the proposed rule change would replace the term ''Clearing Participant'' with ''Clearing Member''; ''CP'' with ''CM''; and ''Trading Advisory Committee''/''TAC'' with ''Trading Advisory Group''/''TAG''. Moreover, the proposed rule change would modify the statement that trading desks at each self-clearing member are ''required'' to copy ICE Clear Europe on intraday quotes that are provided to market participants via email to instead state that the self-clearing members are ''requested'' to copy ICE Clear Europe on such emails.

B. Amendments to the Stress Testing Policy

The Stress Testing Policy describes the practices that ICE Clear Europe uses to identify potential weaknesses in its risk methodologies and ensure that its financial resources are adequate. The proposed rule change would make a number of amendments to the Stress Testing Policy, including adding stress test scenarios; clarifications and enhancements to the stress-testing methodology description to capture significant market behaviors observed during the COVID–19 pandemic; and clarifications to the governance of stress testing. These changes are described below and organized according to the sections of the Stress Testing Policy.

In addition to those changes, throughout the various sections of the Stress Testing Policy the proposed rule change would correct typographical errors, update certain references, and update the titles of defined terms. For example, the proposed rule change would replace the term ''Members'' with ''CM'' to refer to Clearing Members and ''Guaranty Fund'' with ''GF''. The proposed rule change would also replace references to the ''Board Risk Committee'' or ''BRC'' with references to the ''Model Oversight Committee'' or ''MOC'', to ensure that the Stress Testing Policy references the correct ICE Clear Europe committees.

i. Purpose

The proposed rule change would revise the discussion of the purpose of the Stress Testing Policy to better reflect how the policy is integrated into ICE Clear Europe's risk procedures and governance structure and the Clearing House's current governance framework. Specifically, the proposed rule change would reference the Model Oversight Committee (''MOC'') rather than an outdated reference to the Board Risk Committee (''BRC''). Further, the proposed rule change would state that any terms not defined in the policy would be defined in both the ICE Clear Europe CDS Risk Policy and the Rules, rather than solely in the Rules.

ii. Methodology

First, the proposed rule change would amend the methodology section of the Stress Testing Policy. The methodology section explains ICE Clear Europe's overall process for creating stress scenarios and applying those scenarios to actual cleared portfolios and hypothetical portfolios. ICE Clear Europe uses this stress testing process to determine the sufficiency of its financial resources. The proposed rule change would add a discussion of stress testing in the context of wrong way risk to the general methodology section of the policy.[10] As described in the revised Stress Testing Policy, ICE Clear Europe would combine into one sub-portfolio all positions in index risk factors and single-name risk factors that exhibit high levels of positive association with a Clearing Member's portfolio. ICE Clear Europe would then separately stress test this sub-portfolio to further analyze the wrong way risk. The proposed rule change is intended to better reflect existing practice and does not reflect a change in Clearing House practice.[11]

The proposed rule change would also revise the methodology section to update the process for the retirement or modification of outdated stress scenarios or portfolios. Currently, the methodology section of the Stress Testing Policy provides that in the event that a scenario or portfolio is no longer applicable or has been superseded, ICE Clear Europe's Clearing Risk Department may retire or modify the outdated scenario or portfolio by (i) consulting with ICE Clear Europe senior management; (ii) conducting analysis to support its recommendation; (iii) discussing the analysis and obtaining input from the Risk Working Group; and (iv) presenting the final analysis to the CDS Risk Committee and/or the BRC for approval. As revised, when the Clearing Risk Department seeks to retire or modify a scenario or portfolio, it would first conduct an analysis to determine whether the change is significant. The Risk Oversight Department would review this analysis. The ICE Clear Europe Board, or its delegated committee, would then approve the decommissioning of scenarios if that decommissioning constituted a significant change, while the MOC would approve the decommissioning of scenarios (if it did not constitute a

[8] Notice, 86 FR at 13418.

[9] Notice, 86 FR at 13418.

[10] As described in the Risk Model Description, ICE Clear Europe's risk model considers two types of wrong way risk: Specific and general. Specific wrong way risk results from a Clearing Member's self-referencing trades, meaning CDS trades whose underlying reference entity is the Clearing Member, or an entity guaranteed by, or affiliated with the Clearing Member. General wrong way risk results from trades that involve instruments that are highly correlated with a Clearing Member, or an entity guaranteed by, or affiliated with a Clearing Member.

[11] Notice, 86 FR at 13418.

significant change) or recommend the decommissioning of scenarios to the Board if the change were deemed significant in the course of the MOC's review. Under the revised Stress Testing Policy, the criteria to determine the significance would be in accordance with the applicable law and the existing regulatory guidelines. The proposed rule change would largely formalize current practice and reflect the role of the MOC under the Clearing House's Model Risk Governance Framework.

Similarly, the proposed rule change would also clarify that if the Clearing Risk Department wishes to add new scenarios or portfolios, the MOC must approve the addition, but the Board's approval is not required. Currently, the Stress Testing Policy provides that where the Clearing Risk Department seeks to add new scenarios or portfolios, the CDS Risk Committee is informed of the additions, but its recommendation or approval is not required.

Finally, the proposed rule change would also describe and clarify one of the assumptions that ICE Clear Europe currently uses in stress testing. Specifically, the proposed rule change would add a statement that during the execution of stress testing and sensitivity testing, under the multiple Clearing Members default scenario, the stress testing would explicitly incorporate the conditional uncollateralized loss-given-defaults resulting from the defaulting Clearing Members' single-name positions.

iii. Predefined Scenarios; New COVID–19 Scenarios

The proposed rule change would next make a number of revisions to the section describing the predefined stress scenarios that ICE Clear Europe uses in stress testing. The proposed rule change first would clarify that the scenarios reflect a margin period of risk from 1 to 7 days, taking into account the 5-day margin period used in the existing margin methodology for house accounts and the 7-day margin period used in the existing margin methodology for client accounts. To accommodate this difference, the proposed rule change would replace references to a 5-day margin period of risk with an N-day margin period of risk, with N-day representing the greatest relevant stress period (*i.e.,* 5 days for house accounts and 7 days for client accounts).

Next, the proposed rule change would amend the description of each of ICE Clear Europe's stress scenarios to describe them more thoroughly. The Stress Testing Policy categorizes the stress testing scenarios as either extreme but plausible or extreme market. Extreme but plausible scenarios are those scenarios that are believed to be potential, but with a low probability of occurrence, based on historically observed data or that are constructed based on hypothetical data. Extreme market scenarios, on the other hand, are designed to test the performance of ICE Clear Europe's risk model, as described in the Risk Model Description, under extreme conditions but are not expected to be realized market outcomes. The Stress Testing Policy further categorizes extreme but plausible scenarios as either historically observed or hypothetical.

With respect to the historically observed extreme but plausible scenarios, the proposed rule change would update the description of existing scenarios. First, the proposed rule change would update the description of the margin period of risk to reflect the use of N-day, rather than 5-day, as discussed above. The proposed rule change would also add further description of the historical period on which the scenarios are based and the determination of the stress period. For example, in the description of the 2008/2009 credit crisis scenario, the proposed rule change would clarify that the determination of the exact stress period is defined by the greatest observed change of spreads of the Most Actively Traded Instrument (''MATI'') for each relevant sub-portfolio. The proposed rule change would make a similar clarification in the description of the Western European Credit Crisis scenarios. For the Lehman Brothers scenarios, the proposed rule change would define the scenario magnitudes for each risk factor according to both its sector classification and time to maturity of the considered instrument. ICE Clear Europe would derive the corresponding stress test, titled the Opposite LB Default Price Change Scenarios, from the Lehman Brothers scenarios by multiplying the scenario result by a negative factor in order to reflect the reduced magnitudes of the observed price increases during the considered period. These proposed rule changes are intended to more thoroughly describe each of these existing stress testing scenarios.[12]

The proposed rule change also would clarify the scope of the discordant spread scenarios for corporate and sovereign single-name CDS. Specifically, the proposed rule change would update the description to better specify the indices on which the discordant scenarios are based. For example, the Stress Testing Policy currently provides that the scenarios are based on discordant moves among major indices. The proposed rule change would revise this to instead refer to discordant moves among the major European and North American five year on-the-run indices. The proposed rule change would also state that the Corporate Single-Names and Indices Discordant Spread Scenarios, which reflect realizations when certain indices or sub-indices for the EU region and certain U.S. on-the-run indices exhibited the greatest combined discordant change, would be created and applied to single-names and indices. Next, the proposed rule change would further update references to indices used in stress scenarios and state that other stress scenarios would be based on discordant spread realizations across European Indices. Finally, the proposed rule change would note that other stress scenarios would reflect discordant spreads realizations among geographical regions. These proposed rule changes are intended to more thoroughly describe each of these existing stress testing scenarios.[13]

Finally, the proposed rule change would also add new historically observed scenarios based on market conditions during the COVID–19 Pandemic. ICE Clear Europe would base these scenarios on stress market moves experienced between February and April 2020. The first set of scenarios, titled the COVID–19 Widening/Tightening Spread Scenarios, would be based on the greatest observed N-day relative spread increases/decreases during the period. The second set of scenarios, titled the COVID–19 Price Decrease Scenario, would be based on the greatest observed N-day relative price decreases during the period.

With respect to the hypothetical extreme but plausible scenarios, the proposed rule change would add description of each of the current hypothetical scenarios and also add new scenarios based on discordant moves across different sectors and countries. For the current hypothetical scenarios, the proposed rule would clarify that ICE Clear Europe creates the 2008/2012 Crises Widening and Curve Inverting Scenarios by combining the largest shock among the 2008/2009 Credit Crisis Widening and the Western European Credit Crisis Widening Scenarios for each Risk Factor. The proposed rule change would add similar language to the description of the 2008/2012 Crises Tightening and Credit Curve Steepening Scenarios. The proposed rule change would also update the description of the Forward Looking

[12] Notice, 86 FR at 13418–13419.

[13] Notice, 86 FR at 13419.

Credit Events Scenarios to clarify that the Clearing Member reference entity that would be considered to be in default would be different from the Clearing Member whose portfolio would be subject to the stress test.

The proposed rule change would also add description of new scenarios titled the Sectors and Countries Discordant Scenarios. These scenarios would be designed to reproduce discordant moves across sectors and entities of different countries, in particular the large price moves in the oil benchmark products in the first half of 2020 and COVID–19 stress period.

With respect to the Extreme Market Scenarios, the proposed rule change would clarify how ICE Clear Europe derives these scenarios. Specifically, ICE Clear Europe would create the extreme steepening and extreme inverting scenarios from crises steepening and crises inverting scenarios by applying a factor to steepening scenarios and doubling the shocks for inverting scenarios. Further, the proposed rule change would incorporate the new COVID–19 historical scenarios into the determination of extreme scenarios, much like the calculation of extreme scenarios based on the LB default scenario. Finally, the proposed rule change would clarify the description of the Guaranty Fund extreme market scenarios by specifying that these scenarios would be designed to account for the occurrence of credit events for two Clearing Member risk factor groups and three non-Clearing Member risk factor groups. The proposed rule change would also clarify that these scenarios consider an even more extreme case in which five risk factor groups for up to five Clearing Members undergo credit events.

iv. Guaranty Fund Adequacy Analysis

The proposed rule change would revise the section that describes the Guaranty Fund adequacy analysis by noting that the number of defaults of reference entities is one of the major risks in the CDS clearing service. Because of that risk, the Clearing Risk Department considers complementary extreme scenarios where a combination of up to five risk factor groups for up to five Clearing Members would be assumed to default before simulating spreads widening and tightening on the non-defaulting entities in order to fully deplete the Guaranty Fund. The proposed rule change would explain that the scenario and analysis aim to provide estimates of the level of protection achieved through initial margin and Guaranty Fund in relation to multiple defaults. The proposed rule change is intended to clarify the stress-testing description but does not reflect a change in current practice.[14]

v. Portfolio Selection

The proposed rule change would update the description of the process for determination of sample portfolios for stress testing in the portfolio selection section. Currently, ICE Clear Europe applies the stress test scenarios to sample portfolios that are obtained from the actual cleared portfolios by considering positions opposite to those in the cleared portfolios. Under the proposed rule change, ICE Clear Europe would derive the portfolio from the currently cleared portfolios by only considering positions in index risk factors and sectors that exhibit a high degree of association with the Clearing Member at issue—in particular indices, sovereigns, and financials risk factors—rather than just considering exactly opposite positions. Next, the proposed rule change would further clarify that constructed sub-portfolios would be subject to the stress test analysis with the standard set of stress test scenarios. The proposed rule change would further clarify that the aim of the stress analysis with the hypothetical portfolios would be to provide estimates of the potential exposure of Clearing Members to risk factors generating General Wrong Way Risk.

Finally, the proposed rule change would remove the current reference to special strategy sample portfolios and instead add a new provision addressing application of stress testing scenarios to expected future portfolios upon the launch of new clearing services or products. This stress test analysis would be presented to and reviewed by the CDS Product Risk Committee prior to launch.

vi. Interpretation and Review of Stress-Testing Results

The proposed rule change would amend the interpretation and review of the stress-testing results section to update the governance of enhancements to stress scenarios. Currently, the Stress Testing Policy provides that depending on the outcome of the stress testing, ICE Clear Europe's Clearing Risk Department may consider enhancements to ICE Clear Europe's risk model. The Stress Testing Policy provides that such enhancements to stress scenarios will first be discussed with senior management and then the CDS Risk Committee, and the Board Risk Committee, with ultimate approval by the ICE Clear Europe Board. The proposed rule change would revise this to provide that enhancements to stress scenarios would be discussed and approved based on the governance outlined in ICE Clear Europe's Model Risk Governance Framework.

Similarly, the Stress Testing Policy currently notes that certain stress testing can lead to a review if the results show ICE Clear Europe's financial resources are insufficient. The proposed rule change would simplify this discussion by noting that ICE Clear Europe's financial resources should cover the two greatest Affiliate Groups' uncollateralized stress losses under the extreme but plausible market scenarios and if not, additional funds could be required and enhancements to the current risk methodology would be considered. Further, the proposed rule change would provide that the ICE Clear Europe Board and its delegated committees (rather than the CDS Risk Committee and BRC) would be provided with information as to the stress test results where necessary or appropriate to perform their duties.

Finally, the proposed rule change would remove certain outdated and/or duplicative statements, including matters relating to governance that are now addressed in the Model Risk Governance Framework and outdated references to certain examples or specific committees. For example, under the proposed rule change, the MOC instead of the Executive Risk Committee would undertake any related deficiency analysis and review. Moreover, the Stress Testing Policy currently discusses the governance of the review and approval to changes to the stress scenarios, stress testing, or risk model. The proposed rule change would delete this description, because ICE Clear Europe would now conduct this review in accordance with the procedures in the Model Risk Governance Framework. Finally, under the proposed rule change, the stress testing report would be presented to the CDS Product Risk Committee instead of the CDS Risk Committee during scheduled meetings instead of scheduled monthly meetings.

vii. Policy Governance and Reporting

The proposed changes to the policy governance and reporting section, would update the committees involved in the review and approval of the Stress Testing Policy, to be more consistent with other ICE Clear Europe documentation. For example, the CDS Risk Committee and the BRC currently review the Stress Testing policy annually. Under the proposed rule change, only the BRC would conduct

[14] Notice, 86 FR at 13420.

this annual review, and the proposed rule change would delete references to the CDS Risk Committee. Moreover, currently the Executive Risk Committee must discuss any material changes to the Stress Testing Policy and the Board must approve such changes on the advice of the CDS Risk Committee. Under the proposed rule change, the MOC, not the Executive Risk Committee, would discuss the changes and the Board would approve the changes on the advice of the CDS Product Risk Committee, rather than the CDS Risk Committee.

viii. Appendix

In the appendix, the proposed rule change would update the description of the FX stress test scenario amendments to reflect the greatest N-day relative depreciation (instead of five-day), similar to the changes discussed above.

C. Amendments to the Risk Policy

The Risk Policy provides an overview of the policies and procedures that ICE Clear Europe uses to manage and mitigate risks, including among other things, initial margin and Guaranty Fund requirements, mark-to-market margin, and intra-day risk monitoring. The proposed rule change would make a number of amendments to the Risk Policy. These changes are described below and organized according to the sections of the Risk Policy.

In addition to these changes, throughout the Risk Policy, the proposed rule change would update the titles of certain defined terms. For example, the proposed rule change would replace use of the term ''ICE Clear Europe'' with ''ICEU''. The proposed rule change would also replace ''general WWR'' with ''GWWR'' to mean general wrong way risk and replace ''Risk Factor Group'' with ''RFG''.

i. Initial Margin

In the initial margin section of the Risk Policy, the proposed rule change would add further description of ICE Clear Europe's initial margin methodology. The proposed rule change would note that ICE Clear Europe's initial margin methodology uses a combined stress-based spread response value at risk measure and a Monte Carlo simulation spread response value at risk measure. The proposed rule change would then add further description of each of the stress-based spread response value at risk measure and the Monte Carlo simulation spread response value at risk measure.

For the stress-based spread response value at risk measure, the proposed rule change would clarify the description of this measure. Currently, the Risk Policy provides that using this measure, ICE Clear Europe defines the spread scenarios using two credit regimes and three credit curve shapes. The proposed rule change would keep the description of the two credit regimes and three credit curve shapes but would clarify that the two credit regimes consist of widening and tightening regimes. Moreover, the Risk Policy lists the benchmark tenors for which ICE Clear Europe makes estimates under the spread response value at risk measure. The proposed rule change would add additional tenors to this list, to clarify the applicable benchmark tenors estimated for all the risk sub-factors and replace certain outdated references to tenors.

For the Monte Carlo simulation spread response value at risk measure, the proposed rule change would add a new subsection to the Risk Policy to describe this approach. Under this approach, ICE Clear Europe would generate hypothetical scenarios regarding changes in CDS spreads, which ICE Clear Europe would use to re-price CDS instruments in a portfolio. ICE Clear Europe would then estimate a profit/loss for each re-priced CDS instrument. ICE Clear Europe would aggregate these estimated profit/loss figures and use them to estimate the value at risk measure for the portfolio.

Moreover, the proposed rule change would update the description of the anti-procyclicality considerations to account for the changes to the Stress Testing Policy described above. The Risk Policy currently provides that to account for anti-procyclicality, it takes into consideration stress price changes derived from market behavior during and after the Lehman Brothers default period. The proposed rule change would expand this to take into consideration stress price changes derived from the extreme but plausible stress test scenarios, with a cross reference to the Stress Testing Policy. Thus, this change would take into account the broader range of scenarios in the revised Stress Testing Policy, discussed above.

Finally, the proposed rule change would update the description of the monitoring of the initial margin methodology and of the governance concerning changes to the initial margin methodology. Currently, the Risk Policy provides that the Clearing Risk Department recommends margin methodology changes to the Board for approval, working in consultation with the Risk Working Group and the CDS Risk Committee. Under the proposed rule change, the Clearing Risk Department may recommend margin methodology changes based on the governance in the Model Risk Governance Framework, working in consultation with the Risk Working Group and the CDS Product Risk Committee.

ii. Mark-to-Market Margin

In the mark-to-market margin section of the Risk Policy, the proposed rule change would delete the description of determination of cash owing, the payment of mark-to-market margin, the timing of margin calculations, the making of mark-to-market margin, and the rights of a Clearing Member upon a change in mark-to-market margin balance. These matters are generally covered by other ICE Clear Europe documentation, such as the Finance Procedures.

iii. Intra-Day Monitoring

In the intra-day monitoring section of the Risk Policy, the proposed rule change would add description of how ICE Clear Europe assures itself of the quality of the intraday prices it receives for CDS. The proposed rule change would provide that ICE Clear Europe would ensure the quality of the intraday prices by monitoring and comparing the quotes received with the intraday prices of the transactions cleared at ICE CDS clearing houses and further that ICE Clear Europe could also compare intraday prices with those of another third-party provider.

The proposed rule change would further amend the description of the intraday risk limit. As described in the Risk Policy, ICE Clear Europe uses intraday prices to re-value Clearing Members' portfolios and estimate an unrealized profit/loss. The unrealized profit/loss is compared to the intraday risk limit. The intraday risk limit is a limit on the amount of unrealized profit/loss that ICE Clear Europe would accept for a Clearing Member before taking additional action, such as increased monitoring or an intraday margin call. Currently, the intraday risk limit is 40% of a Clearing Member's total initial margin requirements, with a minimum amount of Euro 15 million and a cap of Euro 100 million. The proposed rule change would keep the intraday risk limit at 40% of a Clearing Member's total initial margin requirements, but would replace the fixed minimum and fixed cap (Euro 15 million and Euro 100 million, respectively), with a minimum amount corresponding to the Clearing Member's minimum Guaranty Fund contribution and a maximum amount set and

reviewed by ICE Clear Europe senior management and the CDS Product Risk Committee.[15]

The proposed rule change would also revise the list of actions that ICE Clear Europe would take in response to a Clearing Member's estimated intraday profit/loss approaching the intraday risk limit. Currently, the Risk Policy provides that once the estimated intraday profit/loss equals half of the intraday risk limit, ICE Clear Europe will investigate and closely monitor the Clearing Member. The proposed rule change would delete this provision because ICE Clear Europe considers it unnecessary in light of another requirement in the Risk Policy (*i.e.,* that once the estimated intraday profit/loss exceeds half of the intraday risk limit, ICE Clear Europe will inform the Clearing Member that it may be subject to an intraday margin call, and the proposed rule change would not alter this provision). In ICE Clear Europe's view, this provision renders the investigation when the estimated intraday profit/loss equals half of the intraday risk limit unnecessary because in informing the Clearing Member that it may be subject to an intraday margin call, the Clearing Risk Department will make any necessary investigations of the matter.[16]

Similarly, the proposed rule change would delete the requirement that ICE Clear Europe's Risk Management Department notify the ICE Clear Europe Treasury Department of a special margin call, as an operational detail that should not be covered by the Risk Policy. Moreover, ICE Clear Europe represents that the Clearing Risk Department would set the margin level and communicate it to other ICE Clear Europe departments in the ordinary course, as it does for any change of margin level.[17]

iv. CDS Guaranty Fund

In the CDS Guaranty Fund section of the Risk Policy, the proposed rule change would revise the description of the Guaranty Fund at the beginning of this section. Currently, the Risk Policy describes the Guaranty Fund as mutualizing losses under extreme but plausible market scenarios and as designed to provide adequate funds to cover losses associated with the default of the two Clearing Members, as well as any affiliated Clearing Members, with the greatest potential losses under these scenarios. The proposed rule change would simplify this description to state that the ICE Clear Europe Guaranty Fund is designed to cover losses under extreme but plausible market scenarios with respect to two Affiliate Groups of Clearing Members.

The proposed rule change would also amend the discussion of the anti-procyclicality considerations of the Guaranty Fund. Instead of referring to stress price changes based only on market behavior during and after the Lehman Brothers default period, the proposed rule change would refer to stress price changes based on the extreme but plausible price-based stress test scenarios described in the Stress Testing Policy, consistent with changes to the Stress Testing Policy discussed above.

The proposed rule change would also amend the description of ICE Clear Europe's process for allocating Guaranty Fund requirements to Clearing Members. The Risk Policy currently provides that ICE Clear Europe's Risk Department performs the allocation every Thursday, with the allocation based on a Clearing Member's close of business positions as of Wednesday. The proposed rule change would revise this to state that the Clearing Risk Department performs the allocation weekly, with the allocation based on a Clearing Member's close of business positions as of the previous day. Thus, this change would increase flexibility, while retaining the same weekly performance of the allocation.

The proposed rule change would revise the description of ICE Clear Europe's Guaranty Fund calls. Currently, the Risk Policy provides that to accommodate U.S. dollar denominated sovereign CDS contracts, ICE Clear Europe requires a portion of the Guaranty Fund to be in US dollars. The proposed rule change would revise this to clarify that ICE Clear Europe requires a portion of the Guaranty Fund to be in U.S. dollars to accommodate US dollar denominated CDS contracts, not just sovereign CDS contracts, given that ICE Clear Europe's US dollar denominated CDS contracts are not limited to sovereign contracts. The proposed rule change would also remove the current numerical example of Guaranty Fund calls/collection as unnecessary.

v. Back-Testing and Stress Testing

In the Back-Testing and Stress Testing section of the Risk Policy, the proposed rule change would update the governance regarding review of the CDS risk models. Currently, the Risk Policy provides that if the model calibration consistently demonstrates exceptions outside of the coverage level, the Risk Management Department will review the models and recommend revisions to the Board and CDS Risk Committee. The proposed rule change would instead provide that in such a situation, the Clearing Risk Department would review the models and recommend revisions following the governance outlined in the Model Risk Governance Framework. Moreover, the proposed rule change would revise the description of stress testing to refer to the COVID–19 scenarios that the proposed rule change would add to ICE Clear Europe's Stress Testing Policy, as discussed above.

vi. Policy Governance and Reporting

Finally, in the Policy Governance and Reporting section, the proposed rule change would update the names of certain ICE Clear Europe committees without changing the substance of the governance process. For example, the proposed rule change would use the term ''ROD'' instead of ''Risk Oversight Department'' and the term ''CDS PRC'' to mean the CDS Product Risk Committee.

D. Amendments to the Risk Model Description

The Risk Model Description details the methodology that ICE Clear Europe uses to calculate initial margin requirements and Guaranty Fund requirements for its CDS Clearing Members. The proposed rule change would make a number of amendments to the Risk Model Description to clarify existing descriptions, change an existing practice with respect to a calculation associated with wrong way risk, and implement the findings of an independent validation. These changes are described below and organized according to the sections of the Risk Model Description.

In addition to those changes, throughout the Risk Model Description, the proposed rule change would correct references to ICE Clear Europe departments and committees and update the titles of defined terms.

i. Background

The proposed rule change would first update the background section of the Risk Model Description, which generally describes the design of the CDS initial margin model and its development. The proposed rule change would add to this background additional description to note that the time horizon for the interest rate sensitivity requirement of the initial

[15] ICE Clear Europe represents that while there is no plan to change the existing EUR 100 million cap in practice, this change would give ICE Clear Europe flexibility if it determined it was appropriate to review and reconsider this amount in the future. Notice, 86 FR at 13421.

[16] Notice, 86 FR at 13421.

[17] Notice, 86 FR at 13421.

margin methodology (which is further discussed below) would be 5 days for house accounts and 7 days for client accounts, consistent with the changes to the Stress Testing Policy described above.

ii. Initial Margin Methodology

ICE Clear Europe's CDS initial margin methodology consists of seven components: (i) Spread response, (ii) recovery rate sensitivity, (iii) liquidity charge, (iv) jump to default, (v) concentration charge, (vi) interest rate sensitivity, and (vii) basis risk. As discussed below, the proposed rule change would amend the description of the recovery rate sensitivity, concentration charge, and spread response components.

The proposed rule change would first amend the description of the recovery rate sensitivity requirement by clarifying the volatility floor. ICE Clear Europe would estimate the volatility floor based on the average overlapping five-day absolute change of recovery rates for a prescribed set of reference entities that have defaulted, with observed recovery rates of more than a year, comprising a stress period of 2009–2012.

The proposed rule change would next update the loss threshold calculation in the determination of specific wrong way risk and general wrong way risk to be based on price minus recovery rate as opposed to one minus recovery rate. ICE Clear Europe represents that although this change makes the calculation more precise, the monetary impact on margin requirements is expected to be immaterial (and near zero).[18]

The proposed rule change also would amend the description of the concentration charge requirement. Here the proposed rule change would clarify the description of data used to set a threshold that ICE Clear Europe uses in calculating the concentration charge. The current Risk Model Description describes this data as market risk transfer data obtained from the Depository Trust & Clearing Corporation. The proposed rule change would maintain this description but would further specify that the data contain both bilateral positions among market participants and positions cleared at ICE.

The proposed rule change would also amend the description of ICE Clear Europe's anti-procyclicality measures, which are a part of the spread response component. Currently, ICE Clear Europe bases the anti-procyclicality measures on the Lehman Brothers default scenario. The proposed rule change would revise the anti-procyclicality measures to base them on historically observed extreme but plausible stress test scenarios in price space defined in the revised Stress Testing Policy. As discussed above, these scenarios are not limited to Lehman Brothers. Rather, they include various other scenarios, such as those based on the COVID–19 pandemic discussed above. Accordingly, the proposed rule change would revise the description of the anti-procyclicality measures in the Risk Model Description to include the other scenarios from the revised Stress Testing Policy, consistent with the changes discussed above. In addition, the proposed rule change would also make amendments to reflect the 20% portfolio gross margin floor required under relevant European regulation.[19]

Moreover, the proposed rule change would update the loss given default risk analysis to specify initial values of certain parameters and to note that certain parameters are reviewed by the Risk Working Group on at least a monthly basis.

Finally, the Risk Model Description also provides a description of the haircut that ICE Clear Europe applies, as part of its initial margin methodology, to multi-currency portfolios. The proposed rule change would not alter the substance of this description. Rather, it would add a sentence to state that in order to provide consistency and uniformity in the parameters applied to the CDS risk model, ICE Clear Europe would adopt the same haircut in line with ICE Clear Credit LLC, which is described as being a more conservative haircut. ICE Clear Europe represents that this merely documents existing practice and does not alter ICE Clear Europe's approach.[20]

iii. Guaranty Fund Methodology

The proposed rule change would make one change to the section that details ICE Clear Europe's Guaranty Fund Methodology. Similar to the initial margin methodology, ICE Clear Europe applies haircuts to multi-currency portfolios to ensure that the Guaranty Fund is sufficient to cure losses in multiple currencies. The proposed rule change would not alter the substance of the description of this haircut. Rather, it would add a sentence to state that in order to provide consistency and uniformity in the parameters applied to the CDS risk model, ICE Clear Europe would adopt the same haircut in line with ICE Clear Credit LLC, which is described as being a more conservative haircut. ICE Clear Europe represents that this merely documents existing practice and does not alter ICE Clear Europe's approach.[21]

iv. Monte Carlo Approach

The proposed rule change would next revise the section that describes ICE Clear Europe's Monte Carlo approach. ICE Clear Europe uses its Monte Carlo approach to derive the spread response requirement of the initial margin methodology.

The proposed rule change would make several revisions to the description of the Monte Carlo approach, beginning with the introductory section. Currently, the introductory section provides that the Monte Carlo approach has been implemented as a benchmark model to capture the spread risk component of initial margin. The proposed rule change would revise this to state that the Monte Carlo approach is the governance-approved and implemented model adopted by ICE Clear Europe to capture the spread risk component of initial margin and that the final spread response requirement is the more conservative of the stress-based spread response requirement and the Monte Carlo simulated spread response requirement.

Next, the proposed rule change would delete the sections entitled Monte Carlo Simulations via Cholesky Decomposition, Monte Carlo Simulations via Eigenvalue Decomposition, Distribution, Full Matrix Simulation Framework, Simulation of Standardized Log Returns, Model Parameters, Monte Carlo Engine Setups, and Conclusion, as unnecessary in light of revisions that would be made to other sections of the description. Specifically, the proposed rule change would significantly revise the sections on Copula Simulation, Conditional Block Matrix Simulation Framework, Risk Measures, and add a new section on Copula Parameter Estimation. These revisions would update the copula simulation description to provide further detail as to the determination and use of the linear correlation matrix and construction of student-t random variables and vectors for the production of relevant scenarios; revise the description of the conditional block matrix simulation framework and full matrix simulation framework to provide a more simplified description of the two-step conditional simulation

[18] Notice, 86 FR at 13423.

[19] *See* European Market Infrastructure Regulation Article 27.

[20] Notice, 86 FR at 13422.

[21] Notice, 86 FR at 13422.

approach; and describe copula parameter estimation for purposes of multivariate distribution.

The proposed rule change would also provide more detail with respect to the use of simulated P/L scenarios, combined with the post-index-decomposition positions related to a given risk factor, to generate a currency-specific risk factor P/L vector. ICE Clear Europe would attribute each risk factor to only one sub-portfolio and denominate all instruments related to a given risk factor in the same currency. ICE Clear Europe would apply this multi-currency risk aggregation approach to risk factors within the European Corporate and U.S. Corporate sub-portfolios denominated in EUR and USD currencies, respectively. The proposed rule change would also add a diagram to demonstrate a bivariate simulation aspect of the risk aggregation approach.

The proposed rule change would also amend the Risk Measures section to explain that each cleared portfolio initially would be split into sub-portfolios based on common features in order to obtain risk estimates reflective of the market behavior and default management practices. The ICE Clear Europe Risk Management department would periodically review the definitions of the sub-portfolios and update them upon consultation with the Product Risk Committee.

Finally, the proposed rule change also would clarify that in the Monte Carlo implementation, distributions are based on simulated CDS spread scenarios, and that instrument profits or losses are calculated by re-pricing instruments at their coupons as well as their implied recovery rates.

v. Data

The data section of the Risk Model Description explains the sources of data that ICE Clear Europe uses for end of day prices, which are inputs in calculating initial margin and guaranty fund requirements. The proposed rule change would make a number of modifications to this section.

First, the Risk Model Description explains the order in which ICE Clear Europe accesses the various sources of price data. The proposed rule change would add to this explanation a further description of what ICE Clear Europe would do if end of day prices were not available from the usual sources, such as when clearing a new product without a long history of trading. In that case, ICE Clear Europe would estimate end of day prices by using proxy log-returns of existing clearable risk sub-factors from a similar or correlated industry/sector. Moreover, where ICE Clear Europe launches clearing of a product already cleared at ICE Clear Europe (for example, a new time series of an existing CDS contract), ICE Clear Europe would use the existing CDS spreads time series directly after reviewing the back-test results. Finally, the proposed rule change would clarify an existing statement regarding the availability of time series data for certain risk factors, by changing the term to ''risk sub-factors''.

The proposed rule change would next add detail regarding the collection, analysis and back-testing of relevant pricing data for new products that ICE Clear Europe is beginning to clear, which the Risk Model Description refers to as risk sub-factors. Pursuant to the proposed additions, when launching clearing of new risk sub-factors, ICE Clear Europe would collect prices from Clearing Members on the benchmark tenors as per its normal end-of-day price discovery process before making the contracts eligible. ICE Clear Europe's Clearing Risk department would be responsible for reviewing the fixed maturity time series data on the benchmark tenors until the first day of the price collection. If ICE Clear Europe needed to fill in missing data, the proposed rule change would explain that ICE Clear Europe would back-fill missing data in log-return space derived from the available end-of-day fixed-maturity spread levels, and if needed, would apply interpolation and extrapolation techniques to derive the missing data. Once ICE Clear Europe had a complete fixed maturity time series, the Clearing Risk Department would then perform back-tests on hypothetical trading strategies and stress tests on hypothetical portfolios to further ensure that time series for the new risk sub-factors were appropriate. The results of the analyses would be presented to the CDS Product Risk Committee. The proposed rule change would also explain how ICE Clear Europe transforms fixed maturity time series to constant maturity time series to eliminate the impact of semi-annual rolls.

The proposed rule change also would explain how fixed maturity time series would be transformed to constant maturity time series to eliminate the impact of semi-annual rolls. The amendments would provide further detail as to the manner in which constant maturity time series are determined and used for index and single-name risk factors.

Finally, the proposed rule change would explain that back-testing results would be available to assess the quality of time series as well as the performance of the calibrated models. Currently, the Risk Model Description only provides that back-testing results are available to assess the performance of the calibrated models.

vi. Testing

The testing section of the current Risk Model Description provides an overview of the tests that ICE Clear Europe uses to assess the soundness of its risk model, such as benchmarking the spread response requirement and back-testing other components of the model. For each test, the Risk Model Description explains the theoretical framework behind the test, how the test is executed, and how ICE Clear Europe uses the results of the test. The proposed rule change would not alter the substance of these various tests. The proposed rule change would, however, delete much of the detail about these tests from the Risk Model Description. Because these tests are already described in other ICE Clear Europe documentation, such as the Stress Testing Policy and Back-Testing Policy, ICE Clear Europe does not believe it is necessary to describe those tests again in the Risk Model Description. Instead, the Risk Model Description, as amended by the proposed rule change, would provide a short description of each of the tests and would explain which other ICE Clear Europe document contains the details for each of the tests. Thus, the amendments would not make a substantive change in ICE Clear Europe's approach to testing but would simplify the description and clarify relevant assumptions.

vii. Assessment of Assumptions and Limitations

The assessment of assumptions and limitations section currently explains the assumptions that provide the theoretical foundation for ICE Clear Europe's risk model. The proposed rule change would not delete or amend this existing explanation. The proposed rule change would add, however, a further explanation of another assumption used to determine the size of the Guaranty Fund: the use of the same time series data in determining initial margin requirement and sizing the Guaranty Fund. The proposed rule change would explain that ICE Clear Europe uses the same time series to ensure a conservative approach to portfolio loss when sizing the Guaranty Fund and to avoid unnecessary complexity.[22]

[22] Notice, 86 FR at 13423.

E. Parameters Review Procedures

Finally, the proposed rule change would formalize the Parameters Review Procedures. The Parameters Review Procedures describe how ICE Clear Europe calibrates and reviews the parameters that underlie its risk model, as described in the Risk Model Description discussed above. For each of the components of the risk model, the Parameters Review Procedures would describe the parameters that ICE Clear Europe uses for those components as well as the procedures and processes ICE Clear Europe would use to update those parameters. As explained in the Parameters Review Procedures, ICE Clear Europe performs these updates monthly.

The Parameters Review Procedures also would explain how ICE Clear Europe analyzes the sensitivity of the risk model to changes in certain parameters. Specifically, ICE Clear Europe would perform this sensitivity analysis on parameters that are calibrated on a more ad-hoc basis, rather than using a strictly statistical approach, such as the portfolio benefits provided during the computation of the spread response requirement. ICE Clear Europe would use this analysis to understand how an update or a change to these parameters might alter margin requirements. As with updates to the parameters, ICE Clear Europe performs this sensitivity analysis monthly.

Finally, the Parameters Review Procedures would describe the distribution of the reports of this sensitivity analysis. Generally, the Parameters Review Procedures would require that summary reports be presented to the Risk Oversight Department. In the case of the sensitivity analysis of the dependence structure shifts, however, the Parameters Review Procedures would require that report to be presented to the Product Risk Committee and Risk Oversight Department. Similarly, in the case of the sensitivity analysis of the exponentially weighted moving average, the Parameters Review Procedures would require that report to be presented to the Risk Working Group.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[23] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[24] and Rules 17Ad–22(e)(4)(ii), (e)(4)(vi)(A), (e)(4)(vi)(B), (e)(6)(i), (e)(6)(iv), and (e)(6)(vi)(B).[25]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICE Clear Europe be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, as well as to assure the safeguarding of securities and funds which are in the custody or control of ICE Clear Europe or for which it is responsible.[26] As discussed in more detail below, the Commission generally believes that the changes discussed above should improve ICE Clear Europe's management of the risks resulting from clearing and settling transactions and therefore believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.[27]

The Commission believes that the changes to the Price Discovery Policy discussed in Part II.A above should consolidate and clarify the process that ICE Clear Europe would use to determine prices for a particular instrument or risk sub-factor when fewer than three Clearing Members have open interest in that instrument or risk sub-factor. In doing so, the Commission believes that these changes should improve ICE Clear Europe's ability to derive reliable prices for instruments and sub-risk factors even where only a few Clearing Members have open interest. Similarly, the Commission believes that updating the names of ICE Clear Europe committees and requiring that the Board and Executive Risk Committee be notified of level red breaches immediately, would improve ICE Clear Europe's ability to oversee and respond to matters under the Price Discovery Policy. Finally, the Commission believes that the added Table 4, updated references, and updated defined terms should improve clarity and reduce the possibility for error in applying the Price Discovery Policy.

The Commission further believes that the changes to the Stress Testing Policy discussed in Part II.B above should clarify ICE Clear Europe's stress testing practices regarding wrong way risk, the margin period of risk, and the assumptions used in stress testing. Moreover, with respect to stress testing scenarios, the Commission further believes that updating the process for adding and retiring scenarios and portfolios, revising the description of existing scenarios, and adding new scenarios based on market conditions during the COVID–19 pandemic should help to ensure that ICE Clear Europe's scenarios reflect actual and recent stressed market conditions. Similarly, the Commission believes that clarifying the assumptions used in the analysis of Guaranty Fund adequacy and the determination of sample portfolios for stress testing should help to ensure that ICE Clear Europe's practices are applied accurately and consistently. Finally, the Commission believes that the updated governance of enhancements and review of stress testing results, the updated description of the ICE Clear Europe committees involved in the review of stress testing results and changes to the Stress Testing Policy, and the corrections of typographical errors, references, and titles, should improve the operation of the Stress Testing Policy.

The Commission also believes that the changes made to the Risk Policy, as discussed in Part II.C above, should help to ensure that the Risk Policy accurately reflects ICE Clear Europe's risk methodology and is applied consistently with other ICE Clear Europe policies and procedures. Specifically, the Commission believes that adding further description of ICE Clear Europe's initial margin methodology, including the stress-based spread response, Monte Carlo simulation spread response, and anti-procyclicality considerations, should help to ensure that the Risk Policy accurately reflects ICE Clear Europe's current margin methodology. Moreover, the Commission believes that revising (i) the description of the Guaranty Fund, including the anti-procyclicality considerations, (ii) the explanation of ICE Clear Europe's stress testing, and (iii) the names of the ICE Clear Europe committees involved in the review of the stress testing should help to ensure that the Risk Policy is applied consistently with the revised Stress Testing Policy and Model Risk Governance Framework. Updating the description of the monitoring of the initial margin methodology and of the

[23] 15 U.S.C. 78s(b)(2)(C).

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] 17 CFR 240.17Ad–22(e)(4)(ii), (e)(4)(vi)(A), (e)(4)(vi)(B), (e)(6)(i), (e)(6)(iv), and (e)(6)(vi)(B).

[26] 15 U.S.C. 78q–1(b)(3)(F).

[27] 15 U.S.C. 78q–1(b)(3)(F).

governance concerning changes to the initial margin methodology, including the names of ICE Clear Europe committees involved in such governance, should help ensure that the Risk Policy reflects ICE Clear Europe's current governance processes. The Commission further believes that removing the description of certain matters related to mark-to-market margin that are already described in other ICE Clear Europe documentation should reduce duplication and the possibility for inconsistency between the Risk Policy and other ICE Clear Europe policies. Similarly, updating the governance regarding review of the back-testing and stress testing of models and the description of stress test scenarios should help to ensure consistency with the Model Risk Governance Framework and the Stress Testing Policy. Finally, updating the titles of defined terms should help to ensure that the Risk Policy is applied consistently with other ICE Clear Europe policies and procedures.

The Commission further believes that the other changes discussed in Part II.C above should help ensure that ICE Clear Europe can apply the Risk Policy in a manner consistent with the particular facts and circumstances at any given time. Updating the description of intra-day monitoring and the intraday risk limit, including replacing the fixed minimum and maximum, should allow ICE Clear Europe to alter the minimum and maximum limit, as needed, in accordance with changes to the Guaranty Fund minimum or as set by ICE Clear Europe senior management and the CDS Product Risk Committee. Similarly, the Commission believes that removing the requirement that ICE Clear Europe investigate and closely monitor a Clearing Member once that Clearing Member's estimated intraday profit/loss equals half of the intraday risk limit, and removing the requirement that ICE Clear Europe's Risk Management Department notify the ICE Clear Europe Treasury Department of a special margin call, should improve provide ICE Clear Europe's ability to respond to changes in a Clearing Member's intraday risk limit. Amending the allocation of the Guaranty Fund requirements so ICE Clear Europe would allocate them weekly, instead of every Thursday, also should give ICE Clear Europe the ability to determine the best day of the week to allocate the requirements while still requiring a weekly allocation. Finally, the Commission believes that specifying that ICE Clear Europe requires a portion of the Guaranty Fund to be in US dollars to accommodate US dollar denominated CDS contracts, not just sovereign CDS contracts, should help to ensure that the Risk Policy can accommodate all of the US dollar contracts that ICE Clear Europe clears.

The Commission also believes that the changes to the Risk Model Description discussed in Part II.D above should help to ensure that ICE Clear Europe's risk methodology is up-to-date and consistent with related ICE Clear Europe policies. Specifically, the revised time horizon for the interest rate sensitivity requirement of the initial margin methodology of 5 days for house accounts and 7 days for client accounts should help to ensure consistency with ICE Clear Europe's revised Stress Testing Policy. Moreover, the Commission believes that revising the anti-procyclicality measures to include scenarios from the revised Stress Testing Policy should help to ensure consistency with the revised Stress Testing Policy and help to ensure that the anti-procyclicality measures consider the most recent scenarios and market data. Similarly, updating the loss given default risk analysis to specify initial values of certain parameters and to note that certain parameters are reviewed by the Risk Working Group on at least a monthly basis would help to ensure consistency with the Parameters Review Procedures. Finally, the Commission believes that revising the testing section of the Risk Model Description to provide an overview of the tests that ICE Clear Europe uses to assess the soundness of its risk model and to explain which other ICE Clear Europe policies contain the details for each of the tests should help to ensure consistency with other ICE Clear Europe documentation with respect to such testing.

The Commission similarly believes that certain other changes to the Risk Model Description discussed in Part II.D above should help to ensure that ICE Clear Europe's risk methodology is up-to-date and consistent with ICE Clear Europe operational practices. Specifically, clarifying the volatility floor to the recovery rate sensitivity requirement and the data used to set a threshold in calculating the concentration charge would help to ensure that the Risk Model Description reflects ICE Clear Europe's current operational practices. Similarly, clarifying the 20% portfolio gross margin floor required under relevant European regulation and adoption of the same haircut in line with ICE Clear Credit LLC to multi-currency portfolios in both the initial margin and Guaranty Fund methodologies would help to ensure the accuracy of the Risk Model Description without substantively changing ICE Clear Europe's practices. Adding further explanation of the assumption regarding the same time series of data, which is used to determine the size of the Guaranty Fund, should also clarify the Risk Model Description. In outlining the steps ICE Clear Europe would take if end-of-day prices were not available from the usual sources, including the back-testing of pricing data, the proposed rule change should help to ensure that the Risk Model Description matches ICE Clear Europe's operational practices when clearing a new product. Updating the loss threshold calculation in the determination of specific wrong way risk and general wrong way risk (to be based on price minus recovery rate as opposed to one minus recovery rate) should make the calculation more precise. Finally, by revising the description of ICE Clear Europe's Monte Carlo approach, including copula simulation, simulated P/L scenarios, and the use of sub-portfolios, the Commission believes the proposed rule change should help to ensure that the Risk Model Description matches ICE Clear Europe's operational practices, and is thus consistent and comprehensive.

Finally, as discussed in Part II.E above, the proposed rule change would formalize the Parameters Review Procedures. The Commission believes the Parameters Review Procedures should help ICE Clear Europe to maintain its risk model, as set forth in the Risk Model Description, by setting out procedures for calibrating and reviewing the parameters that underlie the risk model and analyzing the sensitivity of the risk model to changes in certain parameters, each on a monthly basis. Moreover, the Parameters Review Procedures would require reporting of this review and analyses, which the Commission believes should help to inform decision-makers at ICE Clear Europe and allow them to take action as needed to adjust the risk model.

Because ICE Clear Europe uses the Price Discovery Policy, Stress Testing Policy, Risk Policy, Risk Model Description, and Parameters Review Procedures to manage the risks associated with clearing and settling transactions, the Commission believes that the changes described above would be consistent with Section 17A(b)(3)(F) of the Act.[28] Specifically, ICE Clear Europe uses the methodologies described in the Price Discovery Policy, Risk Policy, and Risk Model Description

[28] 15 U.S.C. 78q–1(b)(3)(F).

to derive end-of-day prices and produce initial margin and Guaranty Fund requirements, all of which ICE Clear Europe uses to manage risks arising from clearing and settling transactions. Moreover, ICE Clear Europe uses the Stress Testing Policy and Parameters Review Procedures to identify potential weaknesses and sensitivities in its risk methodologies. Thus, the Commission believes that in making the improvements to the Price Discovery Policy, Stress Testing Policy, Risk Policy, and Risk Model Description as discussed above, and in formalizing the Parameters Review Procedures, the proposed rule change should improve ICE Clear Europe's ability to manage the risks associated with clearing and settling transactions.

The Commission further believes the proposed rule change should thereby help ICE Clear Europe avoid potential losses that could result from the mismanagement of such risks. Because these potential losses, if realized, could impair ICE Clear Europe's ability to promptly and accurately clear and settle transactions and safeguard securities and funds, the Commission believes the proposed rule change should promote the prompt and accurate clearance and settlement of transactions and help assure the safeguarding of securities and funds in ICE Clear Europe's custody or control.

Therefore, the Commission finds that the proposed rule change should promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds in ICE Clear Europe's custody and control, consistent with the Section 17A(b)(3)(F) of the Act.[29]

B. Consistency With Rule 17Ad–22(e)(4)(ii)

Rule 17Ad–22(e)(4)(ii) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for ICE Clear Europe in extreme but plausible market conditions.[30] As discussed above, the Commission believes the proposed rule change should improve ICE Clear Europe's Risk Methodology Description by, among other things, clarifying that ICE Clear Europe would adopt the same haircut in line with ICE Clear Credit LLC to multi-currency portfolios in the Guaranty Fund methodology and adding a further explanation of another assumption used to determine the size of the Guaranty Fund. Moreover, as discussed above, the proposed rule change would amend the Risk Policy to allow ICE Clear Europe to allocate Guaranty Fund requirements weekly, instead of every Thursday, thus allowing ICE Clear Europe to determine the best day of the week to allocate the requirements while still requiring a weekly allocation. Through application of its risk model, as described in the Risk Methodology Description, ICE Clear Europe produces Guaranty Fund requirements for Clearing Members that it then allocates to, and collects from, Clearing Members. Such Guaranty Fund requirements, in turn, enable ICE Clear Europe to maintain additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for ICE Clear Europe in extreme but plausible market conditions. Thus, the Commission finds that these aspects of the proposed rule change are consistent with Rule 17Ad–22(e)(4)(ii).[31]

C. Consistency With Rule 17Ad–22(e)(4)(vi)(A)

Rule 17Ad–22(e)(4)(vi)(A) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by testing the sufficiency of its total financial resources available to meet the minimum financial resource requirements under Rule 17Ad–22(e)(4)(i) through (iii), as applicable, by conducting stress testing of its total financial resources once each day using standard predetermined parameters and assumptions.[32] As discussed above, the Commission believes the proposed rule change should improve ICE Clear Europe's Stress Testing Policy by, among other things, revising the description of existing stress testing scenarios and adding new scenarios based on market conditions during the COVID–19 pandemic. Because ICE Clear Europe uses the Stress Testing Policy and the stress testing scenarios to conduct daily stress testing of its total financial resources, the Commission believes this aspect of the proposed rule change should help to ensure that ICE Clear Europe conducts stress testing of its total financial resources once each day using standard predetermined parameters and assumptions. Thus, the Commission finds that this aspect of the proposed rule change is consistent with Rule 17Ad–22(e)(4)(vi)(A).[33]

D. Consistency With Rule 17Ad–22(e)(4)(vi)(B)

Rule 17Ad–22(e)(4)(vi)(B) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by testing the sufficiency of its total financial resources available to meet the minimum financial resource requirements under Rule 17Ad–22(e)(4)(i) through (iii), as applicable, by conducting a comprehensive analysis on at least a monthly basis of the existing stress testing scenarios, models, and underlying parameters and assumptions, and considering modifications to ensure they are appropriate for determining ICE Clear Europe's required level of default protection in light of current and evolving market conditions.[34] As discussed above, the Commission believes the proposed rule change should improve ICE Clear Europe's Stress Testing Policy by, among other things, updating the governance of enhancements and review of stress testing results and the description of the ICE Clear Europe committees involved in the review of stress testing results and changes to the Stress Testing Policy. Moreover, as discussed above, the Parameters Review Procedures would require that ICE Clear Europe, on a monthly basis, calibrate and review the parameters that underlie the risk model and analyze the sensitivity of the risk model to changes in certain parameters. The Parameters Review Procedures would also require reporting of these reviews and analyses. The Commission therefore believes these aspects of the proposed rule change should help to ensure that ICE Clear Europe conducts

[29] 15 U.S.C. 78q–1(b)(3)(F).

[30] 17 CFR 240.17Ad–22(e)(4)(ii).

[31] 17 CFR 240.17Ad–22(e)(4)(ii).

[32] 17 CFR 240.17Ad–22(e)(4)(vi)(A).

[33] 17 CFR 240.17Ad–22(e)(4)(vi)(A).

[34] 17 CFR 240.17Ad–22(e)(4)(vi)(B).

a comprehensive analysis on at least a monthly basis of its existing stress testing scenarios, models, and underlying parameters and assumptions, and considers modifications to ensure they are appropriate for determining its required level of default protection in light of current and evolving market conditions. Thus, the Commission finds that these aspects of the proposed rule change are consistent with Rule 17Ad–22(e)(4)(vi)(B).[35]

E. Consistency With Rule 17Ad–22(e)(6)(i)

Rule 17Ad–22(e)(6)(i) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.[36] As discussed above, the Commission believes the proposed rule change should improve ICE Clear Europe's Risk Methodology Description by, among other things, clarifying components of the initial margin methodology. Through application of its risk model, as described in the Risk Methodology Description, ICE Clear Europe produces initial margin requirements commensurate with, the risks and particular attributes of each relevant product, portfolio, and market. Thus, the Commission finds that this aspect of the proposed rule change is consistent with Rule 17Ad–22(e)(6)(i).[37]

F. Consistency With Rule 17Ad–22(e)(6)(iv)

Rule 17Ad–22(e)(6)(iv) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data are not readily available or reliable.[38] As discussed above, the Commission believes that the changes to the Price Discovery Policy should consolidate and clarify the process that ICE Clear Europe would use to determine prices for a particular instrument or risk sub-factor when fewer than three Clearing Members have open interest in that instrument or risk sub-factor and therefore should improve ICE Clear Europe's ability to derive reliable prices for instruments and sub-risk factors even where only a few Clearing Members have open interest. In addition, the updated references and defined terms should improve clarity and reduce the possibility for error in applying the Price Discovery Policy.

Moreover, as discussed above, the Commission believes the proposed rule change should improve ICE Clear Europe's Risk Methodology Description by outlining the steps ICE Clear Europe would take if end-of-day prices were not available from the usual sources, such as when clearing a new product without a long history of trading, and providing a description of the collection, analysis, and back-testing of relevant pricing data for new products.

The Commission believes that both of these aspects of the proposed rule change—the changes to the Price Discovery Policy and the changes to the Risk Methodology Description—should help to ensure that ICE Clear Europe collects, and uses, reliable and timely price data. Moreover, the Commission believes that the procedures outlined in the Price Discovery Policy should help to address the situation where such data are not available because too few Clearing Members have open interest. The Commission similarly believes that procedures outlined in the Risk Methodology Description should help to address the situation where such data are not available, such as when clearing a new product without a long history of trading.

Thus, the Commission finds that these aspects of the proposed rule change are consistent with Rule 17Ad–22(e)(6)(iv).[39]

G. Consistency With Rule 17Ad–22(e)(6)(vi)(B)

Rule 17Ad–22(e)(6)(vi)(B) requires that ICE Clear Europe establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, is monitored by management on an ongoing basis and is regularly reviewed, tested, and verified by conducting a sensitivity analysis of its margin model and a review of its parameters and assumptions for backtesting on at least a monthly basis, and considering modifications to ensure the backtesting practices are appropriate for determining the adequacy of ICE Clear Europe's margin resources.[40] As discussed above, the Parameters Review Procedures would require that ICE Clear Europe, on a monthly basis, calibrate and review the parameters that underlie the risk model and analyze the sensitivity of the risk model to changes in certain parameters. Thus, the Commission finds that this aspect of the proposed rule change is consistent with Rule 17Ad–22(e)(6)(vi)(B).[41]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[42] and Rules 17Ad–22(e)(4)(ii), (e)(4)(vi)(A), (e)(4)(vi)(B), (e)(6)(i), (e)(6)(iv), and (e)(6)(vi)(B).[43]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[44] that the proposed rule change (SR–ICEEU–2021–006), be, and hereby is, approved.[45]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[46]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 2021–08315 Filed 4–21–21; 8:45 am]

BILLING CODE 8011–01–P

[35] 17 CFR 240.17Ad–22(e)(4)(vi)(B).

[36] 17 CFR 240.17Ad–22(e)(6)(i).

[37] 17 CFR 240.17Ad–22(e)(6)(i).

[38] 17 CFR 240.17Ad–22(e)(6)(iv).

[39] 17 CFR 240.17Ad–22(e)(6)(iv).

[40] 17 CFR 240.17Ad–22(e)(6)(vi)(B).

[41] 17 CFR 240.17Ad–22(e)(6)(vi)(B).

[42] 15 U.S.C. 78q–1(b)(3)(F).

[43] 17 CFR 240.17Ad–22(e)(4)(ii), (e)(4)(vi)(A), (e)(4)(vi)(B), (e)(6)(i), (e)(6)(iv), and (e)(6)(vi)(B).

[44] 15 U.S.C. 78s(b)(2).

[45] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[46] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16876 and #16877; TEXAS Disaster Number TX–00591]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4586–DR), dated 02/19/2021. Incident: Severe Winter Storms. Incident Period: 02/11/2021 through 02/21/2021.

DATES: Issued on 4/15/2021.

Physical Loan Application Deadline Date: 5/20/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 11/19/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Texas, dated 02/19/2021, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 05/20/2021.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–08348 Filed 4–21–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16882 and #16883; OKLAHOMA Disaster Number OK–00145]

Presidential Declaration Amendment of a Major Disaster for the State of Oklahoma

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4587–DR), dated 02/24/2021.

Incident: Severe Winter Storms.

Incident Period: 02/08/2021 through 02/20/2021.

DATES: Issued on 04/14/2021.

Physical Loan Application Deadline Date: 05/25/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 11/24/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Oklahoma, dated 02/24/2021, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 05/25/2021.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–08350 Filed 4–21–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day Notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before May 24, 2021.

ADDRESSES: Written comments and recommendations for this information collection request 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 ''Small Business Administration''; ''Currently Under Review,'' then select the ''Only Show ICR for Public Comment'' checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Office at *Curtis.Rich@sba.gov;* (202) 205–7030, or from *www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION:

Small Business Lending Companies (SBLCs) and Non-federally regulated lenders (NFRLs). NFRL'S are non-depository lending institutions authorized by SBA primarily to make loans under section 7(a) of the Small Business Act. As sole regulator of these institutions, SBA requires them to submit audited financial statements annually as well as interim, quarterly financial statements and other reports to facilitate the Agency's oversight of these lenders.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control Number: 3245–0077.

Title: Reports to SBA Provisions of 13 CFR 120.464.

Description of Respondents: Small Business Lending Companies (SBLCs) and Non-federally regulated lenders (NFRLs).

Estimated Number of Respondents: 143.

Estimated Annual Responses: 691.

Estimated Annual Hour Burden: 1,012.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–08347 Filed 4–21–21; 8:45 am]

BILLING CODE 8026–03–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2020–0031]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the Centers for Medciare & Medicaid Services (CMS) in which CMS will disclose to the Security Administration (SSA) certain individuals' admission and discharge information for care received in a nursing care facility. Nursing care facility, for purposes of this agreement, means certain facilities referenced in CMS' Long Term Care-Minimum Data Set System Number 09–70–0528 (LTC/MDS), as defined below. SSA will use this information to administer the Supplemental Security Income (SSI) program efficiently and to identify Special Veterans' Benefits (SVB) beneficiaries who are no longer residing outside of the United States.

DATES: The deadline to submit comments on the proposed matching program is May 24, 2021. The matching program will be applicable on June, 20, 2021, or once a minimum of 30 days

after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: 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–2020–0031 so that we may associate your comments with the correct regulation. 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–2020–0031 and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. *Fax:* Fax comments to (410) 966–0869.

3. *Mail:* Matthew Ramsey, Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing *Matthew.Ramsey@ssa.gov.* Comments are also 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: Interested parties may submit general questions about the matching program to Andrea Huseth, Division Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore MD 21235–6401, at telephone: (410) 966–5855, or send an email to *Andrea.Huseth@ssa.gov.*

SUPPLEMENTARY INFORMATION: None.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Participating Agencies

SSA and CMS.

Authority for Conducting the Matching Program

The legal authority for the SSI portion of the matching program is sections 1611(e)(1) and 1631(f) of the Social Security Act (Act) (42 U.S.C. 1382(e)(1) and 1383(f)), and 20 CFR 416.211. The legal authorities for the SVB portion of the matching program are sections 801 and 806(a) and (b) of the Act (42 U.S.C. 1001 and 1006(a) and (b)). Legal authority for CMS' disclosures under this matching program is section 1631(f) of the Act (42 U.S.C. 1383(f)) and 45 CFR 164.512(a) Standard: Uses and disclosures required by law (Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule). The legal authority for the agencies to enter into this interagency transaction is the Economy Act, 31 U.S.C. 1535.

Purpose(s)

This matching program establishes the conditions under which CMS will disclose to SSA certain individuals' admission and discharge information for care received in a nursing care facility. Nursing care facility, for purposes of this agreement, means certain facilities referenced in CMS' Long Term Care-Minimum Data Set System Number 09–70–0528 (LTC/MDS). SSA will use this information to administer the SSI program efficiently and to identify SVB beneficiaries who are no longer residing outside of the United States.

Categories of Individuals

The category of indivduals involved in this matching agreement are invidudals who have been admitted or discharged for care received in a nursing care facility.

Categories of Records

SSA will provide CMS with a monthly finder file, which will be extracted from SSA's SSI and SVB's records. The finder file will consist of data elements related to an individual's SSI/SVB eligibility. CMS will match the SSA finder file against data maintained pursuant to the LTC/MDS system of records (SOR).

System(s) of Records

SSA will provide CMS with a finder file on a monthly basis, which will be extracted from Supplemental Security Income Record and Special Veterans Benefits, SOR 60–0103, last fully published on January 11, 2006 (71 FR 1830), as amended on December 10, 2007 (72 FR 69723), July 3, 2018 (83 FR 31250–31251), and November 1, 2018 (83 FR 54969).

CMS will match the SSA finder file against data maintained pursuant to the Long Term Care-Minimum Data Set (LTC/MDS) (System Number 09 70 0528) SOR, last fully published on March 19, 2007 (72 FR 12801), amended on April 23, 2013 (78 FR 23938), May 29, 2013 (78 FR 32257), and February 14, 2018 (83 FR 6591); and submit its response file to SSA.

[FR Doc. 2021–08352 Filed 4–21–21; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0379; FMCSA–2014–0382; FMCSA–2016–0008; FMCSA–2016–0011; FMCSA–2016–0313; FMCSA–2018–0054; FMCSA–2018–0057]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 11 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 continue to operate CMVs in interstate commerce.

DATES: The exemptions are applicable on April 30, 2021. The exemptions expire on April 30, 2023. Comments must be received on or before May 24, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0379, Docket No. FMCSA–2014–0382, Docket No. FMCSA–2016–0008, Docket No. FMCSA–2016–0011, Docket No.

FMCSA–2016–0313, Docket No. FMCSA–2018–0054, or Docket No. FMCSA–2018–0057 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number, FMCSA–2014–0379, FMCSA–2014–0382, FMCSA–2016–0008, FMCSA–2016–0011, FMCSA–2016–0313, FMCSA–2018–0054, or FMCSA–2018–0057 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2014–0379, Docket No. FMCSA–2014–0382, Docket No. FMCSA–2016–0008, Docket No. FMCSA–2016–0011, Docket No. FMCSA–2016–0313, Docket No. FMCSA–2018–0054, or Docket No. FMCSA–2018–0057), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov/,* insert the docket number, FMCSA–2014–0379, FMCSA–2014–0382, FMCSA–2016–0008, FMCSA–2016–0011, FMCSA–2016–0313, FMCSA–2018–0054, or FMCSA–2018–0057 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2014–0379, FMCSA–2014–0382, FMCSA–2016–0008, FMCSA–2016–0011, FMCSA–2016–0313, FMCSA–2018–0054, or FMCSA–2018–0057 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.

C. 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

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 duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 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 in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The 11 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 11 applicants

[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.*

has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 11 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

As of April 30, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Kevin Addington (PA)
Ryan Babler (WI)
Mark Beery (OH)
Jose Cabrera (CA)
Miodrag Djukanovic (IL)
Bradley Hollister (PA)
Sheldon Martin (NY)
Larry Nicholson (NC)
Edgar Snapp (IN)
Michael Shumake (VA)
Daniel Zielinski (OR)

The drivers were included in docket number FMCSA–2014–0379, FMCSA–2014–0382, FMCSA–2016–0008, FMCSA–2016–0011, FMCSA–2016–0313, FMCSA–2018–0054, and FMCSA–2018–0057. Their exemptions are applicable as of April 30, 2021, and will expire on April 30, 2023.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (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. The exemption will be rescinded if: (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 before it was 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).

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 on its evaluation of the 11 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2021–08341 Filed 4–21–21; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0043]

Petition for Waiver of Compliance

Under part 211 of title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by letter dated March 31, 2021, Denver Transit Operators (DTO) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236, Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances. FRA assigned the petition Docket Number FRA–2021–0043.

Specifically, DTO seeks relief from the 2-year periodic testing requirements in 49 CFR 236.377, *Approach locking*; 49 CFR 236.378, *Time locking*; 49 CFR 236.379, *Route locking*; 49 CFR 236.380, *Indication locking*; and 49 CFR 236.381, *Traffic locking.* DTO also requests relief from the 1-year periodic testing period of 49 CFR 236.109, *Time releases, timing relays, and timing devices,* on all vital microprocessor-based systems.

DTO states that all control points and other locations are controlled by solid-state vital microprocessor-based systems, which utilize programmed logic equations in lieu of relays or other mechanical components for control of both vital and non-vital functions. DTO further states that the logic does not change once a microprocessor-based system has been tested and that locking tests are documented on installation.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by June 7, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can

be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/privacy-notice* for the privacy notice of regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–08386 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2005–21613]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on April 8, 2021, the Association of American Railroads (AAR), on behalf of itself and its member railroads, petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 229, Railroad Locomotive Safety Standards. The relevant FRA Docket Number is FRA–2005–21613.

Specifically, AAR requests an extension of the relief granted from 49 CFR 229.29, *Air brake system calibration, maintenance, and testing*, applicable to New York Air Brake CCB–1, CCB–2, and CCB–26; Wabtec Railway Electronics EPIC–3102D2 and EPIC–2; and FastBrake electronic air brake systems, for the extension of time intervals for level two and level three locomotive air brake system maintenance. AAR states that throughout the history of this waiver, several test committees, made up of representatives from industry, labor, and FRA, were formed to study air brake systems. AAR notes that FRA may propose codifying provisions of this waiver in the future. Additionally, AAR requests that FRA grant a unified extension to all AAR member railroads that are currently participating in this waiver.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by June 7, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety Chief Safety Officer.

[FR Doc. 2021–08385 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0031]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on March 9, 2021, Union Pacific Railroad Company (UPRR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215, Railroad Freight Car Safety Standards, and 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices. FRA assigned the petition Docket Number FRA–2021–0031.

Specifically, UPRR requests relief from 49 CFR 215.13, *Pre-departure inspection,* which requires an inspection when combining two separate consists including one or more cars and one or more locomotives that have been properly inspected and tested in compliance with all applicable regulations, meaning that both consists have had a Class I brake test (§ 232.205), Class IA brake test (§ 232.207), or have been designated as extended haul trains and are compliant with all requirements of § 232.213. UPRR states that the requested relief will allow combining two existing and operating trains without additional inspections, besides a Class III brake test. It further states that the relief will allow subsequent separation of two trains without additional inspections, besides a Class III brake test, provided that a record of the original consist remains intact.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by June 7, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if

submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–08384 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0025; Notice 1]

Combi USA, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Combi USA (Combi), has determined that certain Combi USA BabyRide rear-facing child restraint systems manufactured between March 1, 2016, and September 2, 2019, do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 213, *Child Restraint Systems.* Combi filed an original noncompliance report dated March 8, 2021, and later amended it on March 10, 2021, and March 11, 2021. Subsequently, Combi petitioned NHTSA on March 30, 2021, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Combi's petition.

DATES: Send comments on or before May 24, 2021.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that the comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the docket. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Kelley Adams-Campos, Safety Compliance Engineer, NHTSA, Office of Vehicle Safety Compliance, *kelley.adamscampos@dot.gov* .

SUPPLEMENTARY INFORMATION:

I. Overview

Combi has determined that certain Combi USA BabyRide rear-facing child restraint systems manufactured between March 1, 2016, and September 2, 2019, do not fully comply with the requirements of paragraph S5.4.1.2(a) of FMVSS No. 213, *Child Restraint Systems* (49 CFR 571.213). Combi filed an original noncompliance report dated March 8, 2021, and later amended it on March 10, 2021, and March 11, 2021, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Combi subsequently petitioned NHTSA on March 30, 2021, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Combi's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or other exercise of judgment concerning the merits of the petition.

II. Child Restraint Systems Involved

Approximately 13,880 Combi USA BabyRide rear-facing child restraint systems with model number 378099, manufactured between March 1, 2016, and September 2, 2019, are potentially involved.

III. Noncompliance

Combi explains that the noncompliance is that the subject rear-facing child restraint systems are equipped with 25-mm-wide webbing used in the center front harness adjuster that does not comply with the minimum breaking strength requirements as required in paragraph S5.4.1.2(a) of FMVSS No. 213. Specifically, the subject child restraint systems have an initial breaking strength of between 9,622 N and 10, 136 N (median load 9,871 N), which is less than the required minimum breaking strength of 11,000 N.

IV. Rule Requirements

Paragraph S5.4.1.2(a) of FMVSS No. 213 includes the requirements relevant to this petition. The webbing of belts provided with a child restraint system and used to attach the system to the vehicle or to restrain the child within the system shall have a minimum breaking strength for new webbing of not less than 15,000 N in the case of webbing used to secure a child restraint

system to the vehicle, including the tether and lower anchorages of a child restraint anchorage system, and not less than 11,000 N in the case of the webbing used to secure a child to a child restraint system when tested in accordance with paragraph S5.1 of FMVSS No. 209. Each value shall be not less than the 15,000 N and 11,000 N applicable breaking strength requirements, but the median value shall be used for determining the retention of breaking strength in paragraphs (b)(1), (c)(1), and (c)(2) of paragraph S5.4.1.2. ''New webbing'' means webbing that has not been exposed to abrasion, light, or micro-organisms as specified elsewhere in FMVSS No. 213..

V. Summary of Combi's Petition

The following views and arguments presented in this section, ''V. Summary of Combi's Petition,'' are the views and arguments provided by Combi. They have not been evaluated by the Agency and do not reflect the views of the Agency. Combi describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Combi submitted the following reasoning:

1. Combi has not received any reports from consumers related to the strength of the 25-mm-wide webbing in the BabyRide infant car seat.

2. The BabyRide with the 25-mm-wide webbing at issue complies with dynamic testing requirements of FMVSS No. 213, paragraph S5.1, in testing conducted by both NHTSA and Combi between 2016 and 2019. This includes testing with the 12-month-old CRABI ATD that represents the heaviest child that the BabyRide infant car seat is used with.

3. The actual webbing strength of the 25-mm-wide webbing far exceeds the strength needed for the application of an infant car seat used with children 10 kg (22 lbs.) or less.

a. *Load applied during dynamic testing*

i. When tested with the 12-month-old CRABI ATD that weighs 22 lbs., representing the maximum weight occupant for the car seat, the maximum load that the 25-mm-wide webbing is subjected to during an FMVSS No. 213 compliance crash test is 302.9 N.

ii. Combi believes that the peak loading of the 25-mm-wide webbing when dynamically tested per FMVSS No. 213 with the 12-month-old CRABI ATD and represented in the 2021 test conducted by UMTRI in Test Report No. AG2101 represents the maximum load applied to the 25-mm-wide webbing in all Combi USA BabyRide infant car seats. Combi bases that belief on the total belt load applied to the vehicle lap belt and LATCH belt recorded in the 2016 UMTRI and 2021 UMTRI testing with the 12-month-old ATD. The total vehicle lap belt load recorded in the 2021 test (AG2101) of 4206 N (945.6 lbs.) is consistent with the total vehicle lap belt and LATCH belt loading recorded in the 2016 tests conducted by UMTRI with the 12-month-old ATD of 4,067.2 N (851.4 lbs.) in Test TT1603 and 3,989.1 N (896.8 lbs.) in Test TT1604.

iii. The maximum load measured in the 25-mm-wide webbing in the BabyRide infant car seat is much lower than the total load applied to the vehicle lap belt and LATCH belt as the car seat is for rear-facing use only and for use with a child weighing 10 kg (22 lb.) or less. In a rear-facing car seat, a significant portion of the load from the ATD during the dynamic test is transferred and supported by the seatback, thus reducing the maximum load applied to the harness system including the 25-mm-wide webbing.

b. *FMVSS No. 213 S5.4.1.2(a) Minimum breaking strength of original webbing*

i. The initial breaking strength of the 25-mm-wide webbing in NHTSA and Combi's testing is between 9,266 N and 10,126 N.

ii. Based on test reports collected in response to a request for information from NHTSA's Office of Vehicle Safety Compliance,[1] all production testing for the 25-mm-wide webbing from 2016 through 2019 measured between 9,600 N to 9,900 N.

c. *FMVSS No. 213 S5.4.1.2(b)(1) Webbing strength after abrasion*

i. The breaking strength of the 25-mm-wide webbing after abrasion in the Combi testing was an average of 8,047 N or 86.7 percent of the original breaking strength.

ii. As the breaking strength of the 25-mm-wide webbing after abrasion is 86. 7 percent of the original breaking strength, the webbing complies with requirements in S5.4.1.2(b)(l) of FMVSS No. 213, which requires the webbing have a breaking strength of not less than 75 percent of the new webbing strength.

d. *FMVSS No. 213 S5.4.1.2(c)(l) Webbing strength after exposure to light*

i. The breaking strength after exposure to light of the 25-mm-wide webbing tested by NHTSA averages 9,752 N or 98.8 percent of the original breaking strength.

ii. As the breaking strength of the 25-mm-wide webbing after exposure to light is 98.8 percent of the original breaking strength, the webbing complies with requirements in paragraph S5.4.1.2(c)(l) of FMVSS No. 213 which requires the webbing have a breaking strength of not less than 60 percent of the new webbing.

4. FMVSS No. 213 regulates child restraint systems and the webbing used in those restraint systems for use with children weighing up to 36 kg (80 lbs.). The minimum strength requirements defined in paragraph S5.4.1.2 of FMVSS No. 213 for harness belts used in all child restraint systems for use with children 36 kg (80 lbs.) or less, including infant-only restraint systems, are listed below.

a. S5.4.1.2(a) Minimum breaking strength for new webbing

i. Minimum breaking strength of not less than 11,000 N.[2]

b. S5.4.1.2.(b) Minimum breaking strength after abrasion

i. Median breaking strength webbing after abrasion of not less than 75 percent of the new webbing strength. Based on the 11,000 N minimum strength for new webbing, at least 8,250 N after abrasion.

ii. The median breaking strength of the 25-mm webbing used in the BabyRide after abrasion is 8,047 N, or 2.5 percent less than the minimum allowed for all child restraints, including those designed for children up to 80 lbs.

c. S5.4.1.2(b) Minimum breaking strength after exposure to light

i. Median breaking strength after exposure to light of not less than 60 percent of the new webbing strength or based on the 11,000 N minimum strength for new webbing, at least 6,600 N after exposure to light.

ii. The breaking strength of the 25-mm webbing used in the BabyRide is 47.7 percent greater than the minimum breaking strength allowed for all child restraints after exposure to light, including those designed for children up to 80 lbs.

5. Combi has reviewed the harness webbing specifications defined in FMVSS No. 213 and notes the following:

a. Harness webbing as specified in FMVSS No. 213 is for webbing for use with children up to 80 lbs. (36 kg). The webbing specified is sufficiently strong to restrain an 80 lb. occupant when forward-facing.

b. The BabyRide car seat is an infant car seat, which is used rear-facing only

[1] In their petition, Combi mistakenly referred to the Office of Vehicle Safety Compliance as the Office of Defects Investigation.

[2] In their petition, Combi mistakenly referred to the minimum breaking strength for new webbing as the median breaking strength for new webbing.

with infants 22 lbs. (10 kg) or less. Rear-facing infant car seats provide restraint of the infant primarily by supporting the infant's head and back on the seatback support surface of the restraint and additionally by the harness system. The loads carried by the seatback support surface significantly reduce the loading experienced by the harness webbing and center front adjuster webbing as shown in the UMTRI test AG2101. That load is significantly lower than the harness and center front adjuster webbing used in a forward-facing restraint system that is used up to 80 lbs.

c. Rear-facing use of the BabyRide car seat with children 22 lbs. or less will subject the harness belts and adjuster belt to only a small percentage of the load applied when forward-facing with an occupant weighing 80 lbs.

i. During a rear-facing test, the test AG2101 shows that the maximum load applied to the 25-mm-wide webbing was 302.9 N.

6. Combi believes that the initial minimum breaking strength of 11,000 N is much higher than the strength needed for a rear-facing car seat like the BabyRide, even when occupied by a child at the maximum weight, and that the 25-mm-wide webbing used in the BabyRide exceeds the forces applied in a crash.

Combi concludes that the subject noncompliance is inconsequential as it relates to motor vehicle safety and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject child restraint systems that Combi no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant child restraint systems under their control after Combi notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2021–08329 Filed 4–21–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0179]

Agency Information Collection Activity: Application for Change of Permanent Plan—Medical

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 21, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0179'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0179'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Application for Change of Permanent Plan—Medical VA Form 29–1549.

OMB Control Number: 2900–0179.

Type of Review: Revision of a currently approved collection.

Abstract: These forms are used by veterans to apply to change his/her plan of insurance from a higher reserve to a lower reserve. The information on the form is required by law, 38 CFR Sections 6.48 and 8.36.

Affected Public: Individuals and households.

Estimated Annual Burden: 14 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 28.

By direction of the Secretary:

Dorothy Glasgow,

VA PRA Clearance Officer (Alt), Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–08394 Filed 4–21–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0678]

Agency Information Collection Activity: On-The-Job Training Agreement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an

opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 21, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0678'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0678'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 501(a), 38 U.S.C. 3104 and 38 U.S.C. 3116.

Title: On-The-Job Training Agreement.

OMB Control Number: 2900–0678.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Form 28–1904 is used to gather the necessary information to develop formal agreements for training and rehabilitation under 38 U.S.C. Chapter 31. Additionally, the information is used to authorize a claimant's participation in a program of training under 38 U.S.C. 501(a), 38 U.S.C. 3104 and 38 U.S.C. 3116.

Affected Public: Government and Private Sector.

Estimated Annual Burden: 350 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,400.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer (Alt), Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–08387 Filed 4–21–21; 8:45 am]

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Part II

Department of Homeland Security

Coast Guard

46 CFR Parts 110, 111, et al.

Update to Electrical Engineering Regulations; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 110, 111, 112, and 113

[Docket No. USCG–2020–0075]

RIN 1625–AC66

Update to Electrical Engineering Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to update electrical engineering standards that are incorporated by reference and add acceptable alternative standards. This proposed rule would also eliminate several outdated or unnecessarily prescriptive electrical engineering regulations. This proposed regulatory action would be consistent with the standards currently used by industry and support the Coast Guard's maritime safety mission.

DATES: Comments and related material must be received by the Coast Guard on or before July 21, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0075 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

Viewing material proposed for incorporation by reference. Material incorporated by reference is available from the publishers identified in the proposed text of 46 CFR 110.10–1, including in this document. Alternatively, you may make arrangements to view this material by calling the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Raymond Martin, Systems Engineering Division, Coast Guard; telephone 202–372–1384, email *Raymond.W.Martin@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Public Participation and Request for Comments
II. Abbreviations
III. Executive Summary
IV. Basis and Purpose
V. Background
VI. Discussion of Proposed Rule
A. Proposed Revisions to § 110.10–1 Incorporation by Reference
B. Generator Prime Movers
C. Electrical Cable
D. IEC 60092–502 Electrical Installations in Ships—Part 502: Tankers—Special Features
E. Emergency Generator in Port
F. Description of Additional Proposed Changes Within Subchapter J
VII. Incorporation by Reference
VIII. Regulatory Analyses
A. Regulatory Planning and Review
B. Small Entities
C. Assistance for Small Entities
D. Collection of Information
E. Federalism
F. Unfunded Mandates Reform Act
G. Taking of Private Property
H. Civil Justice Reform
I. Protection of Children
J. Indian Tribal Governments
K. Energy Effects
L. Technical Standards
M. Environment

I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this proposed rulemaking. If you submit a comment, please include the docket number for this proposed rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. Where possible, please provide any available data to support the reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned in this proposed rule, and all public comments, will be available in our online docket at *https://www.regulations.gov,* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or if a final rule is published.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We do not plan to hold a public meeting, but will consider doing so if our evaluation of public comments indicates that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

ABS American Bureau of Shipping
AC Alternating current
ANSI American National Standards Institute
API American Petroleum Institute
ASME American Society of Mechanical Engineers
ASTM ASTM International
BLS Bureau of Labor Statistics
CAN Canadian National Standard
CFR Code of Federal Regulations
CSA Canadian Standards Association
DC Direct current
DHS Department of Homeland Security
EMC Electromagnetic compatibility
Ex Designation of explosion-protected electrical apparatus complying with IEC standards
FR Federal Register
HVSC High voltage shore connection
IBR Incorporated by Reference
IEC International Electrotechnical Commission
IECEx System IEC System for Certification to Standards relating to Equipment for use in Explosive Atmospheres
IEEE Institute of Electrical and Electronics Engineers
IMO International Maritime Organization
ISA International Society of Automation
ISO International Organization of Standardization
kV Kilovolt
kW Kilowatt
LED Light-emitting diode
MSC Marine Safety Center
MODU Mobile Offshore Drilling Unit
MOU Marine Offshore Unit
NAVSEA Naval Sea Systems Command
NEMA National Electrical Manufacturers Association
NFPA National Fire Protection Association
NPRM Notice of Proposed Rulemaking
NVIC Navigation and Vessel Inspection Circular
OCS Outer Continental Shelf
OMB Office of Management and Budget
OSV Offshore Supply Vessel
§ Section
SOLAS International Convention for Safety of Life at Sea, 1974
U.S.C. United States Code
V Volts

III. Executive Summary

When writing regulations that set technical standards, the Coast Guard relies as much as possible on existing industry consensus standards. Doing so minimizes proliferation of differing standards and complies with the National Technology Transfer and Advancement Act and OMB Circular A–119. The legal method of directing

regulated entities to follow separately published standards is called incorporation by reference (IBR). This notice of proposed rulemaking (NPRM) proposes to update prior incorporations by reference, add a limited number of alternative standards, and eliminate outdated or unnecessarily prescriptive regulations in title 46 of the Code of Federal Regulations (CFR) subchapter J.

This proposed rule would update the standards incorporated by reference (IBR) in both 46 CFR 110.10–1 and all of the sections in subchapter J that reference the updated IBR standards. More specifically, this proposed rule would incorporate the more recent editions of many standards, incorporate by reference additional standards for certain topics, and remove IBR standards that are no longer actively used by industry. Due to technological advances, it is necessary to update the current standards to ensure modern technologies are addressed in the regulations. In addition to updating the IBR standards, we propose the following four changes to subchapter J.

First, this proposed rule would eliminate the prescriptive requirements in 46 CFR 111.12–1(b) and (c) for generator prime movers. In accordance with 46 CFR 58.01–5, these generator prime movers would continue to be required to meet standards of the American Bureau of Shipping (ABS) Steel Vessel Rules.

Second, this proposed rule would simplify the electrical cable construction requirements in subpart 111.60 so they are similar to the classification society requirements currently accepted without supplement under the Coast Guard's Alternate Compliance Program.

Third, for classifications of hazardous locations in subpart 111.105, this proposed rule would accept the International Electrotechnical Commission's (IEC) 60092–502 as an alternative classification. This is an internationally accepted standard and we are not aware of any notable casualty history attributed to its use as compared to vessels complying with the current applicable U.S. regulations for classification of hazardous locations.

Fourth, this proposed rule would amend 46 CFR 112.05 to allow the use of an emergency generator in port. This optional capability to use emergency generators in port would be acceptable if a set of additional safeguards, approved by the International Maritime Organization (IMO) in 2005 are provided to ensure the availability of emergency power.

The following table provides an overview of the types of proposed changes and the affected sections.

TABLE 1—TITLE 46 CFR SECTIONS AFFECTED BY THE PROPOSED RULE

Category	Proposed changes	Affected title 46 CFR sections
Incorporated by Reference (IBR) Standards.	Editorial	§§ 110.15–1, 111.01–15, 111.05–9, 111.12–3, 111.12–5, 111.12–7, 111.20–15, 111.30–1, 111.30–5, 111.30–19, 111.33–3, 111.33–5, 111.33–11, 111.35–1, 111.40–1, 111.50–3, 111.50–5, 111.50–7, 111.50–9, 111.60–1, 111.60–2, 111.60–3, 111.60–6, 111.60–11, 111.60–13, 111.60–19, 111.60–21, 111.70–1, , 111.75–17, 111.75–20, 111.99–5, 111.105–7, 111.105–9, 111.105–11, 111.105–17, 111.105–19, 111.105–31, 111.105–35, 111.105–40, 111.105–41, 111.105–45, 111.106–3, 111.106–5, 111.106–7, 111.106–13, 111.106–15, 111.107–1, 111.108–1, 111.108–3, 112.50–1, 113.10–7, 113.20–1, 113.25–1, 113.30–25, 113.30–25, 113.30–25, 113.37–10, 113.40–10, 113.65–5.
	Updating to latest edition with changes in technical content.	§§ 110.15–1, 111.12–1, 111.12–7, 111.15–2, 111.51–5, 111.54–1, 111.55–1, 111.59–1, 111.60–5, 111.60–7, 111.60–11, 111.60–13, 111.60–23, 111.70–1, 1111.70–3, 111.75–18, 111.81–1, 111.105–7, 111.105–11, 111.105–33, 111.105–37, 111.105–39, 111.106–3, 111.107–1, 111.108–3, 113.05–7.
	Providing additional options	§§ 110.15–1, 111.01–9, 111.15–10, 111.20–15, 111.30–5, 111.30–19, 111.50–3, 111.53–1, 111.59–1, 111.60–1, 111.60–9, 111.60–13, 111.75–17, 111.75–20, 111.81–1, 111.83–7, 111.87–3, 111.105–7, 111.105–11, 111.105–17, 111.105–28, 111.105–29, 111.105–50, 111.106–3, 111.106–5, 111.108–3, 112.05–7, 113.05–7, 113.10–7, 113.20–1, 113.25–11, 113.30–25, 113.37–10, 113.40–10.
Generator prime mover alarms and shutdowns.	Removing unique Coast Guard requirements.	§ 111.12–1.
Electrical cable requirements	Proposing additional option	§ 111.60–1.
	Removing prescriptive requirements (existing sections).	§§ 111.60–1, 111.60–2, 111.60–3, 111.60–6, 111.105–50.
Classification of hazardous location	Proposing additional options	§§ 111.105–7, 111.105–17, 111.105–28.
	Editorial—Harmonizing requirements between subparts.	§§ 111.105–1, 111.105–3, 111.105–7, 111.105–9, 111.105–11, 111.105–15 (existing), 111.105–17, 111.105–31, 111.106–3, 111.108–3.
Emergency generator	Allowing use in port	§ 112.05–7.
	Revising alarms and shutdowns	§ 112.50–1.
Editorial changes (Other than IBR standards).		§§ 110.15–1, 110.25–1, 110.25–3, 111.05–3, 111.05–37, 111.10–1, 111.10–9, 111.12–11, 111.12–13, 111.15–25, 111.15–30, 111.30–5, 111.30–25, 111.30–27, 111.30–29, 111.33–1, 111.33–3, 111.33–5, 111.33–7, 111.33–9, 111.33–11, 111.50–3, 111.51–1, 111.51–2, 111.51–3, 111.51–6, 111.52, 111.60–7, 111.95–1, 111.99–3, 111.103, 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.107–1, 111.105–15, 111.105–32, 111.107–1, 112.01–20, 112.05–5, 112.15–1, 112.50–1.

IV. Basis and Purpose

The legal basis of this proposed rulemaking is section 1333(d) of Title 43, United States Code (U.S.C.), sections 3306 and 3703 of Title 46 U.S.C., and the Department of Homeland Security (DHS) Delegation No. 0170.1. The provisions of 43 U.S.C. 1333(d) grant the Secretary of the Department in which the Coast Guard is operating the authority to promulgate and enforce regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on artificial islands, installations, and other devices. Section 46 U.S.C. 3306(a)(1) authorizes the Secretary to prescribe regulations for the design, construction, alteration, repair, and operation of vessels subject to inspection, including equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, and electric installations. Additionally, 46 U.S.C. 3703 grants the Secretary authority to regulate the construction, alteration, repair, maintenance, operation, and equipping of vessels, that may be necessary for increased protection against hazards to life and property, for navigation and vessel safety, and for enhanced protection of the marine environment. These authorities have been delegated to the Coast Guard by the DHS Security Delegation No. 0170.1(II)(92)(b).

The purpose of this proposed rulemaking is to update the standards that are incorporated by reference in 46 CFR subchapter J, which provide detailed specifications for electrical equipment used by vessels. Newly published editions of the international standards referenced in subchapter J address new technologies and changes in best practices. The Office of Management and Budget (OMB) Circular A–119 states agencies should undertake a review of the standards incorporated by reference every 3 to 5 years to remain current with technological changes. OMB encourages reducing reliance on unique government standards when an existing voluntary consensus standard would suffice. This proposed rule follows the Circular by incorporating newer editions of industry standards and reducing the reliance on unique Coast Guard standards where industry standards are sufficient.

V. Background

Title 46 CFR subchapter J contains the electrical engineering regulations and standards applicable to vessels and required shipboard systems regulated under subchapters D, H, I, I–A, K, L, O, Q, R, T, U, and W of Title 46. A key component of subchapter J is the standards that are incorporated by reference (IBR) in 46 CFR 110.10–1 and cross-referenced throughout parts 110, 111, 112, and 113. The IBR section in subchapter J was last amended by the 2015 final rule titled ''Electrical Equipment in Hazardous Locations'' (80 FR 16980, Mar. 31, 2015), but because of its limited scope, that rule did not update all of the standards to reflect newer editions. Many of the IBR standards have not been updated since 2008 when the Coast Guard issued the final rule titled ''Review and Update of Standards for Marine Equipment'' (73 FR 65156, Oct. 31, 2008).

Furthermore, the interim rule titled ''Offshore Supply Vessels of at Least 6,000 GT ITC'' (79 FR 48893, Aug. 18, 2014) and the ''Electrical Equipment in Hazardous Locations'' final rule (80 FR 16980, Mar. 31, 2015) amended subchapter J by adding the hazardous location regulations in subparts 111.106 and 111.108 for types of vessels and facilities not covered under subpart 111.105. Vessels and facilities regulated under 111.106 and 111.108 have a broader and more current selection of IBR standards because there were more recent standards to include with those rulemakings. This proposed rule would amend subparts 111.105, 111.106 and 111.108 to ensure all vessel types are offered the broadest and most current selection of IBR explosion protection standards.

Shipboard electrical systems are becoming increasingly complex due to the development of power electronics and computer control systems. In response, many of the standards incorporated by reference have been superseded by newer editions to address the newer electrical equipment. In some cases, the later editions reflect more modern technologies, terminology, and practices that are already in use by industry. Adopting newer versions of these standards would reduce the number of equivalency requests from industry to the Coast Guard, which is expected to produce cost savings. The incorporation of more recent editions also ensures the latest industry practices and advancements in technology are addressed in regulations.

VI. Discussion of Proposed Rule

A. Proposed Revisions to § 110.10–1 Incorporation by Reference

Currently, all of the standards that are incorporated by reference in subchapter J are listed in § 110.10–1. Within this section, the Coast Guard proposes to update the technical standards to reflect the more recent editions of the standards available to the public. We encourage the use of these updated standards because they reflect the best available technologies, practices, and procedures that are recommended by consensus bodies and other groups with experience in the industry. As the baseline upon which other standards, rules, and equivalency requests are evaluated, it is important that subchapter J incorporates up-to-date references.

The class rules of the American Bureau of Shipping (ABS), in particular, are incorporated by reference in multiple locations within subchapter J and throughout 46 CFR Chapter I. It is important to note that while these rules set the regulatory baseline or standard for specific engineering systems and equipment, the Coast Guard also designated several other authorized classification societies in accordance with 46 CFR part 8. These classification societies are listed on the Coast Guard website.[1] The Coast Guard authorized the listed classification societies to perform certain functions and certifications using their respective class rules on vessels enrolled in the Alternate Compliance Program. Vessels not enrolled in the Alternate Compliance Program may propose using the class rules of an authorized classification society as an alternative to the ABS class rules incorporated by reference for particular engineering systems and equipment in accordance with § 110.20–1.

Throughout § 110.10–1, we also propose additional standards to provide alternative compliance options, remove outdated standards, and clarify existing requirements. Where applicable, this proposed rule would also update the naming format, mailing addresses, phone numbers, and URL addresses for the standards already incorporated by reference. These updates will ensure that the standards are reasonably accessible to the public.

Following this paragraph, we list the standards we propose to update, add, or delete in § 110.10–1. Within each standard listed, we describe the topics covered by the standard, the proposed changes to the standard, any differences between currently incorporated IBR standards, and a list of the subparts or sections that reference the IBR standard. If this proposed rule does not propose any changes to a standard that is

[1] *See https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Flag-State-Control-Division/ClassSocAuth/.*

currently incorporated by reference, the standard will not be discussed in the proposed revisions to § 110.10–1. However, it will be included, without change, in the proposed regulatory text that appears at the end of this document.

• *ABS Rules for Building and Classing Marine Vessels (ABS Marine Vessel Rules), 2020.* The ABS is a vessel classification society that develops and publishes rules for the construction and maintenance of ships and offshore facilities. Subchapter J references these rules in numerous sections as an option for the design of certain systems including generators, semiconductor rectifiers, and electric propulsion systems. Specifically, we currently reference the 2003 edition in §§ 110.15–1(b), 111.01–9(b), 111.12–3, 111.12–5, 111.12–7, 111.33–11, 111.35–1, 111.70–1(a), 111.105–31(n), 111.105–39(a), 111.105–40, and 113.05–7(a). In 2020, ABS transitioned from the ABS Steel Vessel Rules to the ABS Marine Vessel Rules. This allowed ABS to consolidate several rules into one foundational rule. We propose to incorporate by reference the 2020 ABS Marine Vessel Rules in the aforementioned sections and additionally in the new proposed § 112.05–7(c) related to use of emergency generators in port. The ABS Marine Vessel Rules undergo an annual review and approval process by ABS technical committees. The Coast Guard participates on these committees, which are comprised of international experts with relevant experience. Several of the sections of the ABS Marine Vessel Rules that we propose to incorporate by reference have been individually updated. For example:

○ ABS Marine Vessel Rules 4–8–3/Table 2: This table specifies minimum degrees of protection for electrical equipment. This updated table contains several technical updates since 2003 edition, including additional notes concerning areas protected by fixed water-spray or water mist fire extinguishing systems, and equipment subject to water splash.

○ ABS Marine Vessel Rules 4–8–3: We reference this section for generator construction requirements. The updated edition contains technical updates to account for changes in technology since the 2003 edition.

○ ABS Marine Vessel Rules 4–8–5/5.17.9: This section regarding semiconductor rectifiers now requires a high temperature alarm.

○ ABS Marine Vessel Rules 4–8–5/5.5: This edition contains updates to propulsion generator requirements.

○ ABS Marine Vessel Rules 4–8–2/9.17: This edition updates the requirements for protection of motor circuits to address athwartship thruster motor load alarms and more clearly defines the systems requiring undervoltage release.

○ ABS Marine Vessel Rules 4–8–3/5: This updated section regarding switchboards and motor controllers contains additional cable connection requirements, optional alternative creepage and clearance distances, and additional requirements on battery and uninterruptible power systems based on advancements in technology.

○ ABS Marine Vessel Rules 5–10–4/3: This section regarding roll-on/roll-off cargo spaces is now titled 5C–10–4/3. The new edition made updates to ventilation requirements and to the tables of dangerous goods.

○ ABS Marine Vessel Rules 4–9–7/Table 9: This table regarding equipment testing is now titled 4–9–8/Table 1. The updates to this table reflect changes in technology and industry testing practices.

• *ABS Rules for Building and Classing Mobile Offshore Units (ABS MOU Rules), Part 4 Machinery and Systems, 2020.* ABS also develops and publishes rules for the construction and maintenance of mobile offshore drilling units. Subchapter J references these rules in numerous sections as an option for design of certain systems including generator, semiconductor rectifier, and electric propulsion systems. Specifically, we currently reference the 2001 edition in §§ 111.12–1(a), 111.12–3, 111.12–5, 111.12–7(c), 111.33–11, 111.35–1, and 111.70–1(a). In 2020, ABS transitioned from the ABS Mobile Offshore Drilling Units Rules to the ABS MOU Rules. This allowed ABS to consolidate several rules into one foundational rule. We propose to incorporate by reference the 2020 ABS MOU Rules. Like the ABS Marine Vessel Rules, the ABS MOU Rules will undergo a regular review and approval process by the ABS technical committees comprised of international experts with relevant experience. ABS updated and changed the title of several of the ABS MOU rules incorporated by reference in these sections. For example:

○ ABS MOU Rules 4–3–4 (renamed ABS MOU Rules 6–1–7): We reference this section regarding generator construction requirements. ABS made several technical updates since the 2001 edition to account for changes in technology.

○ ABS MOU Rules 4–3–4/3.5.3 (renamed 6–1–7/12): We reference this section, for semiconductor converters requirements. ABS made several updates to the standard due to changes in technology.

○ ABS MOU Rules 4–3–4/7.1 (renamed 6–1–7/9.9): We reference this section regarding bus bars and wiring requirements. ABS made several updates to the section since the 2001 edition.

• *American National Standards Institute (ANSI) and Institute of Electrical and Electronic Engineers (IEEE) ANSI/IEEE C37.12–1991—American National Standard for Alternating Current (AC) High-Voltage Circuit Breakers Rated on a Symmetrical Current Basis-Specifications Guide.* We propose to remove this standard from § 111.54–1 because IEEE changed the title and republished it with updates in 2008 as IEEE C37.12–2008—IEEE Guide for Specifications of High-Voltage Circuit Breakers (over 1,000 Volts), 2008. This represented a complete technical revision of the standard. IEEE subsequently revised it again in 2018. We are proposing to incorporate by reference IEEE C37.12–2018 in § 111.54–1 and further discuss this standard with the other IEEE standards incorporated by reference.

• *ANSI/IEEE C37.27–1987 (IEEE 331)—Application Guide for Low-Voltage AC Nonintegrally Fused Power Circuitbreakers (Using Separately Mounted Current-Limiting Fuses).* We are proposing to remove the reference to this standard in § 111.54–1 because this guide was replaced by IEEE C37.27–2015—IEEE Guide for Low-Voltage AC (635 V and below) Power Circuit Breakers Applied with Separately-Mounted Current-Limiting Fuses, 2015. We discuss this standard, IEEE C37.27–2015, with the other IEEE standards incorporated by reference.

• *ANSI/International Society of Automation (ISA) 12.12.01–2015—Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class III, Divisions 1 and 2 Hazardous (Classified) Locations.* The purpose of this standard is to provide minimum requirements for the design, construction, and marking of electrical equipment or parts of such equipment for use in Class I and Class II, Division 2 and Class III, Divisions 1 and 2 hazardous (classified) locations. This newer edition of the standard would replace ANSI/ISA 12.12.01–2012 which the Coast Guard recently added to § 111.108–3(b) as part of a separate rulemaking titled ''Electrical Equipment in Hazardous Locations'' (80 FR 16980, Mar. 31, 2015). Additionally, we propose to include ANSI/ISA 12.12.01–2015 in §§ 111.105–7(a) and 111.106–3(b) as another certification option for electrical equipment in hazardous location. The 2015 edition contains

minor technical changes from the 2012 edition.

• *ANSI/ISA–60079–18—Explosive atmospheres—Part 18: Equipment protection by encapsulation ''m'', Third Edition, 2012.* This standard gives the specific requirements for the construction, testing, and marking of electrical equipment and parts of electrical equipment, and for the designation of explosion-protected electrical apparatus complying with IEC standards (Ex) components (which is part of an electrical equipment module found in the European hazardous area scheme) with the type of protection encapsulation ''m'' intended for use in explosive gas atmospheres or explosive dust atmospheres. We currently reference the 2009 edition of this standard in § 111.106–3(d), and the 2012 edition in § 111.108–3(e). This proposed rule would remove the ANSI/ISA–60079–18 references in §§ 111.106–3(d) and 111.108–3(e) because it has been withdrawn and replaced by UL 60079–18, a substantively similar standard. We propose replacing the ANSI/ISA standard with UL 60079–18 in § 111.106–3(d) and 111.108–3(e).

• *American Petroleum Institute (API) Recommended Practice API RP 14F—Recommended Practice for Design, Installation, and Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class 1, Division 1 and Division 2 Locations, Sixth Edition, October 2018.* This document recommends minimum requirements and guidelines for the design, installation, and maintenance of electrical systems on fixed and floating petroleum facilities located offshore. We propose to reference clause 6.8 of the document in § 111.105–17. This clause provides guidance on use of conduit, cable seals, and sealing methods. The incorporation of this standard would add another wiring option in hazardous locations.

• *API RP 14FZ—Recommended Practice for Design, Installation, and Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1 and Zone 2 Locations, Second Edition, May 2013.* This document recommends minimum requirements and guidelines for the design, installation, and maintenance of electrical systems on fixed and floating petroleum facilities located offshore. We propose to reference clause 6.8 of the document in § 111.105–17. This clause provides guidance on use of conduit, cable seals, and sealing methods. The incorporation of this standard would add another wiring option in hazardous locations.

• *API RP 500—Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, Third Edition, December 2012.* This recommended practice provides guidelines for classifying locations at petroleum facilities as Class I, Division 1 and Class I, Division 2 locations for the selection and installation of electrical equipment. We currently reference the second edition (1997) of this standard in §§ 111.106–7(a) and 111.106–13(b). We propose to reference the more recent, third edition (2012) in those sections. The 2012 edition contains editorial changes, but the technical content has not changed.

• *API RP 505—Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, Second Edition, August 2018.* The purpose of this recommended practice is to provide guidelines for classifying locations Class I, Zone 0, Zone 1, and Zone 2 at petroleum facilities for the selection and installation of electrical equipment. We currently reference the first edition, which was published in 1997 and reaffirmed in 2013, in § 111.106–7(a) and 111.106–13(b). We propose to reference the more recent, second edition (2018) in those sections. This will not substantively change to the requirements of those sections.

• *American Society of Mechanical Engineers (ASME) A17.1–2016/CSA B44–16—Safety Code for Elevators and Escalators, 2016.* This code covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, hoists, escalators and their associated parts, rooms, and spaces. We currently reference the sixteenth edition (2000) in § 111.91–1. We propose to reference the more recent, twenty-first edition (2016) in that section. ASME updated this standard based on changes in technology. The updated standard addresses new types of elevators being used in the industry, specifically wind turbine elevators and outside emergency elevators. In addition, the standard contains new requirements to address a new feature called ''Elevator Evacuation Operation'' that allows for the use of elevators for occupant evacuation. Moreover, there are several major changes to the standard that include seismic requirements, updated maintenance control program requirements, and revisions regarding qualifications for elevator inspectors. ASME A17 has been an industry accepted standard since 1921. Although many of the changes to the presently incorporated edition of the standard do not apply to shipboard elevators, it is important that shipboard elevators meet the updated provisions that do apply.

• *ASTM International (ASTM) B117–19—Standard Practice for Operating Salt Spray (Fog) Apparatus, 2019.* This practice covers the apparatus, procedure, and conditions required to create and maintain the salt spray (fog) test environment. Where the Coast Guard's regulations require material to be corrosion resistant it must meet the testing requirements of this ASTM standard practice. We currently reference the 1997 edition in § 110.15–1(b). We propose to reference the current 2019 edition. The 1997 edition has been superseded by several subsequent editions. The testing specifications in the 2011 edition are similar to those in the 1997 edition, but the 2011 edition is more detailed. For example, the impurity restrictions are more detailed in section 8, the air supply requirements are more specific in section 9, and the conditions in the salt chamber are more precisely described in section 10. The 2016 edition added a warning about the impact of water conductivity in section 4 while the 2019 edition added several minor but non-substantive explanatory sections. Overall, the 2019 edition of this testing standard practice for operating salt spray apparatus is very similar to the 1997 edition currently incorporated, with minor improvements in the specifications to ensure testing consistency and precision.

• *ASTM F2876–10—Standard Practice for Thermal Rating and Installation of Internal Combustion Engine Packages for use in Hazardous Locations in Marine Applications, Reapproved 2015.* This practice covers the method of testing, rating and installing internal combustion engine packages for use in hazardous areas in marine applications. We currently reference the 2010 edition of this standard in §§ 111.106–3(h) and 111.108–3(g). We also propose to reference the 2010 edition in newly proposed § 111.105–28 regarding internal combustion engines. This will ensure a consistent standard for these installations on all vessel and facility types.

• *Canadian Standards Association (CSA) C22.2 No. 30–M1986—Explosion-proof enclosures for use in class I hazardous locations, Reaffirmed 2016.* This standard covers the details of construction and tests for explosion-proof enclosures for electrical

equipment to be used in Class I, Division 1, Groups A, B, C, and D hazardous locations and in gaseous mines. We currently reference the 1986 edition of this standard in §§ 111.106–3(b) and 111.108–3(b) and propose to incorporate the reaffirmed version therein. The two versions are not substantively different. We propose to also reference this reaffirmed standard in § 111.105–7(a), regarding approved equipment, as an additional compliance option. This will afford the broadest and most current selection of IBR explosion protection standards for all vessel and facility types.

• *CSA C22.2 No. 213–16—Nonincendive electrical equipment for use in class I, division 2 hazardous locations, May 2016.* This standard applies to electrical equipment for use in Class I and II, Division 2 and Class III, Division 1 and 2 hazardous locations. We currently reference the 1987 edition in §§ 111.106–3(b) and 111.108–3(b). We propose to reference the 2016 edition in these sections and also reference it in § 111.105–7(a) concerning approved equipment. This standard received a major revision since the 1987 edition based on advances in technology and changes to related standards. It is an accepted national standard and one of several available standards for nonincendive electrical equipment. Our incorporation of this updated edition ensures use of latest industry practices and including it in § 111.105–7 will ensure that standards are consistent for electrical installations on all vessel and facility types.

• *CSA–C22.2 No. 0–10—General requirements—Canadian Electrical Code, Part II, Reaffirmed 2015.* This standard covers definitions, construction requirements, marking, and tests of a general nature that applies to all or several of the individual standards of the Canadian Electrical Code. We currently reference the ninth edition of this standard in §§ 111.106–3(b) and 111.108–3(b). We propose to reference the tenth edition, reaffirmed in 2015, in these sections and in § 111.105–7(a) concerning approved equipment. The tenth edition includes new requirements for equipment containing lasers or lithium batteries, criteria for the use of adhesives in the construction of electrical equipment, surface temperature limits, attachment plug loading, and the maximum temperature of equipment in contact with gypsum. Additionally, it incorporates a comprehensive list of definitions for use in standards for electrical products and outlines the relationship between this standard and electrical product standards. We propose incorporating the more recent edition in subpart 111.105 to ensure that standards are consistent for electrical installations on all vessel and facility types.

• *Canadian National Standard (CAN)/CSA–C22.2 No. 157–92—Intrinsically safe and nonincendive equipment for use in hazardous locations, reaffirmed 2016.* This standard specifies the testing of nonincendive electrical equipment and the details of construction and tests for intrinsically safe electrical equipment for use in hazardous locations. We currently reference the 1992 edition of this standard in §§ 111.106–3(b) and 111.108–3(b). We propose to reference the reaffirmed 1992 edition in those sections as well as § 111.105–7(a) concerning approved equipment. The two editions of the standard are not substantively different and incorporating it into § 111.105–7 would provide an additional option for vessels and facilities.

• *MIL–DTL–24640C with Supplement 1—Detail Specification Cables, Lightweight, Low Smoke, Electric, for Shipboard Use, General Specification for, Nov. 18, 2011.* This specification covers lightweight, low smoke, electric cables for Navy shipboard applications. MIL–DTL–24640C is already incorporated by reference and approved for § 111.106–5(a). However, MIL–DTL–24640C supersedes MIL–C–24640A (1996), currently referenced in §§ 111.60–1 and 111.60–3. We propose to incorporate the updated edition, MIL–DTL–24640C (2011), into § 111.60–1 only, because this proposed rule would delete § 111.60–3. The updated edition, published in 2011, incorporates the latest developments in marine cable materials and performance enhancements but will not substantively change requirements.

• *MIL–DTL–24643C with Supplement 1A—Detail Specification Cables, Electric, Low Smoke Halogen-Free, for Shipboard Use, General Specification for, Oct. 1, 2009 (including Supplement 1A dated Dec. 13, 2011).* This specification is already incorporated by reference in § 111.106–5(a) and covers low smoke halogen-free electric cable for Navy shipboard applications. This specification supersedes the currently referenced MIL–C–24643A (1996) incorporated by reference in §§ 111.60–1 and 111.60–3. We propose to delete MIL–C–24643A (1996) and incorporate the latest standard MIL–DTL–24643C (2011) into § 111.60–1 only, because this proposed rule would delete § 111.60–3. This updated edition, published in 2011, incorporates the latest developments in marine cable materials and performance enhancements.

• *MIL–DTL–76E—Military Specification Wire and Cable, Hookup, Electrical, Insulated, General Specification for, Nov. 3, 2016.* This specification covers single-conductor, synthetic-resin insulated, electrical hookup wire and cable for use in the internal wiring of electrical and electronic equipment. We currently reference MIL–W–76D in 111.60–11. In 2016 the standard was revised and renamed MIL–DTL–76E. This edition has formatting changes and minor updates based on current technology. We propose to incorporate this revised standard as one of several available standards for wire.

• *EN 14744—Inland navigation vessels and sea-going vessels—Navigation light, August 2005.* This standard, developed by the European Committee for Standardization, applies to their testing. We propose it as an acceptable alternate standard for navigation lights in § 111.75–17(d)(2).

• *FM Approvals Class Number 3600—Approval Standard for Electric Equipment for use in Hazardous (Classified) Locations—General Requirements, 2018.* This standard identifies the basis for approval of electrical equipment in hazardous (classified) locations. It is used in conjunction with the other FM Approvals standards referenced in subchapter J. We currently reference the 1998 edition of this standard in §§ 111.106–3(b) and 111.108–3(b). We propose the more recent 2018 edition for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). This edition includes transitioning from ISA series of standards to UL standards, an expanded list of normative references, and more specificity regarding the required quality control system. The incorporation of this more recent edition ensures use of the latest industry practices and including it in § 111.105–7(a) regarding approved equipment will ensure that standards are consistent for electrical installations on all vessel and facility types.

• *FM Approvals Class Number 3610—Approval Standard for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous (Classified) Locations, January 2018.* This standard provides requirements for the construction and testing of electrical apparatus, or parts of such apparatus, whose circuits are incapable of causing ignition in Classes I, II, and III, Division 1 hazardous (classified) locations. We currently reference the 2004 edition of this standard in §§ 111.106–3(b) and

111.108–3(b). We are proposing to incorporate the more recent 2018 edition in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). The incorporation of this more recent edition ensures use of latest industry practices and including it in § 111.105–7(a) regarding approved equipment will ensure that standards are consistent for electrical installations on all vessel and facility types.

• *FM Approvals Class Number 3611—Approval Standard for Nonincendive Electrical Equipment for Use in Class I and II, Division 2, and Class III, Divisions 1 and 2, Hazardous (Classified) Locations, January 2018.* This standard provides requirements for the construction and testing of electrical apparatus, or parts of such apparatus, whose circuits are incapable of causing ignition in Class I and II, Division 2, and Class III, Divisions 1 and 2 hazardous (classified) locations. This standard is currently referenced in §§ 111.106–3(b) and 111.108–3(b). We propose to add this as an alternative standard in § 111.105–7(a) concerning approved equipment. This will ensure that standards are consistent for electrical installations on all vessel and facility types.

• *FM Approvals Class Number 3615—Approval Standard for Explosionproof Electrical Equipment General Requirements, January 2018.* This standard contains the basic requirements for the construction and testing of explosion proof electrical apparatus. This standard is currently referenced in §§ 111.106–3(b) and 111.108–3(b). We propose to add this as an alternative standard in § 111.105–7(a) regarding approved equipment. This will ensure that standards are consistent for electrical installations on all vessel and facility types.

• *FM Approvals Class Number 3620—Approval Standard for Purged and Pressurized Electrical Equipment for Hazardous (Classified) Locations, January 2018.* This standard contains the basic requirements for the construction and testing of purged and pressurized electrical equipment. We currently reference the 2000 edition of this standard in §§ 111.106–3(b) and 111.108–3(b). We propose to reference the 2018 edition in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). The two editions of the standard are not substantively different and adding it to § 111.105–7(a) will ensure consistent standards for electrical installations on all vessel and facility types.

• *IEEE C37.04–2018—IEEE Standard for Ratings and Requirements for AC High-Voltage Circuit Breakers with Rated Maximum Voltage above 1000 V, 2018.* This document establishes a rating structure, preferred ratings, construction and functional component requirements for high-voltage AC circuit breakers. We currently reference the 1999 edition of this standard in § 111.54–1. We propose to adopt the more recent, 2016 edition in § 111.54–1. This edition contains updates that reflect current circuit breaker manufacturing technology.

• *IEEE C37.010–2016—IEEE Application Guide for AC High-Voltage Circuit Breakers > 1000 Vac Rated on a Symmetrical Current Basis, 2016.* This document provides guidance for the application of high-voltage circuit breakers. We currently reference the 1999 edition of this standard in § 111.54–1. We propose to adopt the more recent 2016 edition in § 111.54–1. This edition contains updates that reflect current circuit breaker manufacturing technology.

• *IEEE C37.12–2018—IEEE Guide for Specifications of High-Voltage Circuit Breakers (over 1000 V), 2018.* These specifications apply to all indoor and outdoor types of AC high-voltage circuit breakers rate above 1000 volts (V). It replaces ANSI/IEEE C37.12–1991. IEEE C37.12–2018 represents a nearly complete rewrite of 1991 edition to reflect present circuit breaker manufacturing technology. The 2018 edition of this standard would be one of several acceptable circuit breaker standards listed in § 111.54–1.

• *IEEE C37.13–2015—IEEE Standard for Low-Voltage AC Power Circuit Breakers Used in Enclosures, 5 Dec. 2015.* This standard establishes minimal functional requirements, establishes preferred rating structure, and provides preferred ratings enclosed low-voltage AC power circuit breakers. We currently reference the 2000 edition of this standard in § 111.54–1. We propose to reference the more recent 2015 edition in § 111.54–1. This edition has many technical updates to address advancements in technology, including an increase in nominal voltages, new testing techniques, and removal of information on direct current (DC) circuit-breakers (now located in IEEE C37.14). This standard is one of several acceptable circuit-breaker standards in § 111.54–1.

• *IEEE C37.14–2015—IEEE Standard for DC (3200 V and below) Power Circuit Breakers Used in Enclosures, 26 Mar. 2015.* This standard covers the preferred ratings and testing requirements of enclosed DC power circuit breakers. We currently reference the 2003 edition of this standard § 111.54–1. We propose to reference the more recent 2015 edition in § 111.54–1, which contains many technical changes to reflect present circuit breaker manufacturing technology and advancements in technology.

• *IEEE C37.27–2015—IEEE Guide for Low-Voltage AC (635 V and below) Power Circuit Breakers Applied with Separately-Mounted Current-Limiting Fuses, 2015.* This guide sets forth recommendations for the selection of current-limiting fuses for use in combination with low-voltage AC power circuit breakers. This guide replaces ANSI/IEEE C37.27–1987 which we currently reference in § 111.54–1. IEEE C37.27–2015 contains many technical updates to address advancements in circuit breaker manufacturing technology, which would provide the public with more accurate and applicable standards for modern circuit breakers than the previous 1987 edition. We propose incorporating this guide as one of several acceptable circuit breaker standards listed in § 111.54–1.

• *IEEE 45–1998—IEEE Recommended Practice for Electric Installations on Shipboard—1998.* IEEE 45–2002 superseded the subject 1998 edition, but in some instances the Coast Guard previously found the 1998 edition preferable and continued to reference it. Because the 1998 edition is no longer supported by IEEE and other acceptable standards exist where it is referenced, we propose to delete all references to this standard, which includes §§ 111.30–19, 111.105–3, 111.105–31, and 111.105–41.

• *IEEE 45–2002—IEEE Recommended Practice for Electrical Installations On Shipboard—2002.* We currently reference this edition of IEEE 45 in the following sections in subchapter J: §§ 111.05–7, 111.15–2, 111.30–1, 111.30–5, 111.33–3, 111.33–5, 111.40–1, 111.60–1, 111.60–3, 111.60–5, 111.60–11, 111.60–13, 111.60–19, 1111.60–21, 111.60–23, 111.75–5, and 113.65–5. IEEE has developed the IEEE 45 Series which comprises nine recommended practices addressing electrical installations on ships and marine platforms. We propose to replace references to IEEE 45–2002 with newer IEEE 45 Series recommended practices individually discussed below, and remove all references to the IEEE 45–2002.

• *IEEE 45.1–2017—IEEE Recommended Practice for Electrical Installations On Shipboard—Design, 23 Mar. 2017.* This recommended practice provides guidance for electrical power generation, distribution, and electric propulsion system design. These recommendations reflect the present-day technologies, engineering methods, and engineering practices. We propose

to reference these standards in §§ 111.15–2, 111.40–1, 111.75–5, and 113.65–5. The technical content is similar to IEEE 45–2002, which we propose to delete from these sections. We also propose to add reference to this standard in § 111.105–41 concerning battery rooms.

• *IEEE 45.2–2011—IEEE Recommended Practice for Electrical Installations On Shipboard—Controls and Automation, 1 Dec. 2011.* This recommended practice provides guidance for shipboard controls, control applications, control apparatus, and automation. These recommendations reflect present-day technologies, engineering methods, and engineering practices. We propose to reference this document in §§ 111.33–3 and 111.33–5. The technical content is similar to IEEE 45–2002, which we propose to delete from these sections.

• *IEEE 45.6–2016—IEEE Recommended Practice for Electrical Installations on Shipboard—Electrical Testing, 7 Dec. 2016.* This recommended practice provides guidance for electrical testing for power generation, distribution, and electric propulsion systems. These recommendations reflect the present day technologies, engineering methods, and engineering practices. We propose to reference this document in § 111.60–21. Its technical content is similar to IEEE 45–2002, which we propose to delete from this section.

• *IEEE 45.7–2012—IEEE Recommended Practice for Electrical Installations On Shipboard—AC Switchboards, 29 Mar. 2012.* This recommended practice supplements the design, installation, and testing recommendations in IEEE 45–2002. This recommended practice provides new technologies and design practices for generator control panels and switchboards to aid marine electrical engineers in the design, application and installation of this equipment on ships and other marine installations. We propose to reference this document in §§ 111.30–1, 111.30–5, and 111.30–19. The technical content of IEEE 45.7–2012 is similar to IEEE 45–2002, but more detailed. It also references other industry standards, many of which we have incorporated by reference elsewhere in Subchapter J, rather than using prescriptive requirements.

• *IEEE 45.8–2016—IEEE Recommended Practice for Electrical Installations On Shipboard—Cable Systems, 29 Jan. 2016.* This document provides recommendations for selection, application, and installation of electrical power, signal, control, data, and specialty marine cable systems on shipboard systems. These recommendations include the present day technologies, engineering methods, and engineering practices. We propose to replace references to IEEE 45–2002 in §§ 111.05–7, 111.60–5, 111.60–11, 111.60–13, and 111.106–19 with IEEE 45.8–2016. The technical content of IEEE 45.8–2016 is similar to IEEE 45–2002, but more detailed.

• *IEEE 1202–2006—IEEE Standard for Flame-Propagation Testing of Wire and Cable with Corrigendum 1 (21 Nov. 2012), 2006.* This standard provides a protocol for exposing cable samples to a theoretical 20 kilowatt (kW) [(70,000 British thermal units per hour (Btu/hr)] flaming ignition source for a 20 minute test duration. The test determines the flame propagation tendency of single conductor and multi-conductor cables intended for use in cable trays. We currently reference the 1991 edition in §§ 111.60–6 and 111.107–1(c). We propose to reference the more recent 2006 edition in § 111.107–1(c), but not in § 111.60–6, because we are proposing to delete that section on fiber optic cable. In the 2006 edition, the normative references have been updated, the temperature at which cables are conditioned has been raised from 18 °C to 25 °C, and minor refinements to the test procedure have been made.

• *IEEE 1580–2010—IEEE Recommended Practice for Marine Cable for Use on Shipboard and Fixed or Floating Platforms, 2 Mar. 2011.* This recommended practice contains the requirements for single or multiconductor cables, with or without metal armor or jacket, and rated 300 V to 35 kilovolts (kV), intended to be installed aboard marine vessels, and fixed and floating offshore facilities. The 2001 edition is currently referenced in §§ 111.60–1, 111.60–2, 111.60–3, and 111.106–5(a). We propose to reference the more recent 2010 edition only in §§ 111.60–1 and 111.106–5(a), because we propose to delete §§ 111.60–2 and 111.60–3 in this proposed rule. The 2010 edition has been updated to incorporate the latest developments in marine cable materials and performance enhancements.

• *IEC 60068–2–52:2017—Environmental testing Part 2–52: Tests—Test Kb: Salt mist, cyclic (sodium chloride solution), Edition 3.0, 2017–11.* This standard specifies the application of the cyclic salt mist test to components or equipment designed to withstand a salt-laden atmosphere as salt can degrade the performance of parts manufactured using metallic or non-metallic materials. The second edition is referenced in § 110.15–1. We propose to incorporate the third edition. In this more recent edition the standard has been updated to ensure consistency with International Organization for Standardization (ISO) 9227—Corrosion tests in artificial atmospheres—Salt spray tests.

• *IEC 60079–0—Electrical apparatus for Explosive Gas Atmospheres—Part 0: General Requirements, Edition 3.1, 2000.* This part of the IEC 60079 series of standards specifies the general requirements for construction, testing and marking of electrical equipment and Ex components intended for use in explosive atmospheres. This standard was referenced in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7 and 111.105–17. We propose reformatting of subpart 111.105 to be consistent with subparts 111.106 and 111.108. Consequently, we propose to no longer specifically reference IEC 60079–0.

• *IEC 60079–1:2014—Explosive atmospheres—Part 1: Equipment protection by flameproof enclosures ''d'', Edition 7.0, 2014–06.* This part of the IEC 60079 series of standards contains specific requirements for the construction and testing of electrical equipment with the type of protection flameproof enclosure ''d'', which are intended for use in explosive gas atmospheres. We currently reference the fourth edition (2001) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–9, and 111.105–17 while the sixth edition (2007) is referenced in §§ 111.106–3(b) and 111.108–3(b). We propose to replace all references to the fourth and sixth editions of this standard with the more recent edition 7.0 (2014) in §§ 111.105–7, 111.106–3(b), and 111.108–3(b). The updated standard reflects advances in technology, including:

○ Addition of material limitations of enclosures of equipment and enclosures of Ex components for external mounting;

○ Addition of power factor requirement for evaluating the ability of a plug and socket; to remain flameproof during the arc-quenching period while opening a test circuit; and

○ Addition of marking requirements for Ex component enclosures, in addition to the requirements for marking of Ex components given in IEC 60079–0.

• *IEC 60079–2:2014—Explosive atmospheres—Part 2: Equipment protection by pressurized enclosures ''p'', Edition 6.0, 2014–07.* This part of the IEC 60079 series of standards contains specific requirements for the construction and testing of electrical equipment with pressurized enclosures, of type of protection ''p'', intended for use in explosive gas atmospheres or

explosive dust atmospheres. It also includes the requirements for pressurized enclosures containing a limited release of a flammable substance. We currently reference the fourth edition (2001) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, and 111.105–17, while the fifth edition (2007) is referenced in §§ 111.106–3(b) and 111.108–3(b). We propose to delete all references to the fourth and fifth edition. The more recent edition 6.0 (2014), is being proposed for incorporation in §§ 111.105–7(a), 111.105–17, 111.106–3(b), and 111.108–3(b). The updated standard now covers combustible dust, cells and batteries, and backup protective gas. The incorporation of the more recent edition ensures consistent, up-to-date standards for electrical installations on all vessel and facility types.

• *IEC 60079–5:2015—Explosive atmospheres—Part 5: Equipment protection by powder filling ''q'', Edition 4.0, 2015–02.* This part of the IEC 60079 series of standards contains specific requirements for the construction, testing, and marking of electrical equipment, parts of electrical equipment, and Ex components in the type of protection powder filling ''q'', intended for use in explosive gas atmospheres. We currently reference the second edition (1997) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–15, and 111.105–17, while the third edition (2007) is referenced in §§ 111.106–3(b) and 111.108–3(b). We propose to delete all references to the second and third edition. The more recent edition 4.0 (2015), containing minor technical revisions and clarifications, is proposed for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). This will ensure consistent, up-to-date standards for electrical installations on all vessel and facility types but will not result in a substantive change to the current requirements.

• *IEC 60079–6:2015—Explosive atmospheres—Part 6: Equipment protection by liquid immersion ''o'', Edition 4.0, 2015–02.* This part of the IEC 60079 series of standards specifies the requirements for the design, construction, testing and marking of Ex equipment and Ex components with type of protection liquid immersion ''o'' intended for use in explosive gas atmospheres. We currently reference the second edition (1995) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–15, and 111.105–17, while the third edition (2007) is referenced in §§ 111.106–3(b) and 111.108–3(b). We propose to delete all references to the second and third edition. The more recent edition, 4.0 (2015), is being proposed for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). The incorporation of the latest edition ensures consistent, up-to-date standards for electrical installations on all vessel and facility types. The latest edition represents a major technical revision of the requirements for oil immersion ''o''. These revisions include:

○ The redefinition of the requirements for oil immersion ''o'' into liquid immersion levels of protection ''ob'' and ''oc'';

○ The addition of the ability to protect sparking contacts to both ''ob'' and ''oc''; and

○ The introduction of additional requirements for the protective liquid.

• *IEC 60079–7:2017—Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'', Edition 5.1, 2017–08.* This part of the IEC 60079 series of standards specifies requirements for the design, construction, testing, and marking of electrical equipment and Ex components with type of protection increased safety ''e'' intended for use in explosive gas atmospheres. We currently reference the third edition (2001) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–15, and 111.105–17, while the fourth edition (2006) is referenced in § 111.106–3(b) and 111.108–3(b). This proposed rule would remove all references to the third and fourth editions of this standard. The more recent edition 5.1 (2017) edition is being proposed for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). The standard contains updates including the addition of terminal installation tests, the addition of solid insulating material requirements based on thermal stability, and the revision of the requirements for soldered connections. The incorporation of the more recent edition ensures consistent, up-to-date standards for electrical installations.

• *IEC 60079–11:2011—Explosive atmospheres—Part 11: Equipment protection by intrinsic safety ''i'' with Corrigendum 1 (January 2012), Edition 6.0, 2011–06.* This part of the IEC 60079 series of standards specifies the construction and testing of intrinsically safe apparatus intended for use in an explosive atmosphere and for associated apparatus, which is intended for connection to intrinsically safe circuits that enter such atmospheres. This type of protection applies to electrical equipment in which the electrical circuits themselves are incapable of causing an explosion in the surrounding explosive atmospheres. We currently reference the fourth edition (1999) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–11, and 111.105–17. The fifth edition (2006) referenced in § 111.106–3(b), and the more recent IEC 60079–11:2011, Edition 6.0, is referenced in § 111.108–3(b). We propose the more recent edition 6.0 for §§ 111.105–7(a) and 111.106–3(b), and would continue to be referenced in § 111.108–3(b). The changes with respect to the previous editions are as follows:

○ Inclusion of non-edition specific references to IEC 60079–0;

○ Merging of the apparatus requirements for the Fieldbus Intrinsically Safe Concept (FISCO) from IEC 60079–27;

○ Merging of the requirements for combustible dust atmospheres from IEC 61241–11;

○ Clarification of the requirements for accessories connected to intrinsically safe apparatus (such as chargers and data loggers);

○ Addition of new test requirements for opto-isolators; and

○ Introduction of Annex H about ignition testing of semiconductor limiting power supply circuits.

The incorporation of the more recent edition ensures consistent, up-to-date standards for electrical installations.

• *IEC 60079–13:2017—Explosive atmospheres—Part 13: Equipment protection by pressurized room ''p'' and artificially ventilated room ''v'', Edition 2.0, 2017–05.* This part of the IEC 60079 series of standards gives requirements for the design, construction, assessment and testing, and marking of rooms protected by pressurization. We currently reference Edition 1.0 (2010) of this standard in §§ 111.106–3(b) and 111.108–3(b). We are proposing referencing Edition 2.0 (2017), the more recent edition, in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). This standard contains the following changes:

○ Modification of the title to include artificially ventilated room ''v'' in addition to pressurized room ''p'';

○ Addition of protection types (''pb'', ''pc'', and ''vc'');

○ Removal of protection types (''px'', ''py'', ''pz'' and ''pv'');

○ Definition of the differences between pressurization and artificial ventilation types of protection;

○ Removal of protection of rooms with an inert gas or a flammable gas from the scope of standard; and

○ Addition of an informative annex to include examples of applications where types of protection pressurization or artificial ventilation or pressurization

and artificial ventilation can be used and associated guidelines.

The incorporation of the more recent edition ensures consistent, up-to-date standards for electrical installations.

• *IEC 60079–15:2017—Explosive atmospheres—Part 15: Equipment protection by type of protection ''n'', Edition 5.0, 2017–12.* This part of the IEC 60079 series of standards specifies requirements for the construction, testing, and marking for Group II electrical equipment with type of protection ''n'' intended for use in explosive gas atmospheres. This standard applies to non-sparking electrical equipment and also to electrical equipment with parts or circuits producing arcs or sparks or having hot surfaces which, if not protected in one of the ways specified in this standard, could be capable of igniting a surrounding explosive gas atmosphere. We currently reference the second edition (2001) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–15, and 111.105–17, while the edition 4.0 (2010) is referenced in §§ 111.106–3(b) and 111.108–3(b). We are proposing to incorporate by reference the more recent edition 5.0 (2017) in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). This standard contains numerous technical changes from the previous version, which reflect changes in industry practices and technology.

• *IEC 60079–18:2017—Explosive atmospheres—Part 18: Equipment protection by encapsulation ''m'', Edition 4.1, 2017–08.* This part of the IEC 60079 series of standards gives specific requirements for the construction, testing, and marking of electrical equipment, parts of electrical equipment, and Ex components with the type of protection encapsulation ''m'' intended for use in explosive gas atmospheres or explosive dust atmospheres. We currently reference the first edition (1992) of this standard in §§ 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–15, and 111.105–17, while the edition 3.0 (2009) is referenced in §§ 111.106–3(b), 111.106–3(d), 111.108–3(b), and 111.108–3(e). We propose the more recent edition 4.1 (2017) for §§ 111.105–7(a), 111.106–3(b), 111.106–3(d), 111.108–3(b) and 111.108–3(e). There have been a few minor technical revisions to the standard including modified and additional requirements for cells and batteries as well as revised testing guidance. The incorporation of the more recent edition ensures consistent, up-to-date standards for electrical installations.

• *IEC 60079–25:2010—Explosive atmospheres—Part 25: Intrinsically safe electrical systems, Edition 2.0, 2010–02.* This part of the IEC 60079 series of standards contains specific requirements for construction and assessment of intrinsically safe electrical systems, type of protection ''i'', intended for use, as a whole or in part, in locations in which the use of Group I, II, or III apparatus is required. We currently reference the Edition 2.0 (2010) in §§ 111.106–3(b) and 111.108–3(b). We propose to also reference this standard in § 111.105–7(a) concerning approved equipment. This will ensure that standards are consistent on electrical installations.

• *IEC 60079–30–1 Part 30–1: Electrical resistance trace heating—General and testing requirements, First edition, 2007–01.* This part of the IEC 60079 series of standards specifies general and testing requirements for electrical resistance trace heaters for application in explosive gas atmospheres. This standard covers trace heaters that may be either factory- or field- (work-site) assembled units, which may be series heating cables, parallel heating cables, or heating pads and heating panels that have been assembled or terminated in accordance with the manufacturer's instructions. We propose to reference this newly incorporated standard in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). Given the increased interest in marine operations in the polar regions, this standard provides requirements for surface heating in hazardous locations.

• *IEC 60092–101:2018—Electrical installations in ships—Part 101: Definitions and general requirements, Edition 5.0, 2018–10.* The Edition 4.0 (2002) is referenced in §§ 110.15–1 and 111.81–1. We propose to reference the more recent Edition 5.0 (2018) of this standard. This edition contains many changes including the following:

○ The applicability of the standard has been changed to 1000 V AC and 1500 V DC;

○ The table for design temperature has been simplified;

○ The clause regarding power supply system characteristics has been rewritten; and

○ Information regarding pollution degree has been added in the clause regarding clearance.

• *IEC 60092–201:2019—Electrical installations in ships—Part 201: System design-General, Edition 5.0, 2019–09.* We currently reference fourth edition in §§ 111.70–3 and 111.81–1. We propose to reference the more recent Edition 5.0 (2019) of this standard. This edition contains many changes including the following:

○ Adding a new subclause regarding studies and calculations;

○ Adding a new subclause regarding documentation;

○ Revising the clause regarding distribution systems;

○ Adding a new clause regarding system earthing;

○ Revising the clause regarding sources of electrical power;

○ Revising the clause regarding distribution system requirements;

○ Deleting the clause regarding cables and transferring it to IEC 60092–401; and

○ Adding a new subclause regarding electric and electrohydraulic steering gear.

• *IEC 60092–202:2016—Electrical installations in ships—Part 202: System design-Protection, Edition 5.0, 2016–09.* This standard covers electrical protective system design. We currently reference the fourth edition in §§ 111.12–7, 111.50–3, 111.53–1, and 111.54–1. We propose to reference the more recent edition 5.0 (2016) in those sections. This edition contains substantial technical updates on electrical load studies, short-circuit current calculations, and protection discrimination studies. The incorporation of this edition ensures consistent, up-to-date standards.

• *IEC 60092–301:1980—Electrical installations in ships—Part 301: Equipment—Generators and motors, Third Edition with Amendment 1 (1994–05) and Amendment 2, 1995–04.* This current edition is referenced in §§ 111.12, 111.25, and 111.70. This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other referenced IEC standards, but does not alter the edition incorporated by reference.

• *IEC 60092–302:1997—Electrical installations in ships—Part 302: Low-voltage switchgear and controlgear assemblies, Fourth Edition, 1997–05.* This current edition is referenced in § 111.30. This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other referenced IEC standards, but does not alter the edition incorporated by reference.

• *IEC 60092–303:1980—Electrical installations in ships—Part 303: Equipment—Transformers for power and lighting, Third Edition with amendment 1, 1997–09.* This edition is referenced in § 111.20–15. This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other

referenced IEC standards, but does not alter the edition incorporated by reference.

• *IEC 60092–304:1980—Electrical installations in ships—Part 304: Equipment—Semiconductor convertors, Third Edition with Amendment 1, 1995–04.* This edition is referenced in §§ 111.33–3 and 111.33–5. This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other referenced IEC standards, but does not alter the edition incorporated by reference.

• *IEC 60092–306:2009—Electrical installations in ships—Part 306: Equipment—Luminaires and lighting accessories, Edition 4.0, 2009–11.* This standard applies to luminaires and lighting accessories for use in ships. It applies primarily to luminaires for illumination purposes. This standard also applies to lighting accessories associated with the wiring and current-consuming appliance of an installation. This standard does not apply to portable luminaires, navigation lights, search lights, daylight signaling lamps, signal lights including the relevant control and monitoring equipment and other lights used for navigation in channels, harbors, etc. We currently reference the third edition (1980) of this standard in §§ 111.75–20 and 111.81–1. The Coast Guard is proposing to reference the most recent edition 4.0 (2009) of this standard in §§ 111.75–20 and 111.81–1. The IEC made the following changes to the standard since the 1980 edition:

○ The title was amended;

○ The scope was stated more precisely;

○ Mechanical design and material requirements were amended and stated more precisely;

○ Table 2—Standard types of lamp holders, was amended;

○ Environmental tests, especially regarding shock and vibration, were added;

○ Requirements and tests concerning special chemical and physical attributes were added; and

○ The standard was editorially revised.

• *IEC 60092–350:2014—Electrical installations in ships—Part 350: General construction and test methods of power, control and instrumentation cables for shipboard and offshore applications, Edition 4.0, 2014–08.* This part of the IEC 60092 series of standards provides the general construction requirements and test methods for use in the manufacture of electric power, control and instrumentation cables with copper conductors intended for fixed electrical systems at voltages up to and including 18/30(36) kV on board ships and offshore (mobile and fixed) units. We currently reference Edition 3.0 (2008) of this standard in § 111.106–5(a). We propose to reference the more recent edition, 4.0 (2014), of this standard in § 111.106–5(a) to ensure the latest industry practices based on changes in technology are addressed. The Coast Guard is proposing to amend subpart 111.60 to align with recognized classification society rules and industry practice. In support of this effort, this proposed rule would include IEC 60092–350:2014 in § 111.60–1(a) concerning construction and testing of cable. The 4.0 edition includes the following technical changes as compared to the previous edition:

○ The standard includes a reference to IEC 60092–360 for both the insulating and sheathing compounds;

○ The standard includes partial discharge tests, which were transferred from IEC 60092–354 to align them with IEC 60092–353;

○ The IEC transferred the requirements for oil and drilling-fluid resistance (former Annexes F and G) to IEC 60092–360;

○ The standard contains improved requirements for cold bending and shocks; and

○ The document reflects the changes of material types that were introduced during development of IEC 60092–353 and IEC 60092–360.

• *IEC 60092–352:2005—Electrical installations in ships—Part 352: Choice and Installation of electrical cables, Third Edition, 2005–09.* This part of the IEC 60092 series of standards provides the basic requirements for the choice and installation of cables intended for fixed electrical systems on board ships at voltages up to and including 15 kV. We currently reference the second edition (1997) of this standard in §§ 111.60–3, 111.60–5 and 111.81–1. Because of proposed revisions to subpart 111.60, we propose to reference the more recent third edition (2005) of this standard in § 111.60–1 and 111.60–5. Additionally, IEC 60092–352:2005 would replace the previous 1997 edition referenced in § 111.81–1. The 2005 edition has several minor updates including changes to:

○ Sizes of earth continuity conductors and equipment earthing connections;

○ Bending radii for cables rated at 3,6/6,0 (7,2) kV and above;

○ Current carrying capacities in amperes at core temperatures of 70 °C and 90 °C; and

○ Tabulated current carrying capacities—defined installations.

To ensure we address the latest technologies and industry practices, we are proposing to incorporate the more recent edition of this standard.

• *IEC 60092–353:2016—Electrical installations in ships—Part 353: Power cables for rated voltages 1 kV and 3 kV, Edition 4.0, 2016–09.* This part of the IEC 60092 series of standards provides manufacturing requirements and characteristics of such cables directly or indirectly bearing on safety and specifies test methods for checking conformity with those requirements. We currently reference the second edition (1995) of this standard in §§ 111.60–1, 111.60–3, and 111.60–5 while the third edition (2011) is referenced in § 111.106–5(a). We propose to reference the more recent edition 4.0 (2016) only in §§ 111.60–1(a) and 111.106–5(a), but not § 111.60–3 because we propose to revise subpart 111.60 regarding cable construction. The 2016 edition of this standard includes updates for advancements in insulation and sheathing materials, construction methods, and test methods. Its incorporation ensures consistent, up-to-date standards for electrical cable installations.

• *IEC 60092–354:2014—Electrical installations in ships—Part 354: Single- and three-core power cables with extruded solid insulation for rated voltages 6 kV (U_m=7.2 kV) up to 30 kV (U_m=36 kV), Edition 3.0, 2014–08.* This part of the IEC 60092 series of standards provides manufacturing requirements and characteristics of such cables directly or in directly bearing on safety and specifies test methods for checking conformity with those requirements. We propose to reference this standard in § 111.60–1(a). This will align Coast Guard requirements with those of recognized classification society rules and industry practice.

• *IEC 60092–360:2014—Electrical installations in ships—Part 360: Insulating and sheathing materials for shipboard and offshore units, power, control, instrumentation and telecommunication cables, Edition 1.0, 2014–04.* This part of the IEC 60092 series of standards specifies the requirements for electrical, mechanical and particular characteristics of insulating and sheathing materials intended for use in shipboard and fixed and mobile offshore unit power, control, instrumentation, and telecommunication cables. We propose to reference this standard in § 111.60–1(a). This will align Coast Guard requirements with those of recognized classification society rules and industry practice.

• *IEC 60092–376:2017—Electrical installations in ships—Part 376: Cables for control and instrumentation circuits 150/250 V (300 V), Third Edition, 2017–05.* This part of the IEC 60092 series of standards provides manufacturing requirements and characteristics of such cables directly or in directly bearing on safety and specifies test methods for checking conformity with those requirements. We propose to reference this standard in § 111.60–1(a). This will align Coast Guard requirements with those of recognized classification society rules and industry practice.

• *IEC 60092–401:1980—Electrical installations in ships—Part 401: Installation and test of completed Installation, Third Edition with Amendment 1 (1987–02) and Amendment 2 (1995–04).* We currently reference the 1980 edition in §§ 111.05–9 and 111.81–1(d). This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other referenced IEC standards, but does not alter the edition incorporated by reference.

• *IEC 60092–502:1999—Electrical installations in ships—Part 502: Tankers—Special features, Fifth Edition, 1999–02.* This part of the IEC 60092 series of standards deals with the electrical installations in tankers carrying liquids which are flammable, either inherently, or due to their reaction with other substances, or flammable liquefied gases. The standard details the zonal concept for hazardous area classification. We currently reference the 1992 edition in §§ 111.81–1, 111.105–31, 111.106–3(b), 111.106–5(c), 111.106–15(a), and 111.108–3(b). We propose to remove reference to this standard in § 111.105–31 and add it into §§ 111.105–1, 111.105–3(b), 111.105–7(a), 111.105–11(b), 111.105–17(b), 111.105–50(c). This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other referenced IEC standards, but does not alter the edition incorporated by reference. Additionally, we propose to allow classification of hazardous locations based on this document. That proposal is described in more detail in section VI.D later in this discussion of the proposed rule.

• *IEC 60092–503:2007—Electrical installations in ships—Part 503: Special features—A.C. supply systems with voltages in the range of above 1kV up to and including 15 kV, Second edition, 2007–06.* This part of the IEC 60092 series of standards covers the design and installation requirements for AC supply systems with voltages in the range of above 1 kV. We currently reference the first edition (1975) of this standard in § 111.30–5(a). We propose to reference the more recent second edition (2007) of this standard. The second edition covers a greater range of voltages and has updated technical requirements.

• *IEC 60331–11:2009—Tests for electric cables under fire conditions—Circuit integrity—Part 11: Apparatus—Fire alone at a flame temperature of at least 750 °C, Edition 1.1, 2009–07.* This part of IEC 60331 specifies the test apparatus to be used for testing cables required to maintain circuit integrity when subject to fire. We currently reference the first edition (1999) of this standard in § 113.30–25. We propose to reference the more recent 1.1 edition (2009) of this standard, which includes minor technical updating, to ensure the latest industry practices based on changes in technology are addressed.

• *IEC 60331–21:1999—Tests for electric cables under fire conditions—Circuit integrity—Part 21: Procedures and requirements—Cables of rated voltage up to and including 0.6/1.0 kV, First Edition, 1999–04.* We currently reference this 1999 edition in § 113.30–25(j). This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other referenced IEC standards, but does not alter the edition incorporated by reference.

• *IEC 60332–1–1:2015—Tests on electric and optical fibre cables under fire conditions—Part 1–1: Test for vertical flame propagation for a single insulated wire or cable—Apparatus, First Edition with Amendment 1 (2015–07), 2004–07.* This part of IEC 60332 specifies the apparatus for testing the resistance to vertical flame propagation for a single vertical electrical insulated conductor or cable, or optical cable, under fire conditions. This standard, along with IEC 60332–1–2:2015, supersedes IEC 60332–1:1993 currently referenced in § 111.30–19(b). We propose to replace the superseded 1993 standard in 111.30–19(b) with IEC 60332–1–1:2015 and IEC 60332–1–2:2015. IEC 60332–1–1:2015 covers the test apparatus and IEC 60332–1–2:2015 covers the testing procedure. The technical content is similar to the 1993 edition, but has been updated with greater specificity regarding the ignition source, test sample size, and positioning of the test flame.

• *IEC 60332–1–2:2015—Tests on electric and optical fibre cables under fire conditions—Part 1–2: Test for vertical flame propagation for a single insulated wire or cable—Procedure for 1kW pre-mixed flame, First Edition with Amendment 1, 2015–07.* This part of IEC 60332 specifies the procedure for testing the resistance to vertical flame propagation for a single vertical electrical insulated conductor or cable, or optical cable, under fire conditions. This standard, along with IEC 60332–1–1:2015, supersedes IEC 60332–1:1993, which we currently reference in § 111.30–19(b). We propose to reference IEC 60332–1–2:2015, regarding the testing procedure, in § 111.30–19(b). The technical content is similar to the 1993 edition, but the updates in the standard provide greater specificity regarding the ignition source, test sample size, and positioning of the test flame.

• *IEC 60332–3–21:2018—Tests on electric and optical fibre cables under fire conditions—Part 3–21: Test for vertical flame spread of vertically-mounted bunched wires or cables—Category A F/R, Edition 2.0, 2018–07.* This part of IEC 60332–3 specifies the procedure for testing the resistance to vertical flame propagation for vertically-mounted bunched wires or cables, under defined conditions. Edition 2.0 (2018–7) retains and updates pre-existing categories of tests, adds a new category (category D) for testing at very low non-metallic volumes, and emphasizes that it applies to optical fibre cables as well as metallic conductor cables. We propose this standard for incorporation in §§ 111.60–1(b) and 111.107–1(c).

• *IEC 60332–3–22:2018—Tests on electric cables under fire conditions—Part 3–22: Test for vertical flame spread of vertically-mounted bunched wires or cables—Category A, Edition 2.0, 2018–07.* This part of IEC 60332–3 specifies methods of test for assessment of vertical flame spread of vertically-mounted bunched wires or cables, electrical or optical, under defined conditions. We propose to remove references to the superseded first edition (2000) of this standard in §§ 111.60–1, 111.60–2, 111.60–6, and 111.107–1. Because § 111.60–6 does not need to reference this test, we propose to delete § 111.60–2 and to reference the more recent edition 2.0 (2018) of this standard only in §§ 111.60–1 and 111.107–1(c). This more recent edition retains and updates the pre-existing categories of tests, adds a new category (category D) for testing at very low non-metallic volumes, and emphasizes that it applies to optical fibre cables as well as metallic conductor cables.

• *IEC 60529:2013—Degrees of protection provided by enclosures (IP Code), Edition 2.2, 2013–08.* This standard describes a system for classifying the degrees of protection provided by the enclosures of electrical equipment as well as the requirements

for these degrees of protection and tests to verify the requirements. We currently reference Edition 2.1 (2001) of this standard in §§ 110.15–1, 111.01–9, 113.10–7, 113.20–3, 113.25–11, 113.30–25, 113.37–10, 113.40–10, and 113.50–5. In these sections, we propose to reference the more recent edition 2.2 (2013) of this standard. Edition 2.2 (2013) is a minor technical update to the standard.

• *IEC 60533:2015—Electrical and electronic installations in ships—Electromagnetic compatibility—Ships with a metallic hull, Edition 3.0, 2015–08.* This standard specifies minimum requirements for emission, immunity, and performance criteria regarding electromagnetic compatibility (EMC) of electrical and electronic equipment for ships with metallic hull. We currently reference the second edition (1999) of this standard in § 113.05–7(a). We propose to reference the more recent edition 3.0 (2015) of this standard. This edition includes the following technical changes with respect to the previous edition:

○ The scope and title have been modified to limit the application of the standard to installations in ships with metallic hulls only;

○ The normative references have been updated;

○ Further explanation for in-situ testing has been given in section 5.1;

○ Cable routing requirements in Annex B have been amended; and

○ A new Annex C EMC test report has been added.

• *IEC 60947–2:2019—Low-voltage switchgear and controlgear—Part 2: Circuit-breakers, Edition 5.1, 2019–07.* This standard provides circuit-breaker construction and testing requirements. We currently reference the third edition (2003) of this standard in § 111.54–1(b). We propose to reference the more recent edition 5.1 (2019) of this standard. The 2019 edition of this standard contains numerous technical updates addressing technical advancements, including circuit-breaker testing, instantaneous trip circuit-breakers, and electromagnetic compatibility.

• *IEC 61363–1:1998—Electrical installations of ships and mobile and fixed offshore units—Part 1: Procedures for calculating short-circuit currents in three-phase a.c., first edition, 1998–02.* This proposed rule would make formatting changes to the standard's title for consistency with the titles of all other referenced IEC standards, but does not alter the edition currently incorporated by reference. We currently reference this 1998 edition in § 111.52–5. This proposed rule would move the standard to the new § 111.51–4(b) because we propose combining the requirements of subparts 111.51 and 111.52 into a single subpart 111.51 (Calculation of Short-Circuit Currents and Coordination of Overcurrent Protective Devices).

• *IEC 61439–6: 2012—Low-voltage switchgear and controlgear assemblies—Part 6: Busbar trunking systems (busways), Edition 1.0, 2012–05.* This standard states busbar service conditions, construction requirements, technical characteristics and verification requirements for low voltage busbar trunking systems. We propose to add it to the revised § 111.59–1 concerning general requirements for busways.

• *IEC 61660–1:1997—Short-circuit currents in d.c. auxiliary installations in power plants and substations—Part 1: Calculation of short-circuit currents, First Edition, 1997–06.* This standard describes a method for calculating short-circuit currents in DC auxiliary systems in power plants and substations. We propose to include it in the revised § 111.51–4(b) as an alternative for short-circuit analysis.

• *IEC 61892–7:2019—Mobile and fixed offshore units—Electrical installations—Part 7: Hazardous areas, Edition 4.0, 2019–04.* This standard contains provisions for hazardous areas classification and choice of electrical installation in hazardous areas in mobile and fixed offshore units, including pipelines, pumping or ''pigging'' stations, compressor stations and exposed location single buoy moorings, used in the offshore petroleum industry for drilling, processing, and for storage purposes. We currently reference Edition 2.0 (2007) of this standard in § 111.108–3(b). We propose to update the reference in § 111.108–3(b) to the more recent edition 4.0 (2019) and to insert new references to this standard in §§ 111.105–1, 111.105–3(b), 111.105–7, and 111.105–17(b). The standard has been completely rewritten. The Explosion Protection Level concept has been introduced as an alternative risk-based classification method and the requirements for installations in hazardous conditions reference IEC 60079–14 and other relevant standards, as appropriate. The incorporation of this standard into subpart 111.105 will provide an alternate standard for classifications for hazardous locations.

• *IEC 62271–100:2017—High-voltage switchgear and controlgear—Part 100: Alternating-current circuit-breakers, Edition 2.2, 2017–06.* This standard provides construction and testing requirements for circuit-breakers having voltages above 1000 V. We currently reference Edition 1.1 (2003) of this standard in § 111.54–1(c). We propose to reference the more recent edition 2.2 (2017) of this standard. There have been numerous technical updates to address technical advancements in switchgear. To ensure we address the latest technologies and industry practices, we are proposing to incorporate the more recent edition of this standard.

• *IEC–TR 60092–370:2009—Technical Report—Electrical installations in ships—Part 370: Guidance on the selection of cables for telecommunication and data transfer including radio-frequency cables, Edition 1.0, 2009–07.* This technical report gives guidance and basic recommendations for the selection and installation of shipboard and offshore unit cables intended for electrical systems used in both essential and non-essential analogue or digital signal communication, transmission, and control networks, including types suitable for high-frequency signals (*i.e.,* signals with a frequency of more than 10^5 Hertz). We propose to reference this new standard in § 111.60–1. This will align our requirements with those of recognized classification society rules and industry practice.

• *IEC/IEEE 80005–1:2019—Utility connections in port—Part 1: High voltage shore connection (HVSC) systems—General requirements, Edition 2.0, 2019–03.* This standard describes the design, installation, and testing of HVSC systems, on board the ship and on shore, to supply the ship with electrical power from shore. Ships may be required by state or local laws to connect to high voltage shore power (over 1000 V) rather than running their onboard generators. We propose in § 111.83–7 that these ships meet the requirements of this standard.

• *International Convention for the Safety of Life at Sea (SOLAS), Consolidated Text of the International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1988: Article, Annexes and Certificates. (Incorporating all amendments in effect from 1 July 2014), 2014.* SOLAS provides requirements for vessel construction, arrangement, and management on international voyages. We reference SOLAS 2001 requirements in §§ 111.99–5, 112.15–1, and 113.25–6 and propose to incorporate the latest 2014 edition of SOLAS. While the applicable sections of SOLAS referenced in these requirements have not changed, for completeness we are incorporating the latest SOLAS amendments because industry is likely to use the more recent edition.

• *International Maritime Organization Resolution A.1023(26)—*

Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009. We propose nonsubstantive formatting change to the listing of this resolution in § 110–10–1(b). Chapter 6 of this resolution is referenced in § 111.108–3(b). The resolution provides requirements for machinery and electrical installations in hazardous areas of mobile offshore drilling units.

• *International Society of Automation (ISA) RP 12.6—Wiring Practices for Hazardous (Classified) Locations Instrumentation Part I: Intrinsic Safety, 1995.* We are proposing to delete this standard from reference in § 111.105–11. It has been withdrawn by ISA, is no longer supported by ISA, and is not available at *www.isa.org.* Instead, we propose to reference NFPA 70 and IEC 60092–502:1999 for the intrinsically safe system requirements in § 111.105–11.

• *ISO* 25861—*Ships and marine technology—Navigation—Daylight signaling lamps, first edition, Dec, 1, 2007.* We are proposing to reference this standard in § 111.75–18 regarding daylight signaling lamps. This standard provides performance requirements for daylight signaling lamps pursuant to chapter V of SOLAS, 1974, as amended, and chapter 8 of the International Code for Safety for High-Speed Craft. The performance standards for daylight signaling lamps currently in § 111.75–18 are based on the international requirements in place in 1996. These requirements have been superseded by the requirements contained in ISO 25861.

• *Lloyd's Register Type Approval System-Test Specification Number 1, March 2019.* This specification details performance and environmental testing required for products used in marine applications. We currently reference the 2002 edition of this standard in § 113.05–7(a). We propose to reference the more recent 2019 edition. It has been updated several times to keep pace with changes in environmental testing.

• *National Electrical Manufacturers Association (NEMA) Standards Publication ICS 2–2000 (R2005)—Industrial Control and Systems Controllers, Contactors, and Overload Relays, Rated 600 Volts, 2000.* This edition is referenced in § 111.70–3. NEMA reaffirmed the edition without change in 2005. We propose to reference the reaffirmed date in the standard's title, which would result in no substantive changes.

• *NEMA Standards Publication ICS 2.3–1995—Instructions for the Handling, Installation, Operation, and Maintenance of Motor Control Centers Rated not More Than 600 Volts, 1995 (R2008).* This edition is referenced in § 111.70–3. NEMA reaffirmed the edition without change in 2008. We propose to reference the reaffirmed date in the standard's title, which would result in no substantive changes.

• *NEMA Standards Publication No. ICS 2.4–2003 (R2102)—NEMA and IEC Devices for Motor Service—a Guide for Understanding the Differences, 2003.* This edition is referenced in § 111.70–3. NEMA reaffirmed the edition without change in 2012. We propose to reference the reaffirmed date in the standard's title, which would result in no substantive changes.

• *NEMA Standards Publication No. ANSI/NEMA 250–2018—Enclosures for Electrical Equipment (1000 Volts Maximum), Edition 14, 2018.* This standard covers classification of enclosures for electrical equipment as well as the requirements for these enclosures and tests to demonstrate conformance with the requirements. We currently reference the 1997 edition of this standard in §§ 110.15–1, 111.01–9, 113.10–7, 113.20–3, 113.25–11(a), 113.30–25(e), 113.37–10(b), 113.40–10(b), and 113.50–5(g). We propose to reference the more recent 2014 edition in these sections. The 2014 edition added several new enclosure types as well as several minor construction details.

• *NEMA Standards Publication No. WC–3–1992—Rubber Insulated Wire and Cable for the Transmission and Distribution of Electrical Energy, Revision 1, Feb. 1994.* This is one of many options listed as a standard for allowable current-carrying capacity. We propose to delete it from § 111.60–13(c) because NEMA rescinded the standard.

• *ANSI/NEMA WC–70 ICEA S–95–658—Power Cables Rated 2000 V or Less for the Distribution of Electrical Energy, Feb. 23, 2009.* This standard applies to materials, constructions, and testing of 2000 V and less thermoplastic, cross-linked polyethylene, and cross-linked rubber insulated wires and cables which are used for the transmission and distribution of electrical energy for normal conditions of installation and service, either indoors, outdoors, aerial, underground, or submarine. We currently reference the 1999 edition of this standard, NEMA WC–70ICEA S–95–658, in § 111.60. We propose to reference the more recent 2009 edition with the updated naming convention. The 2009 standard contains updates based on advancements in technology including new cable jacket types and updated testing methods.

• *National Fire Protection Association (NFPA) 70—National Electrical Code, 2017 Edition.* This code is referenced in many sections of subchapter J and is the basis for electrical regulations worldwide. Currently, both the 2002 and 2014 editions of the code are incorporated by reference in §§ 111.05–33, 111.20–15, 111.50–3, 111.50–7(a), 111.50–9, 111.53–1(a), 111.54–1(a), 111.55–1(a), 111.59–1, 111.60–7, 111.60–13, 111.60–23, 111.81–1(d), 111.105–1, 111.105–3, 111.105–7(a), 111.105–11, 111.105–17(b), 111.106–3(b), 111.106–5(c), 111.107–1(b) and 111.108–3(b)(1) and (2). We propose to reference the 2017 edition in all the aforementioned sections where the NFPA 70 code is referenced. We also propose to include § 110.15–1 in the list of sections referencing NFPA 70 because NFPA 70 is currently used in the definition of ''Special Division 1''. Substantive changes to the NFPA 70 articles between the previous editions include the following:

○ Article 240—This article on overcurrent protection raised the threshold for high voltage overcurrent protection from 600 V to 1000 V. Additionally, it addresses arc energy reduction of fuses rated at 1200A or higher.

○ Article 250.119—Section 250.119 details the identification requirements for equipment grounding conductors. The 2017 and 2002 editions are similar, but the 2017 edition contains greater specificity for specific installations and prohibits other cables to be covered in manner that could confuse them with equipment grounding conductors.

○ Article 250.122—Section 250.122 details requirements for the size of equipment grounding conductors. The content in the two editions is similar, but the 2017 edition adds requirements for multi-conductor cable, consideration of instantaneous-trip circuit breakers or motor short-circuit protectors, and greater specificity for flexible cord and fixture wire.

○ Article 250—This article on grounding conductors has been updated based on changes in technology and has added requirements for conductors in raceways and multiconductor cable.

○ Article 314—This article on outlet or junction boxes has several minor updates based on changes in technology or industry practices.

○ Article 368—This article on busways was reformatted and the threshold for high voltage busways was raised from 600 V to 1000 V. Additionally it provides more detailed wiring requirements.

○ Article 400—This article on flexible cords and cable provides several additional types of flexible cords as well as conductor sizes, but the allowable

ampacities for the existing types of flexible cords and cables have not changed. Additionally, it requires that the maximum operating temperature be added to the required markings.

○ Article 404—It has been clarified that this article on switches in <1000 V systems and several additional switch types have been added.

○ Article 430—This article on motors now raises the threshold for motors requiring additional protective measures from 600 V to 1000 V. Part X has been added to provide greater detail on adjustable-speed drive systems. Additionally a variety of minor technical updates made as well as referencing the latest standards.

○ Article 450—This article on transformers raised the transformer threshold for high voltage transformers from 600 V to 1000 V. Additionally minor editorial changes were made. For example, in several sections the word ''sufficient'' was replaced with ''not less than'' to ensure the intent was clear.

○ Article 504—Sections 504.10, 504.30, 504.50 and 504.60 on intrinsically safe system design are proposed to be added in § 111.105–11 because ISA RP 12.6 has been withdrawn by ISA. The requirements are similar and NFPA is the authoritative standard for electrical engineering design.

• *NFPA 77—Recommended Practice on Static Electricity, 2019 Edition.* This recommended practice applies to the identification, assessment, and control of static electricity for purposes of preventing fires and explosions. We currently reference the 2000 edition of this standard in § 111.105–27(b). We propose to reference the more recent, 2019 edition, which has been completely reorganized but the technical content is very similar. However, the 2019 editions contains changes regarding the characterization of combustible dust.

• *NFPA 99—Health Care Facilities Code, 2018.* This code provides information on health care facilities related to medical gas and vacuum systems, electrical systems, electrical equipment, and gas equipment. We currently reference the 2005 edition of this standard in § 111.105–37. We propose to reference the more recent 2018 edition. The 2018 standard contains extensive updates and is the authoritative reference for flammable anesthetics.

• *NFPA 496—Standard for Purged and Pressurized Enclosures for Electrical Equipment, 2017 Edition.* This standard applies to purging and pressurizing for electrical equipment in hazardous locations, electrical equipment containing sources of flammable vapors, control rooms or buildings in hazardous locations, and analyzer rooms containing sources of flammable vapors or gases and located in hazardous locations. We currently reference the 2003 edition of this standard in § 111.105–7, the 2008 edition is currently referenced in § 111.106–3(c), and the 2013 edition is currently referenced in § 111.108–3(d). We propose to update the reference to the more recent 2017 edition in §§ 111.105–7, 111.106–3(c), and 111.108–3(d). The standard was revised to ensure correlation with the 2011 edition of NFPA 70. The definitions of ''energized'' and ''identified'' are extracted from NFPA 70. Equipment is required to be identified for use in a classified area, and the requirements for determining the suitability of identified equipment have been clarified. NFPA 496 clarified the definitions of Type X, Type Y, and Type Z pressurizing to more clearly define their usage. NFPA 496 has been an industry standard for purged and pressurized enclosures since 1971. Further, the newer edition no longer includes unspecific language such as ''near'', ''close to'', and ''significant portion.'' Such terms cannot be quantified in the design or evaluation of an installation designed to the standard.

• *Naval Sea Systems Command (NAVSEA) DDS 300–2—A.C. Fault Current Calculations, 1988.* We propose to remove this standard from Subchapter J because it is no longer supported or available. This is one of four options for fault calculations in § 111.52–5. We propose to reorganize the requirements for short-circuit calculations for systems 1500 kilowatts or above in § 111.52–5 into new § 111.51–4. The other three options would be included in the new § 111.51–4.

• *MIL–HDBK–299(SH), 1991—Military Handbook Cable Comparison Handbook Data Pertaining to Electric Shipboard Cable Notice 1–1991.* This document provides basic information on, and listings of, shipboard cables and also provides guidance for their design, handling, installation, and maintenance. This current edition is referenced in § 111.60–3 regarding cable applications. We propose to delete this standard because we are also proposing to delete § 111.60–3, which we discuss in section VI.C of this preamble as being unnecessarily prescriptive.

• *UL 44—Standard for Safety Thermoset-Insulated Wire and Cable, 2018.* This standard specifies the requirements for single-conductor and multiple-conductor thermoset-insulated wires and cables rated 600 V, 1000 V, 2000 V, and 5000 V. We currently reference the fifteenth edition (1999) of this standard in § 111.60–11(c). We propose to reference the nineteenth edition (2018). The standard has been completely updated based on changes in technology and now addresses wires and cables up to 5000 V. The 2002 edition only went to 2000 V. Additionally, new wire types and maximum voltage ratings are addressed

• *UL 50—Standard for Safety Enclosures for Electrical Equipment, 2013.* This standard covers the non-environmental construction and performance requirements for enclosures to protect personnel against incidental contact with the enclosed equipment. We currently reference the eleventh edition (1995) of this standard in § 111.81–1(d). We propose to reference the more recent thirteenth edition (2013). The updated standard addresses the following additional items:

○ Addition of environmental Type ratings 3X, 3RX, and 3SX;

○ Sharp edges on electrical equipment;

○ Requirements for slot and tab fastenings;

○ Clarification of types of cast metal suitable for use as an enclosure;

○ Equipment door opening 90 degrees from the closed position;

○ Certification Requirement Decision for nonmetallic-sheathed cable clamps; and

○ Revision to requirement of cover and flange overlap for cabinets used as panelboards.

• *UL 62—Standard for Safety Flexible Cords and Cables, 2018.* This standard specifies the requirements for flexible cords, elevator cables, electric vehicle cables, and hoistway cables rated 600 V maximum. We currently reference the sixteenth edition (1997) of this standard in § 111.60–13(a). We propose to reference the more recent twentieth edition (2018). This standard has been updated based on advancements in technology to address new cable types, jacket types, and testing techniques. To ensure we address the latest technologies and industry practices, we are proposing to incorporate the more recent edition of this standard.

• *UL 83—Standard for Safety Thermoplastic-Insulated Wires and Cables, 2017.* This Standard specifies the requirements for 600 V, single-conductor, thermoplastic-insulated wires and cables. We currently reference the twelfth edition (1998) of this standard in § 111.60–11(c). We propose to reference the sixteenth edition (2017). The standard has been completely

updated based on changes in technology. For example, it now addresses many new types of wire, wire sizes, and updated testing requirements.

• *UL 484—Standard for Safety Room Air Conditioners, 2014.* This standard provides requirements for room air conditioners rated not more than 600 V AC. We currently reference the seventh edition (1993) of this standard in § 111.87–3(a). We propose to reference the more recent, ninth edition (2014). The standard has been updated to account for current technology and environmental testing. In addition, sections dealing with smart air conditioners and air conditioners using flammable refrigerants have been added. To ensure we address the latest technologies and industry practices, we are proposing to incorporate the more recent edition of this standard.

• *UL 489—Standard for Safety Molded-Case Circuit Breakers, Molded-Case Switches, and Circuit-Breaker Enclosures, 2016.* This standard provides requirements for molded-case circuit breakers, circuit breaker and ground-fault circuit-interrupters, fused circuit breakers, high-fault protectors, and high-fault modules. These circuit breakers are specifically intended to provide service entrance, feeder, and branch circuit protection. We currently reference the ninth edition (1996) of this standard in §§ 111.01–15(c) and 111.54–1(b). We propose to reference the thirteenth edition (2016). There have been numerous technical updates to the standard. The scope has been increased to address component testing, programmable components, electronic overprotection, and electromagnetic compatibility. To ensure we address the latest technologies and industry practices, we are proposing to incorporate the more recent edition of this standard.

• *UL 514A—Standard for Safety Metallic Outlet Boxes, 2013.* This standard provides requirements for metallic outlet boxes including those intended for marine applications. We currently reference the ninth edition (1996) of this standard in § 111.81–1(d). We propose to reference the more recent, eleventh edition (2013). UL 514A has been revised and updated to account for advancements outlet box construction. It has been an industry standard for metallic outlet boxes since 1928.

• *UL 514B—Standard for Safety Conduit, Tubing, and Cable Fittings, 2012.* This standard provides requirements for fittings for use with cable and conduit. We currently reference the fourth edition (1997) of this standard in § 111.81–1(d). We propose to reference the more recent, sixth edition (2012). UL 514B has been updated to account for advancements in conduit, tubing, and cable fitting construction, as well as testing techniques. To ensure we address the latest technologies and industry practices, we are proposing to incorporate the more recent edition of this standard.

• *UL 514C—Standard for Safety Nonmetallic Outlet Boxes, Flush-Device Boxes, and Covers, 2014.* This standard provides requirements for nonmetallic outlet boxes, conduit bodies, flush-device boxes, extension rings, and covers. We currently reference the second edition (1988) of this standard in § 111.81–1(d). We propose to reference the more recent, fourth edition (2014). UL 514C has been updated to align with advancements in nonmetallic outlet boxes and alignment with requirements in similar standards. To ensure we address the latest technologies and industry practices, we are proposing to incorporate the more recent edition of this standard.

• *UL 674—Standard for Safety: Electric Motors and Generators for Use in Hazardous (Classified) Locations, 2011.* This standard provides requirements for electric motors and generators or submersible and nonsubmersible sewage pumps and systems suitable for use in hazardous (classified) locations. We currently reference the fourth edition (2003) of this standard in § 111.106–3(b) and the fifth edition (2011) is referenced in § 111.108–3(b). We propose to reference the more recent, fifth edition (2011) in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). This ensures consistent, up-to-date standards for electrical installations on all vessel and facility types.

• *UL 823—Electric Heaters for Use in Hazardous (Classified) Locations, 2006.* This standard provides requirements for electric heaters suitable for use in hazardous (classified) locations. We currently reference the ninth edition (2006) of this standard in §§ 111.106–3(b) and 111.108–3(b). We propose to reference the ninth edition (2006) in § 111.105–7(a), as well. This ensures that standards are consistent for electrical installations on all vessel and facility types.

• *UL 844—Standard for Safety: Luminaires for Use in Hazardous (Classified) Locations, 2012.* This standard provides requirements for fixed and portable luminaires for installation and use in hazardous (classified) locations. We currently reference the twelfth edition (2006) of this standard in § 111.106–3(b) and the thirteenth edition (2012) is referenced in § 111.108–3(b). We propose to reference the more recent, thirteenth edition (2012), in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). This latest edition includes the following minor technical revisions:

○ Revisions for test paint for spray booth luminaires;

○ Revisions for temperature tests at elevated ambient temperatures; and

○ Clarification of required number of as-received samples of polymeric enclosure materials.

• *UL 913—Standard for Safety: Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous Locations, Eighth Edition, 2013.* This standard provides requirements for apparatus or parts of apparatus intended for installation in hazardous locations. We currently reference the sixth edition (2002) of this standard in § 111.105–7(a) and the seventh edition (2006) is referenced in §§ 111.106–3(b) and 111.108–3(b). We propose to reference the more recent eighth edition (2013) in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). This latest edition includes the following technical revisions:

○ Revisions to reference the latest 2013 editions of UL 60079–0 and UL 60079–11;

○ Deletion of redundant references to applicable ordinary locations requirements;

○ Revisions to address the equivalent installation and use of Class I, Division 1 and Class II, Division 1 intrinsically safe and associated apparatus in Class I, Zone 0 and Zone 20 hazardous (classified) locations respectively; and

○ Revisions to dust-tight enclosures for Class II Intrinsically Safe Apparatus.

• *UL 1042—Standard for Safety Electric Baseboard Heating Equipment, 2009.* This standard provides requirements for portable and fixed electric baseboard heating equipment rated at 600 V or less. We currently reference the third edition (1994) of this standard in § 111.87–3. We propose to reference the more recent, fifth edition (2009). This latest edition includes the following technical revisions:

○ Revisions requiring portable heater power supply cords to meet UL 817.

○ Revisions requiring electric connections to meet established UL standards, UL 310, UL 486A–486B, UL 886C, UL 486E, or UL 1977.

○ Revisions to equipment grounding provisions.

○ Update to the leakage current test.

• *UL 1072—Standard for Safety Medium-Voltage Power Cables, 2006.* This standard provides requirements for

shielded and nonshielded medium-voltage power cables. We currently reference the third edition (2001) of this standard in § 111.60–1(a). We propose to reference the more recent fourth edition (2006). The fourth edition contains revised supplemental jacket thicknesses. Because supplemental jackets are only required for cables intended to be buried in the ground, this revision has no substantive impact on UL 1072 cables intended for use on vessels.

• *UL 1104—Standard for Marine Navigation Lights, Second Edition, 1998.* This standard provides construction and testing requirements for navigation lights. This standard is referenced in § 111.75–17(f). The only changes proposed to this standard are to align the naming convention in the regulatory text with that of other UL standards and to specifically cite paragraph (f).

• *UL 1203—Standard for Safety: Explosion-Proof and Dust-Ignition Proof Electrical Equipment for Use in Hazardous (Classified) Locations, 2013.* This standard covers explosion-proof and dust-ignition-proof electrical equipment for installation and use in hazardous locations. We currently reference the third edition (2000) of this standard in § 111.105–9 and the fourth edition (2006) in §§ 111.106–3(b) and 111.108–3(b). We propose to reference the more recent fifth edition (2013) in § 111.105–7(a) instead of § 111.105–9 due to editorial reformatting of §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). The more recent edition has relatively minor technical clarifications with minimal substantive changes.

• *UL 1309—Standard for Safety Marine Shipboard Cables, 2017.* This standard provides requirements for distribution (power) cables, and control and signal cables, for installation aboard marine vessels, fixed and floating offshore petroleum facilities, and Marine Offshore Drilling Units (MODUs). We currently reference the first edition (1995) of this standard in §§ 111.60–1, 111.60–3, and 111.106–5(a). We propose to reference the more recent, third edition (2017) only in §§ 111.60–1 and 111.106–5(a), because we are proposing to delete § 111.60–3. The standard has received updates to its construction, performance, ratings, and markings requirements.

• *UL 1581—Standard for Safety Reference Standard for Electrical Wires, Cables, and Flexible Cords, 2001.* We propose to delete references to this standard in §§ 111.30–19, 111.60–2, and 111.60–6 because the referenced test in this standard, VW–1, has been moved to UL 2556.

• *UL 1598—Standard for Safety Luminaires, 2018.* This standard provides requirements for luminaires for use in nonhazardous locations that are intended for installation on branch circuits of 600 V nominal or less. We currently reference the first edition (2000) of this standard in § 111.75–20. We propose to reference the more recent fourth edition (2018), which has been extensively updated based on changes in technology and construction techniques. This edition includes added requirements for placement and construction of light-emitting diode (LED) luminaires as well as LED test methods. The standard also includes LED components and subassemblies, and other LED requirements.

• *UL 1598A—Standard for Safety Supplemental Requirements for Luminaires for Installation on Marine Vessels, First Edition (with revisions through Apr. 17, 2015), Dec. 4, 2000.* The First Edition, December 4, 2000, is currently incorporated by reference in § 111.75–20. We propose to incorporate the First Edition with revisions through April 17, 2015 in this section. UL 1598A provides additional requirements for luminaires meeting UL 1598 and intended for vessels to ensure these luminaires are suitable for marine and shipboard environments. The revisions to the First Edition include non-substantive updates necessary due to changes in to clauses of standards referenced within UL 1598A that occurred since publication of the First Edition.

• *UL 1604—Electrical Equipment for use in Class I and II, Division 2 and Class III Hazardous (Classified) Locations, 1994.* We propose to delete this standard from § 111.108–3(b) because UL withdrew it and it is no longer an active standard. This is one of many options in § 111.108–3(b) for standards on electrical equipment in hazardous locations.

• *UL 2021—Standard for Safety Fixed and Location-Dedicated Electric Room Heaters, 2015.* We propose to reference this standard in § 111.87–3(a). This standard provides requirements for electric air heaters. It will be an additional standard regulated entities may choose for electric air heaters. We have previously accepted it on a case-by-case basis as equivalent to the existing standards in § 111.87–3(a).

• *UL 2225—Standard for Safety: Cables and Cable-Fittings for use in Hazardous (Classified) Locations, 2013.* We currently reference the second edition (2005) of this standard in § 111.106–3(b) and the third edition (2011) of this standard in § 111.108–3(b). We propose to reference the more recent fourth edition (2013) in §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b). The latest edition includes the addition of Type TC–ER–HL cable for use in Class I, Zone 1 as permitted by the 2014 National Electrical Code to the scope, editorial revisions, and error corrections sections of the standard. The incorporation of this edition into all three sections ensures consistent, up-to-date standards for electrical installations on all vessel and facility types.

• *UL 2556—Wire and Cable Test Methods, 2015.* This standard describes the apparatus, test methods, and formulas to be used in carrying out the tests and calculations required by wire and cable standards. The flame retardant test VW–1, formerly of UL 1581, has been moved to this standard and is now called FV–2/VW–1. We propose to replace the UL 1581 with UL 2556 in § 111.30–19(b).

• *UL 60079–18—Standard for Safety Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation ''m'', 2017.* We propose this standard as a replacement for the ANSI/ISA 60079–18, which was withdrawn. UL 60079–18 is not substantively different than ANSI/ISA 60079–18. This standard gives the specific requirements for the construction, testing and marking of electrical equipment, parts of electrical equipment and Ex components with the type of protection encapsulation ''m'' intended for use in explosive gas atmospheres or explosive dust atmospheres. We propose to reference this standard in §§ 111.105–7(e), 111.106–3(d), and 111.108–3(e).

B. Generator Prime Movers

We propose to delete the requirements in §§ 111.12–1(b) and (c) for each generator prime mover to have an independent overspeed device and a loss of lubricating oil pressure to the generator bearing oil pressure shutdown. The ABS Steel Vessel Rules, which are already incorporated by reference in § 58.01–5, require these same safeguards on all but small, generator prime movers. The independent overspeed device is required for each engine driving a generator of 220 kW (295 hp) and above, while the oil pressure shutdown is required for generators of 100 kW (135 hp) and above. This sufficiently addresses the concerns that § 111.12–1(b) and (c) were intended to address. The Coast Guard has required generator prime movers to meet ABS rules since 1965. We propose to incorporate the ABS Steel Vessel Rules for generator

prime movers without modification to reduce reliance on government-unique standards where an existing voluntary standard will suffice, as advocated in OMB Circular A–119.

C. Electrical Cable

We propose to update and amend subpart 111.60 (Wiring Materials and Methods) to align it more closely with the standards accepted internationally by vessel classification societies and foreign administrations. Vessels participating in the Coast Guard's Alternate Compliance Program are constructed and operated in accordance with classification society rules and are not required to meet all of the requirements in subpart 111.60. We are not aware of any casualties as a result of this.

We propose to add several additional cable construction standards to § 111.60–1, thus creating a broader list of acceptable standards. This has allowed us to propose removing many of the more prescriptive cable requirements in §§ 111.60–2, 111.60–3, 111.60–4, and 111.60–6 because of the availability of widely accepted additional standards. For example, cable for communication and radio frequency applications, and fiber optic cable, are available to meet the standards of § 111.60–1 and therefore §§ 111.60–2 and 111.60–6 are no longer necessary.

We also propose deleting the cable application regulations in § 111.60–3 as they are unnecessarily prescriptive. Instead, entities would consult the current and proposed cable construction standards in proposed § 111.60–1 for the application of specific types of cable. We propose to adopt these industry standards in lieu of our own prescriptive standards.

In § 111.60–5(a), the Coast Guard currently requires that cable installations meet the recommended practices contained in IEEE 45–2002, and we excluded the section concerning cable splices. Now we propose to update the edition to IEEE 45.8–2016 and remove the exclusion for the section on cable splices because it is inconsistent with other regulations to exclude them. The existing and proposed regulations regarding cable splices in § 111.60–19 refer to IEEE 45's recommendations for cable splices.

Additionally, in Table 111.60–7—Demand Loads, we propose minor edits to make ''bus-tie'' and ''feeder'' plural where they appear in the table. As previously mentioned in the IBR updates to § 110.10–1, we would also update the NFPA NEC 2002 standard to its newer edition NFPA 70, where it appears in the table.

D. IEC 60092–502 Electrical Installations in Ships—Part 502: Tankers—Special Features

We propose to accept IEC 60092–502:1999 as an option for classification of hazardous locations (areas) in the new § 111.105–50(a). Section 111.105–50(a) would contain alternative standards for the classification of hazardous locations requirements in §§ 111.105–29, 111.105–31, 111.105–32, 111.106–9 and 111.106–11 of this subchapter. This IEC standard is referenced in *SOLAS II–1/45.11, the International Code of the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk section 10.1.1, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk section 10.1.2.1,* and all major classification societies' rules. Allowing this option will provide system designers with the flexibility to classify and specify equipment for hazardous locations using the same scheme used internationally.

IEC 60092–502:1999 is currently accepted for use by vessels in the Coast Guard's Alternate Compliance Program when supplemented with ''USCG Supplemental Requirements for use of IEC 60092–502:1999 for application of SOLAS regulation II–1/45.11 to U.S.-flag vessels.'' [2] The Coast Guard developed these supplemental requirements to ensure an equivalent level of safety as the requirements of subpart 111.105. In this rulemaking, we propose to accept IEC 60092–502:1999 without the supplement. This edition of the standard has been published for over 15 years and we are not aware of any casualty history attributed to its use as compared to vessels complying with the applicable U.S. regulations. For these reasons, we propose it as an option for U.S. vessels.

In § 111.105–50(c), we propose to add that if IEC 60092–502:1999 is used for hazardous locations classifications, then the applicable ventilation requirements for cargo handling rooms on tank vessels in subchapter D would apply. This is not a new requirement, but it is placed here to ensure system designers do not assume that compliance with the ventilation standards in IEC 60092–502:1999 is sufficient.

[2] *See* Commercial Vessel Inspection Alternatives and Delegated Functions available at *https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Commercial-Regulations-standards-CG-5PS/Office-of-Standards-Evaluation-and-Development/US-Coast-Guard-Regulatory-Development-Program-RDP-/Alternate-Compliance-Program/.*

E. Emergency Generator in Port

We propose in the new § 112.05–7 to allow the emergency generator to be used in port, provided supplemental safety standards are in place. The current regulations in § 112.05–1 requires that the emergency source of power must be dependable, independent, and dedicated. The purpose of these requirements in § 112.05–1 is that emergency power must be immediately and dependably available in the event of a loss of the ship's service power. For decades this has been achieved by installation of a dedicated and independent emergency generator.

In the late 1990s, the International Association of Classification Societies proposed a unified interpretation to the IMO in light of improvements in automation and potential environmental benefits. That proposal incorporated a set of additional safety standards in order to allow the use of an emergency generator during lay time in port. This interpretation, with the supplemental safety standards, would encourage the use of a more appropriately sized generator for lay time loads instead of an overly large ship service generator while simultaneously assuring the availability of emergency power. Predicated on the premise that this proposal provided an equivalent level of safety, it was subsequently adopted by the IMO in 2005, promulgated in IMO circular MSC/Circ.1176 dated 25 May 2005 and updated in IMO circular MSC.1/Circ. 1464/Rev.1 dated 24 Oct. 2013. Since then, most classification societies and flag States have harmonized their rules to align with this interpretation.

Similar to the determination made by the IMO, we propose to allow use of emergency power systems that incorporate a generator with the additional safeguards similar to those prescribed by the IMO. The additional safeguards provide an equivalent level of safety as the existing requirements in part 112 as well as other potential operational benefits. With respect to providing a dependable source of emergency power, operation of the emergency generator in port does not decrease the dependability of the emergency power system. On the contrary, regular operation of the generator with the associated planned maintenance scheme required by MSC.1/Circ.1464/Rev.1 will result in increased dependability and crew familiarity and an improved readiness of the system should an emergency situation occur. Further, the additional requirements related to load shedding,

fuel and lubrication oil systems, generator and switchboard construction, power management, and operational instructions will ensure the dedicated and independent operation of this system in an emergent situation and solely provide service to the emergency power system. Overall, this system will deliver additional flexibility to the crew while ensuring the availability of a dedicated source of power in the event of an emergency. The proposed arrangements will result in improved performance, better fuel economy, lower emissions, and higher reliability than less integrated systems.

For these reasons, we propose to allow the emergency generator to be used in port provided that supplemental safety standards are in place. The supplemental safety standards proposed in § 112.05–7 are similar to those prescribed in MSC.1/Circ.1464/Rev.1 as well as section 4–8–2/5.17 of the ABS Marine Vessel Rules.

F. Description of Additional Proposed Changes Within Subchapter J

Section 110.15–1 Definitions

We propose a more descriptive definition of ''deadship'' that aligns with 4–1–1/1.9.6 of the ABS Marine Vessel Rules and IEC 60092–201:2019.

The definition of a ship's service loads and drilling loads would be moved from § 111.10–1(a) to § 110.15–1 so all definitions are in one location.

Section 110.25–1 Plans and Information Required for New Construction.

We propose to consolidate the hazardous locations plan submittal requirements of the existing § 110.25–1(i), (p), and (q) into a single section. The Offshore Supply Vessels of at Least 6,000 GT ITC interim rule (79 FR 48893, Aug. 18, 2014) and the Electrical Equipment in Hazardous Locations final rule (80 FR 16980, Mar. 31, 2015) included plan submittal requirements, §§ 110.25–1(p) and (q), respectively. As explained in Section V, we propose to offer all types of vessels and facilities the same selection of explosion protection standards. Therefore, the plan submittal requirements are identical and three separate sections are no longer required.

Section 111.05–3 Design, Construction, and Installation; General

In § 111.05–3(c), the grounding requirements for appliances and tools would be clarified so that they are consistent with current industry practice.

Section 111.10–9 Ship's Service Supply Transformers; Two Required

The note to § 111.10–9 has been revised to clarify that transformers located downstream of the ship's service switchboard are not required to be provided in duplicate. This is an item regularly misunderstood and is explained on page 16 of the Navigation and Vessel Inspection Circular (NVIC) 2–89, ''Guide for Electrical Installations on Merchant Vessels and Mobile Offshore Drilling Units'', dated Aug. 14, 1989.[3]

Section 111.12–11 Generator Protection

In this section and many other sections, the term ''semiconductor rectifier (SCR)'' has been replaced with ''semiconductor converter'', a term now more commonly used in industry.

Section 111.12–13 Propulsion Generator Protection

This section on propulsion generator protection would be deleted because it is simply a reference to § 111.35–1. This cross reference is not necessary.

Section 111.15–10 Ventilation

In § 111.15–10(b)(2)(i), the IEC equivalent classification of Class I, Division 1, Group B would be added as an alternate standard.

Section 111.25–5 Marking

We propose to delete this section because the requirements for motor markings are sufficiently addressed by the referenced ABS Marine Vessel Rules.

Section 111.30 Switchboards

The requirements for switchboards contained in IEEE 45 2002 would be replaced with requirements from the recently published IEEE 45.7 (2012).

This proposed rule would add a note to § 111.30–5 warning that the interchangeability and compatibility of components complying with both IEEE and IEC cannot be assumed, to address the growing use of components meeting IEC standards on U.S. vessels.

The flame retardant test standard IEC 332–1 has been superseded by IEC 60332–1–1:2015 and IEC 60332–1–2:2015. We propose to update the standards for the flame retardant test in § 111.30–19(b)(4) regarding buses and wiring.

The term ''pilot light'' would be replaced with the more commonly used term ''indicator light.''

Subpart 111.33 Power Semiconductor Rectifier Systems

The requirements for semiconductor converters contained in IEEE 45 2002 are being replaced with requirements from the recently published of IEEE 45.2 (2012).

Section 111.50–3 Protection of Conductors

In § 111.50–3(b)(2), the requirements for steering gear circuits is being changed from subchapter F to a more specific cite of § 58.25. Reference to IEC 92–202 has been removed from § 111.50–3(c). This standard does not address standard ratings for fuses or circuit breakers.

Subpart 111.51 Calculation of Short-Circuit Currents and Subpart 111.52 Coordination of Overcurrent Protective Devices

We propose to combine subparts 111.51 and 111.52 into new subpart 111.51 to more clearly and concisely present the requirements for coordination of overcurrent protection devices and calculation of short-circuit currents. The general discussion contained in current § 111.51–1 is based on IEC 60092–202:2016.

The short-circuit calculations requirements of proposed § 111.51–2(a) are from the existing § 111.52–1. The proposed § 111.51–2(b) would clarify that the calculations must be performed to select suitably rated equipment and protective devices. The short-circuit calculations requirements of the proposed §§ 111.51–3 and 111.51–5 are from the existing §§ 111.52–3 and 111.52–5, respectively.

NAVSEA DDS 300–2 is proposed for deletion because it is no longer available. IEC 61660–1:1997 would be added as a standard for DC systems.

The requirements for the protection of vital equipment, § 111.51–6, is from the existing § 111.51–3.

Section 111.54–1 Circuit Breakers

In § 111.54–1(c)(2), the maximum voltage for direct-current circuit breakers meeting IEC 60947–2:2013 has been identified as 1500 V. This is in accordance with that standard.

Section 111.75–17 Navigation Lights

In § 111.75–17(a), we propose to remove the requirement that the navigation light indicator panel be supplied by a feeder directly from the emergency switchboard. The panel will still be required to be supplied from the

[3] NVIC 2–89 ''Guide for Electrical Installations on Merchant Vessels and Mobile Offshore Drilling Units'' is available at *https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/1989/n2-89.pdf.*

emergency switchboard but this change allows for the common practice of suppling the navigation lights from an emergency lighting panel rather being directly fed from the switchboard. This is consistent with industry practice and vessel classification society rules. As part of this change we are also proposing to delete § 112.43–13 which provided details on the navigation light panel feeder.

In § 111.75–17(d)(2), we propose to offer EN 14744 as an alternative for certification of navigation lights. UL 1104 is the other acceptable standard, but it has not been updated in over 20 years and addresses neither LED light sources nor EMC testing. The other construction and testing requirements of EN 14744 are not identical to UL 1104, but it is accepted worldwide. It addresses LED lights and EMC testing and has been published for 15 years. We are unaware of any safety concerns related to it. For these reasons, we feel it is an acceptable option for certification of navigation lights. Navigation lights constructed and tested to the requirements of EN 14744 have been accepted by the Coast Guard on a case-by-case basis subject to the additional requirements of the USCG Marine Safety Center's Marine Technical Note 01–18, Guidance for Establishing Equivalency to UL 1104 Navigation Lights.[4] We propose to accept EN 14744 without these additional requirements.

Additionally in § 111.75–17(d)(2), the requirements for battery powered navigation lights have been clarified. The existing text has been misinterpreted on occasion. These lights must be certified by an independent laboratory to the applicable requirements of UL 1104 or EN 14744, as must all navigation lights. This ensures they meet the applicable requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and the Inland Navigation Rules (33 CFR 83).

We propose deleting the requirements for a flashing light in the existing § 111.75–17(d)(4), because these requirements are contained in section 22.11 of UL 1104 and section 4.4 of EN 14744.

Section 111.75–18 Signaling Lights

We propose deleting the outdated, prescriptive requirements on signaling lights in this section that were based on the applicable international requirements in 1996 and incorporating by reference ISO 25861. This standard provides performance requirements for daylight signaling lamps pursuant to chapter V of SOLAS, 1974, as amended and chapter 8 of the International Code for Safety for High-Speed Craft. Further, since 2002, navigation equipment required by chapter V of SOLAS, including signaling lamps (or lights), have been required to be type approved by the administration.

Section 111.75–20 Luminaires (Lighting Fixtures)

Throughout this section, we propose replacing the term ''lighting fixture'' with the internationally used term ''luminaire'' and we propose removing the prescriptive requirements contained in this section. Lighting fixtures meeting the standards incorporated by reference in this section, UL 1598A, or IEC 60092–306:2009, are suitable for use on vessels. Further, this rule would specify the clauses of UL 1598A applicable to nonemergency and inside-type decorative luminaires.

Section 111.83–7 High Voltage Shore Connection

We propose adding in this new section a standard for high voltage shore connection systems, IEC/IEEE 80005–1:2019, applicable to ships required by state or local law to connect to shore power. The Coast Guard has actively participated with state and local stakeholders, shoreside and marine industry representatives, and equipment manufacturers to develop a standard to safely connect to high voltage shore connections. This standard is offered as an option for compliance with state or local law.

Section 111.99–3 Definitions

We propose removing this section of definitions. Fire door holding and release systems, if fitted, must meet SOLAS II–2/9.4.1.1.5.3. This reference has been updated based on the reorganization of SOLAS Chapter II–2. These definitions are no longer necessary.

Section 111.103 Remote Stopping Systems

The wording of 46 CFR 111.103 has caused confusion due to the order of the subsection with readers inferring that machinery space ventilation is a separate category from the ventilation referred to by 46 CFR 111.103–7. We propose editorial changes to this section to clarify its intent.

Subpart 111.105 Hazardous Locations

The Coast Guard has completed two recent rulemaking projects related to hazardous locations, the ''Offshore Supply Vessels of at Least 6,000 GT ITC'' interim rule (79 FR 48893, Aug. 18, 2014) and the ''Electrical Equipment in Hazardous Locations'' final rule (80 FR 16980, Mar. 31, 2015). We propose to revise subpart 111.105 (Hazardous Locations) to be consistent with these two sets of regulations. This would expand the list of acceptable national and international explosion protection standards, providing more options for operators.

We propose adding the internationally accepted independent third-party certification system, the International Electrotechnical Commission System for Certification to Standards relating to Equipment for use in Explosive Atmospheres (IECEx), as an accepted method of testing and certifying electrical equipment intended for use in hazardous locations. Existing § 111.108–1(b) allows owners and operators of existing U.S. MODUs, floating Outer Continental Shelf (OCS) facilities, vessels other than Offshore Supply Vessels (OSVs), and U.S. tank vessels that carry flammable or combustible cargoes, the option of using the same expanded list of standards and the IECEx System. In amending subpart 111.105, we propose incorporating these standards so that they are available to all vessels and facilities that must comply with subchapter J.

In § 111.105–17(a)(1)(i), we propose adding three new standards for equipment in hazardous locations, UL 783, ANSI/ISA 12.12.01, and ANSI/UL 2062. See section VI.A for further explanation of each standard.

In § 111.105–17(b), we propose adding additional, acceptable standards for the use of conduit, IEC 61892–7:2019, IEC 60092–502:1999, API RP 14, and API RP 14FZ. See section VI.A for further explanation of each standard.

In the new § 111.105–28, we propose adding ASTM F2876–10 to address internal combustion engines in hazardous locations. Under the proposed section, internal combustion engines installed in Class I Divisions 1 and 2 would be required to meet the provisions of ASTM F2876–10. Like the expanded list of standards for electrical equipment in hazardous locations, this standard in subparts 111.106 and 111.108 is the result of previous rulemaking projects and would be added to § 111.105–28. This will ensure a consistent standard for these installations on all vessel and facility types.

In § 111.105–31(e), we propose providing the option for submerged cargo pumps that do not meet § 111.105–31(d) to receive concept

[4] *See https://www.dco.uscg.mil/Portals/9/MSC/MTN/MTN.01-18.07.16.18.LEDandEU NavigationLights.pdf.*

approval by the Commandant (CG–ENG) and plan approval by the Commanding Officer, MSC. This is consistent with the existing §§ 111.106–3(f) and 111.108–3(f).

In § 111.105–31(f), we propose deleting reference to IEEE 45 1998 and IEC 60092–502:1999 because these do not provide any additional information on classification of cargo tanks beyond what is currently in subchapter J.

In § 111.105–31(o), we propose clarifying the requirements for systems installed in duct keels.

In §§ 111.105–35 and 111.105–45, we propose updating the IEC classification notation in accordance with IEC 60079–10–2:2015.

In § 111.105–41, we propose removing the reference to IEEE 45 1998 because the standard has been superseded.

Subpart 111.106 Hazardous Locations on OSVs

In § 111.106–3(b)(1)(i), we propose to add three new standards for equipment in hazardous locations, UL 783, ANSI/ISA 12.12.01, and ANSI/UL 2062. See section VI.A for further explanation of each standard.

Section 111.107–1 Industrial Systems

In § 111.107–1(b), we propose to clarify the standards for switchgear. Currently § 111.107–1(b)(1) refers to an unnecessarily broad range of standards. We propose to simplify this section by cross referencing the specific sections of the existing regulations in subpart 111.30 that apply to switchgears.

Subpart 111.108 Hazardous Locations Requirements on U.S. and Foreign MODUs, Floating OCS Facilities, Vessels Conducting OCS Activities, and U.S. Vessels That Carry Flammable and Combustible Cargo

We propose to remove paragraph (b) from § 111.108–1. Paragraph (b) of this section is a cross-reference to the expanded list of standards and the IECEx System in subpart 111.105; the paragraph is directed to owners and operators of existing U.S. MODUs, floating OCS facilities, vessels other than OSVs, and U.S. tank vessels that carry flammable or combustible cargoes. This cross reference to subpart 111.105 would no longer be necessary because we propose to include the same standards and systems in § 111.108–3 (General requirements).

In § 111.108–3(b)(1)(i), we are adding three new standards for equipment in hazardous locations: UL 783, ANSI/ISA 12.12.01, and ANSI/UL 2062. See section VI.A for further explanation of each standard.

Section 112.01–20 Final Emergency Power Source

We propose to clarify the description of the final emergency power source. For the convenience of the reader, we also propose cross-referencing § 112.15–5, which specifies the existing regulations for final emergency power sources.

Section 112.05–5 Emergency Power Source

In § 112.05–5(a), we are clarifying that the emergency power source must be sized using a unity (1.0) service factor on all loads required by Table 112.05–5(a). This section currently states that the emergency power source must simultaneously supply these loads. When sizing the emergency power source to meet this requirement the loads in Table 112.05–5(a) must have a service factor of unity, 1.0 or 100%. This is also referred to as a load factor. This is not a change to the existing requirement but only a clarification of the requirement that the emergency power source will be appropriately sized to accomplish this task.

Section 112.15–1 Temporary Emergency Loads

In § 112.15–1(s), we propose to add the engineer's assistance-needed alarm to the list of loads that must be powered by the temporary emergency power source. This is consistent with the requirement in § 113.27–1(c) that states it must be powered from the same source as the general alarm.

Section 112.43–13 Navigation Light Indicator Panel Supply

We propose to delete this requirement because the navigation light indicator panel supply is proposed to no longer be required by § 111.75–1(a) to be directly supplied by a feeder from the emergency generator but can be supplied by an electrical panel, such as an emergency lighting panel, which is supplied by the emergency switchboard.

Section 112.50–1 General

In § 112.50–1(g), we propose to delete the requirement that emergency generators automatically shut down upon loss of lubricating oil pressure. This section would continue to require that generators be set to shut down automatically upon overspeed or operation of a fixed fire extinguishing system in the emergency generator. Removing the requirement for emergency generators to automatically shut down in case of loss of lubricating oil pressure is consistent with classification society rules and allows the crew to decide in an emergency situation if the emergency generator should be shut down. We also propose to reformat § 112.50–1(g) to clarify the remaining regulations for emergency generator set shut downs.

In addition, we propose to revise the format of paragraph (h) to clarify that the alarms are required for all of the listed conditions in each section, not just one of the two conditions listed in each section. This is a nonsubstantive formatting edit that would not affect the existing alarm regulations for emergency generators in § 112.50–1(h).

VII. Incorporation by Reference

Material proposed for incorporation by reference appears in § 110.10–1, and is summarized and discussed in section VI.A of this preamble. Copies of the material are available from the sources listed in § 110.10–1, and we believe they are generally available to or already in use by the class of persons potentially affected by this proposed rule. The standards we are proposing to incorporate by reference are available either at the publisher's web address included in the proposed regulatory text of § 110.10–1 or by contacting the publisher listed in the standard. With this proposed rule, we also reviewed and updated all the publisher's web addresses listed in proposed § 110.10–1 to ensure they are current. The following list of publishers offer some of the more recent standards we propose to incorporate at no cost to the public: ABS, FM Approvals, IMO, Lloyd's Register, NFPA, DDS/Military Handbook, and UL. Based on the volume of equivalency requests the Coast Guard receives asking us to confirm that the latest edition is equivalent or better than the edition currently incorporated, we believe industry already has access to and uses these more recent standards. The affected industry typically obtains the more recent editions of standards in the course of their business, in order to address advancements in technology.

You may also contact the person in the **FOR FURTHER INFORMATION CONTACT** section for additional direction on how to obtain access to electronic copies of the materials. Before publishing a binding rule, we will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

VIII. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this proposed rule. Details on the estimated cost savings of this rule can be found in the rule's regulatory analysis (RA) that follows.

The Coast Guard proposes to update subchapter J of title 46 of the CFR. This proposed rule would align the standards, which govern electrical equipment and installations on U.S.-flagged vessels, with current industry practices to ensure that the standards are consistent on all vessel types that we reference in subchapter J. The provisions of this proposed rule would update existing standards through incorporation by reference, provide options to use alternative standards, eliminate obsolete standards, and clarify the existing requirements. The majority of the updates would simply incorporate by reference the more recent versions of the same standards with little or no substantive change. The more recent editions reflect more modern technologies, terminology, and practices. By updating standards, we expect the proposed rule to generate cost savings to industry and the Federal Government of approximately $204,695 over a 5-year period of analysis in 2019 dollars, using a 7-percent discount rate (we are using a 5-year period of analysis because we anticipate this proposed rule would not produce cost savings beyond this time period). We estimate annualized cost savings to be approximately $49,923, using a 7-percent discount rate. The cost savings are a result of industry submitting fewer equivalency requests to the Coast Guard, which we base this cost savings analysis upon. We also expect the proposed rule to generate unquantified benefits because incorporating these standards would simplify regulatory compliance, reduce confusion, and provide industry flexibility. Table 2 provides a summary of the impacts of the proposed rule.

TABLE 2—SUMMARY OF IMPACTS OF THE PROPOSED RULE

Category	Summary
Applicability	Incorporate by reference (IBR) electrical engineering standards or update existing standards through IBR in subchapter J of Title 46 CFR.
Affected Population	• Cost savings based on an 80% reduction of equivalency requests from owners and operators of 210 new U.S.-flagged vessels that entered service over the past 5 years. • Standards used by approximately 5,570 U.S.-flagged vessels (affected population varies by CFR part and subpart, see table 3).
Benefits	Cost Savings ($2019, 7-percent discount rate): 5-year period of analysis: $204,695. Annualized: $49,923. Provide flexibility by offering options or alternatives for IBR and non-IBR provisions; remove regulatory redundancy and confusion by updating standards and simplifying regulatory text through editorial changes.

Affected Population

There are numerous provisions of this proposed rule that affect four parts in subchapter J of title 46 of the CFR (110, 111, 112, and 113), as well as multiple subparts within each part. Subchapter J applies to vessels covered by subchapters D, H, I, I–A, K, L, O, R, and U.[5]

This proposed rule would affect approximately 5,570 existing, inspected U.S.-flagged vessels. We obtained the affected population of this proposed rule from our Marine Information for Safety and Law Enforcement (MISLE) database. For standards we are incorporating by reference in this proposed rule, we expect all U.S.-flagged vessel owners and operators to use the most recent incorporated standards, some of which were updated as recently as last year. For construction standards, we expect all U.S.-flagged vessel owners and operators to use the most recent incorporated standards that are in place at the time of construction or modification of a vessel and for vessels to meet the most recent incorporated standards when they enter service.

For the purpose of the cost savings analysis, we use a subset of the total affected population because only owners and operators of new U.S.-flagged vessels entering service annually would generate cost savings by submitting fewer equivalency requests to the Coast Guard. Included in the total population of 5,570 vessels are 1,051 new U.S.-flagged vessels that entered service in the last 5 years, from 2014–2018. We divided 1,051 by 5 years to obtain an average of approximately 210 new U.S.-flagged vessels annually. See table 3 below. We based the cost savings analysis on the past number of equivalency requests owners and operators of new U.S.-flagged vessels submitted to the Coast Guard over the past 18 months, or from September 2018 to February 2020. The number of equivalency requests the Coast Guard received from owners and operators of the 210 vessels during this period was 10 annually. Prior to this time period, the Coast Guard did not collect data on equivalency requests.

We expect this proposed rule would reduce the baseline number of equivalency requests the Coast Guard would receive from industry by 80 percent.[6] Although this rulemaking will update standards, we expect a certain number of standards to be out of date

[5] Title 46 CFR subchapter J lists two other subchapters, Q and W. Subchapter Q does not contain vessels; it applies to vessels in the other subchapters regarding equipment, construction, and materials for specifications and approval. Similarly, subchapter W does not contain vessels but applies to vessels that have lifesaving appliances and arrangements in one of the subchapters previously listed. Subchapter O contains tank barges and freight barges.

[6] Generally, standards get updated every 5 years. We therefore assume that 20 percent of the standards become outdated each year as time elapses, so 100 percent/5 years = 20 percent annually (outdated standards). So, the remaining 80 percent (100 percent − 20 percent) would generate the cost savings.

each year because standards organizations are continuously revising them for safety concerns in addition to maintaining pace with the technological advancements within the industry. Meaning, this proposed rule would reduce the number of equivalency requests by 80 percent annually. This in turn, would leave about 20 percent of the public who still may have questions about the standards they are using annually during the 5-year period. Alternatively stated, we do not expect this proposed rule or any updates to standards to eliminate the public's questions altogether. So we expect the number of equivalency requests that we receive from the public to be about 20 percent annually. The Coast Guard makes a determination in the year we receive a question (equivalency request) from the public; therefore, the questions would not accumulate from one year to the next. For example, if we characterize the number of questions in the first year as 100 percent of the total amount, we expect this proposed rule to reduce the number of questions by 80 percent in this year, which produces the cost savings. As a result, the balance of 20 percent is the amount that remains, which comprises the number of questions in the first year. In the second year, the public generates additional questions based on the standards they are using, which do not add to the number of questions in the first year. Again, we treat the number of questions in the second year as 100 percent of the total amount and we expect this proposed rule to reduce the number of requests by 80 percent in this year, as we explained above. This again, leaves an amount of 20 percent, which comprises the number of questions in the second year. Essentially, the number of questions in a subsequent year replaces the number of questions the Coast Guard resolves in the preceding year. This process continues through to the fifth year of the analysis period when standards organizations, again, create updates to existing standards.

Specifically, we expect owners and operators of new U.S.-flagged vessels that enter service to submit two equivalency requests annually, or a reduction of eight equivalency requests annually. Owners and operators of new U.S.-flagged vessels submit equivalency requests to the Coast Guard to ask for approval to use a standard that is not in regulation but may be equivalently safe. Equivalency requests are explained in greater detail in the Cost Savings Analysis portion of this analysis.

TABLE 3—AFFECTED U.S.-FLAGGED VESSEL POPULATION THAT COMPLIES WITH 46 CFR SUBCHAPTER J

Subchapter J vessels	Description	Population
D	Tank Vessels	950
H	Passenger Vessels (≥100 gross tons)	57
I	Cargo and Miscellaneous Vessels	577
I–A	Mobile Offshore Drilling Units (MODU)	46
L	Offshore Supply Vessels (OSV)	343
O (tank barge)	Certain Bulk Dangerous Cargoes	6
R	Nautical Schools	20
U	Oceanographic Research Vessels	6
O–I (tank barge)	Combination Bulk Cargo	149
O–D (tank barge or freight barge)	Combination Bulk Cargo-including chemicals	3,416
Total		5,570
Average number of new U.S.-flagged vessels entering service annually.	Includes all subchapters listed above (average of the population for the period 2014–2018).	*210

Note: There are 859 unmanned tank barges in the subchapter D population, 168 unmanned freight barges and 3 unmanned tank barges in the subchapter I population in addition to the subchapter O, O–I, and O–D populations. With these populations combined, there is a total of 4,601 unmanned and non-self-propelled vessels.

*Represents the average number of new U.S.-flagged vessels entering service annually.

As indicated in the section V of the preamble, this proposed rule continues the Coast Guard's response to the Presidential Regulatory Reform Initiative of Mar. 4, 1995, and directives including Executive Orders 12866 and 13563 that are intended to improve regulation and the regulatory process. The provisions of this proposed rule would remove obsolete regulations, revise current regulatory text, substitute performance-based options for regulatory compliance as opposed to conventional prescriptive solutions, and incorporate by reference more recent national and international industry standards into the CFR. The Coast Guard recognizes the significant technological advances in electrical engineering equipment, systems, and devices carried on vessels. As a result, this proposed rule would encourage the use of newer equipment and promote adherence to modern standards in the industry. Industry also would not realize cost savings from not having to send equivalency requests to the Coast Guard. See table 4 for how parts of the CFR would be affected by this proposed rule along with the anticipated impacts.

Benefits of the Proposed Rule

Cost Savings Analysis

We divided all of the changes of the proposed rule into three categories, which we present in table 4: (1) Editorial changes to the CFR; (2) Updates to IBRs with technical changes; and (3) IBRs with proposed options or alternative options.

First, we propose to make editorial changes to subchapter J that include such items as the removal of outdated terminology and the consolidation of text in different paragraphs into one paragraph, which includes regulatory provisions in 46 CFR parts 110, 111, 112, 113; we expect these changes to be a no cost change.

Second, we propose updates to IBRs that have technical changes, which includes regulatory provisions in numerous subparts of 46 CFR parts 110, 111, and 113. It is standard practice in vessel manufacturing to follow the most recent editions of standards developed by representative groups of experts using a consensus-based process, because most manufacturers also supply materials to vessels not required to comply with 46 CFR subchapter J. Manufacturers of certain types of electrical equipment carried on vessels are currently producing equipment to the more recent standards, most of which have been published for at least

several years and all of which have been developed by standard-based development organizations. These more recent standards, which this proposed rule would codify, provide clarity and specificity to outdated technical standards they are replacing; therefore, we expect these changes to be a no cost change.

Thirdly, for IBR standards that are one of several available standards as referenced in subchapter J, we propose to update standards with their more recent edition (these would be alternative options) and add standards as new options to the several other available standards for vessel owners and operators, and manufacturers of certain types of electrical equipment. These options combined would provide industry the opportunity to remove overly prescriptive requirements, would simplify regulatory compliance, and provide regulatory flexibility. Many of the options, some of which are alternative options and others new, would be IBR items that affect multiple subparts of 46 CFR parts 110, 111, and 113. The remaining options would not be IBR items and would affect multiple subparts of 46 CFR parts 111 and 112. The options we propose to incorporate by reference would apply to the same population of 5,570 vessels. We assume industry would use the more recent national and international standards referenced in the proposed rule. We expect adding a revised or new standard as an additional option to the exisiting standards would be a no cost change because the new or revised standard does not have to be chosen. See table 4.

Specifically, we propose the following four changes to subchapter J, related to generator prime movers, electrical cable construction, hazardous locations, and emergency generators, in order to eliminate outdated or unnecessarily prescriptive electrical engineering regulations and add a limited number of alternative standards. Of the four items listed in the following text, the generator prime mover falls into the second (IBRs with technical changes), electrical cable construction, emergency generator, and hazardous locations fall primarily into the third category (IBRs with proposed and alternative options), which we listed previously.

Generator Prime Mover

The proposed rule would eliminate the regulatory requirements in § 111.12–1(b) and (c) for each generator prime mover to have an independent overspeed device and a loss of lubricating oil pressure to the generator bearing shutdown. The ABS rules, already incorporated by reference in § 111.12–1(a) since 1965, require these same safeguards on all but small generator prime movers. We also propose to incorporate by reference the ABS Steel Vessel Rules for generator prime movers without modification. Industry has been using these rules for many years and the removal of these requirements would not affect the performance of the generator prime mover. We expect this to be a no cost change.

Electrical Cable Construction

For electrical cable construction requirements in subpart 111.60, the proposed rule would incorporate by reference the more recent editions of the 2017 IEC standards and 2017 editions of ANSI standards to ensure alignment with current technological trends and to eliminate several unnecessary prescriptive requirements. This proposed rule would align electrical cable standards in subpart 111.60 with standards accepted internationally by vessel classification societies and foreign administrations. This proposed rule would remove unnecessary, prescriptive requirements developed by the Coast Guard, which in turn, would simplify compliance. We expect this to be a no cost change because electrical cables are readily available that meet the standards that we would incorporate by reference with this proposed rule.

Hazardous Locations

The proposed rule would amend subpart 111.105 by incorporating by reference the IEC standard 60092–502 as an alternative standard for classification of hazardous locations. This IEC standard, published in 1999, is referenced in international standards and codes as well as all major classification societies' rules. Because we are adding an alternative standard and not changing requirements with this item, we expect this to be a no cost change.

Emergency Generator

The proposed rule would amend subpart 112.05 to allow vessel owners and operators to use an emergency generator in port. Some U.S.-flagged vessel owners and operators favor the availability of this option in port because it is more fuel-efficient and results in less exhaust emissions than using the ship's larger service generators. This option is consistent with international guidance and classification society rules. However, this option would apply to a very small number of U.S.-flagged vessel owners and operators who request it and the Coast Guard would approve the use of an emergency generator for vessel owners and operators in compliance with subchapter J only. We expect this option to have unquantified cost savings associated with it. We also anticipate unquantified benefits due to a decrease in exhaust emissions since an emergency generator would use less fuel than a ship's main generator.

The proposed rule would create consistency between Coast Guard regulations and national and international standards through incorporation by reference, provide options with alternative standards, eliminate obsolete standards, and clarify the existing requirements through the changes we propose in 46 CFR subchapter J. We categorize the proposed changes in table 4, which summarizes the impacts of the proposed rule and the affected parts and subparts in subchapter J. For the purpose of this analysis, table 4 specifically lists all of the individual changes we propose by part, subpart, and paragraph of 46 CFR subchapter J. Table 1 in section III of the preamble is a general summary of the changes proposed in subchapter J.

TABLE 4—REGULATORY CHANGES OF THE PROPOSED RULE BY CFR PART

Category	Description	Affected title 46 CFR subparts/sections	Applicability	Cost impact
Editorial Changes	• IEC naming convention. • Industry standard terminology.	§§ 110.15–1(a), 110.15–1(b), 110.25–1(i), 110.25–1(a)(6), 110.25–1(j), 110.25–1(n), 110.25–1(p), 110.25–1(q), 110.25–3(c), 110.25–3(c), 111.05–3(c), 111.05–9, 111.05–37, 111.10–1, 111.10–9, 111.12–11(g)(2), 111.12–13, 111.12–7(b), 111.15–25(b), 111.15–30, 111.20–15, 111.30–1, 111.30–5(a)(1), 111.30–5(a)(2), 111.30–19(a)(2), 111.30–25(b)(3), 111.30–25(d)(2), 111.30–25(f)(2), 111.30–27(b)(4), 111.30–27(f)(2), 111.30–29, 111.30–29(e)(3), 111.33–1, 111.33–3(a), 111.33–5, 111.33–7, 111.33–9, 111.33–11, 111.33–3(a)(2), 111.33–3(c), 111.33–5(b), 111.50–3(b)(2), 111.50–5(a)(2), subparts 111.51 and 111.52, §§ 111.51–1, 111.51–2, 111.51–3, 111.51–6, 111.60–1(a), 111.60–7, 111.70–1(a), 111.70–3(a), 111.75–17(d)(2), 111.81–1(d), 111.95–1(b), 111.99–3, 111.103, 111.105–1, 111.105–3, 111.105–5, 111.105–7, 111.105–7(a), 111.105–7(a)(1), 111.105–7(a)(1)(i), 111.105–7(a)(1)(ii), 111.105–7(a)(1)(iii), 111.105–7(a)(2), 111.105–7(c), 111.105–7(d), 111.105–15, 111.105–17(d), 111.105–32(c), 111.105–35(a), 111.105–35(c), 111.105–45(a), 111.105–45(b), 111.105–45(b)(1), 111.106–15(a), 111.107–1(a)(1), 112.01–20, 112.05–5, 112.15–1, 112.50–1.	This applies to subchapters D, H, I, I–A, K, L, O, R, and U.	No cost or cost savings. These editorial changes include clarification of text, removal of outdated or redundant terminology, and consolidation of text in different paragraphs into one paragraph.
	Editorial changes to the more recent editions of IBRs.	§§ 110.15–1(b), 111.01–15(c), 111.12–3, 111.12–5, 111.25–5, 111.30–1, 111.30–5(a)(1), 111.33–3(a)(1), 111.33–5(a), 111.33–11, 111.35–1111.40–1, 111.50–3(c), 111.50–7(a), 111.50–9, 111.60–13(b)(1), 111.60–19(b), 111.60–21, 111.60–23(d), 111.75–5(b), 111.99–5, 111.105–7(e), 111.105–31(n), 111.105–40(a), (c), 111.105–41, 111.106–3(b)(1), 111.106–3(b)(1)(i), 111.106–3(b)(1)(ii), 111.106–3(b)(2), 111.106–3(d), 111.106–5(c), 111.106–7(a), 111.106–13(b), 111.107–1(c)(1), 111.108–3(b)(1)(i), 111.108–3(b)(1)(ii), 111.108–3(b)(2), 113.10–7, 113.20–1, 113.25–11(a), 113.30–25(e), 113.30–25(i), 113.37–10(b), 113.40–10(b), 113.30–25(j)(2), 113.65–5. Note to § 111.108–3(b)(1), Note to § 111.108–3(b)(2), Note to § 111.106–3(b)(1).	This applies to subchapters D, H, I, I–A, K, L, O, R, and U.	No cost or cost savings. These provisions would make minimal textual changes to reflect latest trends in technology. These changes would simplify regulatory compliance by referencing the more recent national and international standards that industry is currently using.
	Editorial changes with deletions.	§§ 111.60–1(b), 111.60–1(c) 111.60–1(d), 111.60–1(e) 111.60–2, 111.60–3, 111.60–6, 111.60–11(c), 111.60–13(a), 111.60–13(c), 111.60–23(d), 111.75–17(d)(4), 111.75–18, 111.75–20(c) and (d) 111.105–9, 111.105–11(a) and (b), 111.105–17(c), 111.105–19, 111.105–31(e), 111.106–3(b)(1)(i), 111.108–1, and 112.50–1(g).	This applies to subchapters D, H, I, I–A, K, L, O, R, and U.	No Cost or Cost Savings. These provisions would remove obsolete standards and outdated terminology.
Technical Changes	IBRs with technological changes in electrical equipment and testing.	§§ 110.15–1(b), 111.05–33(a) and (b), 111.12–1(a), 111.12–1(b,) 111.12–7(a) and (b), 111.12–7(c), 111.15–2(b), 111.51–5, 111.54–1(c)(1(ii), 111.54–1(c)(1)(i), 111.54–1(c)(1)(iii), 111.54–1(c)(3)(ii), 111.55–1(a), 111.59–1, 111.60–5(a)(1), 111.60–5(a)(2) and (b), 111.60–7, 111.60–11(c), 111.60–13(b)(2), 111.60–23(f), 111.70–1(a), 111.75–18, 111.105–7, 111.105–11(d), 111.105–37, 111.105–39, 111.105–39(a), 111.106–3(b)(1), 111.106–3(b)(1)(ii), 111.106–3(b)(1)(iii), 111.106–3(b)(3)(vi), 111.106–3(b)(3)(vi), 111.106–3(b)(3)(vi), 111.106–3(b)(3)(vi), 111.106–3(c), 111.106–3(d), 111.107–1(b), 111.107–1(c)(1), 111.108–3(b)(1), 111.108–3(b)(1)(i), 111.108–3(b)(1)(ii), 111.108–3(b)(3), 111.108–3(e), and 113.05–7(a)(2).	This applies to subchapters D, H, I, I–A, K, L, O, R, and U.	No cost or cost savings. These provisions would ensure the implementation of the more recent industry and international standards that industry is currently using. Incorporation by reference is an administrative provision that simplifies regulatory compliance.

TABLE 4—REGULATORY CHANGES OF THE PROPOSED RULE BY CFR PART—Continued

Category	Description	Affected title 46 CFR subparts/sections	Applicability	Cost impact
Options	Newly proposed options.	§§ 110.15–1(b), 111.01–9(a) and (c), 111.01–9(b), 111.01–9(d), 111.15–10(b)(2)(i), 111.20–15, 111.30–5(a)(2), 111.30–19(a)(1), 111.30–19(b)(4), 111.50–3(c) and (e), 111.50–3(e) and (g)(2), 111.53–1(a)(1) and 111.54–1(a)(1), 111.54–1(b), 111.54–1(c)(2), 111.54–1(c)(3)(i), 111.60–1, 111.60–9(c), 111.60–13(a), 111.60–13(c), 111.75–20(a), 111.81–1(d), 111.87–3(a), 111.106–5(a), 113.05–7(a), 113.10–7, 113.20–1, 113.25–11(a), 113.30–25(e), 113.30–25(i), 113.37–10(b), and 113.40–10(b).	This applies to subchapters D, H, I, I–A, K, L, O, R, and U.	No cost or cost savings. These options provide flexibility to U.S.-flagged vessel owners and operators and simplifies regulatory compliance. Because these options represent the more recent standards, which are the current industry standards, there is no cost impact. Incorporating the more recent editions of national and international standards simplifies regulatory compliance and ensures the inclusion of technological changes.
	Additional options	§§ 111.59–1, 111.60–1, 111.75–17(b), 111.75–20(b), 111.83–7, 111.87–3(a), 111.105–7(a)(3), 111.105–11(c), 111.105–17(b), 111.105–28, 111.105–29(e), 111.105–50, 111.105–50(a), 111.105–50(b), 111.106–3(b)(1)(i), 111.108–3(b)(1)(i), 111.108–3(b)(3), and 112.05–7.	This applies to subchapters D, H, I, I–A, K, L, O, R, and U.	No cost or cost savings. The options provide flexibility to U.S.-flagged vessel owners and operators and simplifies regulatory compliance. Because these new options represent the more recent standards, there is no cost impact. Incorporating the more recent editions of national and international standards simplifies regulatory compliance and ensures the inclusion of technological changes.

Note: We may list the same citation of the CFR multiple times because we are proposing numerous changes to the same paragraph. These changes may include clarifications, deletions, or insertions of text. The term ''current industry standards'', means equipment manufacturers have been constructing equipment to the more recent editions of standards.

The Coast Guard has evaluated the affected population and estimates that this proposed rule would generate cost savings for owners and operators of new U.S.-flagged vessels who would no longer submit equivalency requests to the Coast Guard's Marine Safety Center (MSC) for review. The proposed rule would also generate cost savings for the Federal Government, which would review fewer requests. An equivalency request is when an owner or operator of a new U.S.-flagged vessel sends questions to the Coast Guard to ask for a review of the standards they are currently using. Any member of the marine industry may submit a request, but it is primarily submitted by vessel owners and operators. Generally, the reason an owner or operator would make this request is to seek a determination from the Coast Guard on whether or not a standard not contained in Coast Guard regulations is sufficient for use. For example, a proposed equivalent standard could be a more recent edition of a standard in subchapter J or it could be an alternative standard not currently listed in subchapter J. A Coast Guard Marine Engineer compares the proposed equivalent standard with the standard incorporated by reference in subchapter J to ensure it offers an equal or greater level of safety.

When evaluating the proposed alternative standard, we compared the standard that industry is using to the standard in subchapter J that addresses the type of engineering equipment under review. Typically, owners and operators of existing U.S.-flagged vessels (at the time of construction of a vessel and when a vessel enters service) use the more recent standards in subchapter J and therefore would not likely request an equivalency review from the Coast Guard. However, the Coast Guard expects owners and operators of new U.S.-flagged vessels that enter service each year to have some equivalency questions because they may not be familiar with all of the applicable regulations in subchapter J, which includes the most recent standards that are incorporated by reference.

Based on MSC data, the Coast Guard received 15 equivalency requests over the period from September 2018 to February 2020; this is the only period of time the Coast Guard maintained equivalency data and is the most recent data we possess. This is equivalent to 10 requests annually.[7] MSC data show that one vessel owner or operator submits one equivalency request annually, which the Coast Guard's Office of Design and Engineering Standards has validated. Generally, organizations such as UL and the IEC create electrical standards for industry that take into account updates in the latest technology and construction techniques for electrical equipment. These organizations usually review and update standards every 5 years. Therefore, based on a 5-year interval, we generally expect 20 percent of the standards to be out of date in a given year, which in turn, would create equivalency requests from industry. Because the Coast Guard makes a determination on an equivalency request in the same year it receives the request, we do not expect the number of equivalency questions to accumulate from year to year such that the 20-percent estimate would change in any year of a 5-year period. Even if we publish a rule to address updates to electrical standards in subchapter J, we still expect each year that the public will have questions about the standards it is using, which would generate equivalency requests on an annual basis; we do not expect a published rule to eliminate the public's questions altogether.

Industry Baseline Costs

Without this proposed rule or under the current baseline, the Coast Guard receives approximately 10 equivalency requests annually. To draft an equivalency request to the MSC, an owner or operator of a U.S.-flagged vessel would seek the services of an engineering design firm or a shipyard's technical staff for a Marine Engineer or Naval Architect to draft the equivalency request. Using the Bureau of Labor Statistics (BLS) ''Occupational and Employment Statistics'' database and May 2019 wage estimates, the unloaded mean hourly wage rate for Marine Engineers and Naval Architects is $47.47 (occupational code 17–2121).[8] To account for an employee's non-wage benefits, we applied a load factor to the

[7] The ratio of 15 requests divided by 18 months and made this equivalent to an unknown variable, or x, divided by 12 months. We obtain 18x, which is equivalent to 180 since x is equivalent to 10 requests annually.

[8] Visit *https://www.bls.gov/oes/2019/may/oes172121.htm* to find 2019, unloaded mean hourly wage rate for occupations in the United States.

unloaded mean hourly wage rate, which we calculated by using BLS's ''Employer Cost for Employee Compensation'' database. We determined the load factor to be approximately 1.50, rounded.[9] We multiplied $47.47 by 1.50 to obtain a loaded mean hourly wage rate of approximately $71.21 for this occupation.

Based on information from the MSC and validated by subject matter experts in the Coast Guard's Office of Design and Engineering Standards, it takes a Marine Engineer or Naval Architect approximately 40 hours of time to develop an equivalency request and submit it to the Coast Guard for review, which includes the electronic submission.

We estimate the total undiscounted cost for industry to submit 10 equivalency requests annually to be approximately $28,484, or $2,848 for each request (10 equivalency requests × $71.21 × 40 hours per request). See table 5 for industry inputs.

TABLE 5—INDUSTRY INPUTS

[Baseline]

Item	Unit values
Annual Equivalency Requests	10
Hours to Draft One Request	40
Loaded Hourly Wage Rate (Marine Engineer or Naval Architect)	$71.21

Federal Government Baseline Costs

When the Coast Guard receives an equivalency request from a vessel owner or operator (or an electrical equipment manufacturer), the Coast Guard personnel at the MSC must review the request to provide a determination on whether or not the proposed standard(s) is equivalent to standard(s) found in subchapter J. Based on information from the MSC, and validated by subject matter experts in the Coast Guard's Office of Design and Engineering Standards, a civilian Coast Guard Marine Engineer needs about 32 hours to review an equivalency request. This estimate is based on the past number of requests we received, or 10 annually, as we presented earlier in this analysis. The Coast Guard expends approximately 8 weeks of time or 320 hours to review the 10 requests. A Coast Guard Marine Engineer has a Federal Government grade level of a GS–14 (General Schedule), which has a loaded mean hourly wage rate of $106.[10] We estimate the total, undiscounted cost for the Federal Government to review 10 equivalency requests annually to be approximately $33,920 (10 equivalency requests × 32 hours for each request × $106), or $3,392 for each request. See table 6 for the Federal Government inputs.

TABLE 6—FEDERAL GOVERNMENT INPUTS

[Baseline]

Item	Unit values
Annual Equivalency Requests Reviewed	10
Hours to Review One Request	32
Loaded Hourly Wage Rate (Marine Engineer or Naval Architect)	$106

We estimate the total, undiscounted baseline cost to industry and the Federal Government to submit and review equivalency requests, respectively, to be approximately $62,404 ($28,484 + $33,920), annually. Table 7 presents a summary of the baseline costs associated with industry submitting equivalency requests to the Coast Guard.

TABLE 7—ANNUAL BASELINE COSTS OF EQUIVALENCY REQUESTS

[$2019, Undiscounted]

Item	Cost
Industry	$28,484
Federal Government	33,920
Total	62,404

Note: Totals may not sum due to independent rounding.

Industry Cost Savings

The baseline costs we estimated for industry would be from vessel owners and operators of new U.S.-flagged vessels that enter service each year who submit equivalency requests. We expect this proposed rule would reduce the number of equivalency requests industry submits annually. We estimate 157 companies own the average number of 210 new U.S.-flagged vessels that have entered service each year in the past 5 years. The number of equivalency requests the Coast Guard has received annually from these owners and operators is approximately 10 (a vessel owner or operator would request an equivalency determination without regard to the number of vessels owned). We anticipate standards organizations to update their standards every 5 years. Therefore, we expect 20 percent of the standards to be out of date in a given year over this period of time (100 percent divided by 5 years equals 20 percent). We multiplied the 20 percent value by the baseline number of 10 equivalency requests the Coast Guard receives annually from owners and operators of new U.S.-flagged vessels. Therefore, we expect industry to submit 2 equivalency requests (10 equivalency requests × 0.20) in any given year of the analysis period or a reduction in the number of requests of 80 percent. Similarly, the marine industry would save approximately 320 hours annually from not drafting and submitting equivalency requests (320 hours = 8 requests × 40 hours for each request). The submission of an equivalency request would not affect or change an existing information collection request, nor would it create a new one because we estimate the number of requests to be approximately 2 annually, which is below the threshold of 10 in the Paperwork Reduction Act (PRA) of 1995. The Federal Government does not require the marine industry to submit these requests; vessel owners and operators (or manufacturers) would voluntarily submit requests only if they have questions about the standards they are using.

Using the same labor category previously used to calculate the baseline

[9] A loaded hourly wage rate is what a company pays per hour to employ a person, not the hourly wage an employee receives. The loaded hourly wage rate includes the cost of non-wage benefits (health insurance, vacation, etc.). To obtain the load factor, we used the multi-screen data search feature from this database and searched for ''private industry workers'' under ''total compensation'' and then for ''all workers'' in the category ''Transportation and Materials Moving Occupations'', within the United States. We performed the same steps to obtain the value for ''wages and salaries''. The series IDs for total compensation, and wages and salaries are CMU2010000520000D and CMU2020000520000D, respectively, which are not seasonally adjusted values. Using fourth quarter data for 2019, we divided the value for total compensation, $29.96 by wages and salaries, or $19.99, to obtain a load factor of about 1.50, rounded. *https://data.bls.gov/cgi-bin/dsrv?cm.*

[10] We obtained the loaded mean hourly wage rates for civilian Federal Government personnel from a Coast Guard Instruction labeled ''Commandant Instruction.'' This document also provides loaded wage rates for personnel in military service. The most recent version of this document is from February 2020, with a version number of 7310.1U. Readers can view this document at *https://media.defense.gov/2020/Mar/04/2002258826/-1/-1/0/CI_7310_1U.PDF.* The Office of Personnel Management administers the pay and classification system (GS) for most Federal employees. For more detail see *https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/.*

for industry costs, we estimate the total undiscounted cost savings of this proposed rule to industry to be approximately $22,787 annually [(10 equivalency requests × 40 hours for each equivalency × $71.21 = $28,484) minus (2 equivalency requests × 40 hours for each equivalency request × $71.21 = $5,697)]. We estimate 5-year cost savings of this proposed rule to industry to be approximately $93,432, using a 7-percent discount rate. We estimate the annualized cost savings to be approximately $22,787, using a 7-percent discount rate. See table 8.

TABLE 8—ESTIMATED INDUSTRY COST SAVINGS OF THE PROPOSED RULE

[$2019, 5-Year period of analysis, 7- and 3-Percent discount rates]

Year	Number of reduced equivalencies	Hours to draft equivalencies	Total cost savings	Discounted cost savings, 7%	Discounted cost savings, 3%
1	8	40	$22,787	$21,296.45	$22,123.50
2	8	40	22,787	19,903.22	21,479.12
3	8	40	22,787	18,601.14	20,853.52
4	8	40	22,787	17,384.25	20,246.13
5	8	40	22,787	16,246.96	19,656.44
Total	80			93,432.02	104,358.70
Annualized Cost Savings				22,787	22,787

Note: Totals may not sum due to independent rounding.

Federal Government Cost Savings

With this proposed rule, we expect the number of equivalency requests the Coast Guard would review annually to be 2 (10 equivalency requests × 0.20). This again would be a reduction of 80 percent from the baseline number of 10 requests. With fewer equivalencies to review, the Coast Guard would also save approximately 256 hours annually from not reviewing equivalency requests (8 requests × 32 hours per request).

Using the same labor category previously for MSC personnel to review an equivalency request, we estimate the total, undiscounted cost savings of the proposed rule to the Federal Government to be approximately $27,136 annually [(10 baseline equivalency requests × 32 hours for each equivalency request × $106 = $33,920) minus (2 equivalency requests × 32 hours for each equivalency request × $106 = $6,784)]. We estimate the 5-year discounted cost savings of this proposed rule to the Federal Government to be approximately $111,263, using a 7-percent discount rate. We estimate the annualized cost savings to be approximately $27,136, using a 7-percent discount rate. See table 9.

TABLE 9—ESTIMATED FEDERAL GOVERNMENT COST SAVINGS OF THE PROPOSED RULE

[$2019, 5-Year period of analysis, 7- and 3-Percent discount rates]

Year	Number of reduced equivalencies	Hours to review equivalencies	Total cost savings	Discounted cost savings, 7%	Discounted cost savings, 3%
1	8	32	$27,136	$25,360.75	$26,345.63
2	8	32	27,136	23,701.63	25,578.28
3	8	32	27,136	22,151.06	24,833.28
4	8	32	27,136	20,701.92	24,109.98
5	8	32	27,136	19,347.59	23,407.75
Total	80			111,262.96	124,274.93
Annualized Cost Savings				27,136	27,136

Note: Totals may not sum due to independent rounding.

Total Cost Savings of the Proposed Rule

We estimate the 5-year, total discounted cost savings of the proposed rule to be approximately $204,695 ($93,432 + $111,263), using a 7-percent discount rate (see table 10). We estimate the annualized cost savings of the proposed rule to be approximately $49,923, using a 7-percent discount rate. The total annualized cost savings is the summation of the values in tables 8 and 9 ($22,787 + $27,136 = $49,923) as a result of the reduction in the number of equivalency requests we expect annually from industry. See table 10.

TABLE 10—TOTAL ESTIMATED COST SAVINGS OF THE PROPOSED RULE

[$2019, 5-year period of analysis, 7- and 3-Percent discount rates]

Item	Industry cost savings	Federal Government cost savings	Total
Discounted Cost Savings, 7%	$93,432	$111,263	$204,695
Discounted Cost Savings, 3%	104,359	124,275	228,634

TABLE 10—TOTAL ESTIMATED COST SAVINGS OF THE PROPOSED RULE—Continued

[$2019, 5-year period of analysis, 7- and 3-Percent discount rates]

Item	Industry cost savings	Federal Government cost savings	Total
Annualized Cost Savings	22,787	27,136	49,923

Unquantified Cost Savings of the Proposed Rule

We expect this proposed rule would have unquantified cost savings associated with the option of using an emergency generator while in port. The use of an emergency generator in port would likely save fuel because it would not require a vessel owner or operator to use a ship's larger service generators. However, we are not able to quantify the cost savings associated with this option because the Coast Guard does not have the data to predict how many vessel owners and operators would choose this option while in port. Nevertheless, we expect a very small number of vessel owners and operators to choose this option.

Additionally, we expect this proposed rule to generate qualitative benefits. This proposed rule is necessary because it would update obsolete standards, remove redundancy in regulatory text, clarify and rearrange regulatory text, and provide options to owners and operators of vessels and manufacturers of certain types of electrical equipment. By updating standards and providing options, Coast Guard regulations would be less ambiguous and conform to the more recent industry standards, thereby ensuring consistency within the marine industry. Some of these options we consider to be alternative options and others would be new options. With these changes, industry would follow less ambiguous regulatory provisions, which we expect would create fewer equivalency requests.

Regarding the proposed use of an emergency generator while in port, this option would likely reduce emissions and save fuel for vessel owners and operators who choose to use an emergency generator while in port. Some U.S.-flagged vessel owners and operators favor the availability of this option in port because it is more fuel-efficient and results in less exhaust emissions than using the larger ship's service generators. This would be an option for a very small number of U.S.-flagged vessel owners and operators who request it. This option is consistent with international guidance and classification society rules. The Coast Guard would approve the use of an emergency generator for vessel owners and operators in compliance with subchapter J only.

We are not able to quantify the expected reduction in the exhaust emissions because the Coast Guard is not able predict how many vessel owners and operators would choose this option while in port due to lack of data.

Analysis of Alternatives

(1) Industry would continue to meet the current standards in 46 CFR subchapter J with no updates to standards or incorporations by reference (current baseline without regulatory action).

This alternative is a representation of the current state of the industry where vessel owners and operators would continue to follow standards in 46 CFR subchapter J without any updates to standards. To use a newer standard or alternative standard, industry must submit an equivalency request and Coast Guard must grant that equivalency. With this alternative, industry would not benefit from regulations incorporating newer or alternative standards and would not benefit from the latest advances in electrical equipment technology without incurring the cost of submitting equivalency requests. With this alternative, there would be no change in the costs.

With this alternative, we would not update the standards in 46 CFR subchapter J and industry would not follow the more recent standards, which includes technological advancements in electrical equipment carried on vessels. We rejected this alternative because it would not create cost savings for the marine industry and industry also would not benefit from this alternative because it would not provide needed regulatory clarity.

(2) Issuance of a policy letter that would permit the marine industry to meet the more recent editions of the IBR standards without updating the editions that are incorporated by reference in 46 CFR subchapter J.

For this alternative, we would issue a policy letter that would permit industry members to meet the most recent editions of the pertinent standards. With such a policy in place, we anticipate that the marine industry would use the more recent editions of the IBR standards. However, 46 CFR Subpart J would still contain outdated standards and over prescriptive regulations that we could only remove through notice and comment rulemaking. Issuing a policy letter would not provide the agency an opportunity for soliciting public comment on current industry practice and standards. Additionally, the policy letter would not be enforceable against the public and the Coast Guard could revise the policy letter without opportunity to comment.

We would expect the number of equivalency requests to decrease with this alternative by the same amount as the preferred alternative and we also expect the cost savings associated with this alternative to be the same as the preferred alternative. We estimate this alternative would save industry approximately $22,787 annually (undiscounted). We estimate the 5-year discounted cost savings of this alternative to industry to be approximately $93,432, using a 7-percent discount rate. We estimate the annualized cost savings to be approximately $22,787, using a 7-percent discount rate. We rejected this alternative because we would not be incorporating by reference the more recent standards in the CFR, industry would not benefit from enhanced regulatory clarity in subchapter J, and the public would not be given the opportunity to comment on the appropriateness of the more recent editions of the IBR standards.

(3) Preferred Alternative—Update the IBR standards in 46 CFR subchapter J, create regulatory options, and make editorial changes to reduce the ambiguity that currently exists.

With this alternative, we would update the current standards in 46 CFR subchapter J and incorporate the more recent industry standards. This is the preferred alternative because it would create consistency between Coast Guard regulations and national and international standards, update the standards incorporated by reference to reflect the more recent standards available, provide options for alternative standards, eliminate obsolete standards, and clarify the existing requirements.

This alternative would reduce the number of equivalency requests from the marine industry and create cost savings for vessel owners and operator and manufacturers of marine equipment. It would also reduce the hours the marine industry would spend on drafting and submitting equivalency requests to the Coast Guard. We analyzed and presented the cost saving impacts of this alternative earlier in this analysis.

B. Small Entities

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612) (RFA) and Executive Order 13272 (Consideration of Small Entities in Agency Rulemaking) requires a review of proposed and final rules to assess their impacts on small entities. An agency must prepare an initial regulatory flexibility analysis unless it determines and certifies that a rule, if promulgated, would not have a significant impact on a substantial number of small entities.

Under the RFA, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This proposed rule would create cost savings for industry because we estimate fewer equivalency requests to be submitted to the Coast Guard. We expect equivalency requests to be submitted by owners or operators of new U.S.-flagged vessels who may have questions about standards that are not in 46 CFR subchapter J. Over a 5-year period from 2014–2018, we found 1,051 new U.S.-flagged vessels entered service, or an average of approximately 210 annually during this period. We found that 157 companies owned the 1,051 vessels.

Using the publicly-available online database ''ReferenceUSAgov'' (in addition to individual online searches of companies) to search for company-specific information such as annual revenues and number of employees, we found revenue or employee information on 91 of the 157 companies, or approximately 58 percent.[11] Using the Small Business Administration's ''Table of Size Standards'' and the North American Industry Classification System codes listed in the table, we found 58 of the 91 companies to be small entities.[12] We found the other 33 companies to be not small.[13] We did not find information on the remaining 66 companies; therefore, we assumed these companies to be small entities for a total of 124 small entities out of 157 companies, or approximately 79 percent.

We analyzed the potential economic impacts of this proposed rule on small entities and found that each small entity, who no longer submits an equivalency request, would save approximately $2,848 annually. We estimate an 80 percent reduction in the number of equivalency requests (from 10 to 2 annually) industry would submit to the Coast Guard with this proposed rule, given this information, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. For any small entity that does not submit an equivalency request, they would not be impacted by any cost or cost savings.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

The Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520, requires that the Coast Guard consider the impact of paperwork and other information collection burdens imposed on the public. The Coast Guard has determined that there would be no new requirement for the collection of information associated with proposed rule because we estimate that we would receive less than 10 equivalency requests annually from the public.

E. Federalism

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

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), 43 U.S.C. 1333, and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke and Intertanko* v. *Locke*, 529 U.S. 89, 120 S.Ct. 1135 (2000). This proposed update to electrical engineering standards for vessels is issued under the authority in 46 U.S.C. 3306(a)(1) which authorizes the Secretary to prescribe regulations for the design, construction, alteration, repair, and operation of vessels subject to inspection, including equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, and electric installations. Therefore, because the States may not regulate within these

[11] *http://www.referenceusagov.com.*

[12] The Coast Guard was unable to find revenue information for two of these small entities.

[13] *https://www.sba.gov/document/support--table-size-standards.*

categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this rule has implications for federalism under Executive Order 13132, please contact the person listed in the **FOR FURTHER INFORMATION** section of this preamble.

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

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

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This proposed rule uses the following voluntary consensus standards:

- ABS Rules for Building and Classing Marine Vessels, 2020, (''ABS Marine Vessel Rules'').
- ABS Rules for Building and Classing Mobile Offshore Units, Part 4 Machinery and Systems, 2020 (''ABS MOU Rules'').
- ANSI/ISA 12.12.01–2015—Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class II, Divisions 1 and 2 Hazardous (Classified) Locations, approved 17 Nov. 2015 (''ANSI/ISA 12.12.01'').
- API RP 14F—Recommended Practice for Design, Installation, and Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class 1, Division 1 and Division 2 Locations, Sixth Edition. 2018), October 2018 (''API RP 14F'').
- API RP 14FZ—Recommended Practice for Design, Installation, and Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1 and Zone 2 Locations, Second Edition, May 2013 (''API RP 14FZ'').
- API RP 500—Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, Third Edition, December 2012 (''API RP 500'').
- API RP 505—Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, Second Edition, August 2018 (''API RP 505'').
- ASME A17.1—2016/CSA B44–16 Safety Code for Elevators and Escalators, 2016 (''ASME A17.1'').
- ASTM B117—19, Standard Practice for Operating Salt Spray (Fog) Apparatus, approved Nov. 1, 2019 (''ASTM B 117'').
- ASTM F2876–10—Standard Practice for Thermal Rating and Installation of Internal Combustion Engine Packages for use in Hazardous Locations in Marine Applications, reapproved May 1, 2015 (''ASTM F2876–10'').
- CSA C22.2 No. 30–M1986—Explosion-proof enclosures for use in class I hazardous locations, Reaffirmed 2016 (''CSA C22.2 No. 30–M1986'').
- CSA C22.2 No. 213–16—Non-incendive electrical equipment for use in class I and II and class III, division 2 hazardous 1 and 2 locations, May 2016 (''CSA C22.2 No. 213–16'').
- CSA–C22.2 No. 0–10—General requirements—Canadian Electrical Code, Part II, Reaffirmed 2015 (''CSA C22.2 No. 0–10'').
- CAN/CSA–C22.2 No. 157–92—Intrinsically safe and non-incendive equipment for use in hazardous locations, Reaffirmed 2016 (''CSA C22.2 No. 157–92'').
- MIL–DTL–76E—Military Specification Wire and Cable, Hookup, Electrical, Insulated, General Specification for, Nov. 3, 2016 (''MIL–DTL–76E'').
- MIL–DTL–24640C with Supplement 1—Detail Specification Cables, Lightweight, Low Smoke, Electric, for Shipboard Use, General Specification for, Nov. 8, 2011 (''MIL–DTL–24640C'').
- MIL–DTL–24643C with Supplement 1A—Detail Specification Cables, Electric, Low Smoke Halogen-Free, for Shipboard Use, General Specification for, Oct. 1, 2009

(including Supplement 1A dated Dec. 13, 2011) (''MIL–DTL–24643C'').

• EN 14744—Inland navigation vessels and sea-going vessels—Navigation light, Aug. 2005 (''EN 14744'').

• FM Approvals Class Number 3600—Approval Standard for Electric Equipment for use in Hazardous (Classified) Locations—General Requirements, Jan. 2018 (''FM Approvals Class Number 3600'').

• FM Approvals Class Number 3610—Approval Standard for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous (Classified) Locations, January 2018 (''FM Approvals Class Number 3610'').

• FM Approvals Class Number 3611—Approval Standard for Nonincendive Electrical Equipment for Use in Class I and II, Division 2, and Class III, Divisions 1 and 2, Hazardous (Classified) Locations, January 2018 (''FM Approvals Class Number 3611'').

• FM Approvals Class Number 3615—Approval Standard for Explosionproof Electrical Equipment General Requirements, January 2018 (''FM Approvals Class Number 3615'').

• FM Approvals Class Number 3620—Approval Standard for Purged and Pressurized Electrical Equipment for Hazardous (Classified) Locations, January 2018 (''FM Approvals Class Number 3620'').

• IEEE C37.04–2018—IEEE Standard Rating Structure for AC High-Voltage Circuit Breakers, 2018 (''IEEE C37.04'').

• IEEE C37.010–2016—IEEE Application Guide for AC High-Voltage Circuit Breakers > 1000 Vac Rated on a Symmetrical Current Basis, 2016 (''IEEE C37.010'').

• IEEE C37.12–2018—IEEE Guide for Specifications of High-Voltage Circuit Breakers (over 1000 Volts), 2018 (''IEEE C37.12'').

• IEEE C37.13–2015—IEEE Standard for Low-Voltage AC Power Circuit Breakers Used in Enclosures, December 2015 (''IEEE C37.13'').

• IEEE C37.14–2015—IEEE Standard for DC (3200 V and below) Power Circuit Breakers Used in Enclosures, 26 Mar. 2015 (''IEEE C37.14'').

• IEEE C37.27–2015—IEEE Guide for Low-Voltage AC (635 V and below) Power Circuit Breakers Applied with Separately-Mounted Current-Limiting Fuses, 2015 (''IEEE C37.27'').

• IEEE 45.1–2017—IEEE Recommended Practice for Electrical Installations on Shipboard—Design, 23 Mar. 2017 (''IEEE 45.1–2017'').

• IEEE 45.2–2011—IEEE Recommended Practice for Electrical Installations on Shipboard—Controls and Automation, 1 Dec. 2011 (''IEEE 45.2–2011'').

• IEEE 45.6–2016—IEEE Recommended Practice for Electrical Installations on Shipboard—Electrical Testing, 7 Dec. 2016 (''IEEE 45.6–2016'').

• IEEE 45.7–2012—IEEE Recommended Practice for Electrical Installations on Shipboard—AC Switchboards, 29 Mar. 2012 (''IEEE 45.7–2012'').

• IEEE 45.8–2016—IEEE Recommended Practice for Electrical Installations on Shipboard—Cable Systems, 29 Jan. 2016 (''IEEE 45.8–2016'').

• IEEE 100—The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition, 2000 (''IEEE 100'').

• IEEE 1202–2006—IEEE Standard for Flame-Propagation Testing of Wire and Cable with Corrigendum 1, (21 Nov. 2012), 2006 (''IEEE 1202'').

• IEEE 1580–2010—IEEE Recommended Practice for Marine Cable for Use on Shipboard and Fixed or Floating Platforms, 2 Mar. 2011 (''IEEE 1580'').

• IEC 60068–2–52:2017—Environmental testing—Part 2–52: Tests—Test Kb: Salt mist, cyclic (sodium chloride solution), Edition 3.0, 2017–11.

• IEC 60079–1:2014—Explosive atmospheres—Part 1: Equipment protection by flameproof enclosures ''d'', Edition 7.0, 2014–06.

• IEC 60079–2:2014—Explosive atmospheres—Part 2: Equipment protection by pressurized enclosures ''p'' with Corrigendum 1 (2015), Edition 6.0, 2014–07.

• IEC 60079–5:2015—Explosive atmospheres—Part 5: Equipment protection by powder filling ''q'', Edition 4.0, 2015–02.

• IEC 60079–6:2015—Explosive atmospheres—Part 6: Equipment protection by liquid immersion ''o'', Edition 4.0, 2015–02.

• IEC 60079–7:2017—Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'', Edition 5.1, 2017–08.

• IEC 60079–11:2011—Explosive atmospheres—Part 11: Equipment protection by intrinsic safety ''i'' with Corrigendum 1 (Jan. 2012), Edition 6.0, 2011–06.

• IEC 60079–13:2017—Explosive atmospheres—Part 13: Equipment protection by pressurized room ''p'', and artificially ventilated room ''v'' Edition 2.0, 2017–05.

• IEC 60079–15:2017—Explosive atmospheres—Part 15: Equipment protection by type of protection ''n'', Edition 5.0, 2017–12.

• IEC 60079–18:2017—Explosive atmospheres—Part 18: Equipment protection by encapsulation ''m'', Edition 4.1, 2017–08.

• IEC 60079–25:2010—Explosive atmospheres—Part 25: Intrinsically safe electrical systems, Edition 2.0, 2010–02.

• IEC 60079–30–1:2007—Part 30–1: Electrical resistance trace heating—General and testing requirements, First Edition, 2007–01.

• IEC 60092–101:2018—Electrical installations in ships—General requirements, Edition 5.0, 2018–10.

• IEC 60092–201:2019—Electrical installations in ships—Part 201: System Design—General, Edition 5.0, 2019–09.

• IEC 60092–202:2016—Electrical installations in ships—Part 202: System—Protection design, Edition 5.0, 2016–09.

• IEC 60092–301:1980—Electrical installations in ships—Part 301: Equipment—Generators and motors, Third Edition with amendment 1 (1994–05) and Amendment 2 (1995–04), 1980.

• IEC 60092–302:1997—Electrical Installation in ships—Part 302: Low-voltage switchgear and control gear assemblies, Fourth Edition, 1997–05.

• IEC 60092–303:1980—Electrical installations in ships—Part 303: Equipment—Transformers for power and lighting, Third Edition with Amendment 1, 1997–09.

• IEC 60092–304:1980—Electrical installations in ships—Part 304: Equipment—Semiconductor convertors, Third Edition with Amendment 1, 1995–04.

• IEC 60092–306:2009—Electrical installation in ships—Part 306: Equipment—Luminaries and lighting accessories, Edition 4.0, 2009–11.

• IEC 60092–350:2014—Electrical installations in ships—Part 350: General construction and test methods of power, control and instrumentation cables for shipboard and offshore applications, Edition 4.0, 2014–08.

• IEC 60092–352:2005—Electrical Installation in ships—Part 352: Choice and Installation of electrical cables, Third Edition, 2005–09.

• IEC 60092–353:2016—Electrical installation in ships—Part 353: Power cables for rated voltages 1 kV and 3 kV, Edition 4.0, 2016–09.

• IEC 60092–354:2014—Electrical installations in ships—Part 354: Single- and three-core power cables with extruded solid insulation for rated voltages 6 kV (U_m=7.2 kV) up to 30 kV (U_m=36 kV), Edition 3.0, 2014–08.

• IEC 60092–360:2014—Electrical installations in ships—Part 360: Insulating and sheathing materials for shipboard and offshore units, power, control, instrumentation and

telecommunication cables, Edition 1.0, 2014–04.

• IEC 60092–376:2017—Electrical installations in ships—Part 376: Cables for control and instrumentation circuits 150/250 V (300 V), Third Edition, 2017–05.

• IEC 60092–401:1980—Electrical installations in ships—Part 401: Installation and test of completed installation, Third Edition with Amendment 1 (1987–02) and Amendment 2 (1997), 1995–04.

• IEC 60092–502:1999—Electrical installations in ships—Part 502: Tankers—Special features, Fifth Edition, 1999–02.

• IEC 60092–503:2007—Electrical installations in ships—Part 503: Special features—A.C. supply systems with voltages in the range of above 1kV up to and including 15 kV, Second Edition, 2007–06.

• IEC 60331–11:2009—Tests for electric cables under fire conditions—Circuit integrity—Part 11: Apparatus—Fire alone at a flame temperature of at least 750 °C, Edition 1.1, 2009–07.

• IEC 60331–21:1999—Tests for electric cables under fire conditions—Circuit integrity—Part 21: Procedures and requirements—Cables of rated voltage up to and including 0.6/1.0kV, First Edition, 1999–04.

• IEC 60332–1–1:2015—Tests on electric and optical fibre cables under fire conditions—Part 1–1: Test for vertical flame propagation for a single insulated wire or cable—Apparatus, First Edition with Amendment 1, 2015–07.

• IEC 60332–1–2:2015—Tests on electric and optical fibre cables under fire conditions—Part 1–2: Test for vertical flame propagation for a single insulated wire or cable—Procedure for 1kW pre-mixed flame, First Edition with Amendment 1, 2015–07.

• IEC 60332–3–21:2018—Tests on electric and optical fibre cables under fire conditions—Part 3–21: Test for vertical flame spread of vertically-mounted bunched wires or cables—Category A F/R, Edition 2.0, 2018–07.

• IEC 60332–3–22:2018—Tests on electric and optical fibre cables under fire conditions—Part 3–22: Test for vertical flame spread of vertically-mounted bunched wires or cables—Category A, Edition 2.0, 2018–07.

• IEC 60529:2013—Degrees of protection provided by enclosures (IP Code), Edition 2.2, 2013–08.

• IEC 60533:2015—Electrical and electronic installations in ships—Electromagnetic compatibility—Ships with a metallic hull, Edition 3.0, 2015–08.

• IEC 60947–2:2019—Low-voltage switchgear and controlgear—Part 2: Circuit-breakers, Edition 5.1, 2019–07.

• IEC 61363–1:1998—Electrical installations of ships and mobile and fixed offshore units—Part 1: Procedures for calculating short-circuit currents in three-phase a.c., First Edition, 1998–02.

• IEC 61439–6:2012: Low-voltage switchgear and control gear assemblies—Part 6: Busbar trunking systems (busways), Edition 1.0, 2012.

• IEC 61660–1:1997—Short-circuit currents in d.c. auxiliary installations in power plants and substations—Part 1: Calculation of short-circuit currents, First Edition, 1997–06.

• IEC 61892–7:2019—Mobile and fixed offshore units—Electrical installations—Part 7: Hazardous areas, Edition 4.0, 2019–04.

• IEC 62271–100:2017—High-voltage switchgear and controlgear—Part 100: Alternating-current circuit-breakers, Edition 2.2, 2017–06.

• IEC–TR 60092–370:2009—Technical Report—Electrical installations in ships—Part 370: Guidance on the selection of cables for telecommunication and data transfer including radio-frequency cables, Edition 1.0, 2009–07.

• IEC/IEEE 80005–1:2019—Utility connections in port—Part 1: High voltage shore connection (HVSC) systems—General requirements, Edition 2.0, 2019–03.

• ISO 25861—Ships and marine technology—Navigation—Daylight signaling lamps, First edition, Dec. 1, 2007.

• Lloyd's Register Type Approval System—Test Specification Number 1, March 2019.

• NEMA Standards Publication ICS 2–2000 (R2005)—Industrial Control and Systems Controllers, Contactors, and Overload Relays, Rated 600 Volts, 2000 (''NEMA ICS 2'').

• NEMA Standards Publication ICS 2.3–1995—Instructions for the Handling, Installation, Operation, and Maintenance of Motor Control Centers Rated not More Than 600 Volts, 1995 (''NEMA ICS 2.3'').

• NEMA Standards Publication No. ICS 2.4–2003 (R2012)—NEMA and IEC Devices for Motor Service—a Guide for Understanding the Differences, 2003 (''NEMA ICS 2.4'').

• NEMA Standards Publication No. NEMA 250–2018—Enclosures for Electrical Equipment (1000 Volts Maximum), 2018 (''NEMA 250'').

• NEMA Standards Publication No. ANSI/NEMA WC–70 ICEA S–95–658—Power Cables Rated 2000V or Less for the Distribution of Electrical Energy, Feb. 23, 2009 (''ANSI/NEMA WC–70'').

• NFPA 70—National Electrical Code, 2017 (''NFPA 70'').

• NFPA 77—Recommended Practice on Static Electricity, 2019 Edition (''NFPA 77'').

• NFPA 99—Health Care Facilities Code, 2018 Edition (''NFPA 99'').

• NFPA 496—Standard for Purged and Pressurized Enclosures for Electrical Equipment, 2017 Edition (''NFPA 496 (2017)'').

• UL 44—Standard for Safety Thermoset-Insulated Wire and Cable, Nineteenth Edition, Jan. 9, 2018 (''ANSI/UL 44'').

• UL 50—Standard for Safety Enclosures for Electrical Equipment, Thirteenth Edition, Oct. 16, 2013 (''UL 50'').

• UL 62—Standard for Safety Flexible Cords and Cables, Twentieth Edition, July 6, 2018 (''ANSI/UL 62'').

• UL 83—Standard for Safety Thermoplastic-Insulated Wires and Cables, Sixteenth Edition, Jul. 28, 2017 (''ANSI/UL 83'').

• UL 484—Standard for Safety Room Air Conditioners, Ninth Edition (with revisions through Oct. 25, 2016), Feb. 7, 2014 (''ANSI/UL 484'').

• UL 489—Standard for Safety Molded-Case Circuit Breakers, Molded-Case Switches and Circuit-Breaker Enclosures, Thirteenth Edition, Oct. 24, 2016 (''ANSI/UL 489'').

• UL 514A—Standard for Safety Metallic Outlet Boxes, Eleventh Edition, (with revisions through Aug. 11, 2017) Feb. 1, 2013 (''ANSI/UL 514A'').

• UL 514B—Standard for Safety Conduit, Tubing, and Cable Fittings, Sixth Edition (with revisions through Nov. 21, 2014), July 13, 2012 (''ANSI/UL 514B'').

• UL 514C—Standard for Safety Nonmetallic Outlet Boxes, Flush-Device Boxes, and Covers, Fourth Edition (with revisions through Dec. 10, 2014), Apr. 8, 2014 (''ANSI/UL 514C'').

• UL 674—Standard for Safety Electric Motors and Generators for Use in Hazardous (Classified) Locations, Fifth Edition (with revisions through May 19, 2017), May 31, 2011 (''ANSI/UL 674'').

• UL 823—Electric Heaters for Use in Hazardous (Classified) Locations, Ninth Edition (with revisions through Apr. 22, 2016), Oct. 20, 2006 (''ANSI/UL 823'').

• UL 844—Standard for Safety Luminaires for Use in Hazardous (Classified) Locations, Thirteenth Edition (with revision through Mar. 11, 2016), June 29, 2012 (''ANSI/UL 844).

• UL 913—Standard for Safety Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous Locations, Eighth Edition, 2013 (''ANSI/UL 913'').

• UL 1042—Standard for Safety Electric Baseboard Heating Equipment, Fifth Edition (with revisions through Dec. 14, 2016), Aug. 31, 2009 (''ANSI/UL 1042'').

• UL 1072—Standard for Safety Medium-Voltage Power Cables, Fourth Edition (with revisions through June 19, 2013) June 30, 2006 (''ANSI/UL 1072'').

• UL 1104—Standard for Marine Navigation Lights, Second Edition, Oct. 29, 1998, (''ANSI/UL 1104'').

• UL 1203—Standard for Safety: Explosion-Proof and Dust-Ignition Proof Electrical Equipment for Use in Hazardous (Classified) Locations, Fifth Edition (with revisions through Oct. 16, 2015), Nov. 22, 2013 (''ANSI/UL 1203'').

• UL 1309—Standard for Safety Marine Shipboard Cables, Third Edition, Apr. 21, 2017 (''ANSI/UL 1309'').

• UL 1598—Standard for Safety Luminaires, Fourth Edition, Aug. 28, 2018 (''ANSI/UL 1598'').

• UL 1598A—Standard for Safety Supplemental Requirements for Luminaires for Installation on Marine Vessels, First Edition, (with revisions through Apr. 17, 2015), Dec. 4, 2000, (''ANSI/UL 1598A'').

• UL 2021—Standard for Safety Fixed and Location-Dedicated Electric Room Heaters, Fourth Edition, Sept. 30, 2015 (''ANSI/UL 2021'').

• UL 2225—Standard for Safety Cables and Cable-Fittings for use in Hazardous (Classified) Locations, Fourth Edition, Sept. 30, 2013 (''ANSI/UL 2225'').

• UL 2556—Standard for Safety Wire and Cable Test Methods, Fourth Edition, Dec. 15, 2015 (''ANSI/UL 2556)'').

• UL 60079–18—Standard for Safety Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation ''m'', Fourth Edition, Feb. 20, 2017 (''ANSI/UL 60079–18'').

The proposed sections that reference these standards and the locations where these standards are available are listed in § 110.10–1(b).

This proposed rule also uses technical standards other than voluntary consensus standards.

• SOLAS, Consolidated Text of the International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1988: Article, Annexes and Certificates. (Incorporating all amendments in effect from 1 July 2014), 2014 (''IMO SOLAS 74'').

• IMO Resolution A.1023(26)—Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009, 18 Jan. 2010 (''2009 IMO MODU Code'').

The proposed sections that reference these standards and the locations and web addresses where these standards are available are listed in proposed § 110.10–1(b).

If you disagree with our analysis of these voluntary consensus standards or are aware of voluntary consensus standards that might apply but are not listed, please send a comment explaining your disagreement or identifying additional standards to the docket using one of the methods under **ADDRESSES**.

M. Environment

This action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This proposed rule would be categorically excluded under paragraph L57 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. Paragraph L57 pertains to regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels.

This proposed rule involves incorporating by reference several updated electrical engineering standards along with removing several outdated or unnecessarily prescriptive electrical engineering regulations. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

46 CFR Part 110

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 111

Vessels.

46 CFR Part 112

Vessels.

46 CFR Part 113

Communications equipment, Fire prevention, Vessels.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR parts 110, 111, 112, and 113 as follows:

Title 46—Shipping

PART 110—General Provisions

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; § 110.01–2 also issued under 44 U.S.C. 3507. Sections 110.15–1 and 110.25–1 also issued under sec. 617, Pub. L. 111–281, 124 Stat. 2905.

■ 2. Revise § 110.10–1 to read as follows.

§ 110.10–1 Incorporation by reference.

Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. The word ''should,'' when used in material incorporated by reference, is to be construed the same as the words ''must'' or ''shall'' for the purposes of this subchapter. All approved material is available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG–ENG), 2703 Martin Luther King Jr Ave. SE, Stop 7418, Washington, DC 20593–7418, and is available from the sources listed elswhere in this section. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.lega@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(a) *American Bureau of Shipping (ABS),* 1701 City Plaza Drive, Spring, TX 77389, 281–877–5800, *ww2.eagle.org.*

(1) Rules for Building and Classing Marine Vessels, 2020 (''ABS Marine Vessel Rules''), IBR approved for §§ 110.15–1(b), 111.01–9(b), 111.12–3, 111.12–5, 111.12–7, 111.35–1, 111.70–1(a), 111.105–31(o), 111.105–39(a), 111.105–40, 112.05–7(c) and 113.05–7(a).

(2) Rules for Building and Classing Mobile Offshore Units, Part 4 Machinery and Systems, 2020 (''ABS MOU Rules''), IBR approved for §§ 111.12–1, 111.12–3, 111.12–5, 111.12–7(c), 111.33–11, 111.35–1, and 111.70–1(a).

(b) *American National Standards Institute (ANSI)*, 25 West 43rd Street, New York, NY 10036, 212–642–4900, *www.ansi.org/.*

(1) ANSI/ISA 12.12.01–2015—Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class II, Divisions 1 and 2 Hazardous (Classified) Locations, approved 17 Nov. 2015 (''ANSI/ISA 12.12.01''), IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(2) [Reserved]

(c) *American Petroleum Institute (API)*, Order Desk, 1220 L Street NW, Washington, DC 20005–4070, 202–682–8000, */www.api.org.*

(1) API RP 14F—Recommended Practice for Design, Installation, and

Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class 1, Division 1 and Division 2 Locations, Sixth Edition. 2018), October 2018 (''API RP 14F''), IBR approved for § 111.105–17(b).

(2) API RP 14FZ—Recommended Practice for Design, Installation, and Maintenance of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class I, Zone 0, Zone 1 and Zone 2 Locations, Second Edition, May 2013, (''API RP 14FZ''), IBR approved for § 111.105–17(b).

(3) API RP 500—Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, Third Edition, December 2012 (''API RP 500''), IBR approved for §§ 111.106–7(a) and 111.106–13(b).

(4) API RP 505—Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, Second Edition, August 2018 (''API RP 505''), IBR approved for §§ 111.106–7(a) and 111.106–13(b).

(d) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, */www.asme.org.*

(1) ASME A17.1–2016/CSA B44–16 Safety Code for Elevators and Escalators, 2016 (''ASME A17.1''), IBR approved for § 111.91–1.

(2) [Reserved]

(e) *ASTM International (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, 610–832–9500, *www.astm.org.*

(1) ASTM B117–19, Standard Practice for Operating Salt Spray (Fog) Apparatus, approved November 1, 2019 (''ASTM B 117''), IBR approved for § 110.15–1(b).

(2) ASTM F2876–10 (Reapproved 2015)—Standard Practice for Thermal Rating and Installation of Internal Combustion Engine Packages for use in Hazardous Locations in Marine Applications, Reapproved May 1, 2015 (''ASTM F2876–10''), IBR approved for §§ 111.105–28, 111.106–3(h) and 111.108–3(g).

(f) *CSA Group*, 178 Rexdale Blvd., Toronto, ON, Canada M9W 1R3, 800–463–6727, *www.csagroup.org.*

(1) CSA C22.2 No. 30–M1986—Explosion-proof enclosures for use in class I hazardous locations, Reaffirmed 2016 (''CSA C22.2 No. 30–M1986''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(2) CSA C22.2 No. 213–16—Non-incendive electrical equipment for use in class I and II and class III, division 2 hazardous 1 and 2 locations, May 2016 (''CSA C22.2 No. 213–16''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(3) CSA–C22.2 No. 0–10—General requirements—Canadian Electrical Code, Part II, Reaffirmed 2015 (''CSA C22.2 No. 0–10''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(4) CAN/CSA–C22.2 No. 157–92—Intrinsically safe and non-incendive equipment for use in hazardous locations, Reaffirmed 2016 (''CSA C22.2 No. 157–92''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(g) *DLA Document Services*, Building 4/D, 700 Robbins Avenue, Philadelphia, PA 19111, 215–697–6396, *https://quicksearch.dla.mil/qsSearch.aspx.*

(1) MIL–DTL–76E—Military Specification Wire and Cable, Hookup, Electrical, Insulated, General Specification for, Nov. 3, 2016 (''MIL–DTL–76E''), IBR approved for § 111.60–11(c).

(2) MIL–DTL–24640C with Supplement 1—Detail Specification Cables, Lightweight, Low Smoke, Electric, for Shipboard Use, General Specification for, Nov. 18, 2011 (''MIL–DTL–24640C''), IBR approved for §§ 111.60–1(a), and 111.106–5(a).

(3) MIL–DTL–24643C with Supplement 1A—Detail Specification Cables, Electric, Low Smoke Halogen-Free, for Shipboard Use, General Specification for, Oct. 1, 2009 (including Supplement 1A dated Dec. 13, 2011)(''MIL–DTL–24643C''), IBR approved for §§ 111.60–1(a) and 111.106–5(a).

(h) *European Committee for Standardization*, CEN–CENELEC Management Centre, rue de la Sence 23, B–1040 Brussels, Belgium, + 32 2 550 08 11, *https://www.cen.eu.*

(1) EN 14744—Inland navigation vessels and sea-going vessels—Navigation light, August 2005, IBR approved for § 111.75–17(d).

(2) [Reserved]

(i) *FM Approvals*, P.O. Box 9102, Norwood, MA 02062, 781–7624300, *www.fmapprovals.com.*

(1) Class Number 3600—Approval Standard for Electric Equipment for use in Hazardous (Classified) Locations—General Requirements, January 2018 (''FM Approvals Class Number 3600''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(2) Class Number 3610—Approval Standard for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous (Classified) Locations, January 2018 (''FM Approvals Class Number 3610''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(3) Class Number 3611—Approval Standard for Nonincendive Electrical Equipment for Use in Class I and II, Division 2, and Class III, Divisions 1 and 2, Hazardous (Classified) Locations, January 2018 (''FM Approvals Class Number 3611''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(4) Class Number 3615—Approval Standard for Explosionproof Electrical Equipment General Requirements, January 2018 (''FM Approvals Class Number 3615''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(5) Class Number 3620—Approval Standard for Purged and Pressurized Electrical Equipment for Hazardous (Classified) Locations, January 2018 (''FM Approvals Class Number 3620''), IBR approved for §§ 111.105–7(a), 111.106–3(b) and 111.108–3(b).

(j) *Institute of Electrical and Electronic Engineers (IEEE),* 3 Park Avenue, New York, NY 10016–5997, 800–701–4333, *www.ieee.org/.*

(1) IEEE C37.04–2018—IEEE Standard Rating Structure for AC High-Voltage Circuit Breakers, 2018 (''IEEE C37.04''), IBR approved for § 111.54–1(c).

(2) IEEE C37.010–2016—IEEE Application Guide for AC High-Voltage Circuit Breakers > 1000 Vac Rated on a Symmetrical Current Basis, 2016 (''IEEE C37.010''), IBR approved for § 111.54–1(c).

(3) IEEE C37.12–2018—IEEE Guide for Specifications of High-Voltage Circuit Breakers (over 1000 Volts), 2018 (''IEEE C37.12''), IBR approved for § 111.54–1(c).

(4) IEEE C37.13–2015—IEEE Standard for Low-Voltage AC Power Circuit Breakers Used in Enclosures, December 2015 (''IEEE C37.13''), IBR approved for § 111.54–1(c).

(5) IEEE C37.14–2015—IEEE Standard for DC (3200 V and below) Power Circuit Breakers Used in Enclosures, 26 Mar. 2015 (''IEEE C37.14''), IBR approved for § 111.54–1(c).

(6) IEEE C37.27–2015—IEEE Guide for Low-Voltage AC (635 V and below) Power Circuit Breakers Applied with Separately-Mounted Current-Limiting Fuses, 2015 (''IEEE C37.27''), IBR approved for § 111.54–1(c).

(7) IEEE 45.1–2017—IEEE Recommended Practice for Electrical Installations on Shipboard—Design, 23 Mar. 2017 (''IEEE 45.1–2017''), IBR

approved for §§ 111.15–2(b), 111.40–1, 111.75–5(b), 111.105–41, and 113.65–5.

(8) IEEE 45.2–2011—IEEE Recommended Practice for Electrical Installations on Shipboard—Controls and Automation, 1 Dec. 2011 (''IEEE 45.2–2011''), IBR approved for §§ 111.33–3(a) and 111.33–5(a).

(9) IEEE 45.6–2016—IEEE Recommended Practice for Electrical Installations on Shipboard—Electrical Testing, 7 Dec. 2016 (''IEEE 45.6–2016''), IBR approved for § 111.60–21.

(10) IEEE 45.7–2012—IEEE Recommended Practice for Electrical Installations on Shipboard—AC Switchboards, 29 Mar. 2012 (''IEEE 45.7–2012''), IBR approved for §§ 111.30–1, 111.30–5(a), 111.30–19(a).

(11) IEEE 45.8–2016—IEEE Recommended Practice for Electrical Installations on Shipboard—Cable Systems, 29 Jan. 2016 (''IEEE 45.8–2016''), IBR approved for §§ 111.05–7, 111.60–5(a), 111.60–11(c), 111.60–13(a), and 111.60–19(b).

(12) IEEE 100—The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition, 2000 (''IEEE 100''), IBR approved for § 110.15–1(b).

(13) IEEE 1202–2006—IEEE Standard for Flame-Propagation Testing of Wire and Cable with Corrigendum 1, (21 Nov. 2012), 2006 (''IEEE 1202''), IBR approved for § 111.107–1(c).

(14) IEEE 1580–2010—IEEE Recommended Practice for Marine Cable for Use on Shipboard and Fixed or Floating Platforms, 2 Mar. 2011 (''IEEE 1580''), IBR approved for §§ 111.60–1(a), and 111.106–5(a).

(k) *International Electrotechnical Commission (IEC),* 3 Rue de Varembe, Geneva, Switzerland, +41 22 919 02 11, *www.iec.ch/.*

(1) IEC 60068–2–52:2017—Environmental testing—Part 2–52: Tests—Test Kb: Salt mist, cyclic (sodium chloride solution), Edition 3.0, 2017–11, IBR approved for § 110.15–1(b).

(2) IEC 60079–1:2014—Explosive atmospheres—Part 1: Equipment protection by flameproof enclosures ''d'', Edition 7.0, 2014–06, IBR approved for §§ 111.105–7, 111.105–17, 106–3(b), and 111.108–3(b).

(3) IEC 60079–2:2014—Explosive atmospheres—Part 2: Equipment protection by pressurized enclosures ''p'' with Corrigendum 1 (2015), Edition 6.0, 2014–07, IBR approved for §§ 111.105–7(a), 111.105–17, 111.106–3(b), and 111.108–3(b).

(4) IEC 60079–5:2015—Explosive atmospheres—Part 5: Equipment protection by powder filling ''q'', Edition 4.0, 2015–02, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(5) IEC 60079–6:2015—Explosive atmospheres—Part 6: Equipment protection by liquid immersion ''o'', Edition 4.0, 2015–02, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(6) IEC 60079–7:2017—Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'', Edition 5.1, 2017–08, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(7) IEC 60079–11:2011—Explosive atmospheres—Part 11: Equipment protection by intrinsic safety ''i'' with Corrigendum 1 (January 2012), Edition 6.0, 2011–06, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(8) IEC 60079–13:2017—Explosive atmospheres—Part 13: Equipment protection by pressurized room ''p'', and artificially ventilated room ''v'' Edition 2.0, 2017–05, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(9) IEC 60079–15:2017—Explosive atmospheres—Part 15: Equipment protection by type of protection ''n'', Edition 5.0, 2017–12, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(10) IEC 60079–18:2017—Explosive atmospheres—Part 18: Equipment protection by encapsulation ''m'', Edition 4.1, 2017–08, IBR approved for §§ 111.105–7(a), 111.106–3(b), 111.106–3(d), and 111.108–3(b) and (e).

(11) IEC 60079–25:2010—Explosive atmospheres—Part 25: Intrinsically safe electrical systems, Edition 2.0, 2010–02, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(12) IEC 60079–30–1:2007—Part 30–1: Electrical resistance trace heating—General and testing requirements, First Edition, 2007–01, IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(13) IEC 60092–101:2018—Electrical installations in ships—General requirements, Edition 5.0, 2018–10, IBR approved for §§ 110.15–1 and 111.81–1.

(14) IEC 60092–201:2019—Electrical installations in ships—Part 201: System Design—General, Edition 5.0, 2019–09, IBR approved for §§ 111.70–3 and 111.81–1(d).

(15) IEC 60092–202:2016—Electrical installations in ships—Part 202: System—Protection design, Edition 5.0, 2016–09, IBR approved for §§ 111.12–7(b), 111.50–3, 111.53–1(a), and 111.54–1(a).

(16) IEC 60092–301:1980—Electrical installations in ships—Part 301: Equipment—Generators and motors, Third Edition with Amendment 1 (1994–05) and Amendment 2 (1995–04), 1980, IBR approved for §§ 111.12–7(b), and 111.70–1(a).

(17) IEC 60092–302:1997—Electrical Installation in ships—Part 302: Low-voltage switchgear and control gear assemblies, Fourth Edition, 1997–05, IBR approved for §§ 111.30–1, 111.30–5, and 111.30–19(a).

(18) IEC 60092–303:1980—Electrical installations in ships—Part 303: Equipment—Transformers for power and lighting, Third Edition with Amendment 1, 1997–09, IBR approved for § 111.20–15.

(19) IEC 60092–304:1980—Electrical installations in ships—Part 304: Equipment—Semiconductor convertors, Third Edition with Amendment 1, 1995–04, IBR approved for §§ 111.33–3(a) and 111.33–5(b).

(20) IEC 60092–306:2009—Electrical installation in ships—Part 306: Equipment—Luminaries and lighting accessories, Edition 4.0, 2009–11, IBR approved for §§ 111.75–20(a) and 111.81–1(d).

(21) IEC 60092–350:2014—Electrical installations in ships—Part 350: General construction and test methods of power, control and instrumentation cables for shipboard and offshore applications, Edition 4.0, 2014–08, IBR approved for §§ 111.60–1(a) and 111.106–5(a).

(22) IEC 60092–352:2005—Electrical Installation in ships—Part 352: Choice and Installation of electrical cables, Third Edition, 2005–09, IBR approved for §§ 111.60–1, 111.60–5, and 111.81–1.

(23) IEC 60092–353:2016—Electrical installation in ships—Part 353: Power cables for rated voltages 1 kV and 3 kV, Edition 4.0, 2016–09, IBR approved for §§ 111.60–1(a) and 111.106–5(a).

(24) IEC 60092–354:2014—Electrical installations in ships—Part 354: Single- and three-core power cables with extruded solid insulation for rated voltages 6 kV (U_m=7.2 kV) up to 30 kV (U_m=36 kV), Edition 3.0, 2014–08, IBR approved for § 111.60–1(a).

(25) IEC 60092–360:2014—Electrical installations in ships—Part 360: Insulating and sheathing materials for shipboard and offshore units, power, control, instrumentation and telecommunication cables, Edition 1.0, 2014–04, IBR approved for § 111.60–1(a).

(26) IEC 60092–376:2017—Electrical installations in ships—Part 376: Cables for control and instrumentation circuits 150/250 V (300 V), Third Edition, 2017–05, IBR approved for § 111.60–1(a).

(27) IEC 60092–401:1980—Electrical installations in ships—Part 401: Installation and test of completed

installation, Third Edition with Amendment 1 (1987–02) and Amendment 2 (1997), 1995–04, IBR approved for §§ 111.05–9 and 111.81–1(d).

(28) IEC 60092–502:1999—Electrical installations in ships—Part 502: Tankers—Special features, Fifth Edition, 1999–02, IBR approved for §§ 111.81–1(d), 111.105–1, 111.105–3(b), 111.105–7(a), 111.105–11(b), 111.105–17(b), 111.105–50(c), 111.106–3(b), 111.106–5(c), 111.106–15(a), and 111.108–3(b).

(29) IEC 60092–503:2007—Electrical installations in ships—Part 503: Special features—A.C. supply systems with voltages in the range of above 1kV up to and including 15 kV, Second Edition, 2007–06, IBR approved for § 111.30–5(a).

(30) IEC 60331–11:2009—Tests for electric cables under fire conditions—Circuit integrity—Part 11: Apparatus—Fire alone at a flame temperature of at least 750 °C, Edition 1.1, 2009–07, IBR approved for § 113.30–25.

(31) IEC 60331–21:1999—Tests for electric cables under fire conditions—Circuit integrity—Part 21: Procedures and requirements—Cables of rated voltage up to and including 0.6/1.0kV, First Edition, 1999–04, IBR approved for § 113.30–25(j).

(32) IEC 60332–1–1:2015—Tests on electric and optical fibre cables under fire conditions—Part 1–1: Test for vertical flame propagation for a single insulated wire or cable—Apparatus, First Edition with Amendment 1, 2015–07, IBR approved for § 111.30–19(b).

(33) IEC 60332–1–2:2015—Tests on electric and optical fibre cables under fire conditions—Part 1–2: Test for vertical flame propagation for a single insulated wire or cable—Procedure for 1kW pre-mixed flame, First Edition with Amendment 1, 2015–07, IBR approved for § 111.30–19(b).

(34) IEC 60332–3–21:2018—Tests on electric and optical fibre cables under fire conditions—Part 3–21: Test for vertical flame spread of vertically-mounted bunched wires or cables—Category A F/R, Edition 2.0, 2018–07, IBR approved for §§ 111.60–1(b) and 111.107–1(c).

(35) IEC 60332–3–22:2018—Tests on electric and optical fibre cables under fire conditions—Part 3–22: Test for vertical flame spread of vertically-mounted bunched wires or cables—Category A, Edition 2.0, 2018–07, IBR approved for §§ 111.60–1(b) and 111.107–1(c).

(36) IEC 60529:2013—Degrees of protection provided by enclosures (IP Code), Edition 2.2, 2013–08, IBR approved for §§ 110.15–1, 111.01–9, 113.10–7, 113.20–3, 113.25–11(a), 113.30–25(e), 113.37–10(b), 113.40–10(b), and 113.50–5(g).

(37) IEC 60533:2015—Electrical and electronic installations in ships—Electromagnetic compatibility—Ships with a metallic hull, Edition 3.0, 2015–08, IBR approved for § 113.05–7(a).

(38) IEC 60947–2:2019—Low-voltage switchgear and controlgear—Part 2: Circuit-breakers, Edition 5.1, 2019–07, IBR approved for § 111.54–1(b).

(39) IEC 61363–1:1998—Electrical installations of ships and mobile and fixed offshore units—Part 1: Procedures for calculating short-circuit currents in three-phase a.c., First Edition, 1998–02, IBR approved for § 111.51–4(b).

(40) IEC 61439–6:2012: Low-voltage switchgear and control gear assemblies—Part 6: Busbar trunking systems (busways), First Edition 1.0, 2012–05, IBR approved for § 111.59–1.

(41) IEC 61660–1:1997—Short-circuit currents in d.c. auxiliary installations in power plants and substations—Part 1: Calculation of short-circuit currents, First Edition, 1997–06, with Corrigendum 1 (1999) and Corrigendum 2 (2000), IBR approved for § 111.51–4(b).

(42) IEC 61892–7:2019—Mobile and fixed offshore units—Electrical installations—Part 7: Hazardous areas, Edition 4.0, 2019–04, IBR approved for §§ 111.105–1, 111.105–3(b), 111.105–7, 111.105–17(b), and 111.108–3(b).

(43) IEC 62271–100:2017—High-voltage switchgear and controlgear—Part 100: Alternating-current circuit-breakers-, Edition .122, 2017–06, IBR approved for § 111.54–1(c).

(44) IEC–TR 60092–370:2009—Technical Report—Electrical installations in ships—Part 370: Guidance on the selection of cables for telecommunication and data transfer including radio-frequency cables, Edition 1.0, 2009–07. IBR approved for § 111.60–1(a).

(45) IEC/IEEE 80005–1:2019—Utility connections in port—Part 1: High voltage shore connection (HVSC) systems—General requirements, Edition 2.0, 2019–03, IBR approved for § 111.83–7.

(l) *International Standards Organization (ISO),* Chemin de Blandonnet 8, CP 401–1214 Vernier, Geneva, Switzerland, +41 22 749 01 11, *https://www.iso.org.*

(1) ISO 25861—Ships and marine technology—Navigation—Daylight signaling lamps, First edition, Dec. 1, 2007, IBR approved for § 111.75–18.

(2) [Reserved]

(m) *International Maritime Organization (IMO Publications Section),* 4 Albert Embankment, London SE1 7SR, United Kingdom, +44 (0) 20 7735 7611, *www.imo.org.*

(1) International Convention for the Safety of Life at Sea (SOLAS, Consolidated Text of the International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1988: Article, Annexes and Certificates. (Incorporating all amendments in effect from 1 July 2014), 2014 (''IMO SOLAS 74''), IBR approved for §§ 111.99–5, 112.15–1(r), and 113.25–6.

(2) IMO Resolution A.1023(26)—Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009, 18 Jan. 2010 (''2009 IMO MODU Code''), IBR approved for § 111.108–3(b).

(n) *Lloyd's Register,* 71 Fenchurch Street, London EC3M 4BS, UK, +44–0–20–7709–9166, *https://www.lr.org/en/type-approval-test-specifications/.*

(1) Lloyd's Register Type Approval System-Test Specification Number 1, March 2019, IBR approved for § 113.05–7(a).

(2) [Reserved]

(o) *National Electrical Manufacturers Association (NEMA),* 1300 North 17th Street, Suite 900 Arlington, VA 22209, 703–841–3200, *www.nema.org/.*

(1) NEMA Standards Publication ICS 2–2000 (R2005)—Industrial Control and Systems Controllers, Contactors, and Overload Relays, Rated 600 Volts, 2000 (''NEMA ICS 2''), IBR approved for § 111.70–3(a).

(2) NEMA Standards Publication ICS 2.3–1995 (R2008)—Instructions for the Handling, Installation, Operation, and Maintenance of Motor Control Centers Rated not More Than 600 Volts, 1995 (''NEMA ICS 2.3''), IBR approved for § 111.70–3(a).

(3) NEMA Standards Publication No. ICS 2.4–2003 (R2012)—NEMA and IEC Devices for Motor Service—a Guide for Understanding the Differences, 2003 (''NEMA ICS 2.4''), IBR approved for § 111.70–3(a).

(4) NEMA Standards Publication No. ANSI/NEMA 250–2018—Enclosures for Electrical Equipment (1000 Volts Maximum), Edition 14, 2018 (''NEMA 250''), IBR approved for §§ 110.15–1, 111.01–9, 113.10–7, 113.20–3, 113.25–11(a), 113.30–25(e), 113.37–10(b), 113.40–10(b), and 113.50–5(g).

(5) NEMA Standards Publication No. ANSI/NEMA WC–70 ICEA S–95–658—Power Cables Rated 2000V or Less for the Distribution of Electrical Energy, Feb. 23, 2009, (''ANSI/NEMA WC–70''), IBR approved for § 111.60–13(a).

(p) *National Fire Protection Association (NFPA),* 1 Batterymarch Park, Quincy, MA 02169, 617–770–3000, *www.nfpa.org.*

(1) NFPA 70—National Electrical Code, 2017 (''NFPA 70''), IBR approved

for §§ 110.15–1, 111.05–33, 111.20–15, 111.50–3, 111.50–7(a), 111.50–9, 111.53–1(a), 111.54–1(a), 111.55–1(a), 111.59–1, 111.60–7, 111.60–13, 111.60–23, 111.81–1(d), 111.105–1, 111.105–3, 111.105–7(a), 111.105–11, 111.105–17(b), 111.106–3(b), 111.106–5(c), 111.107–1(b) and 111.108–3(b)(1) and (2).

(2) NFPA 77—Recommended Practice on Static Electricity, 2019 Edition (''NFPA 77''), IBR approved for § 111.105–27(b).

(3) NFPA 99—Health Care Facilities Code, 2018 Edition (''NFPA 99''), IBR approved for § 111.105–37.

(4) NFPA 496—Standard for Purged and Pressurized Enclosures for Electrical Equipment, 2017 Edition (''NFPA 496 (2017)''), IBR approved for §§ 111.105–7, 111.106–3(c), and 111.108–3(d).

(q) *UL (formerly Underwriters Laboratories, Inc.),* 2600 NW Lake Road, Camas, WA 98607, 877–854–3577, *www.ul.com.*

(1) UL 44—Standard for Safety Thermoset-Insulated Wire and Cable, Nineteenth Edition, Jan. 9, 2018 (''ANSI/UL 44''), IBR approved for § 111.60–11(c).

(2) UL 50—Standard for Safety Enclosures for Electrical Equipment, Thirteenth Edition, Oct. 16, 2013 (''UL 50''), IBR approved for § 111.81–1(d).

(3) UL 62—Standard for Safety Flexible Cords and Cables, Twentieth Edition, July 6, 2018, (''ANSI/UL 62''), IBR approved for § 111.60–13(a).

(4) UL 83—Standard for Safety Thermoplastic-Insulated Wires and Cables, Sixteenth Edition, Jul. 28, 2017 (''ANSI/UL 83''), IBR approved for § 111.60–1(c).

(5) UL 484—Standard for Safety Room Air Conditioners, Ninth Edition (with revisions through Oct. 25, 2016), Feb. 7, 2014, (''ANSI/UL 484''), IBR approved for § 111.87–3(a).

(6) UL 489—Standard for Safety Molded-Case Circuit Breakers, Molded-Case Switches and Circuit-Breaker Enclosures, Thirteenth Edition, Oct. 24, 2016 (''ANSI/UL 489''), IBR approved for §§ 111.01–15(c) and 111.54–1(b).

(7) UL 514A—Standard for Safety Metallic Outlet Boxes, Eleventh Edition, (with revisions through Aug. 11, 2017) Feb. 1, 2013, (''ANSI/UL 514A''), IBR approved for § 111.81–1(d).

(8) UL 514B—Standard for Safety Conduit, Tubing, and Cable Fittings, Sixth Edition (with revisions through Nov. 21, 2014), July 13, 2012 (''ANSI/UL 514B''), IBR approved for § 111.81–1(d).

(9) UL 514C—Standard for Safety Nonmetallic Outlet Boxes, Flush-Device Boxes, and Covers, Fourth Edition (with revisions through Dec. 10, 2014), Apr. 8, 2014 (''ANSI/UL 514C''), IBR approved for § 111.81–1(d).

(10) UL 674—Standard for Safety Electric Motors and Generators for Use in Hazardous (Classified) Locations, Fifth Edition (with revisions through May 19, 2017), May 31, 2011 (''ANSI/UL 674''), IBR approved for§§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(11) UL 823—Electric Heaters for Use in Hazardous (Classified) Locations, Ninth Edition (with revisions through Apr. 22, 2016), Oct. 20, 2006 (''ANSI/UL 823''), IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(12) UL 844—Standard for Safety Luminaires for Use in Hazardous (Classified) Locations, Thirteenth Edition (with revision through Mar. 11, 2016), June 29, 2012, (''ANSI/UL 844''), IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(13) UL 913—Standard for Safety Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division 1, Hazardous Locations, Eighth Edition, 2013, (''ANSI/UL 913''), IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(14) UL 1042—Standard for Safety Electric Baseboard Heating Equipment, Fifth Edition (with revisions through Dec. 14, 2016), Aug. 31, 2009 (''ANSI/UL 1042''), IBR approved for § 111.87–3.

(15) UL 1072—Standard for Safety Medium-Voltage Power Cables, Fourth Edition (with revisions through June 19, 2013) June 30, 2006 (''ANSI/UL 1072''), IBR approved for § 111.60–1(a).

(16) UL 1104—Standard for Marine Navigation Lights, Second Edition, Oct. 29, 1998 (''ANSI/UL 1104''), IBR approved for § 111.75–17(f).

(17) UL 1203—Standard for Safety: Explosion-Proof and Dust-Ignition Proof Electrical Equipment for Use in Hazardous (Classified) Locations, Fifth Edition (with revisions through Oct. 16, 2015), Nov. 22, 2013 (''ANSI/UL 1203''), IBR approved for §§ 111.105–7(a), 111.106–3(b), and 111.108–3(b).

(18) UL 1309—Standard for Safety Marine Shipboard Cables, Third Edition, Apr. 21, 2017 (''ANSI/UL 1309''), IBR approved for §§ 111.60–1(a) and 111.106–5(a).

(19) UL 1598—Standard for Safety Luminaires, Fourth Edition, Aug. 28, 2018 (''ANSI/UL 1598''), IBR approved for § 111.75–20.

(20) UL 1598A—Standard for Safety Supplemental Requirements for Luminaires for Installation on Marine Vessels, First Edition (with revisions through Apr. 17, 2015), Dec. 4, 2000 (''ANSI/UL 1598A''), IBR approved for § 111.75–20.

(21) UL 2021—Standard for Safety Fixed and Location-Dedicated Electric Room Heaters, Fourth Edition, Sept. 30, 2015 (''ANSI/UL 2021''), IBR approved for § 111.87–3(a).

(22) UL 2225—Standard for Safety Cables and Cable-Fittings for use in Hazardous (Classified) Locations, Fourth Edition, Sept. 30, 2013 (''ANSI/UL 2225''), IBR approved for §§ 111.105–7(a), 111.106–3(b), and § 111.108–3(b).

(23) UL 2556—Standard for Safety Wire and Cable Test Methods, Fourth Edition, Dec. 15, 2015 (''ANSI/UL 2556)''), IBR approved for § 111.30–19(b).

(24) UL 60079–18—Standard for Safety Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation ''m'', Fourth Edition, Feb. 20, 2017 (''ANSI/UL 60079–18''), IBR approved for §§ 111.105–7(e), 111.106–3(d), and 111.108–3(e).

■ 3. Amend § 110.15–1 as follows:
■ a. Revise paragraph (a);
■ b. In paragraph (b):
■ i. Revise the definitions of ''Corrosion resistant material or finish'';
■ ii. Remove the definition of ''Corrosive location'';
■ iii. Revise the definition of ''Dead ship condition'';
■ iv. Add a definition in alphabetical order for ''Drilling loads'';
■ v. Remove the definition of ''Dripproof'';
■ vi. Revise the definitions of ''Independent laboratory'', ''Location not requiring an exceptional degree of protection'', ''Non-hazardous'', ''Nonsparking fan'';
■ vii. Remove the definitions and ''Ocean vessel'';
■ viii. Add a definition in alphabetical order for ''Ship's service loads''; and
■ ix. Revise the definition of ''Watertight''.

The revisions and additions read as follows:

§ 110.15–1 Definitions

* * * * *

(a) The electrical and electronic terms are defined in IEEE 100 or IEC 60092–101:2018 (both incorporated by reference; see 46 CFR 110.10–1).

(b) * * *

Corrosion resistant material or *finish* means any material or finish that meets the testing requirements of ASTM B117 (incorporated by reference; see 46 CFR 110.10–1) or test Kb in IEC 60068–2–52:2017.

Dead ship condition is where the entire machinery installation, including the power supply, is out of operation and that auxiliary services such as compressed air, starting current from

batteries etc., for bringing the main propulsion into operation and for the restoration of the main power supply are not available.

Drilling loads means all loads associated exclusively with the drilling operation including power to the drill table, mud system, and positioning equipment.

* * * * *

Independent laboratory means a laboratory that is accepted by the Commandant under part 159 for the testing and listing or certification of electrical equipment.

* * * * *

Location not requiring an exceptional degree of protection means a location which is not exposed to the environmental conditions outlined in the definition for locations requiring exceptional degrees of protection. This location requires the degree of protection of § 111.01–9(c) or (d). These locations include—

(i) An accommodation space;

(ii) A dry store room;

(iii) A passageway adjacent to quarters;

(iv) A water closet without a shower or bath;

(v) A radio, gyro and chart room; and

(vi) A location with similar environmental conditions.

* * * * *

Non-hazardous location means an area in which an explosive gas or dust atmosphere is not expected to be present in quantities that require special precautions for the construction, installation, and use of electrical equipment.

Nonsparking fan means nonsparking fan as defined in ABS Marine Vessel Rules (incorporated by reference; see 46 CFR 110.10–1), section 4–8–3/11.

* * * * *

Ship's service loads means the electrical equipment for all auxiliary services necessary for maintaining the vessel in a normal, operational and habitable condition. Ship's service loads include, but are not limited to, all safety, lighting, ventilation, navigational, communications, habitability, and propulsion auxiliary loads. Electrical propulsion motor, bow thruster motor, cargo transfer, drilling, cargo refrigeration for other than Class 5.2 organic peroxides and Class 4.1 self-reactive substances, and other industrial type loads are not included.

* * * * *

Watertight means enclosed so that equipment meets at least a NEMA 250 Type 4 or 4X or an IEC 60529:2013 IP 56 rating.

* * * * *

§ 110.25–1 [Amended]

■ 4. Amend § 110.25–1 as follows:

■ a. In paragraph (a)(5), remove the text ''interrupting capacity of circuit breakers'' and add in its place the text ''interrupting capacity of overcurrent devices'';

■ b. In paragraph (a)(6), remove the text ''111.52'' and add in its place the text ''111.51'';

■ c. In paragraph (i) introductory text, remove the text ''subpart 111.105 is'' and add in its place the text ''subparts 111.105, 111.106, and 111.108 are'';

■ d. In paragraph (j), remove the text ''§ 111.105–11'' and add in its place the text ''§§ 111.105–11 and 111.106–5(c)'';

■ e. In paragraph (m), in the ''Note to paragraph (m), remove the word ''signalling'' and add in its place the word ''signaling'';

■ f. In paragraph (n), in the ''Note to paragraph (n), remove the text ''ANSI, or'' and add in its place the text ''ANSI, NFPA, or''; and

■ g. Remove paragraphs (p) and (q).

■ 5. Amend § 110.25–3 by revising paragraph (a)(1) and the note at the end of the section to read as follows:

§ 110.25–3 Procedure for submitting plans.

(a) * * *

(1) By visitors to the Commanding Officer, Marine Safety Center, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7403, or by mail to: Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7430, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7430, or electronically to *MSC@uscg.mil.*

* * * * *

(c) * * *

Note to § 110.25–3: The Coast Guard and a Recognized Classification Society (RCS), IAW 46 CFR part 8, may coordinate plan review for vessels classed by the RCS in order to eliminate duplication of effort. An applicant for plan review of a vessel that is classed by an RCS should consult Commanding Officer, Marine Safety Center, to determine applicable procedures for submitting plans.

PART 111—ELECTRIC SYSTEMS—GENERAL REQUIREMENTS

■ 6. The authority citation for part 111 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Department of Homeland Security Delegation No. 0170.1. Section 111.05–20 and Subpart 111.106 also issued under sec. 617, Pub. L. 111–281, 124 Stat. 2905.

§ 111.01–9 [Amended]

■ 7. Amend § 111.01–9 as follows:

■ a. In paragraph (a):

■ i. After the text ''NEMA 250'', add the text ''Type 2'';

■ ii. Remove the text ''IEC 60529'' and add in its place the text ''IEC 60529:2013 IP 22''; and,

■ iii. After the text ''110.10–1)'', remove the text ''IP 22'';

■ b. In paragraph (b), remove the word ''Steel'' and add in its place the word ''Marine'';

■ c. In paragraph (c), remove the text ''IEC 60529'' and add in its place the text ''IEC 60529:2013'';

■ d. In paragraph (d), remove the text ''IEC 60529 IP 11 as specified in IEC 60529'' and add in its place the text ''IEC 60529:2013''.

§ 111.01–15 [Amended]

■ 8. Amend § 111.01–15, in paragraph (c), by removing the text ''UL 489'' and adding in its place the text ''ANSI/UL 489''.

■ 9. Amend § 111.05–3 by revising paragraph (c) to read as follows:

§ 111.05–3 Design, construction, and installation; general.

* * * * *

(c) In a grounded distribution system, only grounded, three-prong appliances may be used. Adaptors that allow an ungrounded, two-prong appliance to fit into a grounded, three-prong, receptacle must not be used. This does not apply to double-insulated appliances or tools and low voltage appliances of 50 volts or less.

* * * * *

■ 10. Revise § 111.05–7 to read as follows:

§ 111.05–7 Armored and metallic sheathed cable.

When installed, the metallic armor or sheath must meet the installation requirements of Section 6 of IEEE 45.8 2016 (incorporated by reference; see 46 CFR 110.10–1).

■ 11. Revise § 111.05–9 to read as follows:

§ 111.05–9 Masts.

Each nonmetallic mast and topmast must have a lightning-ground conductor in accordance with section 10 of IEC 60092–401:1980 (incorporated by reference; see 46 CFR 110.10–1).

§ 111.05–33 [Amended]

■ 12. Amend § 111.05–33 by removing the text ''NEC 2002'' wherever it appears and adding in its place the text ''70''.

§ 111.10–01 [Removed and Reserved]

■ 13. Remove and reserve § 111.10–01.

■ 14. Amend § 111.10–09 by adding a sentence at the end of the note to § 111.1–9 to read as follows:

§ 111.10–09 Ship's service supply transformers; two required.

* * * * *

Note to § 111.1–9: * * * It is not the intent, nor is it required, that transformers fed by the ship's service switchboard, such as 480/120 transformers, be duplicated.

■ 15. Revise § 111.12–1 to read as follows:

§ 111.12–1 Prime movers.

Prime movers must meet section 46 CFR 58.01–5 and subpart 58.10 except that those for mobile offshore drilling units must meet 6–1–3/3.3 and 6–1–3/3.5 of the ABS MOU Rules (incorporated by reference; see 46 CFR 110.10–1). Further requirements for emergency generator prime movers are in 46 CFR 112.50.

■ 16. Revise § 111.12–3 to read as follows:

§ 111.12–3 Excitation.

In general, excitation must meet sections 4–8–3/3.13.2(a), 4–8–5/5.5.1, 4–8–5/5.5.2, and 4–8–5/5.17.5(e) of the ABS Marine Vessel Rules (incorporated by reference; see 46 CFR 110.10–1), except that those for mobile offshore drilling units must meet sections 6–1–7/5.17.1 and 6–1–7/5.19.1 of the ABS MOU Rules (incorporated by reference; see 46 CFR 110.10–1). In particular, no static exciter may be used for excitation of an emergency generator unless it is provided with a permanent magnet or a residual-magnetism-type exciter that has the capability of voltage build-up after two months of no operation.

■ 17. Revise § 111.12–5 to read as follows:

§ 111.12–5 Construction and testing of generators.

Each generator must meet the applicable requirements for construction and testing in section 4–8–3 of the ABS Marine Vessel Rules (incorporated by reference; see 46 CFR 110.10–1) except that each one for a mobile offshore drilling unit must meet the requirements in section 6–1–7 of the ABS MOU Rules (incorporated by reference; see 46 CFR 110.10–1).

■ 18. Revise § 111.12–7 to read as follows:

§ 111.12–7 Voltage regulation and parallel operation.

(a) For AC systems: sections 4–2–3/7.5.2, 4–2–4/7.5.2, 4–8–3/3.13.2, and 4–8–3/3.13.3 of the ABS Marine Vessel Rules (incorporated by reference; see 46 CFR 110.10–1); and

(b) For DC systems: section 4–8–3/3.13.3(c) of the ABS Marine Vessel Rules, and IEC 92600–202:2016 and IEC 92600–301:1995 (both incorporated by reference; see 46 CFR 110.10–1); and

(c) For mobile offshore drilling units: sections 6–1–7/5.17.2, 6–1–7/5.17.3, 6–1–7/5.19.2, and 6–1–7/5.19.3 of the ABS MOU Rules (incorporated by reference; see 46 CFR 110.10–1).

■ 19. Amend § 111.12–11 by revising paragraph (g) to read as follows:

§ 111.12–11 Generator protection

* * * * *

(g) Location. A ship's service generator overcurrent protective device must be on the ship's service generator switchboard. The generator and its switchboard must be in the same space. For the purposes of this section, the following are not considered separate from the machinery space:

(1) A control room that is inside of the machinery casing; and

(2) A dedicated switch-gear and semiconductor converter compartment on a mobile offshore drilling unit that is separate from but directly adjacent to and on the same level as the generator room.

* * * * *

§ 111.12–13 [Removed]

■ 20. Remove § 111.12–13.

■ 21. Amend § 111.15–2 by revising paragraph (b) to read as follows:

§ 111.15–2 Battery construction

* * * * *

(b) Each fully charged lead-acid battery must have a specific gravity that meets Section 11 of IEEE 45.1–2017 (incorporated by reference; see 46 CFR 110.10–1).

* * * * *

§ 111.15–3 [Amended]

■ 22. Amend § 115.15–03 by removing the text ''kw'' wherever it appears in paragrpahs (a)(1) through (3) and adding in its place the text ''kW''.

§ 111.15–10 [Amended]

■ 23. Amend § 111.15–10, in paragraph (b)(2)(i), after the text ''Group B'', by adding the text ''or its IEC equivalent designation of Zone 1, IIB + H2''.

§ 111.15–25 [Amended]

■ 24. Amend § 115.15–25, in paragraph (b), by removing the word ''rectifier'' and adding in its place the word ''converter''.

§ 111.15–30 [Amended]

■ 25. Amend § 115.15–30 by removing the text ''rectifiers,'' and adding in its place the text ''converters,''.

■ 26. Revise § 111.20–15 to read as follows:

§ 111.20–15 Protection of transformers against overcurrent.

Each transformer must have protection against overcurrent that meets Article 450 of NFPA 70 or IEC 60092–303:1980 (both incorporated by reference; see 46 CFR 110.10–1).

§ 111.25–5 [Removed and Reserved]

■ 27. Remove and reserve § 111.25–5.

■ 28. Revise § 111.30–1 to read as follows:

§ 111.30–1 Location and installation.

Each switchboard must meet the location and installation requirements in section 5.3 of IEEE 45.7–2012 or IEC 60092–302:1997 (both incorporated by reference; see 46 CFR 110.10–1), as applicable.

■ 29. Revise § 111.30–5 to read as follows:

§ 111.30–5 Construction.

(a) All low voltage and medium voltage switchboards (as low and medium are determined within the standard used) must meet—

(1) For low voltages, either section 6 of IEEE 45.7–2012 or IEC 60092–302:1997 (both incorporated by reference; see 46 CFR 110.10–1), as appropriate.

(2) For medium voltages, either section 7 of IEEE 45.7–2012 or IEC 92600–503:2007 (incorporated by reference; see 46 CFR 110.10–1), as appropriate.

(b) Each switchboard must be fitted with a dripshield unless the switchboard is a deck-to-overhead mounted type which cannot be subjected to leaks or falling objects.

(c) The interchangeability and compatibility of components complying with both IEEE and IEC cannot be assumed.

■ 30. Amend § 111.30–19 by revising paragraphs (a)(1) and (2) and (b)(4) to read as follows:

§ 111.30–19 Buses and wiring.

(a) * * *

(1) Section 5.10 of IEEE 45.7–2012 (incorporated by reference; see 46 CFR 110.10–1); or

(2) IEC 60092–302:1997 (clause 7) (incorporated by reference; see 46 CFR 110.10–1).

* * * * *

(b) * * *

(4) Flame-retardant meeting test VW–1 of ANSI/UL 1581 or IEC 60332–1–1:2015 and IEC 60332–1–2:2015 (incorporated by reference; see 46 CFR 110.10–1); and

* * * * *

§ 111.30–24 [Amended]

■ 31. Amend § 115.30–24 by removing the text ''kw'' in the section heading and adding in its place the text ''kW''.

§ 111.30–25 [Amended]

■ 32. Amend 111.30–25 as follows:
■ a. In paragraph (b)(3), remove the text ''A pilot lamp'' and add in its place the text ''An indicator light'';
■ b. In paragraph (d)(2), remove the words ''An indicating'' and add in their place the word ''A''; and
■ a. In paragraph (f)(2), remove the words ''A pilot'' and add in its place the words ''An indicator''.

§ 111.30–27 [Amended]

■ 33. Amend § 111.30–27, in paragraph (b)(4), by removing the text ''A pilot lamp'' and adding in its place the text ''An indicator light''.
■ 34. Amend § 111.30–29 as follows:
■ a. Remove paragraph (d);
■ b. Redesignate paragraphs (e), (f), (g), and (h) as paragraphs (d), (e), (f), and (g) respectively; and
■ c. Revise newly redesignated paragraph (d).

The revision reads as follows:

§ 111.30–29 Emergency switchboards.

* * * * *

(d) Each switchboard of an alternating-current emergency generator must have:

(1) A circuit breaker that meets § 111.12–11;

(2) A disconnect switch or link for each emergency generator conductor, except for a switchboard with a draw out or plug-in type generator circuit breaker that disconnects:

(i) Each generator conductor; and

(ii) If there is a switch in the generator neutral, each ungrounded conductor; and

(3) An indicator light connected between the generator and circuit breaker.

* * * * *

Subpart 111.33—Power Semiconductor Converter Systems

■ 35. Revise the heading of subpart 111.33 to read as set forth above.

§ 111.33–3 [Amended]

■ 36. Amend § 111.33–3 as follows:
■ a. In paragraph (a) introductory text, remove the word ''rectifier'' and add in its place the word ''converter'';
■ b. In paragraph (a)(1), remove the text ''10.20.12 of IEEE 45–2002'' and add in its place the text ''4.31.19.12 of IEEE 45.2–2011'';
■ c. In paragraph (a)(2), remove the text ''60092–304'' and add in its place the text ''60092–304:1980''; and
■ d. In paragraph (c), remove the word ''rectifiers'' and add in its place the word ''converters''.
■ 37. Revise § 111.33–5 to read as follows:

§ 111.33–5 Installation.

Each semiconductor converter system must meet the installation requirements, as appropriate, of—

(a) Sections 4.31.19.2, 4.31.19.7, and 4.31.19.8 of IEEE 45.2–2011 (incorporated by reference; see 46 CFR 110.10–1); or

(b) IEC 60092–304:1980 (incorporated by reference; see 46 CFR 110.10–1).

§ 111.33–7 [Amended]

■ 38. Amend § 111.33–7 by removing the word ''rectifier'' and adding in its place the word ''converter''.

§ 111.33–9 [Amended]

■ 39. Amend § 111.33–9 by removing the word ''rectifier'' and adding in its place the word ''converter''.
■ 40. Revise § 111.33–11 to read as follows:

§ 111.33–11 Propulsion systems.

Each power semiconductor converter system in a propulsion system must meet sections 4–8–5/5.17.8 and 4–8–5/5.17.9 of ABS Marine Vessel Rules (incorporated by reference; see 46 CFR 110.10–1), except that each one for mobile offshore drilling units must meet the requirements in section 6–1–7/12 of ABS MOU Rules (incorporated by reference; see 46 CFR 110.10–1).
■ 41. Revise § 111.35–1 to read as follows:

§ 111.35–1 Electrical propulsion installations.

Each electric propulsion installation must meet Sections 4–8–5/5.5, 4–8–5/5.11, 4–8–5/5.13, 4–8–5/5.17.7(e), 4–8–5/5.17.8, and 4–8–5/5.17.9 of ABS Marine Vessel Rules (incorporated by reference; see 46 CFR 110.10–1), except that each one for mobile offshore drilling units must meet the requirements in section 6–1–7/12 of ABS MOU Rules (incorporated by reference; see 46 CFR 110.10–1).
■ 42. Revise § 111.40–1 to read as follows:

§ 111.40–1 Panelboard standard.

Each panelboard must meet Section 9.10 of IEEE 45.1–2017 (incorporated by reference; see 46 CFR 110.10–1).

§ 111.50–1 [Amended]

■ 43. Amend § 111.50–1, in the introductory text, by removing the words ''of this chapter''.

§ 111.50–3 [Amended]

■ 44. Amend § 115.50–3 as follows:
■ a. In paragraph (b) introductory text, remove the text ''of this chapter'';
■ b. In paragraph (b)(2), remove the text ''subchapter F'' and add in its place the text ''subpart 58.25'';
■ c. In paragraph (c) introductory text:
■ i. Remove the text ''NEC 2002'' and add in its place the text ''70'';
■ ii. Remove the text ''or IEC 60092–202''; and
■ iii. Remove the word ''both''.
■ d. In paragraphs (c) introductory text and (c)(2), remove the word ''circuitbreakers'' wherever it appears and add in its place the words ''circuit breakers'';
■ e. In paragraphs (e) and (g)(2), remove the text ''NEC 2002'' and add in its place the text ''70'' and remove the text ''60092–202'' and add in its place the text ''60092–202–16''.

§ 111.50–5 [Amended]

■ 45. Amend § 111.50–5 as follows:
■ a. In paragraph (a)(2), by removing the text ''§ 111.30–25'' and adding in its place the text ''§ 111.30–25(f)''; and
■ b. In paragraph (a)(4), by removing the text ''single phase'' and ''(two wire with single voltage secondary)''.

§ 111.50–7 [Amended]

■ 46. Amend § 115.50–7, in paragraph (a), by removing the text ''NEC 2002'' and adding in its place the text ''70''.

§ 111.50–9 [Amended]

■ 47. Amend § 111.50–9 by removing the text ''NEC 2002'' and adding in its place the text ''70''.
■ 48. Revise subpart 111.51 to read as follows:

Subpart 111.51—Calculation of Short-Circuit Currents and Coordination of Overcurrent Protective Devices

Sec.
111.51–1 General.
111.51–2 Short circuit calculations.
111.51–3 Short circuit calculations for systems below 1500 kilowatts.
111.51–4 Short circuit calculations for systems 1500 kilowatts or above.
111.51–5 Protection of vital equipment.

Subpart 111.51—Calculation of Short-Circuit Currents and Coordination of Overcurrent Protective Devices

§ 111.51–1 General.

Electrical installations must be protected against short circuits, by appropriate devices. The selection, arrangement and performance of various protective devices must provide coordinated automatic protection and selective operation in order to provide continuity of service for equipment vital to the propulsion, control or safety of the vessel under short-circuit conditions through coordination and selective

operation of overcurrent protective devices.

§ 111.51–2 Short-circuit calculations

(a) The available short-circuit current must be computed—

(1) From the aggregate contribution of all generators that can simultaneously operate in parallel;

(2) From the largest probable motor load; and

(3) With a three-phase fault on the load terminals of the protective device.

(b) The calculated currents must be used to select suitably rated equipment and to allow the selection and setting of protective devices.

§ 111.51–3 Short-circuit calculations for systems below 1500 kilowatts.

The following short-circuit assumptions must be made for a system with an aggregate generating capacity below 1500 kilowatts, unless detailed computations in accordance with § 111.51–4 are submitted:

(a) The maximum short-circuit current of a direct current system must be assumed to be 10 times the aggregate normal rated generator currents plus 6 times the aggregate normal rated currents of all motors that may be in operation.

(b) The maximum asymmetrical short-circuit current for an alternating current system must be assumed to be 10 times the aggregate normal rated generator currents plus 4 times the aggregate normal rated currents of all motors that may be in operation.

(c) The average asymmetrical short circuit current for an alternating-current system must be assumed to be 8½ times the aggregate normal rated generator currents plus 3½ times the aggregate normal rated currents of all motors that may be in operation.

§ 111.51–4 Short-circuit calculations for systems 1500 kilowatts or above.

Short-circuit calculations must be submitted for systems with an aggregate generating capacity of 1500 kilowatts or more by utilizing one of the following methods:

(a) Exact calculations using actual impedance and reactance values of system components.

(b) Estimated calculations using IEC 61363–1:1998 (incorporated by reference; see 46 CFR 110.10–1) for AC systems and IEC 61660–1:1997 for DC systems.

(c) The estimated calculations using a commercially established analysis procedure for utility or industrial applications.

§ 111.51–5 Protection of vital equipment.

(a) The coordination of overcurrent protective devices must be demonstrated for all potential plant configurations.

(b) Protective relays and overcurrent protective devices must be installed so that:

(1) A short-circuit on a circuit that is not vital to the propulsion, control, or safety of the vessel does not trip equipment that is vital; and

(2) A short-circuit on a circuit that is vital to the propulsion, control, or safety of the vessel is cleared only by the protective device that is closest to the point of the short-circuit.

Subpart 111.52—[Removed and Reserved]

■ 49. Remove and reserve subpart 111.52, consisting of §§ 111.52–1, 111.52–3, and 111.52–5.

§ 111.53–1 [Amended]

■ 50. Amend § 111.53–1 as follows:

■ a. In paragraph (a)(1), remove the text ''NEC 2002'' and add in its place the text ''70'' and remove the text ''60092–202'' and add in its place the text ''60092–202:2016''; and

■ b. Remove paragraph (a)(3).

■ 51. Revise § 111.54–1 to read as follows:

§ 111.54–1 Circuit breakers.

(a) Each circuit breaker must—

(1) Meet the general provision of Article 240 of NFPA 70 or IEC 60092–202:2016 (both incorporated by reference; see 46 CFR 110.10–1) as appropriate;

(2) Meet subpart 111.55 of this part; and

(3) Have an interrupting rating sufficient to interrupt the maximum asymmetrical short-circuit current available at the point of application.

(b) No molded-case circuit breaker may be used in any circuit having a nominal voltage of more than 600 volts (1,000 volts for a circuit containing a circuit breaker manufactured to the standards of the IEC). Each molded-case circuit breaker must meet section 9 and marine supplement SA of ANSI/UL 489 (incorporated by reference, see 46 CFR 110.10–1) or IEC 60947–2:2019 (incorporated by reference; see § 110.10–1), except as noted in paragraph (e) of this section.

(c) Each circuit breaker, other than a molded-case one, that is for use in any of the following systems must meet the following requirements:

(1) An alternating-current system having a nominal voltage of 600 volts or less (1,000 volts for such a system with circuit breakers manufactured to the standards of the IEC) must meet:

(i) IEEE C37.13 (incorporated by reference; see 46 CFR 110.10–1);

(ii) IEEE C37.27 (incorporated by reference; see 46 CFR 110.10–1); or

(iii) IEC 60947–2:2019.

(2) A direct-current system of 3,000 volts or less (1,500 volts or less for such a system with circuit breakers manufactured to the standards of the IEC) must meet IEEE C37.14 (incorporated by reference; see 46 CFR 110.10–1) or IEC 60947–2:2019.

(3) An alternating-current system having a nominal voltage greater than 600 volts (or greater than 1,000 volts for IEC standard circuit breakers) must meet:

(i) IEEE C37.04, IEEE C37.010, and IEEE C37.12 (all three standards incorporated by reference; see 46 CFR 110.10–1); or

(ii) IEC 62271–100:2017 (incorporated by reference; see 46 CFR 110.10–1).

(d) A circuit breaker must not:

(1) Be dependent upon mechanical cooling to operate within its rating; or

(2) Have a long-time-delay trip element set above the continuous current rating of the trip element or of the circuit breaker frame.

(e) Each circuit breaker located in an engineroom, boilerroom, or machinery space must be calibrated for a 50 degree C ambient temperature. If the circuit breaker is located in an environmentally controlled machinery control room where provisions are made for ensuring an ambient temperature of 40 degree C or less, a circuit breaker must have at least the standard 40 degrees C ambient temperature calibration.

§ 111.55–1 [Amended]

■ 52. Amend § 111.55–1, in paragraph (a), by removing the text ''NEC 2002'' and adding in its place the text ''70''.

§ 111.59–1 [Amended]

■ 53. Amend § 111.59–1, in paragraph (a), by removing the text ''NEC 2002'' and adding in its place the text ''70 or IEC 61439–6:2012''.

■ 54. Revise § 111.60–1 to read as follows:

§ 111.60–1 Construction and testing of cable.

(a) Electric cables constructed of stranded copper conductors, thermoplastic, elastomeric or other insulation, moisture-resistant jackets, and, where applicable, armoring and outer-sheathing are to be in accordance with either IEC 60092–350:2014, 60092–352:2005, 60092–353:2016, 60092–354:2014, 60092–360:2014, IEC–TR 60092–370:2009, 60092–376:2017, IEEE

1580, ANSI/UL 1072, ANSI/UL 1309, or MIL–DTL–24640C or MIL–DTL–24643C (incorporated by reference; see 46 CFR 110.10–1), including the respective flammability tests contained therein.

(b) IEC 60092 series cable must meet the flammability requirements of IEC 60332–3–22:2009 or 60332–3–21:2000, Category A or A F/R (incorporated by reference; see 46 CFR 110.10–1).

§ § 111.60–2 and 111.60–3 [Removed and Reserved]

■ 55. Remove and reserve §§ 111.60–2 and 111.60–3.

§ 111.60–4 [Amended]

■ 56. Amend § 111.60–4, by removing ''#'' wherever it appears.

■ 57. Amend § 111.60–5 by revising paragraphs (a) and (b) to read as follows:

§ 111.60–5 Cable installation.

(a) Each cable installation must meet—

(1) Sections 6, of IEEE 45.8–2016 (incorporated by reference; see 46 CFR 110.10–1); or

(2) Cables manufactured to IEC 60092–353:2016 must be installed in accordance with IEC 60092–352:2005 (both incorporated by reference; see 46 CFR 110.10–1), including clause 8.

(b) Each cable installation made in accordance with clause 8 of IEC 60092–352:2005 must utilize the conductor ampacity values of Table I of IEC 60092–352:2005.

* * * * *

§ 111.60–6 [Removed and Reserved]

■ 58. Remove and reserve § 111.60–6.

■ 59. Amend § 111.60–7 by revising the table to read as follows:

§ 111.60–7 Demand loads.

* * * * *

TABLE 1 TO 111.60–7—DEMAND LOADS

Type of circuit	Demand load
Generator Cables	115 percent of continuous generator rating.
Switchboard bus-ties, except ship's service to emergency switchboard bus-ties.	75 percent of generating capacity of the larger switchboard.
Emergency switchboard bus-ties	115 percent of continuous rating of emergency generator.
Motor feeders	Article 430 of NFPA 70 (incorporated by reference; see 46 CFR 110.10–1).
Galley equipment feeders	100 percent of either the first 50 kW or one-half the connected load, whichever is the larger, plus 65 percent of the remaining connected load, plus 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.
Lighting feeders	100 percent of the connected load plus the average active circuit load for the spare switches or circuit breakers on the distribution panels.
Grounded neutral of a dual voltage feeders	100 percent of the capacity of the ungrounded conductors when grounded neutral is not protected by a circuit breaker overcurrent trip, or not less than 50 percent of the capacity of the ungrounded conductors when the grounded neutral is protected by a circuit breaker overcurrent trip or overcurrent alarm.

■ 60. Amend § 111.60–11 by revising paragraph (c) to read as follows:

§ 111.60–11 Wire.

* * * * *

(c) Wire, other than in switchboards, must meet the requirements in Section 5.7 of IEEE 45.8–2016, ANSI/UL 44, ANSI/UL 83, MIL–DTL–76E (all four standards incorporated by reference; see 46 CFR 110.10–1), or equivalent standard.

* * * * *

■ 61. Amend § 111.60–13 by revising paragraphs (a) through (e) to read as follows:

§ 111.60–13 Flexible electric cord and cables.

(a) *Construction and testing.* Each flexible cord and cable must meet the requirements in Sections 4.4.2. and 4.4.6 of IEEE 45.8–2016, Article 400 of NFPA 70, ANSI/NEMA WC–70, or ANSI/UL 62 (all five standards incorporated by reference; see 46 CFR 110.10–1).

(b) *Application.* No flexible cord may be used except:

(1) As allowed under Sections 400.10 and 400.12 of NFPA 70; and

(2) In accordance with Table 400.4 in NFPA 70.

(c) *Allowable current-carrying capacity.* No flexible cord may carry more current than allowed under Table 400.5 in NFPA 70, or ANSI/NEMA WC–70.

(d) *Conductor size.* Each flexible cord must be 18 AWG (0.82 mm2) or larger.

(e) *Splices.* Each flexible cord and cable must be without splices or taps except for a cord or cable 12 AWG (3.3 mm2) or larger spliced for repairs in accordance with § 111.60–19.

* * * * *

■ 62. Amend § 111.60–19 by revising paragraph (b) to read as follows:

§ 111.60–19 Cable splices.

* * * * *

(b) Each cable splice must be made in accordance with Section 6.11 of IEEE 45.8–2016 (incorporated by reference; see 46 CFR 110.10–1).

■ 63. Revise § 111.60–21 to read as follows:

§ 111.60–21 Cable insulation tests.

All cable for electric power and lighting and associated equipment must be checked for proper insulation resistance to ground and between conductors. The insulation resistance must not be less than that in Section 5.1 of IEEE 45.6–2016 (incorporated by reference; see 46 CFR 110.10–1).

■ 64. Amend § 111.60–23 by revising paragrpahs (d) and (f) to read as follows:

§ 111.60–23 Metal-clad (Type MC) cable.

* * * * *

(d) The cable must be installed in accordance with Article 326 of NFPA 70 (incorporated by reference; see 46 CFR 110.10–1).

* * * * *

(f) Equipment grounding conductors in the cable must be sized in accordance with Section 250.122 of NFPA 70. System grounding conductors must be of a cross-sectional area not less than that of the normal current carrying conductors of the cable. The metal sheath must be grounded but must not be used as a required grounding conductor.

* * * * *

■ 65. Amend § 111.70–1 by revising paragraph (a) introductory text to read as follows:

§ 111.70–1 General.

(a) Each motor circuit, controller, and protection must meet the requirements of sections 4–8–2/9.17, 4–8–4/9.5 and 4–8–3/5 of ABS Marine Vessel Rules; sections 6–1–7/9.9 and 6–1–7/9.15 of

the ABS MOU Rules; or IEC 60092–301:1980 (all three standards incorporated by reference; see 46 CFR 110.10–1), as appropriate, except for the following circuits:

* * * * *

■ 66. Amend § 111.70–3 by revising paragraphs (a), (c)(2), and (d)(1)(v) to read as follows:

§ 111.70–3 Motor controllers and motor-control centers

(a) *General.* The enclosure for each motor controller or motor-control center must meet either NEMA ICS 2 and NEMA ICS 2.3, or Table 1 of IEC 60092–201:2019 (all three standards incorporated by reference; see 46 CFR 110.10–1), as appropriate, for the location where it is installed. In addition, each such enclosure in a hazardous location must meet the requirements of subpart 111.105 of this part. NEMA ICS 2.4 (incorporated by reference; see 46 CFR 110.10–1) provides guidance on the differences between devices meeting NEMA and those meeting IEC for motor service.

* * * * *

(c) * * *

(2) A motor controller for a motor of less than 2 horsepower (1.5 kW).

(d) * * *

(1) * * *

(v) kW (Horsepower).

* * * * *

■ 67. Amend § 111.75–5 by revising paragraph (b) to read as follows:

§ 111.75–5 Lighting Branch Circuits.

* * * * *

(b) *Connected load.* The connected loads on a lighting branch circuit must not be more than 80 percent of the rating of the overcurrent protective device, computed on the basis of the fixture ratings and in accordance with Section 9.4.2 of IEEE 45.1–2017 (incorporated by reference; see 46 CFR 110.10–1).

* * * * *

■ 68. Amend § 111.75–17 by removing paragraph (e) and revising paragraph (d)(2).

The revision reads as follows:

§ 111.75–17 Navigation lights.

* * * * *

(d) * * *

(2) Be certified by an independent laboratory to the requirements of ANSI/UL 1104 or EN 14744 (incorporated by reference; see 46 CFR 110.10–1) or an equivalent standard under 46 CFR 110.20–1. Portable battery powered navigation lights need only be certified to the requirements of ANSI/UL 1104 applicable to those lights.

* * * * *

■ 69. Revise § 111.75–18 to read as follows:

§ 111.75–18 Signaling lights.

Each self-propelled vessel over 150 gross tons when engaged on an international voyage must have on board an approved daylight signaling lamp that meets ISO 25861:2007.

■ 70. Revise § 111.75–20 to read as follows:

§ 111.75–20 Luminaries (lighting fixtures).

(a) The construction of each luminaire (lighting fixture) for a non-hazardous location must meet ANSI/UL 1598A, or IEC 60092–306:2009 (incorporated by reference; see 46 CFR 110.10–1).

(b) Nonemergency and inside-type decorative luminaires in environmentally protected, nonhazardous locations must meet the applicable luminaire-type requirements of ANSI/UL 1598 (incorporated by reference; see 46 CFR 110.10–1) or IEC 60092–306:2009. These luminaires must also meet Clauses 7.4, 8.1, 8.3, 11.2, 13.4, and 17.2 of ANSI/UL 1598A, except in an accommodation space, navigating bridge, gyro room, radio room, galley, or similar space where it is not subject to damage.

(c) Each tablelamp, desklamp, floorlamp, and similar equipment must be secured in place so that it cannot be displaced by the roll or pitch of the vessel.

■ 71. Amend § 111.81–1 by revising paragraph (d) to read as follows:

§ 111.81–1 Outlet boxes and junction boxes; general

* * * * *

(d) As appropriate, each outlet-box or junction-box installation must meet the following standards, all of which are incorporated by reference (see 46 CFR 110.10–1): Article 314 of NFPA 70; ANSI/UL 50; ANSI/UL 514A, ANSI/UL 514B, and ANSI/UL 514C; IEC 60092–101:2018; IEC 60092–201:2019; IEC 60092–306:2009; IEC 60092–352:2005; IEC 60092–401:1980; and IEC 60092–502:1999.

* * * * *

■ 72. Add § 111.83–7 to subpart 111.83 to read as follows:

§ 111.83–7 High voltage shore connection.

Ships required by state or local law to connect to shore power, and receiving high voltage shore power (over 1000 volts), should meet the requirements of IEC/IEEE 80005–1:2019 (incorporated by reference; see 46 CFR 110.10–1).

■ 73. Amend § 111.87–3 by revising paragraph (a) to read as follows:

§ 111.87–3 General requirements.

(a) Each electric heater must meet applicable ANSI/UL 484, ANSI/UL 1042, or ANSI/UL 2021 construction standards (both incorporated by reference; see 46 CFR 110.10–1) or equivalent standards under § 110.20–1 of this chapter.

* * * * *

§ 111.95–1 [Amended]

■ 74. Amend § 111.95–1, in paragraph (b), by removing the text ''in other parts of this chapter under which vessels are certificated and''.

§ 111.99–3 [Removed and Reserved]

■ 75. Remove and reserve § 111.99–3.

§ 111.99–5 [Amended]

■ 76. Amend § 111.99–5 by removing the text ''II 2/30.4.3'' and adding in its place the text ''II–2/9.4.1.1.5.3''.

■ 77. Amened § 111.103–1 by revising the introductory text to read as follows:

§ 111.103–1 Power ventilation systems except machinery space ventilation systems.

Each power ventilation system that is not a machinery space ventilation system must have:

* * * * *

■ 78. Amend § 111.103–3 by revising paragraph (a) to read as follows:

§ 111.103–3 Machinery space ventilation.

(a) Each power ventilation system for a machinery space must have two controls to stop the ventilation, one of which may be the supply circuit breaker.

* * * * *

■ 79. Amend § 111.103–7 by revising the introductory text to read as follows:

§ 111.103–7 Ventilation stop stations.

Each power ventilation system stop station must:

* * * * *

■ 80. Revise § 111.105–1 to read as follows:

§ 111.105–1 Applicability.

This subpart applies to installations in hazardous locations as defined in Articles 500 through 505 of NFPA 70, Clause 6 of IEC 60092–502:1999 or Clause 8 of IEC 61892–7:2019 (incorporated by reference; see 46 CFR 110.10–1).

■ 81. Revise § 111.105–3 to read as follows:

§ 111.105–3 General requirements and system integrity

(a) Electrical equipment and wiring should not be installed in hazardous locations unless essential for operational purposes. When installed in

these locations, special precautions should be taken to ensure that the electrical equipment is not a source of ignition.

(b) All electrical installations in hazardous locations must comply with Articles 500 through 505 of NFPA 70 or with Clause 8 of IEC 61892–7:2019 or Clause 6 of IEC 60092–502:1999 (incorporated by reference; see 46 CFR 110.10–1).

(c) To maintain system integrity, each electrical installation in Class/Division or Class/Zone hazardous locations must comply with Sections 501.5 or 505.9(C) of NFPA 70 (incorporated by reference; see 46 CFR 110.10–1), and not in combination in a manner that will compromise system integrity or safety.

§ 111.105–5 [Removed and Reserved]

■ 82. Remove and reserve § 111.105–5.

■ 83. Revise § 111.105–7 to read as follows:

§ 111.105–7 Approved equipment.

(a) Electrical installations in hazardous locations must comply with paragraph (a)(1), (2), or (3) of this section.

(1) NFPA 70 Articles 500 through 504 (incorporated by reference, see § 110.10–1). Equipment required to be identified for Class I locations must meet the provisions of Sections 500.7 and 500.8 of NFPA 70 and must be tested and listed by an independent laboratory to any of the following standards:

(i) ANSI/UL 674, ANSI/UL 823, ANSI/UL 844 (2012), ANSI/UL 913, ANSI/UL 1203, ANSI/ISA 12.12.01, or ANSI/UL 2225 (2011) (incorporated by reference, see § 110.10–1).

(ii) FM Approvals Class Number 3600 (1998), Class Number 3610, Class Number 3611, Class Number 3615, or Class Number 3620 (incorporated by reference, see § 110.10–1).

(iii) CSA C22.2 Nos. 0–10, 30–M1986, 157–92, or 213–16 (incorporated by reference, see § 110.10–1).

(2) NFPA 70 Article 505 (incorporated by reference, see § 110.10–1). Equipment required to be identified for Class I locations must meet the provisions of Sections 505.7 and 505.9 of NFPA 70 and must be tested and listed by an independent laboratory to one or more of the types of protection in ANSI/ISA Series of standards incorporated in NFPA 70.

(3) Clause 8 of IEC 61892–7:2019 or clause 6 of IEC 60092–502:1999 (incorporated by reference, see § 110.10–1). Electrical apparatus in hazardous locations must be tested to IEC 60079–1:2014, IEC 60079–2:2014, IEC 60079–5:2015, IEC 60079–6:2015, IEC 60079–7:2017, IEC 60079–11:2011, IEC 60079–13:2017, IEC 60079–15:2017, IEC 60079–18:2017, IEC 60079–25:2010 or IEC 60079–30–1:2007 (incorporated by reference, see § 110.10–1) and certified by an independent laboratory under the IECEx System.

(b) System components that are listed or certified under paragraph (a)(1), (2), or (3) of this section must not be combined in a manner that would compromise system integrity or safety.

(c) As an alternative to paragraph (a)(1) of this section, electrical equipment that complies with the provisions of NFPA 496 (2017) (incorporated by reference, see § 110.10–1) is acceptable for installation in Class I, Divisions 1 and 2. When equipment meeting this standard is used, it does not need to be identified and marked by an independent laboratory. The Commanding Officer, MSC, will evaluate equipment complying with this standard during plan review and will generally consider it acceptable if a manufacturer's certification of compliance is indicated on a material list or plan.

(d) Purged and pressurized equipment that meets NFPA 496 (incorporated by reference, see § 110.10–1)

(e) Equipment listed or certified to UL 60079–18:2017 or IEC 60079–18:2017, respectively, (incorporated by reference, see § 110.10–1) is not permitted in Class I Special Division 1 or Zone 0 hazardous location, unless the encapsulating compound of Ex ''ma'' protected equipment is not exposed to, or has been determined to be compatible with, the liquid or cargo in the storage tank.

§ 111.105–9 [Removed and Reserved]

■ 84. Remove and reserve § 111.105–9.

■ 85. Revise § 111.105–11 to read as follows:

§ 111.105–11 Intrinsically safe systems.

(a) As part of plan approval, the manufacturer must provide appropriate installation instructions and restrictions on approved system components or the control drawing in Section 504.10(A) of NFPA 70 (incorporated by reference, see § 110.10–1). Typical instructions and restrictions include information addressing—

(1) Voltage limitations;

(2) Allowable cable parameters;

(3) Maximum length of cable permitted;

(4) Ability of system to accept passive devices;

(5) Acceptability of interconnections with conductors or other equipment for other intrinsically safe circuits; and

(6) Information regarding any instructions or restrictions which were a condition of approval of the system or its components.

(b) For intrinsically safe systems under the standards cited in § 111.105–3(a)(1) and (2) the wiring methods must meet Sections 504.30, 504.50 and 504.60 of NFPA 70 (incorporated by reference, see 46 CFR 110.10–1). For intrinsically safe systems under the standards cited in § 111.105–7(a)(3) of this subpart, the installation and wiring must meet Clause 7, except for Clause 7.3.1, of IEC 60092–502:1999 (incorporated by reference, see § 110.10–1).

§ 111.105–15 [Removed and Reserved]

■ 86. Remove and reserve § 111.105–15.

■ 87. Revise § 111.105–17 to read as follows:

§ 111.105–17 Wiring methods for hazardous locations.

(a) Through runs of marine shipboard cable meeting subpart 111.60 of this part are required for all hazardous locations. Armored cable may be used to enhance ground detection capabilities. Additionally, Type MC cable may be used subject to the restrictions in § 111.60–23.

(b) Where conduit is installed, the applicable requirements of either NFPA 70 Clause 9 of IEC 61892–7: 2019 or Clause 7 of IEC of 60092–502: 1999 (incorporated by reference; see 46 CFR 110.10–1) must be followed. Alternatively, the conduit and cable seals and sealing methods in Clause 6.8 of API RP 14F or API RP 14FZ (incorporated by reference; see 46 CFR 110.10–1) may be followed. Where required by the standard that is applicable to the listed or certified electrical equipment, seal fittings, termination fittings, or glands must be listed or certified by an independent laboratory for use in hazardous locations.

(c) Each cable entrance into Class II and Class III (Zone 20, 21, and 22) equipment must be made with dust tight cable entrance seals approved for the installation.

■ 88. Revise § 111.105–19 to read as follows:

§ 111.105–19 Switches.

A switch that is explosionproof or flameproof, or that controls any explosionproof or flameproof equipment must have a pole for each ungrounded conductor.

■ 89. Add § 111.105–28 to read as follows:

§ 111.105–28 Internal combustion engines.

Internal combustion engines installed in Class I Divisions 1 and 2 (Zones 1 and 2) must meet the provisions of ASTM

F2876–10 (incorporated by reference, see § 110.10–1).

■ 90. Amend § 111.105–31 as follows:

■ a. Redesignate paragraphs (e) through (n) as paragraphs (f) through (o); and

■ b. Add new paragraph (e); and

■ c. Revise newly redesignated paragraph (o).

The additions and revisions read as follows:

§ 111.105–31 Flammable or combustible cargo with a flashpoint below 60 °C (140 °F), carriers of liquid-sulphur or inorganic acid.

* * * * *

(e) *Submerged pump motors.* Submerged pump motors that do not meet requirements of paragraph (d) of this section must receive concept approval by the Commandant (CG–ENG) and plan approval by the Commanding Officer, MSC.

* * * * *

(o) *Duct keels.* The lighting and ventilation systems, and the gas detection system, if installed, for each pipe tunnel must meet section 5C–1–7/31.17 of ABS Marine Vessel Rules (incorporated by reference; see 46 CFR 110.10–1).

§ 111.105–35 [Amended]

■ 91. Amend § 111.105–35 as follows:

■ a. In paragraph (a) introductory text, remove the text ''10 or Z'' and add in its place the text ''20''; and

■ b. In paragraph (c), remove the text ''11 or Y'' and add in its place the text ''22''.

§ 111.105–39 [Amended]

■ 92. Amend § 111.105–39 in the introductory text and paragraph (a) as follows:

■ a. Remove the text ''Steel'' and add in its place the text ''Marine''; and

■ b. Remove the text ''5–10–4/3'' and add in its place the text ''5C–10–4/3''.

§ 111.105–40 [Amended]

■ 93. Amend § 111.105–40 by removing the text ''Steel'' in paragraph (a) and paragraph (c) introductory text and adding in its place the text ''Marine''.

§ 111.105–41 [Amended]

■ 94. Amend § 111.105–41 by removing the text ''IEEE 45–1998'' and adding in its place the text ''IEEE 45.1''.

§ 111.105–45 [Amended]

■ 95. Amend § 111.105–45 as follows:

■ a. In paragraph (a) introductory text, remove the text ''10 or Z'' and adding in its place the text ''20'';

■ b. In paragraph (b) introductory text, remove the text ''11 or Y'' and add in its place the text ''22''; and

■ c. In paragraph (b)(1), remove the text ''10 or Z'' and add in its place the text ''20''.

■ 96. Add § 111.105–50 to subpart 111.105 to read as follows:

§ 111.105–50 Alternative standard to the classification of hazardous locations requirements of this subchapter

This section contains alternative standards to the classification of hazardous locations requirements in §§ 111.105–29, 111.105–31, 111.105–32, 111.106–9, and 111.106–11 of this subchapter.

(a) Classification of hazardous locations may be in accordance with IEC 60092–502 (1999).

(b) If IEC 60092–502 is chosen as an alternative standard as allowed in paragraph (a) of this section, it shall be used exclusively and not in combination with §§ 111.105–29, 111.105–31, 111.105–32, 111.106–9, and 111.106–11.

(c) If IEC 60092–502 is chosen as an alternative standard as allowed in paragraph (a) of this section, ventilation systems for cargo handling rooms on tank vessels that carry combustible or flammable cargo and carriers of liquid-sulphur or inorganic acid, and hydrocarbon pump rooms must meet the requirements in § 3 2.60–20(c) of this chapter in addition to meeting the ventilation requirements in IEC 60092–502. Bulk liquefied flammable gas and ammonia carriers must meet the requirements in § 38.20–10 of subchapter D.

■ 97. Amend § 111.106–3 by revising paragraphs (b)(1)(i) and (iii), (b)(2), (b)(3) introductory text, (b)(3)(vi), (c), and (d) to read as follows:

§ 111.106–3 General requirements

* * * * *

(b) * * *

(1) * * *

(i) ANSI/UL 674, ANSI/UL 823, ANSI/UL 844, ANSI/UL 913, ANSI/UL 1203, ANSI/ISA 12.12.01, ANSI/UL 2062 and/or ANSI/UL 2225 (incorporated by reference, see § 110.10–1).

* * * * *

(iii) CAN/CSA C22.2 Nos. 0–10, 30–M1986, 157–92, and/or 213–16 (incorporated by reference, see § 110.10–1).

* * * * *

(2) NFPA 70 Article 505 (incorporated by reference, see § 110.10–1). Equipment identified for Class I locations must meet the provisions of Sections 505.7 and 505.9 of NPFA 70 and be tested and listed by an independent laboratory to the ANSI/ISA Series of standards incorporated in NFPA 70.

Note to § 111.106–3(b)(2): See sections 505.9(C) and 505.20 of the NFPA 70 for use of Division equipment in Zone designated spaces.

(3) IEC 60092–502:1999 (incorporated by reference, see § 110.10–1), with the following exceptions:

* * * * *

(vi) Electrical apparatus in hazardous locations must meet one or the combination of IEC 60079–1:2014, IEC 60079–2:2014, IEC 60079–5:2015, IEC 60079–6:2015, IEC 60079–7:2017, IEC 60079–11:2011, IEC 60079–13:2017, IEC 60079–15:2017, IEC 60079–18:2017, IEC 60079–25:2010 or IEC 60079–30–1:2007 (incorporated by reference, see § 110.10–1) in lieu of Clause 6.5.

* * * * *

(c) As an alternative to paragraph (b)(1) of this section, electrical equipment that complies with the provisions of NFPA 496 (2017) (incorporated by reference, see § 110.10–1) is acceptable for installation in Class I, Divisions 1 and 2. When equipment meeting this standard is used, it does not need to be identified and marked by an independent laboratory. The Commanding Officer, Marine Safety Center (MSC) will evaluate equipment complying with this standard during plan review. It is normally considered acceptable if a manufacturer's certification of compliance is indicated on a material list or plan.

(d) Equipment listed or certified to UL 60079–18 or IEC 60079–18:2017, respectively, (incorporated by reference, see § 110.10–1) is not permitted in Class I Special Division 1 or Zone 0 hazardous location, unless the encapsulating compound of Ex ''ma'' protected equipment is not exposed to, or has been determined to be compatible with, the liquid or cargo in the storage tank.

* * * * *

§ 111.106–5 [Amended]

■ 98. Amend § 111.106–5 as follows:

■ a. In paragraph (a):

■ i. Remove the text ''UL'' and add in its place the text ''ANSI/UL'';

■ ii. Remove the text ''60092–350:2008'' and add in its place the text ''60092–350:2014''; and

■ iii. Remove the text ''IEC 60092–353:2011'' and add in its place the text IEC ''60092–353:2016''; and

■ b. In paragraph (c), remove the text ''60092–502'' and add, in its place, the text ''60092–502:1999''.

§ 111.106–15 [Amended]

■ 99. Amend § 111.106–15, in paragraph (a), by removing the text ''60092–502'', wherever it occurs, and adding in its place the text ''60092–502:1999''.

■ 100. Amend § 111.107–1 as follows:

■ a. In paragraph (a)(1), remove the text ''111.10–1'' and add in its place the text ''110.15–1'';
■ b. In paragraph (b) introductory text, remove the text ''NEC 2002'' and add in its place the text ''70'';
■ c. Remove paragraph (b)(1);
■ d. Redesignate paragraphs (b)(2) through (5) as paragraphs (b)(1) through (4);
■ e. Add new paragraph (b)(5); and
■ f. In paragraph (c)(1), remove the text ''or Category A of IEC 60332–3–22 (both incorporated by reference; see 46 CFR 110.10–1)'' and add in its place the text ''IEC 60332–3–22:2018 or IEC 60332–3–21:2018, Category A or A F/R (incorporated by reference; see 46 CFR 110.10–1)''.

The addition reads as follows:

§ 111.107–1 Industrial systems.

* * * * *

(b) * * *

(5) Sections 111.30–1, 111.30–5(a), and 111.30–19(a)—Switchgear.

■ 101. Revise § 111.108–1 to read as follows:

§ 111.108–1 Applicability.

This subpart applies to MODUs, floating OCS facilities, and vessels, other than offshore supply vessels regulated under 46 CFR subchapter L of this chapter, constructed after April. 2, 2018 that engage in OCS activities.

102. Amend § 111.108–3 by revising paragraphs (b)(1)(i) through (iii), (b)(2) and (3), (d) introductory text, and (e) to read as follows:

§ 111.108–3 General requirements.

* * * * *

(b) * * *

(1) * * *

(i) ANSI/UL 674 (2013), ANSI/UL 823, ANSI/UL 844 (2012), ANSI/UL 913, ANSI/UL 1203, ANSI/ISA 12.12.01, ANSI/ISA 12.12.0, ANSI/UL 2062 or ANSI/UL 2225 (2011) (incorporated by reference, see § 110.10–1).

(ii) FM Approvals Class Number 3600, Class Number 3610, Class Number 3611, Class Number 3615, or Class Number 3620 (incorporated by reference, see § 110.10–1).

(iii) CSA C22.2 Nos. 0–10, 30–M1986, 157–92, or 213–16 (incorporated by reference, see § 110.10–1).

* * * * *

(2) NFPA 70 Article 505 (incorporated by reference, see § 110.10–1). Equipment required to be identified for Class I locations must meet the provisions of Sections 505.7 and 505.9 of NFPA 70 and must be tested and listed by an independent laboratory to one or more of the types of protection in ANSI/ISA Series of standards incorporated in NFPA 70.

Note to § 111.108–3(b)(2): See sections 505.9(C) of the NFPA 70 (incorporated by reference, see § 110.10–1) for use of Division equipment in Zone designated spaces.

(3) Clause 8 of IEC 61892–7:2019 (incorporated by reference, see § 110.10–1) for all U.S. and foreign floating OCS facilities and vessels on the U.S. OCS or on the waters adjacent thereto; chapter 6 of 2009 IMO MODU Code (incorporated by reference, see § 110.10–1) for all U.S. and foreign MODUs; or clause 6 of IEC 60092–502:1999 (incorporated by reference, see § 110.10–1) for U.S. tank vessels that carry flammable and combustible cargoes. Electrical apparatus in hazardous locations must be tested to IEC 60079–1:2014, IEC 60079–2:2014, IEC 60079–5:2015, IEC 60079–6:2015, IEC 60079–7:2017, IEC 60079–11:2011, IEC 60079–13:2017, IEC 60079–15:2017, IEC 60079–18:2017, IEC 60079–25:2010 or IEC 60079–30–1:2007 (incorporated by reference, see § 110.10–1) and certified by an independent laboratory under the IECEx System.

* * * * *

(d) As an alternative to paragraph (b)(1) of this section, electrical equipment that complies with the provisions of NFPA 496 (2017) (incorporated by reference, see § 110.10–1) is acceptable for installation in Class I, Divisions 1 and 2. When equipment meeting this standard is used, it does not need to be identified and marked by an independent laboratory. The Commanding Officer, MSC, will evaluate equipment complying with this standard during plan review.

* * * * *

(e) Equipment listed or certified to UL 60079–18 or IEC 60079–18:2017, respectively, (incorporated by reference, see § 110.10–1) is not permitted in Class I, Special Division 1, or Zone 0 hazardous locations unless the encapsulating compound of Ex ''ma'' protected equipment is not exposed to, or has been determined to be compatible with, the liquid or cargo in the storage tank.

* * * * *

PART 112—EMERGENCY LIGHTING AND POWER SYSTEMS

■ 103. The authority citation for part 112 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Department of Homeland Security Delegation No. 0170.1.

■ 104. Revise § 112.01–20 to read as follows:

§ 112.01–20 Final emergency power source.

A final emergency power source is one that automatically supplies power to the emergency loads under § 112.15–5 and automatically transfers the temporary emergency loads under § 112.15–1 when the potential of the final emergency source reaches 85 to 95% of normal value.

■ 105. Amend § 112.05–5 as follows:
■ a. Revise paragraph (a) introductory text; and
■ b. Redesignate Table 112.05–5(a) as Table 1 to § 112.05–5.

The revision reads as follows:

§ 112.05–5 Emergency power source.

(a) The emergency power source must meet table 112.05–5(a) and have the capacity to supply all loads, at a unity (1.0) service factor, that are simultaneously connected to it, except a load on a bus-tie to the main switchboard or non-required loads that are connected in accordance with § 112.05–1(c).

* * * * *

■ 106. Add § 112.05–07 to subpart 112.05 to read as follows:

§ 112.05–7 Use of emergency generator in port.

The emergency generator may be used during lay time in port for supplying power to the vessels, provided the following:

(a) The fuel oil tank for the emergency generator prime mover must be appropriately sized and provided with a level alarm, which is to be set to alarm at a level where there is sufficient fuel oil capacity for the emergency services for the period of time required by § 112.05–5(a).

(b) The emergency generator prime mover is to be rated for continuous service.

(c) The prime mover is to be fitted with alarms, displays and automatic shutdown arrangements that meet ABS Marine Vessel Rules, section 4–8–2/5.19 Table 2, except that for fuel oil tank low-level alarm, in paragraph (a) of this section is to apply instead. The displays and alarms are to be provided in the centralized control station. Monitoring at the engineers' quarters must meet ABS Marine Vessel Rules, section 4–9–6/19.

(d) The emergency generator room is to be fitted with fire detectors. Where the emergency generator is located in a space separated from the emergency switchboard, fire detectors are to be located in each space. The fire detection and alarm system must meet the requirements of 46 CFR subpart 113.10.

(e) The power supply circuits, including control and monitoring

circuits, for the use of an emergency generator in port are to be so arranged and protected that any electrical fault, except for the emergency generator and the emergency switchboard, will not affect the operation of the main and emergency services.

(f) Means are to be provided to readily change over to emergency operation.

(g) The generator is to be safeguarded against overload by automatically shedding such other loads so that the supply to the required emergency loads is always available.

(h) Operational instructions such as that on the fuel oil tank level, harbor/seagoing mode changeover arrangements, etc. are to be provided on board. Before the vessel is under way, all valves, switches, etc., are to be in the positions for the intended mode of operation of the emergency generator and the emergency switchboard. Such instructions are to be distinctly posted at the emergency generator room. Planned maintenance is to be carried out only while in port.

■ 107. Amend § 112.15–1 by adding paragraph (s) to read as follows:

§ 112.15–1 Temporary emergency loads.

* * * * *

(s) Engineer's assistance-needed alarm.

§ 112.43–13 [Removed and Reserved]

■ 108. Remove and reserve § 112.43–13.

■ 109. Amend § 112.50–1 by revising paragraphs (g) and (h) to read as follows:

§ 112.50–1 General.

* * * * *

(g) The following automatic shutdowns are required for the generator set:

(1) Overspeed; and

(2) Operation of a fixed fire extinguishing system in the emergency generator room.

(h) The following audible alarms are required for the generator set if the prime mover is a diesel engine:

(1) Low oil pressure; and

(2) High cooling water temperature.

* * * * *

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

■ 110. The authority citation for part 113 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; Department of Homeland Security Delegation No. 0170.1.

■ 111. Revise § 113.05–07 to read as follows:

§ 113.05–7 Environmental tests.

(a) Communication, alarm system, control, and monitoring equipment, with the exception of fire and smoke detection and alarm systems, must meet the environmental tests of—

(1) Section 4–9–9, Table 1, of ABS Marine Vessel Rules (incorporated by reference; see110.10–1) or the applicable ENV category of Lloyd's Register Type Approval System—Test Specification Number 1 (incorporated by reference; see 110.10–1); and

(2) IEC 60533:2015 (incorporated by reference; see 46 CFR 110.10–1) as appropriate.

(b) Components of smoke detection and alarm systems must be tested in accordance with 46 CFR 161.002.

§ 113.25–7 [Amended]

■ 112. Amend § 113.25–7, in paragraph (b), by removing the text ''as allowed under § 113.25–6(e)(2)''.

§ 113.25–11 [Amended]

■ 113. Amend § 113.25–11, in paragraph (a), by removing the text ''IEC 60529'' and adding in its place the text ''IEC 60529:2013''.

§ 113.30–25 [Amended]

■ 114. Amend § 113.30–25 as follows:

■ a. In paragraph (e), remove the text ''IEC 60529'' and add in its place the text ''IEC 60529:2013''; and

■ b. In paragraph (i), remove the text ''IEC 60529'' and add in its place the text ''IEC 60529:2013''.

■ c. In paragraph (j)(2), remove the text ''60331–11'' and add in its place the text ''60331–11:2009'' and remove the text ''60331–21'' and add in its place the text ''60331–21:1999''.

§ 113.37–10 [Amended]

■ 115. Amend § 113.37–10, in paragraph (b), by removing the text ''IEC 60529'' and adding in its place the text ''IEC 60529:2013''.

§ 113.40–10 [Amended]

■ 116. Amend § 113.40–10, in paragraph (b), by removing the text ''IEC 60529'' and adding in its place the text ''IEC 60529:2013''.

§ 113.50–5 [Amended]

■ 117. Amend § 113.30–25, in paragraphs (b) and (d), after the word ''maker'', add the words ''or initiating device''.

■ 118. Revise § 113.65–5 to read as follows:

§ 113.65–5 General requirements

Each whistle operator must meet Section 18 of IEEE 45.1–2016 (incorporated by reference; see 46 CFR 110.10–1).

Dated: March 25, 2021.

R.V. Timme,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

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Part III

Office of Personnel Management

SES Positions That Were Career Reserved During CY 2020; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During CY 2020

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of all positions in the Senior Executive Service (SES) that were career reserved during calendar year 2020.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2020, regardless of whether those positions were still career reserved as of December 31, 2020. Section 3132(b) (4) of title 5, United States Code, requires that the head of each agency publish such lists by March 1 of the following year. The Office of Personnel Management is publishing a consolidated list for all agencies.

Agency name	Organization name	Position title
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	DIRECTOR OF FINANCE AND OPERATIONS.
		GENERAL COUNSEL.
		EXECUTIVE DIRECTOR.
ADVISORY COUNCIL ON HISTORIC PRESERVATION.	ADVISORY COUNCIL ON HISTORIC PRESERVATION.	EXECUTIVE DIRECTOR.
DEPARTMENT OF AGRICULTURE		
AGRICULTURAL RESEARCH SERVICE	MIDWEST AREA OFFICE	DIRECTOR, MIDWEST AREA.
		DIRECTOR, NATIONAL CENTER FOR AGRICULTURE UTILIZATION.
		ASSOCIATE DIRECTOR, MIDWEST AREA (2).
	NORTHEAST AREA OFFICE	DIRECTOR, EASTERN REGIONAL RESEARCH CENTER.
		DIRECTOR NORTHEAST AREA OFFICE.
		DIRECTOR, BELTSVILLE AGRICULTURAL RESEARCH CENTER.
		ASSOCIATE DIRECTOR, NORTHEAST AREA (2).
	OFFICE OF NATIONAL PROGRAMS	DEPUTY ADMINISTRATOR, NUTRITION,FOOD SAFETY AND QUALITY.
		DEPUTY ADMINISTRATOR, ANIMAL PRODUCTION AND PROTECTION.
		DEPUTY ADMINISTRATOR, CROP PRODUCTION AND PROTECTION.
		ASSOCIATE ADMINISTRATOR, NATIONAL PROGRAMS.
		DEPUTY ADMINISTRATOR FOR NATURAL RESOURCES AND SUSTAINABLE AGRICULTURAL SYSTEMS.
	PACIFIC WEST AREA OFFICE	ASSOCIATE DIRECTOR, PACIFIC WEST AREA (2).
		DIRECTOR, WESTERN REGIONAL RESEARCH CENTER.
		DIRECTOR, PACIFIC WEST AREA OFFICE.
		DIRECTOR, WESTERN HUMAN NUTRITION RESEARCH CENTER.
	PLAINS AREA OFFICE	ASSOCIATE DIRECTOR, PLAINS AREA OFFICE (2).
		DIRECTOR, UNITED STATES MEAT ANIMAL RESEARCH CENTER.
		DIRECTOR, PLAINS AREA.
	SOUTHEAST AREA OFFICE	DIRECTOR, SOUTHERN REGIONAL RESEARCH CENTER.
		ASSOCIATE DIRECTOR, SOUTHEAST AREA (2).
		DIRECTOR, SOUTHEAST AREA.
ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	PLANT PROTECTION AND QUARANTINE SERVICE.	EXECUTIVE DIRECTOR, EASTERN REGION, PLANT PROTECTION AND QUARANTINE.
		EXECUTIVE DIRECTOR, POLICY MANAGEMENT.
		EXECUTIVE DIRECTOR, WESTERN REGION, PLANT PROTECTION AND QUARANTINE.

Agency name	Organization name	Position title
	VETERINARY SERVICES	EXECUTIVE DIRECTOR, SCIENCE, TECHNOLOGY AND ANALYSIS SERVICE.
		EXECUTIVE DIRECTOR (STRATEGY AND POLICY).
		DIRECTOR, WESTERN REGION, VETERINARY SERVICES.
		ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL ANIMAL HEALTH POLICY PROGRAMS.
		EXECUTIVE DIRECTOR (DOMESTIC PROGRAMS).
DEPARTMENTAL ADMINISTRATION	OFFICE OF ADVOCACY AND OUTREACH	DIRECTOR, OFFICE OF ADVOCACY AND OUTREACH.
	OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION.	DEPUTY DIRECTOR OF HOMELAND SECURITY AND EMERGENCY COORDINATION.
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	EXECUTIVE DIRECTOR, EXECUTIVE RESOURCES MANAGEMENT DIVISION.
	OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS.
		DEPUTY DIRECTOR OF OPERATIONS.
	PROCUREMENT AND PROPERTY MANAGEMENT.	DIRECTOR, CONTRACTING AND PROCUREMENT.
		DEPUTY DIRECTOR, OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT.
FOREST SERVICE	FIELD UNITS	DIRECTOR, FOREST PRODUCTS LABORATORY (MADISON).
		DIRECTOR, SOUTHERN RESEARCH STATION (ASHEVILLE).
		DIRECTOR, ROCKY MOUNTAIN FOREST AND RANGE EXPERIMENT STATION (FORT COLLINS).
		DIRECTOR, PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMENT STATION (VALLEJO).
		DIRECTOR, PACIFIC NORTHWEST RESEARCH STATION.
		DIRECTOR, NORTHERN RESEARCH STATION.
		NORTHEAST AREA DIRECTOR, STATE AND PRIVATE FORESTRY.
	INTERNATIONAL FOREST SYSTEM	DIRECTOR INTERNATIONAL INSTITUTE OF TROPICAL FOREST (RIO PIEDRAS).
	NATIONAL FOREST SYSTEM	DIRECTOR, LANDS MANAGEMENT STAFF.
		DIRECTOR, ENGINEERING.
		DIRECTOR, FOREST MANAGEMENT STAFF.
		DIRECTOR, RANGELAND MANAGEMENT.
		DIRECTOR, MINERALS AND GEOLOGY MANAGEMENT STAFF.
		DIRECTOR, WATER, FISH, WASTELAND, AIR AND RARE PLANTS.
		DIRECTOR, ECOSYSTEM MANAGEMENT COORDINATION.
	RESEARCH	DIRECTOR, INVENTORY, MONITORING AND ASSESSMENT.
		DIRECTOR, SUSTAINABLE FOREST MANAGEMENT.
		DIRECTOR, RESOURCE USE SCIENCES.
		DIRECTOR, ENVIRONMENTAL SCIENCES.
	STATE AND PRIVATE FORESTRY	SENIOR ADVISOR TO THE DEPUTY CHIEF, STATE AND PRIVATE FORESTRY.
		DIRECTOR COOPERATIVE FORESTRY.
		DIRECTOR, FOREST HEALTH PROTECTION.
NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.	ECONOMIC RESEARCH SERVICE	DIRECTOR, MARKET AND TRADE ECONOMICS DIVISION.
		DIRECTOR, INFORMATION SERVICES DIVISION.
		DIRECTOR, RESOURCE AND RURAL ECONOMICS DIVISION.
		ADMINISTRATOR, ECONOMIC RESEARCH SERVICE.

Agency name	Organization name	Position title
		ASSOCIATE ADMINISTRATOR, ECONOMIC RESEARCH SERVICE.
		DIRECTOR, FOOD ECONOMICS DIVISION.
	NATIONAL AGRICULTURAL STATISTICS SERVICE.	DIRECTOR, WESTERN FIELD OPERATIONS.
		ASSOCIATE ADMINISTRATOR.
		ADMINISTRATOR, NATIONAL AGRICULTURAL STATISTICS SERVICE.
		DIRECTOR, NATIONAL OPERATIONS CENTER.
		DIRECTOR, EASTERN FIELD OPERATIONS.
		DIRECTOR, STATISTICS DIVISION.
		DIRECTOR, CENSUS AND SURVEY DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY DIVISION.
		DIRECTOR, METHODOLOGY DIVISION.
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	DEPARTMENTAL ADMINISTRATION	DIRECTOR, OFFICE OF SAFETY, SECURITY AND PROTECTION.
OFFICE OF THE SECRETARY	NATIONAL FINANCE CENTER	DIRECTOR, FINANCIAL SERVICES DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT DIVISION.
		DEPUTY DIRECTOR, NATIONAL FINANCE CENTER.
	NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.	DEPUTY DIRECTOR, INSTITUTE OF FOOD SAFETY AND NUTRITION.
		DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY.
		DEPUTY DIRECTOR, OFFICE OF GRANTS AND FINANCIAL MANAGEMENT.
		ASSISTANT DIRECTOR, INSTITUTE OF BIOENERGY, CLIMATE, AND ENVIRONMENT.
	OFFICE OF COMMUNICATIONS	DEPUTY DIRECTOR, CREATIVE DEVELOPMENT.
	OFFICE OF THE CHIEF ECONOMIST	DEPUTY CHIEF ECONOMIST.
		DIRECTOR, GLOBAL CHANGE PROGRAM OFFICE.
		DIRECTOR, OFFICE OF ENERGY POLICY AND NEW USES.
		CHAIRPERSON.
		DIRECTOR, OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DEPUTY CHIEF FINANCIAL OFFICER.
		ASSOCIATE CHIEF FINANCIAL OFFICER, FINANCIAL SYSTEMS PLANNING AND MANAGEMENT.
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL POLICY AND PLANNING.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS AND INFRASTRUCTURE.
		ASSOCIATE CHIEF INFORMATION OFFICER, INTERNATIONAL TECHNOLOGY SERVICES.
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL, GENERAL LAW AND RESEARCH DIVISION.
		ASSISTANT GENERAL COUNSEL, NATURAL RESOURCES AND ENVIRONMENT DIVISION.
		DIRECTOR, OFFICE OF INFORMATION AFFAIRS.
	OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	DEPUTY ASSISTANT CHIEF INFORMATION OFFICER.
		DIRECTOR, OFFICE OF GRANTS AND AGREEMENTS.
	OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY.	DEPUTY UNDER SECRETARY FOR FOOD SAFETY.

Agency name	Organization name	Position title
	OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS.	DIRECTOR OFFICE OF THE USDA CHIEF SCIENTIST.
OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY.	FOOD SAFETY AND INSPECTION SERVICE	EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION, ENFORCEMENT AND AUDITING.
		ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT.
		CHIEF OPERATING OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT.
		ASSISTANT ADMINISTRATOR, OOEET.
		ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION, ENFORCEMENT AND AUDITING.
		UNITED STATES MANAGER FOR CODEX.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT.
		EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS.
		EXECUTIVE ASSOCIATE FOR EMPLOYEE EXPERIENCE.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE.
		ASSISTANT CHIEF INFORMATION OFFICER.
		INTERNATIONAL AFFAIRS LIAISON OFFICER.
		DEPUTY ADMINISTRATOR.
		ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS.
		CHIEF FINANCIAL OFFICER.
		ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT.
		ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC AFFAIRS AND CONSUMER EDUCATION.
		ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROTECTION.
		DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROGRAM.
		EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS (2).
		EXECUTIVE ASSOCIATE FOR LABORATORY SERVICES, OFFICE OF PUBLIC HEALTH SCIENCE.
OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES.	FOOD AND NUTRITION SERVICE	PROGRAM MANAGER (ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND SUPPORT).
		CHIEF OPERATING OFFICER.
		PROGRAM MANAGER (DEPUTY ADMINISTRATOR FOR MANAGEMENT).
		FINANCIAL MANAGER.
OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS.	AGRICULTURAL MARKETING SERVICE	DEPUTY ADMINISTRATOR, INFORMATION TECHNOLOGY SERVICES.
		ASSOCIATE ADMINISTRATOR.
		DEPUTY ADMINISTRATOR, SPECIALTY CROPS.
		DEPUTY ADMINISTRATOR, DAIRY PROGRAMS.
		DEPUTY ADMINISTRATOR, LIVESTOCK AND SEED PROGRAMS.
		DEPUTY ADMINISTRATOR, FAIR TRADE PRACTICES PROGRAM.

Agency name	Organization name	Position title
	ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	DEPUTY ADMINISTRATOR, COMPLIANCE AND ANALYSIS.
		DEPUTY ADMINISTRATOR FOR NATIONAL ORGANIC PROGRAMS.
		DEPUTY ADMINISTRATOR, COTTON AND TOBACCO PROGRAMS.
		DEPUTY ADMINISTRATOR, TRANSPORTATION AND MARKETING PROGRAMS.
		DEPUTY ADMINISTRATOR, SCIENCE AND TECHNOLOGY PROGRAMS.
		EXECUTIVE DIRECTOR, DIAGNOSTICS AND BIOLOGICS.
		ASSOCIATE DEPUTY ADMINISTRATOR, SPRS.
		ASSOCIATE DEPUTY ADMINISTRATOR, VS.
		ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL IMPORT-EXPORT SERVICES.
		CHIEF ADVISOR (GOVERNMENT, ACADEMIA AND INDUSTRY PARTNERSHIP).
		CHIEF FINANCIAL OFFICER.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR ANIMAL CARE.
		DIRECTOR, NATIONAL IMPORT EXPORT SERVICE.
		ASSISTANT CHIEF INFORMATION OFFICER.
		DIRECTOR, INVESTIGATIVE AND ENFORCEMENT SERVICES.
		DIRECTOR, NATIONAL WILDLIFE RESEARCH CENTER.
		HUMAN RESOURCES OFFICER.
		DEPUTY ADMINISTRATOR, BIOTECHNOLOGY REGULATORY PROGRAMS.
		DEPUTY ADMINISTRATOR FOR INTERNATIONAL SERVICES.
		DEPUTY ADMINISTRATOR, LEGISLATIVE AND PUBLIC AFFAIRS.
		ASSOCIATE DEPUTY ADMINISTRATOR, EMERGING AND INTERNATIONAL PROGRAMS.
		DIRECTOR, EASTERN REGION, WILDLIFE SERVICES.
		EXECUTIVE DIRECTOR, WESTERN REGION, WILDLIFE SERVICES.
		ASSOCIATE DEPUTY ADMINISTRATOR, VETERINARY SERVICES.
		DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSINESS SERVICES.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSINESS SERVICES.
		DEPUTY ADMINISTRATOR, WILDLIFE SERVICES.
		DEPUTY ADMINISTRATOR, ANIMAL CARE.
		ASSOCIATE DEPUTY ADMINISTRATOR, WILDLIFE SERVICES.
		ASSISTANT DEPUTY ADMINISTRATOR, PLANT PROTECTION AND QUARANTINE.
		EXECUTIVE DIRECTOR, CENTER FOR PLANT HEALTH SCIENCE AND TECHNOLOGY.
	GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.	DIRECTOR FIELD MANAGEMENT DIVISION.
OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS.	AGRICULTURAL RESEARCH SERVICE	CHIEF FINANCIAL OFFICER.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT.
		PEST MANAGEMENT OFFICER.
		DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT.

Agency name	Organization name	Position title
		ASSISTANT ADMINISTRATOR FOR TECHNOLOGY TRANSFER.
		ASSISTANT CHIEF INFORMATION OFFICER.
		ASSOCIATE ADMINISTRATOR, RESEARCH OPERATIONS AND MANAGEMENT.
OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT.	RURAL BUSINESS SERVICE	DEPUTY ADMINISTRATOR, ENERGY PROGRAMS.
		DEPUTY ADMINISTRATOR, BUSINESS PROGRAMS.
	RURAL HOUSING SERVICE	DIRECTOR, BUDGET DIVISION.
		DEPUTY ADMINISTRATOR, MULTI-FAMILY HOUSING.
		DEPUTY ADMINISTRATOR, CENTRALIZED SERVICING CENTER.
		DEPUTY ADMINISTRATOR FOR OPERATIONS AND MANAGEMENT.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, RURAL HOUSING SERVICE.
		DIRECTOR, HUMAN RESOURCES.
OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS.	FARM SERVICE AGENCY	DIRECTOR, OFFICE OF BUDGET AND FINANCE.
		DEPUTY ADMINISTRATOR FOR FARM LOAN PROGRAMS.
		DIRECTOR, HUMAN RESOURCES DIVISION.
		DEPUTY DIRECTOR, OFFICE OF BUDGET AND FINANCE (2).
		ASSISTANT DEPUTY ADMINISTRATOR FARM PROGRAMS.
		DIRECTOR, BUSINESS AND PROGRAM INTEGRATION.
	FOREIGN AGRICULTURAL SERVICE	DEPUTY ADMINISTRATOR, OFFICE OF GLOBAL ANALYSIS.
		ASSOCIATE ADMINISTRATOR (CHIEF OPERATING OFFICER).
	RISK MANAGEMENT AGENCY	DEPUTY ADMINISTRATOR FOR INSURANCE SERVICES DIVISION.
		DEPUTY ADMINISTRATOR FOR PRODUCT MANAGEMENT.
OFFICE OF UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT.	FOREST SERVICE	DEPUTY CHIEF, BUSINESS OPERATIONS.
		DIRECTOR, FIRE AND AVIATION MANAGEMENT.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, LAW ENFORCEMENT AND INVESTIGATIONS.
		DIRECTOR, ACQUISITION MANAGEMENT.
		ASSOCIATE DEPUTY CHIEF FOR BUSINESS OPERATIONS.
		ASSOCIATE DEPUTY CHIEF, RESEARCH AND DEVELOPMENT.
	NATURAL RESOURCES CONSERVATION SERVICE.	CHIEF PROCUREMENT AND PROPERTY OFFICER.
		DEPUTY CHIEF FOR STRATEGIC PLANNING AND ACCOUNTABILITY.
		ASSOCIATE CHIEF FOR OPERATIONS/CHIEF OPERATING OFFICER.
		DIRECTOR, SOIL SCIENCE DIVISION.
		DIRECTOR, RESOURCE ECONOMICS, ANALYSIS AND POLICY DIVISION.
		SPECIAL ASSISTANT TO CHIEF.
		HUMAN RESOURCES OFFICER.
		DEPUTY CHIEF FOR PROGRAMS.
		DIRECTOR, FINANCIAL ASSISTANCE PROGRAMS DIVISION.
		REGIONAL CONSERVATIONIST (NORTHEAST).
		DIRECTOR, EASEMENT PROGRAMS DIVISION.
		DIRECTOR, CONSERVATION ENGINEERING DIVISION.
		DIRECTOR ECOLOGICAL SCIENCES DIVISION.
		CHIEF FINANCIAL OFFICER.

Agency name	Organization name	Position title
DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDIT.	DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF DATA SCIENCES.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.
	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
AMERICAN BATTLE MONUMENTS COMMISSION		
AMERICAN BATTLE MONUMENTS COMMISSION.	DIRECTOR, OVERSEAS OPERATIONS	CHIEF OPERATING OFFICER.
	EXECUTIVE DIRECTOR	DEPUTY SECRETARY.
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.	ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.	DIRECTOR OFFICE OF TECHNICAL AND INFORMATION SERVICES.
		EXECUTIVE DIRECTOR.
UNITED STATES AGENCY FOR GLOBAL MEDIA.	UNITED STATES AGENCY FOR GLOBAL MEDIA.	CHIEF INFORMATION OFFICER/DIRECTOR OF INFORMATION TECHNOLOGY OPERATIONS.
		DEPUTY DIRECTOR FOR OPERATIONS.
		DIRECTOR OF MANAGEMENT SERVICES.
		CHIEF FINANCIAL OFFICER.
		EXECUTIVE DIRECTOR.
DEPARTMENT OF COMMERCE		
ALASKA REGION	CLIMATE PREDICTION CENTER	DIRECTOR, CLIMATE PREDICTION CENTER.
	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION CENTRAL OPERATIONS.	DIRECTOR, CENTRAL OPERATIONS.
	STORM PREDICTION CENTER	DIRECTOR, STORM PREDICTION CENTER.
	TROPICAL PREDICTION CENTER	DIRECTOR, NATIONAL HURRICANE CENTER.
ASSISTANT SECRETARY FOR ENFORCEMENT AND COMPLIANCE.	DEPUTY ASSISTANT SECRETARY FOR ANTIDUMPING DUTY/COUNTERVAILING DUTY OPERATIONS (AD/CVD).	SENIOR DIRECTOR.
		SENIOR DIRECTOR, AD/CVD ENFORCEMENT OFFICE VII.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS.
ASSISTANT SECRETARY FOR INDUSTRY AND ANALYSIS.	DEPUTY ASSISTANT SECRETARY FOR TRADE, POLICY AND ANALYSIS.	DIRECTOR, OFFICE OF STANDARDS AND INVESTMENT POLICY.
BUREAU OF ECONOMIC ANALYSIS	ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS.	ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS.
	ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS.	CHIEF, BALANCE OF PAYMENTS DIVISION.
		CHIEF DIRECT INVESTMENT DIVISION.
		ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS.
	ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS.	ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS.
	BUREAU OF ECONOMIC ANALYSIS	CHIEF NATIONAL INCOME AND WEALTH DIVISION.
		ASSOCIATE DIRECTOR FOR NATIONAL ECONOMIC ACCOUNTS.
	OFFICE OF THE DIRECTOR	CHIEF ECONOMIST.
		CHIEF INFORMATION OFFICER.
		CHIEF INNOVATION OFFICER.
		CHIEF FINANCIAL OFFICER AND CHIEF OF ADMINISTRATIVE SERVICES.
		DEPUTY DIRECTOR, BUREAU OF ECONOMIC ANALYSIS.
		DIRECTOR, BUREAU OF ECONOMIC ANALYSIS.
		CHIEF ADMINISTRATIVE OFFICER.

Agency name	Organization name	Position title
BUREAU OF INDUSTRY AND SECURITY	OFFICE OF THE ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.	DEPUTY ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.
		DEPUTY DIRECTOR, OFFICE OF EXPORT ENFORCEMENT.
		DIRECTOR, OFFICE OF EXPORT ENFORCEMENT.
		DIRECTOR, OFFICE OF ENFORCEMENT ANALYSIS.
BUREAU OF THE CENSUS	ASSOCIATE DIRECTOR FOR ADMINISTRATION AND CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
		CHIEF, FINANCE DIVISION.
		CHIEF, HUMAN RESOURCES DIVISION.
		DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF, BUDGET DIVISION.
		CHIEF, ACQUISITION DIVISION.
		CHIEF ADMINISTRATIVE OFFICER.
	ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.	CHIEF, ECONOMIC REIMBURSABLE SURVEYS DIVISION.
		CHIEF, ECONOMIC INDICATORS DIVISION.
		CHIEF, ECONOMIC MANAGEMENT DIVISION.
		ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.
		CHIEF, ECONOMY-WIDE STATISTICS DIVISION.
		CHIEF, ECONOMIC STATISTICAL METHODS AND RESEARCH DIVISION.
		ASSISTANT DIRECTOR FOR ECONOMIC PROGRAMS.
		CHIEF, ECONOMIC APPLICATIONS DIVISION.
	ASSOCIATE DIRECTOR FOR FIELD OPERATIONS.	ASSISTANT DIRECTOR FOR FIELD OPERATIONS.
		CHIEF, OFFICE OF SURVEY AND CENSUS ANALYTICS.
		ASSOCIATE DIRECTOR FOR FIELD OPERATIONS.
		CHIEF, FIELD DIVISION.
		CHIEF NATIONAL PROCESSING CENTER.
	ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.	CHIEF TECHNOLOGY OFFICER.
		CHIEF, COMPUTER SERVICES DIVISION.
		CHIEF INFORMATION OFFICER.
		CHIEF, APPLICATION DEVELOPMENT AND SERVICES DIVISION.
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF INFORMATION SECURITY OFFICER.
	OFFICE OF THE DIRECTOR	SENIOR ADVISOR FOR PROJECT MANAGEMENT.
		ASSOCIATE DIRECTOR FOR PERFORMANCE IMPROVEMENT.
		CHIEF, OFFICE OF PROGRAM, PERFORMANCE, AND STAKEHOLDER INTEGRATION.
		DEPUTY CHIEF, OFFICE OF PROGRAM, PERFORMANCE, AND STAKEHOLDER INTEGRATION.
DEPARTMENT OF COMMERCE	BUREAU OF INDUSTRY AND SECURITY	CHIEF INFORMATION OFFICER.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
	ECONOMICS AND STATISTICS ADMINISTRATION.	CHIEF FINANCIAL OFFICER AND DIRECTOR FOR ADMINISTRATION.
		DIRECTOR FOR POLICY AND PLANNING.
	MINORITY BUSINESS DEVELOPMENT AGENCY.	ASSOCIATE DIRECTOR FOR MANAGEMENT.
	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.	SENIOR ADVISOR.
	NATIONAL TECHNICAL INFORMATION SERVICE.	DEPUTY DIRECTOR, NATIONAL TECHNICAL INFORMATION SERVICE.
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.
	OFFICE OF THE SECRETARY	DIRECTOR OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

Agency name	Organization name	Position title
	PATENT AND TRADEMARK OFFICE	DIRECTOR OF THE OFFICE OF PETITIONS.
		TRADEMARK GROUP DIRECTOR FOR INFORMATION TECHNOLOGY.
		CHIEF CORPORATE COMMUNICATIONS OFFICER.
DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE AND ASSISTANT SECRETARY FOR GLOBAL MARKETS.	DEPUTY ASSISTANT SECRETARY FOR CHINA.	EXECUTIVE DIRECTOR FOR CHINA.
ECONOMIC DEVELOPMENT ADMINISTRATION.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY.	CHIEF FINANCIAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER.
ECONOMICS AND STATISTICS ADMINISTRATION.	ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS.	SENIOR ADVOCATE FOR RESPONSE SECURITY AND DATA INTEGRITY.
		ASSISTANT DIRECTOR FOR DECENNIAL CENSUS PROGRAMS (SYSTEMS AND CONTRACTS).
		CHIEF, DECENNIAL INFORMATION TECHNOLOGY DIVISION.
		CHIEF, DECENNIAL STATISTICAL STUDIES DIVISION.
		CHIEF, DECENNIAL CONTRACTS EXECUTION OFFICE.
		CHIEF, AMERICAN COMMUNITY SURVEY OFFICE.
		CHIEF DECENNIAL MANAGEMENT DIVISION.
		CHIEF, GEOGRAPHY DIVISION.
		ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS.
		CHIEF, DECENNIAL COMMUNICATIONS AND STAKEHOLDER RELATIONSHIPS.
		ASSISTANT DIRECTOR FOR DECENNIAL CENSUS PROGRAMS (OPERATIONS AND SCHEDULE MANAGEMENT).
	ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.	CHIEF, POPULATION DIVISION.
		ASSISTANT DIRECTOR FOR DEMOGRAPHIC PROGRAMS.
		CHIEF, DEMOGRAPHIC STATISTICAL METHODS DIVISION.
		CHIEF, SOCIAL, ECONOMIC, AND HOUSING STATISTICS DIVISION.
		CHIEF DEMOGRAPHIC SURVEYS DIVISION.
		ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.
	ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.	CHIEF, CENTER FOR ECONOMIC STUDIES AND CHIEF ECONOMIST.
		ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.
		ASSISTANT DIRECTOR FOR RESEARCH AND METHODOLOGY.
		CHIEF, CENTER FOR SURVEY MEASUREMENT.
		CHIEF, CENTER FOR ENTERPRISE DISSEMINATION.
		CHIEF, CENTER FOR ADAPTIVE DESIGN.
		CHIEF STATISTICAL RESEARCH DIVISION.
ENVIRONMENTAL RESEARCH LABORATORIES.	ATLANTIC OCEAN AND METEOROLOGY LABORATORY.	DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL
	GEOPHYSICAL FLUID DYNAMICS LABORATORY.	DIRECTOR, OFFICE OF GEOPHYSICAL FLUID DYNAMICS LABORATORY.
	GREAT LAKE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY.
	PACIFIC MARINE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF PACIFIC MARINE ENVIRONMENTAL LABORATORY.
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.	BOULDER SITE MANAGEMENT OFFICE	BOULDER LABORATORIES SITE MANAGER.
	CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.	DIRECTOR, CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.
		DEPUTY DIRECTOR, CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.

Agency name	Organization name	Position title
	ENGINEERING LABORATORY	DIRECTOR, ENGINEERING LABORATORY.
		DIRECTOR, SMART GRID AND CYBER-PHYSICAL SYSTEMS PROGRAM OFFICE.
		DEPUTY DIRECTOR ENGINEERING LABORATORY.
	HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.	DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAMS.
		DEPUTY DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.
	INFORMATION TECHNOLOGY LABORATORY.	DEPUTY DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
		DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
	MATERIAL MEASUREMENT LABORATORY	DIRECTOR, MATERIAL MEASUREMENT LABORATORY.
	NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.	DEPUTY DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.
		DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.
	OFFICE OF ACQUISITION AND AGREEMENTS MANAGEMENT.	DIRECTOR, OFFICE OF ACQUISITION AND AGREEMENTS MANAGEMENT.
	OFFICE OF FACILITIES AND PROPERTY MANAGEMENT.	CHIEF FACILITIES MANAGEMENT OFFICER.
	OFFICE OF FINANCIAL RESOURCE MANAGEMENT.	CHIEF FINANCIAL OFFICER FOR NIST AND NTIS.
		CHIEF FINANCIAL OFFICER FOR NIST.
	OFFICE OF INFORMATION SYSTEMS MANAGEMENT.	
	CHIEF INFORMATION OFFICER FOR NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY..	
	OFFICE OF SAFETY, HEALTH AND ENVIRONMENT.	CHIEF SAFETY OFFICER.
	OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.	CHIEF OF STAFF FOR NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY.
		CHIEF SCIENTIST.
		ASSOCIATE DIRECTOR FOR INNOVATION AND INDUSTRY SERVICES.
		ASSOCIATE DIRECTOR FOR MANAGEMENT RESOURCES.
		ASSOCIATE DIRECTOR FOR LABORATORY PROGRAMS.
		DIRECTOR, COMMUNICATIONS TECHNOLOGY LABORATORY.
		DIRECTOR, ADVANCED MANUFACTURING PROGRAM OFFICE.
		SENIOR SCIENCE ADVISOR.
	PHYSICAL MEASUREMENT LABORATORY	DIRECTOR, PHYSICAL MEASUREMENT LABORATORY.
		DEPUTY DIRECTOR FOR MEASUREMENT SCIENCE.
		DEPUTY DIRECTOR, PHYSICAL MEASUREMENT LABORATORY.
	SPECIAL PROGRAMS OFFICE	DEPUTY DIRECTOR, SPECIAL PROGRAMS OFFICE.
		DIRECTOR, SPECIAL PROGRAMS OFFICE.
	STANDARDS COORDINATION OFFICE	DIRECTOR, STANDARDS COORDINATION OFFICE.
NATIONAL MARINE FISHERIES SERVICE	OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR OFFICE OF SCIENCE AND TECHNOLOGY.

Agency name	Organization name	Position title
	REGIONAL OFFICES	SCIENCE AND RESEARCH DIRECTOR NORTHEAST REGION.
		SCIENCE AND RESEARCH DIRECTOR, SOUTHEAST REGION.
		SCIENCE AND RESEARCH DIRECTOR, ALASKA REGION.
		SCIENCE AND RESEARCH DIRECTOR, NORTHWEST REGION.
		SCIENCE AND RESEARCH DIRECTOR, PACIFIC ISLAND REGION.
		SCIENCE AND RESEARCH DIRECTOR SOUTHWEST REGION.
NATIONAL OCEAN SERVICE	CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.	DIRECTOR, CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.
	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL SERVICES CENTER.	DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE.
	OFFICE OF NATIONAL GEODETIC SURVEY	DIRECTOR, OFFICE OF NATIONAL GEODETIC SURVEY.
	OFFICE OF RESPONSE AND RESTORATION.	DIRECTOR, OFFICE OF RESPONSE AND RESTORATION.
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.	DIRECTOR, NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.
		DIRECTOR, WEATHER PREDICTION CENTER.
		DIRECTOR, OCEAN PREDICTION CENTER.
		DIRECTOR, ENVIRONMENTAL MODELING CENTER.
		DIRECTOR, AVIATION WEATHER CENTER.
		DIRECTOR, SPACE WEATHER PREDICTION CENTER.
	OFFICE OF ASSISTANT ADMINISTRATOR SATELLITE, DATA INFORMATION SERVICE.	SYSTEM PROGRAM DIRECTOR FOR GOES-R PROGRAM.
		DEPUTY ASSISTANT ADMINISTRATOR FOR SYSTEMS.
		DIRECTOR, JOINT POLAR SATELLITE SYSTEMS.
		DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION.
		DEPUTY DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION.
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		ASSISTANT CHIEF INFORMATION OFFICER FOR NESDIS.
		DIRECTOR, OFFICE OF SYSTEMS ARCHITECTURE AND ADVANCED PLANNING.
		DIRECTOR SATELLITE GROUND SERVICES.
		DIRECTOR, OFFICE OF PROJECTS, PARTNERSHIPS AND ANALYSIS.
	OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR SCIENCE.
		DIRECTOR, OFFICE OF WEATHER PROGRAMS.
	OFFICE OF EDUCATION AND SUSTAINABLE DEVELOPMENT.	DIRECTOR, OFFICE OF EDUCATION.
	OFFICE OF HABITAT CONSERVATION	DIRECTOR, OFFICE OF HABITAT CONSERVATION.
	OFFICE OF HIGH-PERFORMANCE COMPUTING AND COMMUNICATIONS.	DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF INFORMATION OFFICER AND DIRECTOR FOR HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS.
		CHIEF DATA OFFICER (2).
	OFFICE OF MARINE AND AVIATION OPERATIONS.	DEPUTY ASSISTANT ADMINISTRATOR FOR PROGRAMS AND ADMINISTRATION.
	OFFICE OF OCEANIC EXPLORATION AND RESEARCH.	DIRECTOR, OFFICE OF OCEAN EXPLORATION AND RESEARCH.

Agency name	Organization name	Position title
	OFFICE OF RESEARCH AND APPLICATIONS.	DIRECTOR, CENTER FOR SATELLITE APPLICATIONS AND RESEARCH.
	OFFICE OF SATELLITE AND PRODUCT OPERATIONS.	DEPUTY DIRECTOR, OFFICE OF SATELLITE AND PRODUCT OPERATIONS.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATOR OFFICER.
		DIRECTOR, OFFICE OF ORGANIZATIONAL EXCELLENCE.
		CHIEF ENGINEER.
		CHIEF OPERATING OFFICER.
		DIRECTOR, OFFICE OF OBSERVATIONS.
		DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY INTEGRATION.
		DIRECTOR, OFFICE OF FACILITIES.
		DIRECTOR, ANALYZE, FORECAST AND SUPPORT OFFICE.
		DIRECTOR, OFFICE OF CENTRAL PROCESSING.
		OFFICE OF ORGANIZATIONAL EXCELLENCE.
		DIRECTOR, OFFICE OF PLANNING AND PROGRAMMING FOR SERVICE DELIVERY.
		DIRECTOR, OFFICE OF DISSEMINATION.
		DIRECTOR, OFFICE OF WATER PREDICTION.
		DEPUTY DIRECTOR, OFFICE OF WATER PREDICTION.
	OFFICE OF UNDER SECRETARY	DIRECTOR, FINANCE OFFICE/COMPTROLLER.
		DIRECTOR, BUDGET OFFICE.
		DEPUTY DIRECTOR, ACQUISITION AND GRANTS OFFICE.
		CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY DIRECTOR FOR WORKFORCE MANAGEMENT.
		DIRECTOR, ACQUISITION AND GRANTS OFFICE.
		DIRECTOR, PROGRAM EVALUATION, PLANNING AND RISK MANAGEMENT OFFICE.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR FOR WORKFORCE MANAGEMENT.
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.	FIRST RESPONDER NETWORK AUTHORITY.	CHIEF PROCUREMENT OFFICER.
		CHIEF INFORMATION OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF TECHNOLOGY OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF FINANCIAL OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF ADMINISTRATIVE OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
	INSTITUTE FOR TELECOMMUNICATION SCIENCES.	ASSOCIATE ADMINISTRATOR FOR TELECOMMUNICATION SCIENCES AND DIRECTOR, INSTITUTE FOR TELECOMMUNICATION SCIENCES.
	OFFICE OF INTERNATIONAL AFFAIRS	ASSOCIATE ADMINISTRATOR, OFFICE OF INTERNATIONAL AFFAIRS.
	OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION.	CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR FOR POLICY COORDINATION AND MANAGEMENT.
		CHIEF DIGITAL OFFICER.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
OFFICE—FEDERAL COORDINATOR—METEOROLOGY.	ALASKA REGION	DIRECTOR, ALASKA REGION.
	CENTRAL REGION	DIRECTOR, CENTRAL REGION.
	EASTERN REGION	DIRECTOR, EASTERN REGION.
	SOUTHERN REGION	DIRECTOR, SOUTHERN REGION.
	WESTERN REGION	DIRECTOR, WESTERN REGION.

Agency name	Organization name	Position title
OFFICE OF ASSISTANT ADMINISTRATOR FOR FISHERIES.	NATIONAL MARINE FISHERIES SERVICE ...	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER. DEPUTY ASSISTANT ADMINISTRATOR FOR OPERATIONS. DIRECTOR, OFFICE OF ENFORCEMENT. DIRECTOR OFFICE OF SUSTAINABLE FISHERIES. DIRECTOR, SCIENTIFIC PROGRAMS AND CHIEF SCIENCE ADVISOR.
OFFICE OF ASSISTANT ADMINISTRATOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT.	NATIONAL OCEAN SERVICE	DEPUTY ASSISTANT ADMINISTRATOR FOR OCEAN SERVICE AND COASTAL ZONE MANAGEMENT.
	DIRECTOR, INTEGRATED OCEAN OBSERVING SYSTEM..	
	DIRECTOR, OFFICE OF COASTAL MANAGEMENT..	
	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER..	
OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	EARTH SYSTEM RESEARCH LABORATORY.	DIRECTOR, PHYSICAL SCIENCE DIVISION. DIRECTOR, GLOBAL SYSTEMS DIVISION. DIRECTOR, GLOBAL MONITORING DIVISION. DIRECTOR, CHEMICAL SCIENCE DIVISION.
	OFFICE OF NATIONAL SEVERE STORMS LABORATORY.	DIRECTOR NATIONAL SEVERE STORMS LABORATORY.
OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH.	CLIMATE PROGRAM OFFICE	DIRECTOR, CLIMATE PROGRAM OFFICE.
OFFICE OF OCEANIC EXPLORATION AND RESEARCH.	NATIONAL SEA GRANT COLLEGE PROGRAM.	DIRECTOR, NATIONAL SEA GRANT COLLEGE PROGRAM.
OFFICE OF OPERATIONAL SYSTEMS	NATIONAL DATA BUOY CENTER	DIRECTOR, NATIONAL DATA BUOY CENTER.
	RADAR OPERATIONS CENTER	DIRECTOR, RADAR OPERATIONS CENTER.
OFFICE OF SCIENCE AND TECHNOLOGY	METEOROLOGICAL DEVELOPMENT LABORATORY.	DIRECTOR, METEOROLOGICAL DEVELOPMENT LABORATORY.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	OFFICE OF THE CHIEF INFORMATION OFFICER.	ASSISTANT CHIEF INFORMATION OFFICER FOR WEATHER SERVICE.
OFFICE OF THE CHIEF FINANCIAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.	DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.
	OFFICE OF THE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.	DIRECTOR, FINANCIAL REPORTING AND INTERNAL CONTROLS. DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT SYSTEMS. DIRECTOR, OS FINANCIAL MANAGEMENT. DIRECTOR FOR FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER.
OFFICE OF THE COMMISSIONER FOR PATENTS.	GROUP DIRECTORS	GROUP DIRECTOR (3). GROUP DIRECTOR—2900. GROUP DIRECTOR—2100 (3). GROUP DIRECTOR—1600 (3) GROUP DIRECTOR—3600 (5). GROUP DIRECTOR—2600 (4). GROUP DIRECTOR—1700 (2). GROUP DIRECTOR—3700 (4). GROUP DIRECTOR—2400 (3). GROUP DIRECTOR—2800 (4).
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF ACQUISITION MANAGEMENT ..	DEPUTY FOR ACQUISITION PROGRAM MANAGEMENT. DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT. DEPUTY FOR PROCUREMENT MANAGEMENT, POLICY AND PERFORMANCE EXCELLENCE.
	OFFICE OF FACILITIES AND ENVIRONMENTAL QUALITY.	DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY. DEPUTY DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY. DIRECTOR OF FACILITIES AND ENVIRONMENTAL QUALITY.

Agency name	Organization name	Position title
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	DEPUTY DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, HUMAN CAPITAL CLIENT SERVICES.
	OFFICE OF SECURITY	DIRECTOR, OFFICE OF SECURITY.
		DEPUTY DIRECTOR, OFFICE OF SECURITY.
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.	OFFICE OF BUDGET	DIRECTOR OF THE OFFICE OF BUDGET.
OFFICE OF THE DEPUTY SECRETARY	OFFICE OF THE CHIEF INFORMATION OFFICER.	DIRECTOR OF CYBERSECURITY AND CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER FOR SOLUTIONS AND SERVICE DELIVERY.
		DEPUTY CHIEF INFORMATION OFFICER FOR POLICY AND BUSINESS MANAGEMENT.
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INSPECTIONS AND PROGRAM EVALUATION.	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND PROGRAM EVALUATION.
	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION.
		ASSISTANT INSPECTOR GENERAL FOR SYSTEMS EVALUATION.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OFFICE OF THE SECRETARY	OFFICE OF THE CHIEF FINANCIAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	DIRECTOR FOR ADMINISTRATIVE PROGRAMS.
		DEPUTY DIRECTOR, OFFICE OF BUDGET.
	OFFICE OF THE DEPUTY SECRETARY	DIRECTOR, HUMAN RESOURCES SERVICES, ENTERPRISE SERVICES.
		DEPUTY DIRECTOR FOR PLANNING, IMPLEMENTATION, AND STAKEHOLDER RELATIONS.
		DIRECTOR OF ACQUISITION SERVICES.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
		DEPUTY DIRECTOR FOR ENTERPRISE SERVICES FOR OPERATIONS.
	OFFICE OF THE GENERAL COUNSEL	CHIEF, ETHICS DIVISION.
		DIRECTOR OF ADMINISTRATIVE OPERATIONS.
		CHIEF, CONTRACT LAW DIVISION.
OFFICE OF THE UNDER SECRETARY	OFFICE OF THE DEPUTY UNDER SECRETARY.	DEPUTY CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER.
OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.	BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM.	DIRECTOR, BALDRIGE PERFORMANCE EXCELLENCE PROGRAM.
PATENT AND TRADEMARK OFFICE	OFFICE OF POLICY AND INTERNATIONAL AFFAIRS.	DEPUTY CHIEF POLICY OFFICER.
		DEPUTY CHIEF POLICY OFFICER FOR OPERATIONS.
		DIRECTOR, GOVERNMENTAL AFFAIRS.
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER.	DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES.
		DEPUTY CHIEF ADMINISTRATIVE OFFICER (2).
		DIRECTOR, HUMAN CAPITAL MANAGEMENT.

Agency name	Organization name	Position title
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF PROCUREMENT.
		DIRECTOR, OFFICE OF PLANNING AND BUDGET.
		DIRECTOR, OFFICE OF FINANCE.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF TECHNOLOGY OFFICER.
		DIRECTOR OF ORGANIZATIONAL POLICY AND GOVERNANCE.
		DIRECTOR, OFFICE OF INFRASTRUCTURE ENGINEERING AND OPERATIONS.
		DIRECTOR, OFFICE OF PROGRAM ADMINISTRATION ORGANIZATION.
		DIRECTOR, OFFICE OF INFORMATION MANAGEMENT SERVICES.
		DIRECTOR, APPLICATION ENGINEERING AND DEVELOPMENT.
		DEPUTY CHIEF INFORMATION OFFICER.
	OFFICE OF THE COMMISSIONER FOR PATENTS.	DIRECTOR, OFFICE OF PATENT QUALITY ASSURANCE.
		DEPUTY COMMISSIONER FOR PATENT OPERATIONS.
		ASSOCIATE COMMISSIONER INTERNATIONAL PATENT COOPERATION.
		ASSOCIATE COMMISSIONER FOR PATENT QUALITY.
		ASSOCIATE COMMISSIONER FOR INNOVATION AND DEVELOPMENT.
		PATENT EXAMINING GROUP DIRECTOR.
		DIRECTOR, OFFICE OF PATENT LEGAL ADMINISTRATION.
		DIRECTOR, OFFICE OF CENTRAL REEXAMINATION UNIT.
		ASSOCIATE COMMISSIONER FOR PATENT INFORMATION MANAGEMENT.
		DEPUTY COMMISSIONER FOR PATENT ADMINISTRATION.
		ASSISTANT DEPUTY COMMISSIONER FOR PATENTS OPERATIONS (5).
		DEPUTY COMMISSIONER FOR INTERNATIONAL PATENT COOPERATION.
		SENIOR ADVISOR FOR PATENTS.
		DEPUTY DIRECTOR, PATENT TRAINING ACADEMY.
		CHIEF PATENT ACADEMIC OFFICER.
		DEPUTY COMMISSIONER FOR PATENT EXAMINATION POLICY.
		DEPUTY COMMISSIONER FOR PATENT QUALITY.
	OFFICE OF THE COMMISSIONER FOR TRADEMARKS.	DEPUTY COMMISSIONER FOR TRADEMARK OPERATIONS.
		DEPUTY COMMISSIONER FOR TRADEMARK ADMINISTRATION.
		DEPUTY COMMISSIONER FOR TRADEMARK EXAMINATION POLICY.
		GROUP DIRECTOR, TRADEMARK LAW OFFICES (4).
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL FOR ENROLLMENT AND DISCIPLINE.
		DEPUTY SOLICITOR AND ASSISTANT GENERAL COUNSEL FOR INTELLECTUAL PROPERTY LAW.
		DEPUTY GENERAL COUNSEL FOR INTELLECTUAL PROPERTY LAW AND SOLICITOR.
		DEPUTY GENERAL COUNSEL FOR GENERAL LAW.

Agency name	Organization name	Position title
	OFFICE OF THE UNDER SECRETARY	VICE CHIEF ADMINISTRATIVE PATENT JUDGE (4).
		DEPUTY CHIEF ADMINISTRATIVE TRADEMARK JUDGE.
		REGIONAL DIRECTOR—DENVER.
		DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY.
		CHIEF ADMINISTRATIVE PATENT JUDGE.
		REGIONAL DIRECTOR—SAN JOSE.
		VICE CHIEF ADMINISTRATIVE PATENT JUDGE FOR STRATEGY.
		CHIEF ADMINISTRATIVE TRADEMARK JUDGE.
		PATENT TRIAL AND APPEAL BOARD EXECUTIVE.
		REGIONAL DIRECTOR—DALLAS.
		REGIONAL DIRECTOR—DETROIT.
		DEPUTY CHIEF ADMINISTRATIVE PATENT JUDGE.
DEPARTMENT OF COMMERCE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL.
OFFICE OF AUDIT AND EVALUATION	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
	OFFICE OF ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.	ASSISTANT INSPECTOR GENERAL FOR ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.
OFFICE OF INSPECTOR GENERAL	IMMEDIATE OFFICE	CHIEF OF STAFF.
	OFFICE OF AUDIT AND EVALUATION	ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
		ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SPECIAL PROGRAM AUDITS.
	OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY.	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.	EXECUTIVE DIRECTOR.
CONSUMER PRODUCT SAFETY COMMISSION.		
CONSUMER PRODUCT SAFETY COMMISSION.	OFFICE OF EXECUTIVE DIRECTOR	DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS SUPPORT.
		ASSISTANT EXECUTIVE DIRECTOR FOR COMPLIANCE AND FIELD OPERATIONS.
		ASSISTANT EXECUTIVE DIRECTOR FOR INFORMATION AND TECHNICAL SERVICES.
OFFICE OF EXECUTIVE DIRECTOR	OFFICE OF HAZARD IDENTIFICATION AND REDUCTION.	DEPUTY ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION (2).
		ASSOCIATE EXECUTIVE DIRECTOR FOR EPIDEMIOLOGY.
		ASSOCIATE EXECUTIVE DIRECTOR FOR ECONOMIC ANALYSIS.
		ASSOCIATE EXECUTIVE DIRECTOR FOR ENGINEERING SCIENCES.
		ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION.
	OFFICE OF IMPORT SURVEILLANCE	DIRECTOR, OFFICE OF IMPORT SURVEILLANCE.
		DIRECTOR, OFFICE OF IMPORT SURVEILLANCE.

Agency name	Organization name	Position title
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	DEPUTY DIRECTOR.
		ASSOCIATE DIRECTOR FOR RESEARCH AND EVALUATION.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION.
		CHIEF INFORMATION OFFICER (2).
		ASSOCIATE DIRECTOR FOR COMMUNITY SUPERVISION.
		ASSOCIATE DIRECTOR FOR COMMUNITY JUSTICE PROGRAMS.
		PROGRAM ANALYST OFFICER.
		ASSOCIATE DIRECTOR, LEGISLATIVE, INTERGOVERNMENTAL AND PUBLIC AFFAIRS.
		MANAGEMENT AND PROGRAM ANALYSIS OFFICER CHIEF OF STAFF.
		ASSOCIATE DIRECTOR FOR HUMAN RESOURCES.
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	PRETRIAL SERVICES AGENCY	ASSISTANT DIRECTOR FOR DEFENDANT ENGAGEMENT AND SYSTEMS SUPPORT.
		ASSISTANT DIRECTOR FOR MANAGEMENT AND ADMINISTRATION.
		DIRECTOR.
OFFICE OF THE SECRETARY OF DEFENSE		
OFFICE OF THE CHIEF MANAGEMENT OFFICER.	PENTAGON FORCE PROTECTION AGENCY.	EXECUTIVE DIRECTOR, SECURITY INTEGRATION AND TECHNOLOGY.
		DIRECTOR, PENTAGON FORCE PROTECTION AGENCY.
		PRINCIPAL DEPUTY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY.
		DIRECTOR, LAW ENFORCEMENT.
	WASHINGTON HEADQUARTERS SERVICES.	DIRECTOR, HUMAN RESOURCES DIRECTORATE.
		DIRECTOR, ACQUISITION DIRECTORATE.
		DIRECTOR, FACILITIES SERVICES DIRECTORATE.
		DEPUTY DIRECTOR FACILITIES SERVICES DIRECTORATE.
		INSPECTOR GENERAL NGB.
		EXECUTIVE DIRECTOR, ACQUISITION/HCA NGB.
		DIRECTOR, POLICY, PLANS AND REQUIREMENTS.
		DEPUTY DIRECTOR, HUMAN RESOURCES DIRECTORATE.
OFFICE OF THE DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER.	DEFENSE INFORMATION SYSTEMS AGENCY.	WORKFORCE MANAGEMENT EXECUTIVE.
		SERVICES EXECUTIVE.
		VICE PROCUREMENT SERVICES EXECUTIVE/DEPUTY CHIEF, DEFENSE INFORMATION TECHNOLOGY CONTRACTING ORGANIZATION.
		DIRECTOR, DEFENSE SPECTRUM.
		PROCUREMENT SERVICES EXECUTIVE AND HEAD OF CONTRACTING ACTIVITY.
		DIRECTOR, CENTER FOR OPERATIONS.
		EXECUTIVE DEPUTY DIRECTOR.
		VICE DIRECTOR, DEVELOPMENT AND BUSINESS CENTER.
		NATIONAL LEADERSHIP COMMAND CAPABILITIES EXECUTIVE.
		OPERATIONS EXECUTIVE.
		SERVICES EXECUTIVE.
		CHIEF FINANCIAL OFFICER/COMPTROLLER.
		DIRECTOR, DEVELOPMENT AND BUSINESS.
		CYBERSECURITY RISK MANAGEMENT AND AUTHORIZING OFFICIAL EXECUTIVE (2).
		DEPUTY DIRECTOR, JOINT SERVICE PROVIDER.
		DIRECTOR, CENTER FOR OPERATIONS.

Agency name	Organization name	Position title
		NBIS EXECUTIVE.
		VICE DIRECTOR, CENTER FOR OPERATIONS.
		SERVICES DEVELOPMENT EXECUTIVE.
		DEPUTY CHIEF FINANCIAL OFFICER/DEPUTY COMPTROLLER.
OFFICE OF THE SECRETARY	OFFICE OF THE JOINT CHIEFS OF STAFF	VICE DIRECTOR C4 CYBER.
		VICE DIRECTOR, MANPOWER AND PERSONNEL.
		EXECUTIVE DIRECTOR.
		VICE DEPUTY DIRECTOR REGIONAL OPERATIONS AND FORCE MANAGEMENT.
		VICE DIRECTOR JOINT FORCE DEVELOPMENT AND DESIGN INTEGRATION.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION, TECHNOLOGY, AND LOGISTICS).	DEPUTY DIRECTOR, ENTERPRISE INFORMATION.
OFFICE OF THE SECRETARY OF DEFENSE	OFFICE OF INSPECTOR GENERAL	DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE—ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL, DEFENSE FINANCIAL AUDITING SERVICE.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
		DEPUTY DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE.
		ASSISTANT INSPECTOR GENERAL FOR READINESS AND OPERATIONS SUPPORT.
	OFFICE OF THE CHIEF MANAGEMENT OFFICER.	DIRECTOR, PLANNING, PERFORMANCE AND ASSESSMENT DIRECTORATE.
		DIRECTOR OF ADMINISTRATION AND ORGANIZATIONAL POLICY.
		DIRECTOR, OVERSIGHT AND COMPLIANCE.
		DOD SENIOR INTELLIGENCE OVERSIGHT OFFICIAL AND DEPUTY DIRECTOR OVERSIGHT AND COMPLIANCE.
		DIRECTOR POLICY AND DECISION SUPPORT.
	OFFICE OF THE DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER.	JFHQ-DODIN EXECUTIVE.
	OFFICE OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION.	DEPUTY DIRECTOR FOR NAVAL WARFARE
		DEPUTY DIRECTOR FOR LIVE FIRE TEST AND EVALUATION.
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR, OFFICE OF LITIGATION.
		DIRECTOR DEFENSE OFFICE OF HEARINGS AND APPEALS.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	DIRECTOR, SUPPLY CHAIN RISK MANAGEMENT.
		CHIEF INFORMATION SECURITY OFFICER A AND S.
		DASD (PLATFORM AND WEAPON PORTFOLIO MANAGEMENT).
		DIRECTOR, PRICING AND CONTRACTING.
		DIRECTOR, SPACE AND MISSILE DEFENSE.
		DIRECTOR FOR CONTRACTING BUSINESS.
		DIRECTOR FOR ADMINISTRATION.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (RESEARCH AND ENGINEERING).	DIRECTOR, C5 INTELLIGENCE, SURVEILLANCE, RECONNAISSANCE, AND ELECTRONIC WARFARE.
		DIRECTOR, SCIENCE AND TECHNOLOGY.
		DIRECTOR, DEFENSE MICROELECTRONICS.

Agency name	Organization name	Position title
OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	DEFENSE CONTRACT MANAGEMENT AGENCY.	EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, TECHNICAL
		DEPUTY DIRECTOR
		EXECUTIVE DIRECTOR, COST AND PRICING
		EXECUTIVE DIRECTOR TOTAL FORCE
		DEPUTY GENERAL COUNSEL.
		EXECUTIVE DIRECTOR, PORTFOLIO MANAGEMENT AND BUSINESS INTEGRATION.
		EXECUTIVE DIRECTOR, CONTRACTS.
		DEPUTY DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY.
		GENERAL COUNSEL.
		EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS AND COMPTROLLER.
		EXECUTIVE DIRECTOR, QUALITY.
	DEFENSE LOGISTICS AGENCY (DLA)	DIRECTOR, DLA FINANCE.
		EXECUTIVE DIRECTOR, SUPPORT—POLICY AND STRATEGIC PROGRAMS.
		DEPUTY DIRECTOR, DLA INFORMATION.
		DEPUTY DIRECTOR, DLA ACQUISITION.
		PROGRAM EXECUTIVE OFFICER, DEFENSE LOGISTICS AGENCY INFORMATION.
		DEPUTY DIRECTOR DLA LOGISTICS.
		DEPUTY COMMANDER, DLA ENERGY.
		EXECUTIVE DIRECTOR, TROOP SUPPORT CONTRACTING AND ACQUISITION.
		EXECUTIVE DIRECTOR, CONTRACTING AND ACQUISITION MANAGEMENT.
		EXECUTIVE DIRECTOR OPERATIONS AND SUSTAINMENT.
		EXECUTIVE DIRECTOR, MISSION SUPPORT DIRECTORATE.
		CHIEF OF STAFF.
		VICE DIRECTOR, DEFENSE LOGISTICS.
		DIRECTOR, DLA ACQUISITION (J–7).
		DIRECTOR, DLA DISPOSITION SERVICES.
		DEPUTY GENERAL COUNSEL, DLA.
		DEPUTY COMMANDER, DLA DISTRIBUTION.
		DEPUTY DIRECTOR, DLA FINANCE.
		EXECUTIVE DIRECTOR, AVIATION CONTRACTING AND ACQUISITION.
		DIRECTOR, DLA INFORMATION OPERATION.
		DIRECTOR, DLA HUMAN RESOURCES.
		DEPUTY COMMANDER, DLA LAND AND MARITIME.
		DEPUTY COMMANDER, DLA AVIATION.
		DEPUTY COMMANDER, DEFENSE SUPPLY CENTER PHILADELPHIA.
		GENERAL COUNSEL.
	DEFENSE THREAT REDUCTION AGENCY ..	DIRECTOR, PLANS AND TRAINING, JIDO.
		DIRECTOR, COOPERATIVE THREAT REDUCTION DEPARTMENT.
		DEPUTY DIRECTOR JOINT IMPROVISED THREAT DEFEAT ORGANIZATION.
		DIRECTOR, OPERATIONS AND INTEGRATION DIRECTORATE.
		DIRECTOR, ACQUISITION, CONTRACTS AND LOGISTICS.
		GENERAL COUNSEL.
		DIRECTOR TREATIES AND PARTNERSHIPS DEPARTMENT.
		DIRECTOR, INTELLIGENCE, PLANS AND RESOURCE INTEGRATION DIRECTORATE.
		DIRECTOR, COMBATANT COMMAND.

Agency name	Organization name	Position title
		DIRECTOR, CHEMICAL AND BIOLOGICAL TECHNOLOGIES DEPARTMENT.
		DIRECTOR, ACQUISITION, FINANCE AND LOGISTICS DIRECTORATE.
		DIRECTOR INFORMATION INTEGRATION AND TECHNOLOGY SERVICES CHIEF/CIO.
		DIRECTOR, RESEARCH AND DEVELOPMENT DIRECTORATE.
		DIRECTOR, NUCLEAR TECHNOLOGIES.
		DIRECTOR, COUNTER WEAPONS OF MASS DESTRUCTION TECHNOLOGIES.
		DIRECTOR, BASIC AND APPLIED SCIENCES DEPARTMENT.
	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (ACQUISITION).	PRINCIPAL DEPUTY, ACQUISITION RESOURCES AND ANALYSIS.
		DIRECTOR, CONTRACT POLICY.
		DEPUTY DIRECTOR, DEFENSE ACQUISITION REGULATIONS SYSTEM.
		PRINCIPAL DIRECTOR, DEFENSE PRICING AND CONTRACTING.
		DIRECTOR, AIR PLATFORMS AND WEAPONS.
		DIRECTOR, NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS/ISR.
		PRINCIPAL DEPUTY DIRECTOR, ENTERPRISE INFORMATION.
		DIRECTOR, STRATEGIC SYSTEMS AND TREATY COMPLIANCE.
		DEPUTY DIRECTOR, NAVAL WARFARE.
	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (NUCLEAR, CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS).	DEPUTY ASSISTANT SECRETARY OF DEFENSE (NUCLEAR MATTERS).
OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	DEFENSE CONTRACT AUDIT AGENCY	ASSISTANT DIRECTOR, HUMAN CAPITAL AND RESOURCE MANAGEMENT.
		ASSISTANT DIRECTOR, POLICY AND PLANS.
		CORPORATE AUDIT DIRECTOR (A).
		CORPORATE AUDIT DIRECTOR (B).
		CORPORATE AUDIT DIRECTOR (C).
		CORPORATE AUDIT DIRECTOR (D).
		REGIONAL DIRECTOR, EASTERN.
		REGIONAL DIRECTOR, CENTRAL.
		REGIONAL DIRECTOR, WESTERN.
		DIRECTOR, FIELD DETACHMENT.
		≤DIRECTOR, DEFENSE CONTRACT AUDIT.
		DEPUTY REGIONAL DIRECTOR EASTERN.
		DEPUTY REGIONAL DIRECTOR, CENTRAL.
		DEPUTY REGIONAL DIRECTOR, WESTERN.
		ASSISTANT DIRECTOR, INTEGRITY AND QUALITY ASSURANCE.
		ASSISTANT DIRECTOR, OPERATIONS.
		DEPUTY DIRECTOR.
OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS).	DEFENSE HEALTH AGENCY	GENERAL COUNSEL FOR DEFENSE HEALTH AGENCY.
	DEFENSE HUMAN RESOURCES ACTIVITY	DEPUTY DIRECTOR, DEFENSE HUMAN RESOURCES ACTIVITY.
OFFICE OF THE UNDER SECRETARY OF DEFENSE (RESEARCH AND ENGINEERING).	DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.	DIRECTOR, STRATEGIC RESOURCES.
		GENERAL COUNSEL.
		DIRECTOR, CONTRACTS MANAGEMENT.
		DIRECTOR, MISSION SERVICES OFFICE.

Agency name	Organization name	Position title
	MISSILE DEFENSE AGENCY	CHIEF ENGINEER.
		DIRECTOR FOR ADVANCED TECHNOLOGY.
		DIRECTOR FOR INTERNATIONAL AFFAIRS.
		DEPUTY FOR ENGINEERING.
		DEPUTY PROGRAM MANAGER FOR ASSESSMENT AND INTEGRATIONS, BMDS.
		PROGRAM DIRECTOR FOR BATTLE MANAGEMENT, COMMAND AND CONTROL.
		DIRECTOR FOR OPERATIONS.
		DEPUTY PROGRAM DIRECTOR, BC.
		DIRECTOR FOR ACQUISITION.
		DEPUTY PROGRAM DIRECTOR, AEGIS BALLISTIC MISSILE DEFENSE.
		PROGRAM DIRECTOR, GROUND–BASED MIDCOURSE DEFENSE.
		PROGRAM DIRECTOR, TARGETS AND COUNTERMEASURES.
		DIRECTOR FOR SYSTEMS ENGINEERING AND INTEGRATION.
		DIRECTOR, CONTRACTING.
DEPARTMENT OF THE AIR FORCE		
	DEPARTMENT OF THE AIR FORCE	EXECUTIVE DIRECTOR, AIR NATIONAL GUARD.
		EXECUTIVE DIRECTOR.
		DEPUTY DIRECTOR LEGISLATIVE LIAISON.
		DIRECTOR OF COMMUNICATIONS.
		DIRECTOR, INSTALLATION, LOGISTICS AND MISSION SUPPORT.
		DIRECTOR, HEADQUARTERS AIR FORCE INFORMATION MANAGEMENT.
		DEPUTY DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS.
		DIRECTOR, CIVILIAN FORCE MANAGEMENT.
		DEPUTY DIRECTOR OF LOGISTICS.
		DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS.
		DEPUTY DIRECTOR, STRATEGIC PLANNING.
		DEPUTY DIRECTOR, SECURITY, SPECIAL PROGRAM OVERSIGHT, AND INFORMATION PROTECTION.
		DIRECTOR, SPACE SECURITY AND DEFENSE PROGRAM.
		DIRECTOR, CYBER CAPABILITIES AND COMPLIANCE.
		DEPUTY DIRECTOR, CIVILIAN FORCE MANAGEMENT, HUMAN RESOURCE SPECIALIST.
		DIRECTOR, DIVERSITY AND INCLUSION.
		CHIEF INFORMATION SECURITY OFFICER (CISO).
		AIR FORCE PROGRAM EXECUTIVE OFFICER FOR COMBAT AND MISSION SUPPORT.
		DEPUTY DIRECTOR OF LOGISTICS.
		DEPUTY DIRECTOR, SECURITY FORCES.
		DEPUTY DIRECTOR, INFORMATION DOMINANCE.
		DIRECTOR, LOGISTICS, ENGINEERING AND FORCE PROTECTION.
		DEPUTY DIRECTOR OF OPERATIONS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROGRAMS.
		DEPUTY ASSISTANT SECRETARY (LOGISTICS).
		CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR, PLANS AND INTEGRATION.
		DIRECTOR, DIVERSITY AND INCLUSION.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, STRATEGY, CONCEPTS AND ASSESSMENTS.
AIR FORCE MATERIEL COMMAND	AERONAUTICAL SYSTEMS CENTER	PROGRAM EXECUTIVE OFFICER, MOBILITY AIRCRAFT.
		PROGRAM EXECUTIVE OFFICER FOR AGILE COMBAT SUPPORT.
		EXECUTIVE DIRECTOR, AIR FORCE LIFE CYCLE MANAGEMENT CENTER.
	AIR FORCE FLIGHT TEST CENTER	EXECUTIVE DIRECTOR, AIR FORCE TEST CENTER.
	AIR FORCE MATERIEL COMMAND LAW OFFICE.	DIRECTOR, AIR FORCE MATERIEL COMMAND LAW OFFICE.
		COMMAND COUNSEL.
	AIR FORCE OFFICE OF SCIENTIFIC RESEARCH.	DIRECTOR AIR FORCE OFFICE OF SCIENTIFIC RESEARCH.
	AIR FORCE RESEARCH LABORATORY	DIRECTOR, AEROSPACE SYSTEMS.
		DIRECTOR, STRATEGIC DEVELOPMENT AND PLANNING.
		DIRECTOR, PLANS AND PROGRAMS.
		DIRECTOR, MATERIALS AND MANUFACTURING.
	AIR LOGISTICS CENTER, OGDEN	DIRECTOR OF CONTRACTING.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
	AIR LOGISTICS CENTER, OKLAHOMA CITY	DIRECTOR OF CONTRACTING.
		DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR OF LOGISTICS, AIR FORCE SUSTAINMENT CENTER.
		DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING.
	AIR LOGISTICS CENTER, WARNER ROBINS.	DIRECTOR OF CONTRACTING.
	CONTRACTING	DIRECTOR, MILSATCOM DIRECTORATE.
	ELECTRONIC SYSTEMS CENTER	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		PROGRAM EXECUTIVE OFFICER, BATTLE MANAGEMENT.
	ENGINEERING AND TECHNICAL MANAGEMENT.	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
	FINANCIAL MANAGEMENT AND COMPTROLLER.	DEPUTY DIRECTOR, FINANCIAL MANAGEMENT.
	LOGISTICS	DEPUTY DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT.
AIR FORCE RESEARCH LABORATORY	DIRECTED ENERGY DIRECTORATE	DIRECTOR, DIRECTED ENERGY.
	HUMAN EFFECTIVENESS DIRECTORATE	DIRECTOR, HUMAN EFFECTIVENESS DIRECTORATE.
	SENSORS DIRECTORATE	DIRECTOR SENSORS.
AIR FORCE SPACE COMMAND	SPACE AND MISSILE SYSTEMS CENTER	DIRECTOR, MILITARY SATELLITE COMMUNICATIONS DIRECTORATE.
		DIRECTOR, LAUNCH ENTERPRISE.
AUDITOR GENERAL	AIR FORCE AUDIT AGENCY (FIELD OPERATING AGENCY).	ASSISTANT AUDITOR GENERAL, ACQUISITION, LOGISTICS AND FINANCIAL AUDITS.
		ASSISTANT AUDITOR GENERAL, OPERATIONS AND SUPPORT AUDITS.
DEPARTMENT OF THE AIR FORCE	AIR COMBAT COMMAND	DIRECTOR, ACQUISITION MANAGEMENT AND INTEGRATION CENTER.
		DEPUTY DIRECTOR OF LOGISTICS, ENGINEERING, AND FORCE PROTECTION.
		DEPUTY DIRECTOR, REQUIREMENTS.
	AIR EDUCATION AND TRAINING COMMAND.	DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT.
		DIRECTOR, INTERNATIONAL TRAINING AND EDUCATION.

Agency name	Organization name	Position title
	AIR FORCE MATERIEL COMMAND	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT, F-35 LIGHTNING II JOINT PROGRAM OFFICE.
		DIRECTOR FINANCIAL MANAGEMENT AND COMPTROLLER.
		DIRECTOR, AIR FORCE CIVIL ENGINEER CENTER.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT (3).
		DIRECTOR OF PROPULSION.
		DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING.
		DIRECTOR OF CONTRACTING.
		EXECUTIVE DIRECTOR, AIR FORCE MATERIEL COMMAND.
		DIRECTOR OF CONTRACTING.
		DIRECTOR, RESOURCES.
		EXECUTIVE DIRECTOR.
		DIRECTOR, HYBRID PRODUCT SUPPORT INTEGRATOR.
		DEPUTY DIRECTOR, AIR, SPACE AND CYBERSPACE OPERATIONS.
		EXECUTIVE DIRECTOR, AIR FORCE INSTALLATION AND MISSION SUPPORT CENTER.
		DIRECTOR OF LOGISTICS AND LOGISTICS SERVICES.
		EXECUTIVE DIRECTOR, AIR FORCE SUSTAINMENT CENTER.
		DIRECTOR, MANPOWER, PERSONNEL AND SERVICES.
		EXECUTIVE DIRECTOR, AIR FORCE NUCLEAR WEAPONS CENTER.
		DIRECTOR, FINANCIAL MANAGEMENT.
		PROGRAM EXECUTIVE OFFICER FOR BUSINESS ENTERPRISE SYSTEMS.
		DIRECTOR, INSTALLATION SUPPORT.
		DIRECTOR, NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.
		DIRECTOR OF CONTRACTING.
		DIRECTOR INSTALLATIONS.
		DEPUTY DIRECTOR, STRATEGIC PLANS, PROGRAMS, REQUIREMENTS AND ANALYSES.
	AIR FORCE RESERVE COMMAND	DIRECTOR OF STAFF.
	AIR FORCE SPACE COMMAND	EXECUTIVE DIRECTOR, AIR FORCE SPACE COMMAND.
		DIRECTOR OF CONTRACTING, SPACE AND MISSILE SYSTEMS CENTER (SMC).
	AIR FORCE SPECIAL OPERATIONS COMMAND.	DEPUTY CHIEF FINANCIAL OFFICER.
		EXECUTIVE DIRECTOR AIR FORCE SPECIAL OPERATIONS COMMAND.
	AIR MOBILITY COMMAND	DEPUTY DIRECTOR OR LOGISTICS.
	DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.	DIRECTOR OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE INNOVATIONS AND UNMANNED AERIAL SYSTEMS TASK FORCE.
	JOINT STAFF	DIRECTOR, JOINT INFORMATION OPERATIONS WARFARE CENTER.
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION..	
	DIRECTOR OF CONTRACTING (SPECIAL ACCESS PROGRAMS)..	
	DIRECTOR OF CONTRACTING, AIR FORCE RAPID CAPABILITIES OFFICE..	
	DIRECTOR, INFORMATION DOMINANCE PROGRAMS..	
		ASSOCIATE DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE FOR SCIENCE, TECHNOLOGY AND ENGINEERING.

Agency name	Organization name	Position title
		ASSOCIATE DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION).
		DEPUTY ASSISTANT SECRETARY (SCIENCE, TECHNOLOGY AND ENGINEERING).
		DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION).
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER.	CHIEF INFORMATION OFFICER.
	OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS.
	OFFICE OF THE CHIEF OF STAFF	DEPUTY DIRECTOR OF STAFF, HEADQUARTERS UNITED STATES AIR FORCE.
	OFFICE OF THE INSPECTOR GENERAL	EXECUTIVE DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS.
	OFFICE OF THE SECRETARY	DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE.
		DEPUTY DIRECTOR, AIR FORCE REVIEW BOARDS AGENCY.
		DEPUTY CHIEF MANAGEMENT OFFICER.
		DEPUTY DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE.
	UNITED STATES CENTRAL COMMAND	DEPUTY DIRECTOR OF OPERATIONS INTERAGENCY ACTION GROUP.
		DEPUTY DIRECTOR OF LOGISTICS AND ENGINEERING.
		DIRECTOR OF RESOURCES, REQUIREMENTS, BUDGET AND ASSESSMENT.
	UNITED STATES NORTHERN COMMAND ...	DEPUTY COMMANDER, JOINT FORCES HEADQUARTERS—NATIONAL CAPITAL REGION.
		DIRECTOR, PROGRAMS AND RESOURCES.
		NORTHCOM, DEPUTY DIRECTOR OF OPERATIONS FOR SPECIAL ACTIVITIES.
		DIRECTOR OF INTERAGENCY.
		DIRECTOR, JOINT EXERCISES AND TRAINING.
	UNITED STATES SPECIAL OPERATIONS COMMAND.	DIRECTOR AND CHIEF INFOMATION OFFICER FOR SPECIAL OPERATIONS NETWORKS AND COMMUNICATIONS CENTER.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR FOR ACQUISITION.
		DEPUTY DIRECTOR, CENTER FOR SPECIAL OPERATIONS ACQUISITION AND LOGISTICS.
		DEPUTY CHIEF OF STAFF.
		DIRECTOR COMMUNICATIONS SYSTEMS/CHIEF INFORMATION OFFICER (J6).
		DIRECTOR, COMMAND SUPPORT.
		DIRECTOR, PLANS, POLICY AND STRATEGY.
		PRESIDENT, JOINT SPECIAL OPERATIONS UNIVERSITY.
	UNITED STATES STRATEGIC COMMAND ...	DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS AND COMPUTER SYSTEMS.
		DEPUTY DIRECTOR, PLANS AND POLICY, USSTRATCOM.
		DIRECTOR, GLOBAL INNOVATION STRATEGY CENTER.
		TECHNICAL DIRECTOR, JOINT WARFARE ANALYSIS CENTER.
		ASSOCIATE DIRECTOR CAPABILITY AND RESOURCE.
		DEPUTY DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION.
		DIRECTOR, JOINT EXERCISES AND TRAINING.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, CAPABILITY DEVELOPMENTAL GROUP COMMAND ACQUISITION EXEC.
		DEPUTY DIRECTOR, PLANS AND POLICY.
		DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION, USSTRATCOM C2 FACILITY MANAGEMENT PMO.
	UNITED STATES TRANSPORTATION COMMAND.	DIRECTOR, PROGRAM ANALYSIS AND FINANCIAL MANAGEMENT.
		EXECUTIVE DIRECTOR AND DEPUTY CHIEF INFORMATION OFFICER.
		DIRECTOR, ACQUISITION.
		DEPUTY DIRECTOR, ACQUISITION.
		EXECUTIVE DIRECTOR.
		DEPUTY DIRECTOR, STRATEGY, CAPABILITIES, POLICY AND LOGISTICS.
DEPUTY CHIEF OF STAFF, INSTALLATIONS AND LOGISTICS.	OFFICE OF CIVIL ENGINEER	DEPUTY DIRECTOR OF CIVIL ENGINEERS.
	OFFICE OF RESOURCES	DIRECTOR OF RESOURCE INTEGRATION.
DEPUTY CHIEF OF STAFF, PERSONNEL	AIR FORCE PERSONNEL CENTER (FIELD OPERATING AGENCY).	DIRECTOR OF PERSONNEL OPERATIONS.
		EXECUTIVE DIRECTOR, AIR FORCE PERSONNEL CENTER.
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	DIRECTORATE OF SPACE AND NUCLEAR DETERRENCE.	ASSOCIATE ASSISTANT CHIEF OF STAFF STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION.
		DEPUTY ASSISTANT CHIEF OF STAFF, STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION.
	OFFICE DEPUTY ASSISTANT SECRETARY CONTRACTING.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (CONTRACTING).
	OFFICE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING.	SPECIAL ASSISTANT TO THE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING.
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER.	OFFICE DEPUTY ASSISTANT SECRETARY BUDGET.	DIRECTOR, BUDGET INVESTMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR BUDGET.
	OFFICE DEPUTY ASSISTANT SECRETARY COST AND ECONOMICS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS).
		DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS).
	OFFICE DEPUTY ASSISTANT SECRETARY FINANCIAL OPERATIONS.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS).
		DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS).
OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	AIR FORCE REVIEW BOARDS AGENCY (AIR FORCE REVIEW BOARDS AGENCY)—FIELD OPERATING AGENCY.	DEPUTY FOR AIR FORCE REVIEW BOARDS.
OFFICE OF THE CHIEF OF STAFF	AIR FORCE OFFICE OF SAFETY AND AIR FORCE SAFETY CENTER (FIELD OPERATING AGENCY).	DEPUTY CHIEF OF SAFETY.
	AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER (DIRECT REPORTING UNIT).	EXECUTIVE DIRECTOR, AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER.
	AIR FORCE STUDIES AND ANALYSES AGENCY (DIRECT REPORTING UNIT (DRU)).	DIRECTOR, AIR FORCE STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED.
		PRINCIPLE DEPUTY DIRECTOR, STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED.
	DEPUTY CHIEF OF STAFF, AIR AND SPACE OPERATIONS.	DIRECTOR OF WEATHER.
		ASSOCIATE DEPUTY CHIEF OF STAFF OPERATIONS, PLANS AND REQUIREMENTS.
		DEPUTY DIRECTOR, OPERATIONS AND READINESS.
		DEPUTY DIRECTOR OF OPERATIONAL REQUIREMENTS.

Agency name	Organization name	Position title
	DEPUTY CHIEF OF STAFF, PERSONNEL	ASSISTANT DEPUTY CHIEF OF STAFF MANPOWER AND PERSONNEL.
		DIRECTOR FORCE DEVELOPMENT.
		DEPUTY DIRECTOR, MANPOWER, ORGANIZATION AND RESOURCES.
		DEPUTY DIRECTOR, MILITARY FORCE MANAGEMENT.
		DEPUTY DIRECTOR OF SERVICES.
		DIRECTOR, PLANS AND INTEGRATION.
	DEPUTY CHIEF OF STAFF, PLANS AND PROGRAMS.	DEPUTY DIRECTOR OF STRATEGIC PLANNING.
		ASSOCIATE DEPUTY DIRECTOR FOR PROGRAMS.
		ASSISTANT DEPUTY CHIEF OF STAFF, STRATEGIC PLANS AND REQUIREMENTS.
	JUDGE ADVOCATE GENERAL	DIRECTOR, ADMINISTRATIVE LAW.
	TEST AND EVALUATION	DIRECTOR, TEST AND EVALUATION.
		DEPUTY DIRECTOR, TEST AND EVALUATION.
OFFICE OF THE INSPECTOR GENERAL	AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (FIELD OPERATING AGENCY).	EXECUTIVE DIRECTOR, DEFENSE CYBERCRIME CENTER.
OFFICE OF THE SECRETARY	AUDITOR GENERAL	ASSISTANT AUDITOR GENERAL, FIELD OFFICES DIRECTORATE.
		AUDITOR GENERAL OF THE AIR FORCE.
	OFFICE OF ADMINISTRATIVE ASSISTANT TO THE SECRETARY.	DEPUTY ADMINISTRATIVE ASSISTANT.
		ADMINISTRATIVE ASSISTANT.
		DIRECTOR, RESOURCES MANAGEMENT.
		DIRECTOR SECURITY, SPEC PRGM OVERSIGHT AND INFORMATION PROTECTION.
	OFFICE OF PUBLIC AFFAIRS	DEPUTY DIRECTOR, PUBLIC AFFAIRS.
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	OFFICE OF THE UNDER SECRETARY	ASSOCIATE DEPUTY UNDER SECRETARY OF THE AIR FORCE (SPACE) AND DEPUTY DIRECTOR PRINCIPAL DEPARTMENT OF DEFENSE SPACE ADVISOR STAFF.
		DEPUTY DIRECTOR FOR BUSINESS TRANSFORMATION.
DEPARTMENT OF THE ARMY		
AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMY RESEARCH LABORATORY.	AFC, COMBAT CAPABILITIES DEVELOPMENT COMMAND, ARL, ARMY RESEARCH OFFICE.	DIRECTOR, ARMY RESEARCH OFFICE.
CHIEF INFORMATION OFFICER/G–6	OFFICE, CHIEF OF PUBLIC AFFAIRS	PRINCIPAL DEPUTY CHIEF OF PUBLIC AFFAIRS.
DEPARTMENT OF THE ARMY	ARMY AUDIT AGENCY	DEPUTY AUDITOR GENERAL, MANPOWER AND TRAINING AUDITS.
		DEPUTY AUDITOR GENERAL, FINANCIAL MANAGEMENT AUDITS.
		PRINCIPAL DEPUTY AUDITOR GENERAL.
		DEPUTY AUDITOR GENERAL, ACQUISITION AND LOGISTICS AUDITS.
		THE AUDITOR GENERAL.
		DEPUTY AUDITOR GENERAL, INSTALLATION, ENERGY AND ENVIRONMENT AUDITS.
	CHIEF INFORMATION OFFICER/G–6	DIRECTOR, CYBERSECURITY.
		DIRECTOR OF ARCHITECTURE AND INFORMATION.
		DEPUTY CHIEF INFORMATION OFFICER/G–6.
		PRINCIPAL DIRECTOR, POLICY AND RESOURCES/CFO, CIO/G–6.
	HEADQUARTERS, UNITED STATES ARMY, EUROPE.	DEPUTY CHIEF OF STAFF G–8.
	HEADQUARTERS, UNITED STATES ARMY, PACIFIC.	ASSISTANT CHIEF OF STAFF, G8.
	JOINT SPECIAL OPERATIONS COMMAND	EXECUTIVE DIRECTOR FOR RESOURCES, SUPPORT, AND INTEGRATION.
	NATIONAL GUARD BUREAU	CHIEF FINANCIAL OFFICER.

Agency name	Organization name	Position title
	OFFICE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF ARMY.	EXECUTIVE DIRECTOR, UNITED STATES ARMY HEADQUARTERS SERVICES.
		ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY.
		DEPUTY ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY/DIRECTOR FOR SHARED SERVICES.
	OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	CHIEF SYSTEMS ENGINEER, ASA(ALT).
		EXECUTIVE DIRECTOR FOR ACQUISITION SERVICES, ASA (ALT).
		≤DEPUTY DIRECTOR, HYPERSONIC, DIRECTED ENERGY, SPACE AND RAPID ACQUISITION OFFICE.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR PLANS, PROGRAMS AND RESOURCES.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY AND PROCUREMENT).
		DEPUTY ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY/CHIEF SCIENTIST.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ACQUISITION POLICY AND LOGISTICS).
		EXECUTIVE DIRECTOR, RAPID CAPABILITIES OFFICE.
		DIRECTOR FOR RESEARCH AND TECHNOLOGY.
	OFFICE ASSISTANT SECRETARY ARMY (CIVIL WORKS).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (MANAGEMENT AND BUDGET).
	OFFICE ASSISTANT SECRETARY ARMY (FINANCIAL MANAGEMENT AND COMPTROLLER).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (COST AND ECONOMICS).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (FINANCIAL OPERATIONS).
		DIRECTOR OF MANAGEMENT AND CONTROL.
		DIRECTOR, ARMY COST REVIEW BOARD.
		DEPUTY DIRECTOR AND SENIOR ADVISOR FOR ARMY BUDGET (DDSA (BUDGET)).
		DIRECTOR FOR ACCOUNTABILITY AND AUDIT READINESS.
		DIRECTOR, FINANCIAL INFORMATION MANAGEMENT.
		DIRECTOR, PROGRAMS AND STRATEGY.
	OFFICE ASSISTANT SECRETARY ARMY (INSTALLATIONS, ENERGY AND ENVIRONMENT).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH).
		DEPUTY ASSISTANT SECRETARY OF ARMY (STRATEGIC INTEGRATION).
	OFFICE ASSISTANT SECRETARY ARMY (MANPOWER AND RESERVE AFFAIRS).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (MILITARY PERSONNEL).
		DEPUTY TO THE ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS).
		DEPUTY ASSISTANT SECRETARY OF ARMY FOR MARKETING/DIRECTOR, ARMY MARKETING RESEARCH GROUP.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (DIVERSITY AND LEADERSHIP).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (CIVILIAN PERSONNEL).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ARMY REVIEW BOARDS AGENCY).
	OFFICE OF THE SURGEON GENERAL	DEPUTY CHIEF OF STAFF, RESOURCES, INFRASTRUCTURE AND STRATEGY (G8/9).

Agency name	Organization name	Position title
	OFFICE, DEPUTY CHIEF OF STAFF, G–4 ...	DIRECTOR FOR MAINTENANCE POLICY, PROGRAMS AND PROCESSES.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–4.
		DIRECTOR FOR SUPPLY POLICY.
		DIRECTOR, LOGISTICS INFORMATION MANAGEMENT.
		DIRECTOR OF RESOURCE MANAGEMENT.
	OFFICE, DEPUTY CHIEF OF STAFF, G–1 ...	DIRECTOR, SHARP AND ARMY RESILIENCY DIRECTORATE.
		DIRECTOR, CIVILIAN TALENT MANAGEMENT/DEPUTY DIRECTOR ARMY TALENT MANAGEMENT TASK FORCE.
		DIRECTOR, TECHNOLOGY AND BUSINESS ARCHITECTURE INTEGRATION.
		DEPUTY DIRECTOR, CIVILIAN HUMAN RESOURCES AGENCY.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–1.
		DIRECTOR, CIVILIAN HUMAN RESOURCE AGENCY.
		DIRECTOR, PLANS AND RESOURCES.
	OFFICE, DEPUTY CHIEF OF STAFF, G–3 ...	DEPUTY DIRECTOR OF TRAINING AND TTPEG CO–CHAIR.
		DEPUTY DIRECTOR FOR STRATEGY PLANS AND POLICY.
		ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS (G–3/5/7).
		DEPUTY DIRECTOR FOR FORCE MANAGEMENT.
	OFFICE, DEPUTY CHIEF OF STAFF, G–8 ...	DIRECTOR, RESOURCES/DEPUTY DIRECTOR, FORCE DEVELOPMENT.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–8.
	OFFICE, OFFICE, DEPUTY CHIEF OF STAFF, G–9.	CHIEF INFORMATION TECHNOLOGY OFFICER (OACSIM).
		DIRECTOR OF RESOURCE INTEGRATION.
		DIRECTOR INSTALLATION SERVICES.
		DEPUTY ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT.
	UNITED STATES ARMY FUTURES COMMAND.	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF EXECUTIVE OFFICER.
		COMMAND INNOVATION OFFICER.
		CHIEF, HUMAN CAPITAL OFFICER.
		DIRECTOR, ARTIFICAL INTELLIGENT CAPABILITIES, AFC.
	UNITED STATES ARMY SPECIAL OPERATIONS COMMAND.	DEPUTY TO THE COMMANDING GENERAL.
	UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND (TRADOC).	PRESIDENT, ARMY LOGISTICS UNIVERSITY.
		DIRECTOR OF TRANSFORMATION, CYBER CENTER OF EXCELLENCE.
		DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS SUPPORT COMMAND.
		DEPUTY CHIEF OF STAFF, G–3/5/7, TRADOC.
		DIRECTOR, UNITED STATES ARMY CENTER OF MILITARY HISTORY/CHIEF OF MILITARY HISTORY.
		DEPUTY TO THE COMMANDING GENERAL.
		DEPUTY TO THE COMMANDING GENERAL MANEUVER SUPPORT/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
		DEPUTY CHIEF OF STAFF, G6 (TRADOC).
		DEPUTY TO THE CG ARMY AVIATION CENTER OF EXCELLENCE/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
		DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS CENTER.

Agency name	Organization name	Position title
		ASSISTANT DEPUTY CHIEF OF STAFF, G-3/5/7 AND DEPUTY G–3/5 FOR OPS PLANS, TRADOC.
		DEPUTY CHIEF OF STAFF G–1/4 (PERSONNEL AND LOGISTICS).
		DEPUTY CHIEF OF STAFF G8, TRADOC.
		DEPUTY TO THE COMMANDING GENERAL, CYBER CENTER OF EXCELLENCE (CYBERCOE).
		DEPUTY TO THE COMMANDING GENERAL FIRES/DIRECTOR, CAPABILITIES, DEVELOPMENT AND INTEGRATION.
	UNITED STATES AFRICA COMMAND	DIRECTOR OF RESOURCES (J8), USAFRICOM.
		DIRECTOR OF RESOURCES (J1/J8), AFRICOM.
		DEPUTY DIRECTOR OF PROGRAM, (J5), USAFRICOM.
		FOREIGN POLICY ADVISOR FOR US AFRICA COMMAND.
	UNITED STATES ARMY CORPS OF ENGINEERS.	DIRECTOR, RESEARCH AND DEVELOPMENT AND DIRECTOR, ENGINEERING RESEARCH AND DEVELOPMENT CENTER.
		DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
		CHIEF MILITARY PROGRAMS INTEGRATION DIVISION.
		DIRECTOR, REAL ESTATE.
		DIRECTOR FOR CORPORATE INFORMATION.
		DIRECTOR OF HUMAN RESOURCES.
		DIRECTOR OF RESOURCE MANAGEMENT.
		DIRECTOR OF CONTRACTING.
		DIRECTOR CONTINGENCY OPERATIONS/CHIEF, HOMELAND SECURITY OFFICE.
	UNITED STATES ARMY CYBER COMMAND/SECOND ARMY.	DEPUTY TO COMMANDER, ARMY CYBER COMMAND/2ND ARMY.
		DEPUTY TO COMMANDER/SENIOR TECHNICAL DIRECTOR/CHIEF ENGINEER.
		DIRECTOR, TECHNICAL WARFARE CENTER, ARCYBER, ARCYBER.
	UNITED STATES ARMY FORCES COMMAND.	DEPUTY CHIEF OF STAFF, G–1.
		ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS, G–3/5/7.
		ASSISTANT DEPUTY CHIEF OF STAFF FOR LOGISTICS.
		DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–6.
	UNITED STATES ARMY MATERIEL COMMAND.	DIRECTOR, OPERATION & READINESS DIRECTORATE, G–3.
		ADCS, SUPPLY CHAIN MANAGEMENT, G3.
		DEPUTY CHIEF OF STAFF FOR CORPORATE INFORMATION/CHIEF INFORMATION OFFICER.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–3/4 FOR LOGISTICS INTEGRATION.
	UNITED STATES ARMY NORTH	DEPUTY TO THE COMMANDING GENERAL, ARNORTH.
	UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND.	DIRECTOR, SPACE AND MISSILE DEFENSE TECHNICAL CENTER.
		DIRECTOR CAPABILITY DEV INTEGRATION DIRECTORATE, SPACE AND MISSILE DEFENSE COMMAND.
		DIRECTOR, FUTURE WARFARE CENTER.
		DIRECTOR, PROGRAMS AND TECHNOLOGY.
		DEPUTY TO THE COMMANDER, UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATCOM.

Agency name	Organization name	Position title
	UNITED STATES EUROPEAN COMMAND	DIRECTOR, INTERAGENCY PARTNERING, (J9).
	UNITED STATES FORCES KOREA	DEPUTY DIRECTOR FOR TRANSFORMATION AND RESTATIONING.
		DIRECTOR FOR FORCES, RESOURCES AND ASSESSMENTS (J8).
	UNITED STATES SOUTHERN COMMAND	DIRECTOR, J8 (RESOURCES AND ASSESSMENTS DIRECTORATE).
		DIRECTOR, EXERCISES AND COALITION AFFAIRS.
		DEPUTY DIRECTOR STRATEGY AND POLICY.
		DEPUTY DIRECTOR OF OPERATIONS, J3.
OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	ARMY ACQUISITION EXECUTIVE	PROGRAM EXECUTIVE OFFICER SIMULATION, TRAINING AND INSTRUMENTATION.
		DEPUTY PROGRAM EXECUTIVE OFFICER, COMMAND CONTROL AND COMMUNICATIONS TACTICAL.
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR AVIATION.
		PROGRAM EXECUTIVE OFFICER ENTERPRISE INFORMATION SYSTEMS.
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR SOLDIER.
		DEPUTY PROGRAM EXECUTIVE OFFICER, COMBAT SUPPORT AND COMBAT SERVICE SUPPORT.
		DEPUTY PROGRAM EXECUTIVE OFFICER GROUND COMBAT SYSTEMS.
		DEPUTY PROGRAM EXECUTIVE OFFICER (SIMULATION, TRAINING AND INSTRUMENTATION).
		DEPUTY JOINT PROGRAM EXECUTIVE OFFICER FOR CHEMICAL AND BIOLOGICAL DEFENSE.
		DEPUTY PROGRAM EXECUTIVE OFFICER, MISSILES AND SPACE.
		DEPUTY PROGRAM EXECUTIVE OFFICER, ENTERPRISE INFORMATION SYSTEMS.
		PROGRAM EXECUTIVE OFFICER COMBAT SUPPORT AND COMBAT SERVICE SUPPORT.
		DEPUTY PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS.
		JOINT PEO FOR CHEMICAL AND BIOLOGICAL DEFENSE.
		PROGRAM EXECUTIVE OFFICER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVE.
		DEPUTY JOINT PROGRAM EXECUTIVE OFFICER (ARMAMENT AND AMMUNITION).
OFFICE ASSISTANT SECRETARY ARMY (FINANCIAL MANAGEMENT AND COMPTROLLER).	UNITED STATES ARMY FINANCIAL MANAGEMENT COMMAND.	DEPUTY TO THE COMMANDER FOR FINANCIAL MANAGEMENT OPERATIONS.
OFFICE OF THE SECRETARY	OFFICE OF THE INSPECTOR GENERAL	PRINCIPAL DIRECTOR TO THE INSPECTOR GENERAL (INSPECTIONS).
	UNITED STATES ARMY NATIONAL MILITARY CEMETERIES.	SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY.
		EXECUTIVE DIRECTOR OF THE ARMY NATIONAL CEMETERIES PROGRAM.
OFFICE OF THE UNDER SECRETARY	OFFICE DEPUTY UNDER SECRETARY OF ARMY.	ASSISTANT TO THE DUSA/DIRECTOR OF TEST AND EVALUATION.
		DIRECTOR CIVILIAN SENIOR LEADER MANAGEMENT OFFICE.
	OFFICE OF BUSINESS TRANSFORMATION	DEPUTY DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION, OFFICE OF THE UNDER SECRETARY OF THE ARMY.
		DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION.

Agency name	Organization name	Position title
OFFICE, CHIEF OF STAFF	OFFICE, CHIEF ARMY RESERVE	ASSISTANT CHIEF OF THE ARMY RESERVE.
		DIRECTOR OF RESOURCE MANAGEMENT AND MATERIAL.
	UNITED STATES ARMY TEST AND EVALUATION COMMAND.	EXECUTIVE DIRECTOR—WHITE SANDS.
		EXECUTIVE DIRECTOR, OPERATIONAL TEST COMMAND.
		DIRECTOR, ARMY EVALUATION CENTER.
OFFICE, DEPUTY CHIEF OF STAFF, G–1	ARMY RESEARCH INSTITUTE (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY).	DIRECTOR, UNITED STATES ARMY RESEARCH INSTITUTE AND CHIEF PSYCHOLOGIST.
	OFFICE, DEPUTY CHIEF OF STAFF, G–1 (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY).	DEPUTY CHIEF MARKETING OFFICER, ARMY ENTERPRISE MARKETING OFFICE.
OFFICE, OFFICE, DEPUTY CHIEF OF STAFF , G–9.	UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND.	REGIONAL DIRECTOR (EUROPE).
		DIRECTOR, HUMAN RESOURCES (IMCOM).
		EXECUTIVE DPUTY TO COMMANDING GENERAL, IMCOM.
		DIRECTOR IMCOM SUPPORT (TRAINING).
		REGIONAL DIRECTOR (PACIFIC).
		DIRECTOR OF FACILITIES AND LOGISTICS.
		DIRECTOR, PLANS, OPERATIONS AND TRAINING, G–3/5/7, IMCOM.
		DIRECTOR IMCOM SUPPORT (READINESS).
		DIRECTOR IMCOM SUPPORT (SUSTAINMENT).
UNITED STATES ARMY FUTURES COMMAND.	AFC, CROSS FUNCTIONAL TEAMS	DIRECTOR, ASSURED PNT CROSS- FUNCTIONAL TEAM, SA.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD—US ARMY AVIATION AND MISSILE CENTER.	DIRECTOR FOR AVIATION AND MISSILE RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.
		DIRECTOR FOR WEAPONS DEVELOPMENT AND INTEGRATION.
		DIRECTOR OF AVIATION ENGINEERING.
		DIRECTOR FOR SYSTEMS SIMULATION, SOFTWARE, AND INTEGRATION.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMAMENTS CENTER.	DIRECTOR, MUNITIONS ENGINEERING TECHNOLOGY CENTER.
		EXECUTIVE DIRECTOR, ENTERPRISE AND SYSTEMS INTEGRATION CENTER.
		EXECUTIVE DIRECTOR, WEAPONS AND SOFTWARE ENGINEER CENTER.
		DIRECTOR FOR ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMY RESEARCH LABORATORY.	DIRECTOR, SENSORS AND ELECTRON DEVICES DIRECTORATE.
		DIRECTOR, HUMAN RESEARCH ENGINEERING DIRECTORATE, CCDC.
		DIRECTOR, SURVIVABILITY/LETHALITY ANALYSIS DIRECTORATE.
		DIRECTOR, CCDC ARMY RESEARCH LABORATORY, CCDC.
		DIRECTOR WEAPONS AND MATERIALS RESEARCH DIRECTORATE.
		DIRECTOR, COMPUTATIONAL AND INFORMATION SCIENCE DIRECTORATE (2).
		DIRECTOR, SENSORS AND ELECTRON DEVICES DIRECTORATE, CCDC.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, C5ISR CENTER.	DIRECTOR, SPACE AND TERRESTRIAL COMMITTEE DIRECTORATE.
		DIRECTOR, COMMUNICATIONS- ELECTRONICS RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.
		DIRECTOR, COMMAND POWER AND INTEGRATION DIRECTORATE.
		DIRECTOR, NIGHT VISION/ ELECTROMAGNETICS SENSORS DIRECTORATE.

Agency name	Organization name	Position title
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, CHEMICAL AND BIOLOGICAL CENTER.	DIRECTOR FOR PROGRAMS INTEGRATION.
		DIRECTOR, RESEARCH AND TECHNOLOGY DIRECTORATE, CBC, CCDC.
		DIRECTOR OPERATIONAL APPLICATIONS DIRECTORATE.
		DIRECTOR, ENGINEERING DIRECTORATE, CBC, CCDC.
		DIRECTOR, CHEMICAL AND BIOLOGICAL CENTER, CCDC.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, DATA ANALYSIS CENTER.	DIRECTOR, CCDC DATA AND ANALYSIS CENTER, CCDC.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, GROUND VEHICLE SYSTEMS CENTER.	DIRECTOR FOR SYSTEMS INTEGRATION AND ENGINEERING.
		DIRECTOR, CCDC GROUND VEHICLE SYSTEMS CENTER.
		DIRECTOR, RESEARCH, TECHNOLOGY DEVELOPMENT AND INTEGRATION.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, SOLDIERS CENTER.	DIRECTOR, NATICK SOLDIER RESEARCH AND DEVELOPMENT ENGINEERING CENTER.
	AFC, COMBAT CAPABILITIES DEVELOPMENT COMMAND.	DEPUTY TO COMMANDING GENERAL, CCDC.
		DIRECTOR, SCIENCE AND TECHNOLOGY INTEGRATION.
	AFC, FUTURES AND CONCEPTS CENTER, CAPABILITY DEVELOPMENT INTEGRATION DIRECTORATES.	DEPUTY TO THE COMMANDING GENERAL, MANEUVER CENTER OF EXCELLENCE AND DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
	AFC, FUTURES AND CONCEPTS CENTER, THE RESEARCH AND ANALYSIS CENTER.	DIRECTOR OF OPERATIONS, TRAC ANALYSIS CENTER FORT LEAVENWORTH.
		DIRECTOR, THE TRAINING AND ANALYSIS CENTER, AFC.
		DIRECTOR OF FUTURES INTEGRATION, FCC.
		DIRECTOR OF OPERATIONS, TRAC, WSMR.
	AFC, FUTURES AND CONCEPTS CENTER, TRAC HUMAN SYSTEMS INTEGRATION.	DIRECTOR FOR MAN PRINT DIRECTORATE.
	AFC, UNITED STATES ARMY MEDICAL RESEARCH AND MATERIEL COMMAND.	PRINCIPAL ASSISTANT FOR ACQUISITION.
	UNITED STATES ARMY FUTURES COMMAND—FUTURES AND CONCEPTS CENTER.	DEPUTY DIRECTOR/CHIEF OF STAFF, ARCIC.
UNITED STATES ARMY CORPS OF ENGINEERS.	COLD REGIONS RESEARCH AND ENGINEERING LABORATORY HANOVER, NEW HAMSHIRE.	DIRECTOR, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY.
	CONSTRUCTION ENGINEERING RESEARCH LABORATORY CHAMPAIGN, ILLINOIS.	DIRECTOR, CONSTRUCTION ENGINEERING RESEARCH LABORATORIES.
	DIRECTORATE OF CIVIL WORKS	CHIEF, OPERATIONS DIVISION AND REGULATORY COMMUNITY OF PRACTICE.
		CHIEF, ENGINEERING AND CONSTRUCTION DIVISION.
		CHIEF, PLANNING AND POLICY DIVISION/COMMUNITY OF PRACTICE.
		DIRECTOR OF CIVIL WORKS.
		CHIEF, PROGRAMS INTEGRATION DIVISION.
	DIRECTORATE OF MILITARY PROGRAMS	CHIEF, ENVIRONMENTAL COMMUNITY OF PRACTICE.
		CHIEF, INSTALLATION SUPPORT COMMUNITY OF PRACTICE.
		DIRECTOR OF MILITARY PROGRAMS.
		CHIEF, INTERAGENCY AND INTERNATIONAL SERVICES DIVISION.
	DIRECTORATE OF RESEARCH AND DEVELOPMENT.	DEPUTY DIRECTOR OF RESEARCH AND DEVELOPMENT.

Agency name	Organization name	Position title
	DIRECTORS OF ENGINEERING AND TECHNICAL SERVICES.	REGIONAL BUSINESS DIRECTOR (SOUTH ATLANTIC DIVISION).
		REGIONAL BUSINESS DIRECTOR (NORTHWESTERN DIVISION).
		REGIONAL BUSINESS DIRECTOR (GREAT LAKES, OHIO RIVER DIVISION).
		REGIONAL BUSINESS DIRECTOR (NORTH ATLANTIC DIVISION).
		REGIONAL BUSINESS DIRECTOR (PACIFIC OCEAN DIVISION).
		REGIONAL BUSINESS DIRECTOR (SOUTHWESTERN DIVISION).
		REGIONAL BUSINESS DIRECTOR (SOUTH PACIFIC DIVISION).
		REGIONAL BUSINESS DIRECTOR, (MISSISSIPPI VALLEY DIVISION).
	DIRECTORS OF PROGRAMS MANAGEMENT.	DIVISION PROGRAMS DIRECTOR (GREAT LAKE AND OHIO RIVER DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTH PACIFIC DIVISION).
		DIVISION PROGRAMS DIRECTOR, TRANSATLANTIC DIVISION.
		DIVISION PROGRAMS DIRECTOR (NORTHWESTERN DIVISION).
		DIVISION PROGRAMS DIRECTOR (NORTH ATLANTIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTH ATLANTIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (MISSISSIPPI VALLEY DIV).
		DIVISION PROGRAMS DIRECTOR (PACIFIC OCEAN DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTHWESTERN DIVISION).
	ENGINEER RESEARCH AND DEVELOPMENT CENTER.	DIRECTOR, ENVIRONMENTAL LABORATORY.
		DEPUTY DIRECTOR ENGINEER RESEARCH AND DEVELOPMENT CENTER.
		DIRECTOR, COASTAL AND HYDRAULICS LABORATORY.
		DIRECTOR GEOTECHNICAL AND STRUCTURES LABORATORY.
	ENGINEER TOPOGRAPHIC LABORATORIES, CENTER OF ENGINEERS.	DIRECTOR, ARMY GEOSPATIAL CENTER.
UNITED STATES ARMY MATERIEL COMMAND.	MILITARY SURFACE DEPLOYMENT DISTRIBUTION COMMAND.	DEPUTY TO THE COMMANDER, SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND.
		DIRECTOR, TRANSPORTATION ENGINEERING AGENCY/DIRECTOR JOINT DISTRIBUTION PROCESS ANALYSIS CENTER.
	OFFICE OF DEPUTY COMMANDING GENERAL.	EXECUTIVE DEPUTY TO THE COMMANDING GENERAL.
	OFFICE OF DEPUTY CHIEF OF STAFF FOR LOGISTICS AND OPERATIONS.	PRINCIPAL DEPUTY G–3 FOR OPERATIONS AND LOGISTICS.
	OFFICE OF DEPUTY CHIEF OF STAFF FOR PERSONNEL.	DEPUTY CHIEF OF STAFF FOR PERSONNEL.
	OFFICE OF THE DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT, G–8/EXECUTIVE DIRECTOR FOR BUSINESS.
		DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.
	TANK-AUTOMOTIVE AND ARMAMENTS COMMAND (TANK-AUTOMOTIVE AND ARMAMENTS COMMAND).	DEPUTY TO THE COMMANDER.
		DIRECTOR INTEGRATED LOGISTICS SUPPORT CENTER.
	UNITED STATES ARMY COMMUNICATIONS ELECTRONICS COMMAND.	DIRECTOR, SOFTWARE ENGINEERING DIRECTORATE.
		DEPUTY TO THE COMMANDING GENERAL, CECOM, LCMC.
		DIR, COMMUNICATIONS–ELECTRONICS LIFE CYCLE MGMT CMD LOGISTICS AND READINESS CENTER.

Agency name	Organization name	Position title
	UNITED STATES ARMY JOINT MUNITIONS COMMAND.	EXECUTIVE DIRECTOR FOR AMMUNITION.
	UNITED STATES ARMY AVIATION AND MISSILE COMMAND (ARMY MATERIEL COMMAND).	DEPUTY TO THE COMMANDER.
		DIRECTOR FOR TEST MEASUREMENT DIAGNOSTIC EQUIPMENT ACTIVITY.
		ARMY AVIATION AND MISSILE COMMAND DIRECTOR, SPECIAL PROGRAMS (AVIATION).
		EXECUTIVE DIRECTOR, AVIATION AND MISSILE COMMAND LOGISTICS CENTER.
	UNITED STATES ARMY CONTRACTING COMMAND.	DEPUTY TO THE COMMANDING GENERAL, ARMY CONTRACTING COMMAND.
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—REDSTONE, AL.
		DEPUTY TO THE COMMANDER, UNITED STATES ARMY EXPEDITIONARY CONTRACTING COMMAND.
		DEPUTY TO THE COMMANDER, MISSION INSTALLATION CONTRACTING COMMAND.
		EXECUTIVE DIRECTOR, ACC–WARREN.
		EXECUTIVE DIRECTOR, ARMY CONTRACTING COMMAND—ABERDEEN.
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—ROCK ISLAND.
	UNITED STATES ARMY SECURITY ASSISTANCE COMMAND.	DEPUTY TO THE COMMANDING GENERAL.
	UNITED STATES ARMY SUSTAINMENT COMMAND.	EXECUTIVE DIRECTOR, SUPPORT OPERATIONS.
		DEPUTY TO THE COMMANDER.
		EXECUTIVE DIRECTOR FOR LOGCAP.
DEPARTMENT OF THE NAVY		
CHIEF OF NAVAL OPERATIONS	BUREAU OF MEDICINE AND SURGERY	DIRECTOR, BUSINESS OPERATIONS/COMPTROLLER.
		EXECUTIVE DIRECTOR, BUREAU OF MEDICINE AND SURGERY.
	COMMANDER, NAVY INSTALLATIONS COMMAND.	DIRECTOR, TOTAL FORCE MANPOWER.
		COMPTROLLER.
		DIRECTOR STRATEGY AND FUTURE REQUIREMENTS.
		DIRECTOR OF OPERATIONS.
		DEPUTY COMMANDER.
		COUNSEL, COMMANDER NAVY INSTALLATIONS COMMAND.
	COMMANDER, SUBMARINE FORCES	EXECUTIVE DIRECTOR, SUBMARINE FORCES.
	MILITARY SEALIFT COMMAND	DIRECTOR, MILITARY SEALIFT COMMAND MANPOWER AND PERSONNEL.
		DIRECTOR, SHIP MANAGEMENT.
		DIRECTOR, MARITIME OPERATIONS.
		EXECUTIVE DIRECTOR.
	NAVAL AIR SYSTEMS COMMAND HEADQUARTERS.	DIRECTOR, AIR ANTI-SUBMARINE WARFARE, ASSAULT AND SPECIAL MISSION PROGRAMS CONTRACTS DEPARTMENT.
		DEPUTY COUNSEL, OFFICE OF COUNSEL.
		DIRECTOR, PROPULSION AND POWER.
		DIRECTOR, STRIKE WEAPONS, UNMANNED AVIATION, NAVAL AIR PROGRAMS CONTRACTS DEPARTMENT.
		DIRECTOR INDUSTRIAL OPERATIONS.
		DIRECTOR, MISSION ENGINEERING AND ANALYSIS.
		COUNSEL, NAVAL AIR SYSTEMS COMMAND.
		DIRECTOR, COST ESTIMATING AND ANALYSIS.
		DIRECTOR OF CONTRACTS, F–35 JSF.
		F–35 PRODUCT SUPPORT MANAGER.
		DIRECTOR, AIR VEHICLE ENGINEERING.
		ASSISTANT COMMANDER FOR CONTRACTS.

Agency name	Organization name	Position title
		COMPTROLLER.
		DIRECTOR, SYSTEMS ENGINEERING DEPARTMENT.
		DIRECTOR, PRODUCT SUPPORT MANAGEMENT INTEGRATION.
		DIRECTOR, TACTICAL AIRCRAFT AND MISSILES CONTRACTS DEPARTMENT.
		DEPUTY ASSISTANT COMMANDER FOR RESEARCH AND ENGINEERING.
		DEPUTY COMMANDER, NAVAL AIR SYSTEMS COMMAND.
		DIRECTOR, SUSTAINMENT GROUP.
		DIRECTOR, ENGINEERING GROUP.
		ASSISTANT COMMANDER, CORPORATE OPERATIONS AND TOTAL FORCE.
	NAVAL METEOROLOGY AND OCEANOGRAPHY COMMUNICATIONS, STENNIS SPACE CENTER, MISSISSIPPI.	TECHNICAL/DEPUTY DIRECTOR.
	NAVY CYBER FORCES	DEPUTY COMMANDER.
	OFFICE OF COMMANDER, UNITED STATES FLEET FORCES COMMAND.	DEPUTY CHIEF OF STAFF, PERSONNEL DEVELOPMENT AND ALLOCATION.
		DIRECTOR, FLEET INSTALLATION AND ENVIRONMENT.
		ASSISTANT DEPUTY CHIEF OF STAFF, FLEET POLICY AND CAPABILITIES REQUIREMENTS.
		EXECUTIVE DIRECTOR, NAVY WARFARE DEVELOPMENT COMMAND.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER, COMBAT SYSTEMS, INTELLIGENCE AND STRATEGIC/COMMAND INFORMATION OFFICER.
		EXECUTIVE DIRECTOR/CHIEF OF STAFF.
		DEPUTY DIRECTOR, MARITIME OPERATIONS.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER COMBAT SYSTEMS, INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.
	OFFICE OF THE COMMANDER, UNITED STATES PACIFIC FLEET.	EXECUTIVE DIRECTOR, NAVAL SURFACE FORCES.
		EXECUTIVE DIRECTOR, PACIFIC FLEET PLANS AND POLICY.
		EXECUTIVE DIRECTOR FOR COMMUNICATIONS AND INFORMATION SYSTEMS AND CHIEF INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, NAVAL AIR FORCES.
		CHIEF OF STAFF.
		EXECUTIVE DIRECTOR, TOTAL FORCE MANAGEMENT.
		DEPUTY FOR NAVAL MINE AND ANTI-SUBMARINE WARFARE COMMAND.
	UNITED STATES FLEET CYBER COMMAND/UNITED STATES TENTH FLEET.	EXECUTIVE DIRECTOR AND CHIEF INFORMATION OFFICER.
DEPARTMENT OF THE NAVY	CHIEF OF NAVAL OPERATIONS	HEAD, CAMPAIGN ANALYSIS BRANCH.
		DIRECTOR NAVY STAFF.
		EXECUTIVE DIRECTOR, NAVAL SPECIAL WARFARE COMMAND.
		DIRECTOR, DIGITAL WARFARE OFFICE.
		DIRECTOR, FLEET READINESS.
		DEPUTY CHIEF OF NAVY RESERVE.
		DIRECTOR, SPECIAL PROGRAMS DIVISION (N89).
		DEPUTY DIRECTOR, NAVY CYBERSECURITY.
		DEPUTY COMMANDER.
		DIRECTOR OF STRATEGY.
		DIRECTOR, STRATEGIC MOBILITY AND COMBAT LOGISTICS DIVISION.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, FLEET READINESS AND LOGISTICS.

Agency name	Organization name	Position title
		DIRECTOR, TOTAL FORCE REQUIREMENTS, ANALYSIS AND DEVELOPMENT (N12/N15).
		DIRECTOR NAVAL HISTORY AND HERITAGE COMMAND.
		DEPUTY DIRECTOR, PROGRAM DIVISION (N80B).
		DEPUTY DIRECTOR, AIR WARFARE
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (MANPOWER, PERSONNEL, TRAINING AND EDUCATION).
		DIRECTOR, CHIEF OF NAVAL OPERATIONS ENERGY AND ENVIRONMENTAL READINESS DIVISION.
		DEPUTY DIRECTOR, UNDERSEA WARFARE DIVISION.
		DEPUTY DIRECTOR SURFACE WARFARE DIVISION.
		DEPUTY DIRECTOR, EXPEDITIONARY WARFARE DIVISION.
		DEPUTY DIRECTOR, WARFARE INTEGRATION.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS FOR INFORMATION DOMINANCE (N2/N6).
		DEPUTY DIRECTOR ASSESSMENT DIVISION (N8 1B).
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, WARFARE SYSTEMS.
		DIRECTOR, COMMUNICATIONS AND NETWORK DIVISION (N2/N6F1).
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (RESOURCES, WARFARE REQUIREMENTS AND ASSESSMENTS) N8B.
		FINANCIAL MANAGER AND CHIEF RESOURCES OFFICER FOR MANPOWER, PERSONNEL, TRAINING AND EDUCATION.
	MARINE CORPS SYSTEMS COMMAND	ASSISTANT DEPUTY COMMANDANT FOR INFORMATION.
		DEPUTY TO THE COMMANDER FOR RESOURCE MANAGEMENT.
		CHIEF ENGINEER, MARINE CORPS SYSTEMS COMMAND.
		EXECUTIVE DIRECTOR.
	NAVAL FACILITIES ENGINEERING COMMAND.	DIRECTOR, NAVY CRANE CENTER.
		DIRECTOR OF PUBLIC WORKS.
		EXECUTIVE DIRECTOR.
		DEPUTY COMMANDER, ACQUISITION.
		CHIEF ENGINEER.
		DIRECTOR OF ENVIRONMENT.
		DIRECTOR OF ASSET MANAGEMENT.
		ASSISTANT COMMANDER/CHIEF MANAGEMENT OFFICER.
		COMPTROLLER
		COUNSEL, NAVAL FACILITIES ENGINEERING COMMAND.
	NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	DIRECTOR CORPORATE OPERATIONS/COMMAND INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, FLEET READINESS DIRECTORATE.
		EXECUTIVE DIRECTOR.
		ASSISTANT CHIEF ENGINEER FOR CERTIFICATION AND MISSION ASSURANCE.
		ASSISTANT CHIEF ENGINEER FOR MISSION ARCHITECTURE AND SYSTEMS ENGINEERING.
		DIRECTOR, CONTRACTS.
		DIRECTOR, READINESS/LOGISTICS DIRECTORATE.
		DEPUTY CHIEF ENGINEER.

Agency name	Organization name	Position title
	NAVAL SEA SYSTEMS COMMAND	DEPUTY DIRECTOR, ADVANCED AIRCRAFT CARRIER SYSTEM DIVISION. DIRECTOR, FLEET READINESS DIVISION. EXECUTIVE DIRECTOR, SHIP DESIGN, AND ENGINEERING DIRECTORATE. DIRECTOR FOR AIRCRAFT CARRIER DESIGN AND SYSTEMS ENGINEERING. DEPUTY DIRECTOR, REACTOR REFUELING DIVISION. DIRECTOR, SURFACE SYSTEMS CONTRACTS DIVISION. HEAD, ADVANCED REACTOR BRANCH. ASSISTANT COMMANDER, SUPPLY CHAIN TECHNOLOGY AND SYSTEM INTEGRATION. DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, PHILADELPHIA DIVISION. EXECUTIVE DIRECTOR FOR COMMANDER, NAVY REGIONAL MAINTENANCE CENTERS (CNRMC). DIRECTOR, FLEET SUPPORT CONTRACTS DIVISION. DIRECTOR, REACTOR MATERIALS DIVISION. DIRECTOR FOR MARINE ENGINEERING. DIVISION TECHNICAL DIRECTOR, NSWC CORONA DIVISION. DIRECTOR FOR SHIP INTEGRITY AND PERFORMANCE ENGINEERING. EXECUTIVE DIRECTOR NAVAL SURFACE AND UNDERSEA WARFARE CENTERS. DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER PORT HUENEME DIVISION. NUCLEAR ENGINEERING AND PLANNING MANAGER. DIRECTOR, INTEGRATED WARFARE SYSTEMS ENGINEERING GROUP. COUNSEL, NAVAL SEA SYSTEMS COMMAND. DIRECTOR FOR CONTRACTS. DIRECTOR, REACTOR MATERIALS DIVISION. DIRECTOR FOR SURFACE SHIP DESIGN AND SYSTEMS ENGINEERING. DIRECTOR, COST ENGINEERING AND INDUSTRIAL ANALYSIS. DIRECTOR, SHIPBUILDING CONTRACTS DIVISION. ASSISTANT DEPUTY COMMANDER FOR INDUSTRIAL OPERATIONS. DEPUTY FOR WEAPONS SAFETY. EXECUTIVE DIRECTOR FOR LOGISTICS MAINTENANCE AND INDUSTRIAL OPERATIONS DIRECTORATE. EXECUTIVE DIRECTOR, UNDERSEA WARFARE DIRECTORATE. DIRECTOR, REACTOR PLANT COMPONENTS AND AUXILIARY EQUIPMENT DIVISION. DIRECTOR, SURFACE SHIP SYSTEMS DIVISION. DIRECTOR, REACTOR SAFETY AND ANALYSIS DIVISION. DIRECTOR FOR SUBMARINE/SUBMERSIBLE DESIGN AND SYSTEMS ENGINEERING. PROGRAM MANAGER FOR COMMISSIONED SUBMARINES. DIRECTOR, OFFICE OF RESOURCE MANAGEMENT. DIRECTOR, REACTOR REFUELING DIVISION.

Agency name	Organization name	Position title
		DIRECTOR OF RADIOLOGICAL CONTROLS.
		EXECUTIVE DIRECTOR, UNDERSEA INTEGRATION (PEO SUB C).
		EXECUTIVE DIRECTOR, SURFACE WARFARE DIRECTORATE.
		DIRECTOR, NUCLEAR COMPONENTS DIVISION.
		EXECUTIVE DIRECTOR.
		DEPUTY COMMANDER, CORPORATE OPERATIONS DIRECTORATE.
		DEPUTY COMMANDER/COMPTROLLER.
	NAVAL SUPPLY SYSTEMS COMMAND HEADQUARTERS.	ASSISTANT DEPUTY COMMANDER FOR FINANCIAL MANAGEMENT.
		ASSISTANT COMMANDER FOR CONTRACTING MANAGEMENT.
		EXECUTIVE STRATEGIC INITIATIVES.
		ASSISTANT COMMANDER FOR SUPPLY CHAIN MANAGEMENT (SCM) POLICY AND PERFORMANCE.
		DEPUTY COMMANDER FOR FINANCIAL MANAGEMENT/COMPTROLLER.
		COUNSEL, NAVAL SUPPLY SYSTEMS COMMAND.
		DEPUTY COMMANDER, CORPORATE OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF SPECIAL PROJECTS.
		VICE COMMANDER.
	OFFICE OF NAVAL RESEARCH	DIRECTOR FOR AEROSPACE SCIENCE RESEARCH DIVISION.
		DIRECTOR, OCEAN, ATMOSPHERE AND SPACE RESEARCH DIVISION.
		DIRECTOR, ELECTRONICS, SENSORS, AND NETWORKS RESEARCH DIVISION.
		DIRECTOR, SHIP SYSTEMS AND ENGINEERING DIVISION.
		DIRECTOR, MISSION SUPPORT.
		EXECUTIVE DIRECTOR.
		DIRECTOR, HUMAN AND BIOENGINEERED SYSTEMS DIVISION.
		DIRECTOR, CONTRACTS, GRANTS AND ACQUISITIONS.
		COMPTROLLER.
		HEAD, AIR WARFARE AND WEAPONS SCIENCE AND TECHNOLOGY DEPARTMENT.
		DIRECTOR, MATHEMATICS COMPUTER AND INFORMATION SCIENCES (MCIS) DIVISION.
		HEAD, COMMAND, CONTROL, COMMUNICATIONS, INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (C4ISR) SCIENCE AND TECHNOLOGY DEPARTMENT.
		HEAD MISSION CAPABLE PERSISTENT AND SURVIVABLE NAVAL PLATFORMS DEPARTMENT.
		NAVAL ACCELERATOR EXECUTIVE.
		PATENT COUNSEL OF THE NAVY.
		COUNSEL, OFFICE OF NAVAL RESEARCH.
		HEAD, WARFIGHTER PERFORMANCE SCIENCE AND TECHNOLOGY DEPARTMENT.
		HEAD, OCEAN, BATTLESPACE SENSING SCIENCE AND TECHNOLOGY DEPARTMENT.
		DIRECTOR, UNDERSEA WEAPONS AND NAVAL MATERIALS SCIENCE AND TECHNOLOGY DIVISION.
	OFFICE OF THE SECRETARY OF THE NAVY.	DEPUTY ASSISTANT FOR ADMINISTRATION.
		DIRECTOR, SEXUAL ASSAULT PREVENTION AND RESPONSE.

Agency name	Organization name	Position title
	UNITED STATES MARINE CORPS HEADQUARTERS OFFICE.	DEPUTY DIRECTOR, MANPOWER PLANS AND POLICY DIVISION.
		ASSISTANT DEPUTY COMMANDANT FOR MANPOWER AND RESERVE AFFAIRS.
		EXECUTIVE DEPUTY, MARINE CORPS LOGISTICS COMMAND.
		DEPUTY COUNSEL FOR THE COMMANDANT OF THE MARINE CORPS.
		DIRECTOR PROGRAM ANALYSIS AND EVALUATION DIVISION.
		DIRECTOR PACIFIC DIVISION, PLANS, POLICIES AND OPERATIONS.
		ASSISTANT DEPUTY COMMANDANT FOR PLANS POLICIES AND OPERATIONS (SECURITY).
		EXECUTIVE DIRECTOR, MARINE FORCES COMMAND.
		DEPUTY ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS (FACILITIES).
		ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS (E- BUSINESS AND CONTRACTS).
		COUNSEL FOR THE COMMANDANT.
		ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS.
		ASSISTANT DEPUTY COMMANDANT FOR PROGRAMS AND RESOURCES/FISCAL DIRECTOR OF THE MARINE CORPS.
		ASSISTANT DEPUTY COMMANDANT FOR AVIATION (SUSTAINMENT).
		ASSISTANT DEPUTY COMMANDANT, RESOURCES (PERSONNEL AND READINESS).
MARINE CORPS SYSTEMS COMMAND	MARINE CORPS COMBAT DEVELOPMENT COMMAND; QUANTICO, VIRGINIA.	EXECUTIVE DEPUTY TRAINING AND EDUCATION COMMAND.
	MARINE FORCES RESERVE, NEW ORLEANS, LA.	EXECUTIVE DIRECTOR, MARINE FORCES RESERVE.
NAVAL AIR SYSTEMS COMMAND HEADQUARTERS.	NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION.	DEPUTY ASSISTANT COMMANDER FOR TEST AND EVALUATION/EXECUTIVE DIRECTOR NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION/DIRECTOR, TEST AND EVALUATION NAWCAD.
		DIRECTOR, AIRCRAFT LAUNCH AND RECOVERY EQUIPMENT/SUPPORT EQUIPMENT.
		DIRECTOR, FLIGHT TEST ENGINEERING.
		DIRECTOR, BATTLESPACE SIMULATION.
	NAVAL AIR WARFARE CENTER TRAINING SYSTEMS DIVISION.	DIRECTOR, HUMAN SYSTEMS DEPARTMENT.
	NAVAL AIR WARFARE CENTER WEAPONS DIVISION, CHINA LAKE, CALIFORNIA.	DIRECTOR, RANGE DEPARTMENT.
		EXECUTIVE DIRECTOR, NAVAL AIR WARFARE CENTER WEAPONS DIVISION/DIRECTOR, RESEARCH ENGINEERING.
		DIRECTOR, WEAPONS AND ENERGETICS DEPARTMENT.
		DIRECTOR, AVIONICS, SENSORS AND ELECTRONIC WARFARE.
NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	NAVAL INFORMATION AND WARFARE SYSTEMS CENTER.	COMPTROLLER/BUSINESS RESOURCE MANAGER.
		DIRECTOR, SCIENCE AND TECHNOLOGY.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, ENTERPRISE INFORMATION SYSTEMS.
		EXECUTIVE DIRECTOR.
		COUNSEL, SPACE AND NAVAL WARFARE SYSTEMS COMMAND.
	NAVAL INFORMATION AND WARFARE SYSTEMS CENTER, CHARLESTON.	EXECUTIVE DIRECTOR.

Agency name	Organization name	Position title
NAVAL SEA SYSTEMS COMMAND	NAVAL SHIPYARDS	NUCLEAR ENGINEERING AND PLANNING MANAGER; PORTSMOUTH NAVAL SHIPYARD.
		NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, NORFOLK NAVAL SHIPYARD.
		NUCLEAR ENGINEERING AND PLANNING MANAGER, PUGET SOUND NAVAL SHIPYARD.
	NAVAL SURFACE WARFARE CENTER	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION.
	NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.
	NAVAL SURFACE WARFARE CENTER, CRANE DIVISION.	DIVISION TECHNICAL DIRECTOR, NSWC CRANE DIVISION.
	NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION.	DIVISION TECHNICAL DIRECTOR NAVAL SURFACE WARFARE CENTER PANAMA CITY DIVISION.
	NAVAL SURFACE WARFARE CENTER, INDIAN HEAD DIVISION.	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER INDIAN HEAD EXPLOSIVE ORDINANCE DISPOSAL TECHNOLOGY DIVISION.
	NAVAL UNDERSEA WARFARE CENTER DIVISION, KEYPORT, WASHINGTON.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION KEYPORT.
	NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPORT, RHODE ISLAND.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION NEWPORT.
NAVAL SUPPLY SYSTEMS COMMAND HEADQUARTERS.	NAVY SUPPLY INFORMATION SYSTEMS ACTIVITY.	DIRECTOR OF FINANCE/COMPTROLLER.
	WEAPON SYSTEMS SUPPORT	VICE COMMANDER, NAVSUP WEAPON SYSTEMS SUPPORT.
OFFICE OF NAVAL RESEARCH	NAVAL RESEARCH LABORATORY	ASSOCIATE DIRECTOR OF RESEARCH FOR BUSINESS OPERATIONS.
		ASSOCIATE DIRECTOR OF RESEARCH FOR OCEAN AND ATMOSPHERIC SCIENCE AND TECHNOLOGY.
		ASSOCIATE DIRECTOR OF RESEARCH FOR SYSTEMS.
		SUPERINTENDENT, SPACE SYSTEMS DEVELOPMENT DEPARTMENT.
		DIRECTOR, RESOURCE MANAGEMENT.
		SUPERINTENDENT, OPTICAL SCIENCES DIVISION.
		SUPERINTENDANT, INFORMATION TECHNOLOGY DIVISION.
		SUPERINTENDENT CHEMISTRY DIVISION.
		DIRECTOR, NAVAL CENTER FOR SPACE TECHNOLOGY.
		SUPERINTENDENT, OCEAN SCIENCES DIVISION.
		SUPERINTENDENT, RADAR DIVISION.
		SUPERINTENDENT, MARINE METEOROLOGY DIVISION.
		SUPERINTENDENT, ACOUSTICS DIVISION.
		SUPERINTENDENT, SPACECRAFT ENGINEERING DEPARTMENT.
		SUPERINTENDENT, SPACE SCIENCES DIVISION.
		SUPERINTENDENT, PLASMA PHYSICS DIVISION.
		SUPERINTENDENT, ELECTRONICS SCIENCE AND TECHNOLOGY DIVISION.
		SUPERINTENDENT, REMOTE SENSING DIVISION.
		SUPERINTENDENT, CENTER FOR BIOMOLECULAR SCIENCE AND ENGINEERING.
		SUPERINTENDENT, MATERIAL SCIENCE AND TECHNOLOGY DIVISION.
		DIRECTOR OF RESEARCH.

Agency name	Organization name	Position title
		ASSOCIATE DIRECTOR OF RESEARCH FOR MATERIAL SCIENCE AND COMPONENT TECHNOLOGY.
		SUPERINTENDENT, TACTICAL ELECTRONIC WARFARE DIVISION.
OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESERVE AFFAIRS).	OFFICE OF CIVILIAN HUMAN RESOURCES	DIRECTOR, HUMAN RESOURCES OPERATIONS.
		DIRECTOR, HUMAN RESOURCES SYSTEMS AND ANALYTICS.
		DEPUTY DIRECTOR, OFFICE OF CIVILIAN HUMAN RESOURCES.
		DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS DEPARTMENT.
OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	PROGRAM EXECUTIVE OFFICERS	DEPUTY PROGRAM EXECUTIVE OFFICER FOR UNMANNED AVIATION PROGRAMS.
		DIRECTOR, PRODUCTION DEPLOYMENT AND FLEET READINESS.
		EXECUTIVE DIRECTOR FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE (C4I).
		EXECUTIVE DIRECTOR, COMBATANTS, PROGRAM EXECUTIVE OFFICERS SHIPS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR AIRCRAFT CARRIERS.
		DEPUTY PROGRAM EXECUTIVE OFFICERS FOR STRIKE WEAPONS.
		DEPUTY PROGRAM EXECUTIVE OFFICERS FOR TACTICAL AIR PROGRAMS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR INTEGRATED WARFARE SYSTEMS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE SUBMARINES.
		DIRECTOR, DEVELOPMENT AND INTEGRATION.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, LITTORAL COMBAT SHIPS.
		PROGRAM EXECUTIVE OFFICER (ENTERPRISE INFORMATION SYSTEMS).
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, COLUMBIA.
		DEPUTY PROGRAM EXECUTIVE OFFICERS AIR ASSAULT AND SPECIAL MISSION.
		EXECUTIVE DIRECTOR, AMPHIBIOUS, AUXILIARY AND SEALIFT SHIPS, PROGRAM EXECUTIVE OFFICERS SHIPS.
	STRATEGIC SYSTEMS PROGRAMS	HEAD, RESOURCES BRANCH (COMPTROLLER) AND DEPUTY DIRECTOR, PLANS AND PROGRAM DIVISION.
		BRANCH HEAD REENTRY SYSTEMS BRANCH.
		ASSISTANT FOR SYSTEMS INTEGRATION AND COMPATIBILITY.
		ASSISTANT FOR SHIPBOARD SYSTEMS.
		ASSISTANT FOR MISSILE PRODUCTION, ASSEMBLY AND OPERATIONS.
		ASSISTANT FOR MISSILE ENGINEERING SYSTEMS.
		DIRECTOR, PLANS AND PROGRAMS DIVISION.
		CHIEF ENGINEER.
		DIRECTOR, INTEGRATED NUCLEAR WEAPONS SAFETY AND SECURITY.
		TECHNICAL PLANS OFFICER.
		COUNSEL, STRATEGIC SYSTEMS PROGRAMS

Agency name	Organization name	Position title
OFFICE OF THE SECRETARY OF THE NAVY	NAVAL CRIMINAL INVESTIGATIVE SERVICE.	DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE.
		CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR OPERATIONAL SUPPORT.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR GLOBAL OPERATIONS.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR ATLANTIC OPERATIONS.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR PACIFIC OPERATIONS.
		CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR CRIMINAL OPERATIONS.
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT).	EXECUTIVE DIRECTOR PUBLIC-PRIVATE PARTNERSHIP REVIEWS.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (ENVIRONMENT).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (INFRASTRUCTURE AND FACILITIES).
		PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT).
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (FINANCIAL MANAGEMENT AND COMPTROLLER).	DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR COST AND ECONOMICS.
		ASSOCIATE DIRECTOR, OFFICE OF BUDGET/FISCAL MANAGEMENT DIVISION.
		ASSISTANT GENERAL COUNSEL (FINANCIAL MANAGEMENT AND COMPTROLLER).
		DIRECTOR, INVESTMENT AND DEVELOPMENT DIVISION.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (FINANCIAL POLICY AND SYSTEMS).
		DIRECTOR, POLICY AND PROCEDURES.
		DASN FINANCIAL MANAGEMENT SYSTEMS.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY FINANCIAL MANAGEMENT AND COMPTROLLER.
		DIRECTOR, PROGRAM/BUDGET COORDINATION DIVISION.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL OPERATIONS.
		DIRECTOR, CIVILIAN RESOURCES AND BUSINESS AFFAIRS DIVISION.
		DEPUTY DASN FINANCIAL MANAGEMENT SYSTEMS (SYSTEMS TRANSFORMATION).
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESERVE AFFAIRS).	ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (MILITARY MANPOWER AND PERSONNEL).
		PRINCIPAL DEPUTY MANPOWER AND RESERVE AFFAIRS.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (CIVILIAN HUMAN RESOURCES).

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	PEO FOR AVIATION COMMON SYSTEMS AND COMMERCIAL SERVICES.
		EXECUTIVE DIRECTOR, F–35, JOINT PROGRAM OFFICE.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (SHIPS).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR SUSTAINMENT.
		PROGRAM EXECUTIVE OFFICER, LAND SYSTEMS MARINE CORPS.
		CHIEF OF STAFF/POLICY.
		PRINCIPAL CIVILIAN DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION WORKFORCE).
		DIRECTOR, TECHNOLOGY SECURITY AND COOPERATIVE PROGRAMS DIRECTORATE.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (AIR PROGRAMS).
		DEPUTY FOR TEST AND EVALUATION.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE) SPACE).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT, TEST AND EVALUATION).
		ASSISTANT GENERAL COUNSEL (RESEARCH, DEVELOPMENT AND ACQUISITION).
		EXECUTIVE DIRECTOR, DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION AND PROCUREMENT).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (MANAGEMENT AND BUDGET).
		EXECUTIVE DIRECTOR, NAVY INTERNATIONAL PROGRAMS OFFICE.
	OFFICE OF THE GENERAL COUNSEL	PRINCIPAL DEPUTY GENERAL COUNSEL.
		ASSOCIATE GENERAL COUNSEL (LITIGATION)/DIRECTOR, NAVY LITIGATION OFFICE.
		SPECIAL COUNSEL FOR LITIGATION.
		ASSISTANT GENERAL COUNSEL (ACQUISITION INTEGRITY).
		DEPUTY GENERAL COUNSEL.
		ASSISTANT GENERAL COUNSEL (ENERGY, INSTALLATIONS, AND ENVIRONMENT).
		ASSISTANT GENERAL COUNSEL (INTELLIGENCE).
		COUNSEL, MILITARY SEALIFT COMMAND.
		DEPUTY COUNSEL NAVAL SEA SYSTEMS COMMAND.
	OFFICE OF THE NAVAL INSPECTOR GENERAL.	DEPUTY NAVAL INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL OF THE MARINE CORPS.
	OFFICE OF THE UNDER SECRETARY OF THE NAVY.	DIRECTOR FOR BUSINESS REFORM AND DIRECTOR, OFFICE OF THE CHIEF MANAGEMENT OFFICE.
		PRINCIPAL DIRECTOR DEPUTY UNDER SECRETARY OF THE NAVY (POLICY).
		SENIOR DIRECTOR FOR SECURITY AND INTELLIGENCE.
		SENIOR DIRECTOR, INTEGRATION SUPPORT DIRECTORATE.
OFFICE OF THE UNDER SECRETARY OF THE NAVY.	OFFICE OF THE AUDITOR GENERAL	ASSISTANT AUDITOR GENERAL FOR RESEARCH, DEVELOPMENT, ACQUISITION AND LOGISTICS AUDITS.
		ASSISTANT AUDITOR GENERAL FOR MANPOWER & RESERVE AFFAIRS.
		ASSISTANT AUDITOR GENERAL FOR FINANCIAL MANAGEMENT AND COMPTROLLER AUDITS.
		AUDITOR GENERAL OF THE NAVY.

Agency name	Organization name	Position title
UNITED STATES MARINE CORPS HEADQUARTERS OFFICE.	MARINE FORCES PACIFIC, HAWAII	EXECUTIVE DIRECTOR, MARINE FORCES PACIFIC.
OFFICE OF THE SECRETARY OF DEFENSE		
DEPUTY INSPECTOR GENERAL FOR AUDITING.	FINANCIAL MANAGEMENT AND REPORTING.	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REPORTING.
	OFFICE OF THE PRINCIPAL DEPUTY INSPECTOR GENERAL FOR AUDITING.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING.
	READINESS, OPERATIONS AND SUPPORT	ASSISTANT INSPECTOR GENERAL FOR READINESS AND CYBER OPERATIONS.
DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.	DEFENSE CRIMINAL INVESTIGATIVE SERVICE.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS/INVESTIGATIVE OPERATIONS.
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL FOR ADMINISTRATIVE INVESTIGATIONS.	DEPUTY INSPECTOR GENERAL ADMINISTRATIVE INVESTIGATIONS.
	DEPUTY INSPECTOR GENERAL FOR AUDITING.	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SUSTAINMENT MANAGEMENT.
		DEPUTY INSPECTOR GENERAL FOR AUDITING.
		ASSISTANT INSPECTOR GENERAL FOR READINESS AND GLOBAL OPERATIONS.
	DEPUTY INSPECTOR GENERAL FOR EVALUATIONS.	ASSISTANT INSPECTOR GENERAL FOR SPACE, INTELLIGENCE, ENGINEERING, AND OVERSIGHT.
		ASSISTANT INSPECTOR GENERAL FOR PROGRAM, COMBATANT COMMAND (COCOM), AND OVERSEAS CONTINGENCY OPERATIONS (OCO).
	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY DIRECTOR DEFENSE CRIMINAL INVESTIGATIVE SERVICE.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, INTERNAL OPERATIONS.
		DEPUTY INSPECTOR GENERAL FOR EVALUATIONS.
		ASSISTANT INSPECTOR GENERAL FOR DATA ANALYTICS.
		ASSISTANT INSPECTOR GENERAL FOR STRATEGIC PLANNING AND PERFORMANCE.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
		DEPUTY CHIEF OF STAFF.
DEFENSE NUCLEAR FACILITIES SAFETY BOARD.		
	DEFENSE NUCLEAR FACILITIES SAFETY BOARD.	ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR PROGRAMS AND ANALYSIS.
		DEPUTY TECHNICAL DIRECTOR.
		DEPUTY GENERAL COUNSEL.
		DEPUTY GENERAL MANAGER.
		ASSOCIATE TECHNICAL DIRECTOR FOR ENGINEERING PERFORMANCE.
		SPECIAL ASSISTANT TO THE CHAIRMAN.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR WEAPON PROGRAMS.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR MATERIALS PROCESSING AND STABILIZATION.
		TECHNICAL DIRECTOR.
DEPARTMENT OF EDUCATION		
OFFICE OF THE SECRETARY	FEDERAL STUDENT AID	CHIEF FINANCIAL OFFICER.
		DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP.
	INSTITUTE OF EDUCATION SCIENCES	ASSOCIATE COMMISSIONER, ASSESSMENTS DIVISION.

Agency name	Organization name	Position title
	OFFICE FOR CIVIL RIGHTS	ENFORCEMENT DIRECTOR (3).
		DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT.
		ENFORCEMENT DIRECTOR.
	OFFICE OF FINANCIAL OPERATIONS	DEPUTY DIRECTOR OF HUMAN RESOURCES.
		DEPUTY ASSISTANT SECRETARY, SECURITY, FACILITIES AND LOGISTICAL SERVICES.
		DEPUTY ASSISTANT SECRETARY FOR ACQUISITION AND GRANTS ADMINISTRATION.
		CHAIRPERSON, EDUCATION APPEAL BOARD.
		DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DEPUTY CHIEF FINANCIAL OFFICER, FINANCIAL MANAGEMENT.
		DIRECTOR, FINANCIAL IMPROVEMENT AND POST AUDIT OPERATIONS.
		DIRECTOR, CONTRACTS AND ACQUISITIONS MANAGEMENT.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DIRECTOR, INFORMATION ASSURANCE SERVICES AND CHIEF INFORMATION SECURITY OFFICER.
		CHIEF INFORMATION OFFICER.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL, DIVISION OF POSTSECONDARY EDUCATION.
		ASSISTANT GENERAL COUNSEL FOR BUSINESS AND ADMINISTRATION LAW.
		ASSISTANT GENERAL COUNSEL FOR EDUCATIONAL EQUITY.
DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL		
DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS AND COMPUTER CRIME INVESTIGATIONS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS AND COMPUTER CRIME INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES.
DEPARTMENT OF ENERGY		
	DEPARTMENT OF ENERGY	ADA (OFFICE OF MATERIAL MANAGEMENT AND MINIMIZATION).
ASSISTANT SECRETARY FOR ELECTRICITY	BONNEVILLE POWER ADMINISTRATION.	VICE PRESIDENT TRANSMISSION SYSTEM OPERATIONS.
		VICE PRESIDENT, ENERGY EFFICIENCY.
		GENERAL COUNSEL/EXECUTIVE VICE PRESIDENT.
		EXECUTIVE VICE PRESIDENT, BUSINESS TRANSFORMATION.
		DIRECTOR, HUMAN RESOURCES SERVICE CENTER.
		SENIOR VICE PRESIDENT TRANSMISSION SERVICES.
		CHIEF OPERATING OFFICER.
		DEPUTY ADMINISTRATOR.

Agency name	Organization name	Position title
		EXECUTIVE VICE PRESIDENT INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		EXECUTIVE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER.
		VICE PRESIDENT FOR GENERATION ASSET MANAGEMENT.
		VICE PRESIDENT, BULK MARKETING.
		VICE PRESIDENT, NORTHWEST REQUIREMENTS MARKETING.
		VICE PRESIDENT, TRANSMISSION MARKETING AND SALES.
		VICE PRESIDENT, PLANNING AND ASSET MANAGEMENT.
		VICE PRESIDENT FOR ENGINEERING AND TECHNICAL SERVICES.
		SENIOR VICE PRESIDENT FOR POWER SERVICES.
		VICE PRESIDENT FOR TRANSMISSION FIELD SERVICES.
		VICE PRESIDENT, ENVIRONMENT, FISH AND WILDLIFE.
	SOUTHWESTERN POWER ADMINISTRATION.	DEPUTY ADMINISTRATOR, OFFICE OF POWER DELIVERY.
	WESTERN AREA POWER ADMINISTRATION.	CHIEF INFORMATION OFFICER (2).
		CHIEF ADMINISTRATIVE OFFICER.
		DESERT SOUTHWEST REGIONAL MANAGER.
		REGIONAL MANAGER, SIERRA NEVADA REGION.
		REGIONAL MANAGER, UPPER GREAT PLAINS REGION.
		REGIONAL MANAGER, ROCKY MOUNTAIN REGION.
		GENERAL COUNSEL.
		CHIEF OPERATING OFFICER.
	ENVIRONMENTAL MANAGEMENT CONSOLIDATED BUSINESS CENTER.	CHIEF COUNSEL.
	RICHLAND OPERATIONS OFFICE	CHIEF COUNSEL.
DEPARTMENT OF ENERGY	ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.	CHIEF COUNSEL.
	ASSISTANT SECRETARY FOR ELECTRICITY.	CHIEF OPERATING OFFICER.
		DEPUTY ASSISTANT SECRETARY, ENERGY RESILIENCE.
	ASSISTANT SECRETARY FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY.	SENIOR ADVISOR.
	ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT.	SENIOR PROJECT MANAGEMENT ADVISOR.
		DEPUTY MANAGER, IDAHO CLEANUP PROJECT.
		SITE MANAGER, OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT.
		DIRECTOR FOR REGULATORY, INTERGOVERNMENTAL AND STAKEHOLDER ENGAGEMENT.
		MANAGER, IDAHO CLEANUP PROJECT.
		SENIOR ADVISOR.
	ASSISTANT SECRETARY FOR FOSSIL ENERGY.	DIRECTOR, OFFICE OF RESEARCH.
		DEPUTY DIRECTOR AND CHIEF RESEARCH OFFICER.
		DIRECTOR FOR EXPLORATORY RESEARCH AND INNOVATION.
		DIRECTOR, OFFICE OF STRATEGIC PLANNING, ANALYSIS, AND ENGAGEMENT.
		CHIEF INFORMATION OFFICER AND CHIEF SECURITY OFFICER.
		CHIEF OPERATING OFFICER AND DIRECTOR FOR LABORATORY OPERATIONS.
		DEPUTY DIRECTOR, SCIENCE AND TECHNOLOGY STRATEGIC PLANS AND PROGRAMS.
		EXECUTIVE DIRECTOR, RESEARCH AND INNOVATION CENTER.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, TECHNOLOGY DEVELOPMENT AND INTEGRATION AND CHIEF TECHNOLOGY OFFICER.
		EXECUTIVE DIRECTOR, FINANCE, ACQUISITION AND CHIEF FINANCIAL OFFICER.
		DEPUTY EXECUTIVE DIRECTOR, TECHNOLOGY DEVELOPMENT AND INTEGRATION.
		CHIEF COUNSEL.
		PROJECT MANAGER, STRATEGIC PETROLEUM RESERVE.
	ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS.	DEPUTY ASSISTANT SECRETARY FOR ASIA AND THE AMERICAS.
		DEPUTY ASSISTANT SECRETARY FOR EUROPE, EURASIA, AFRICA AND THE MIDDLE EAST.
		DIRECTOR FOR EUROPEAN AND EURASIAN AFFAIRS.
		SENIOR DIRECTOR FOR STRATEGIC INITIATIVES.
		SENIOR ADVISOR.
	ASSISTANT SECRETARY FOR NUCLEAR ENERGY.	DIRECTOR OFF OF USED NUCLEAR FUEL DISPOSITION RESEARCH AND DEVELOPMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR REACTOR TECHNOLOGIES.
		DIRECTOR, OFFICE OF LIGHT WATER REACTOR DEPLOYMENT.
		ADVISOR.
		CHIEF OPERATING OFFICER.
		ASSOCIATE PRINCIPAL DEPUTY ASSISTANT SECRETARY, OFFICE OF NUCLEAR ENERGY.
		DEPUTY MANAGER FOR OPERATIONS SUPPORT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR INFRASTRUCTURE PROGRAMS.
		PROGRAM DIRECTOR, VERSATILE TEST REACTOR PROJECT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR REACTOR FLEET AND ADVANCED REACTOR DEPLOYMENT.
	ASSOCIATE UNDER SECRETARY FOR ENVIRONMENT, HEALTH, SAFETY AND SECURITY.	DIRECTOR, OFFICE OF NUCLEAR SAFETY.
		DIRECTOR, OFFICE OF ENVIRONMENTAL PROTECTION SUSTAINABILITY.
		DEPUTY ASSOCIATE UNDER SECRETARY FOR SECURITY.
		CHIEF OPERATING OFFICER.
	CHICAGO OFFICE	DEPUTY MANAGER, CHICAGO OFFICE.
		MANAGER, CHICAGO OFFICE.
	IDAHO OPERATIONS OFFICE	MANAGER, IDAHO OPERATIONS OFFICE.
		CHIEF COUNSEL.
		DEPUTY MANAGER FOR NUCLEAR ENERGY.
		DEPUTY MANAGER FOR ADMINISTRATIVE SUPPORT, CHIEF FINANCIAL OFFICER.
	LOAN PROGRAMS OFFICE	DIRECTOR, PORTFOLIO MANAGEMENT DIVISION.
		DIRECTOR, RISK MANAGEMENT.
		CHIEF COUNSEL.
		SENIOR ADVISOR (2).
	NATIONAL NUCLEAR SECURITY ADMINISTRATION.	ASSISTANT DEPUTY ADMINISTRATOR, FOR GLOBAL MATERIAL SECURITY.
		DEPUTY ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT
		ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, FOR GLOBAL MATERIAL SECURITY
		MANAGER, SANDIA FIELD OFFICE

Agency name	Organization name	Position title
		MANAGER, LIVERMORE FIELD OFFICE.
		DEPUTY GENERAL COUNSEL FOR GENERAL LAW AND LITIGATION.
		DIRECTOR, REGULATORY AFFAIRS.
		DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		DADA FOR PRODUCTION MODERNIZATION.
		ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR FOR MATERIAL MANAGEMENT AND MINIMIZATION.
		DIRECTOR, OFFICE OF EXPERIMENTAL SCIENCES.
		SENIOR ADVISOR
		DEPUTY ASSOCIATE ADMINISTRATOR FOR EMERGENCY MANAGEMENT AND PREPAREDNESS.
		ASSOCIATE PRINCIPAL DEPUTY ADMINISTRATOR.
		DEPUTY MANAGER, Y–12.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR SECURE TRANSPORTATION.
		PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR FOR ENTERPRISE CAPABILITIES.
		ADA FOR NONPROLIFERATION AND ARMS CONTROL.
		DADA FOR RESEARCH, TEST AND EVALUATION.
		DIRECTOR, OFFICE OF ASC AND INSTITUTIONAL RESEARCH AND DEVELOPMENT PROGRAMS.
		DEPUTY DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION.
		DIRECTOR, OFFICE OF COST ESTIMATING AND PROGRAM EVALUATION.
		ASSISTANT DEPUTY ADMINISTRATOR FOR STRATEGIC PARTNERSHIP PROGRAMS.
		ASSOCIATE ADMINISTRATOR FOR INFORMATION MANAGEMENT AND CHIEF INFORMATION OFFICER.
		FEDERAL PROJECT DIRECTOR, CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT FACILITY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTERPRISE STEWARDSHIP.
		DIRECTOR, OFFICE OF NUCLEAR INCIDENT RESPONSE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR SAFETY.
		ASSOCIATE ADMINISTRATOR FOR SAFETY INFRASTRUCTURE AND OPERATIONS.
		PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR SAFETY INFRASTRUCTURE AND OPERATIONS.
	OAK RIDGE OFFICE	SITE MANAGER, ORNL SITE OFFICE.
		SITE MANAGER, THOMAS JEFFERSON NATIONAL ACCELERATOR FACILITY.
		CHIEF COUNSEL.
		ASSISTANT MANAGER, OFFICE OF FINANCIAL SERVICES.
	OFFICE OF ENTERPRISE ASSESSMENTS	DEPUTY DIRECTOR, OFFICE OF ENTERPRISE ASSESSMENTS.
		DIRECTOR, OFFICE OF SECURITY ASSESSMENTS.
		DIRECTOR, OFFICE OF ENVIRONMENT, SAFETY AND HEALTH ASSESSMENTS.
		DEPUTY DIRECTOR, OFFICE OF ENVIRONMENT, SAFETY AND HEALTH ASSESSMENTS.

Agency name	Organization name	Position title
	OFFICE OF GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR ENFORCEMENT.
		ASSISTANT GENERAL COUNSEL FOR TECHNOLOGY TRANSFER AND INTELLECTUAL PROPERTY.
		ASSISTANT GENERAL COUNSEL FOR PROCUREMENT AND FINANCIAL ASSISTANCE.
		ASSISTANT GENERAL COUNSEL FOR GENERAL LAW.
		DEPUTY GENERAL COUNSEL FOR ADMINISTRATION.
		ASSOCIATE GENERAL COUNSEL.
		DEPUTY GENERAL COUNSEL FOR TRANSACTIONS, TECHNOLOGY, AND CONTRACTOR HUMAN RESOURCES.
	OFFICE OF HEARINGS AND APPEALS	DEPUTY DIRECTOR, HEARINGS AND APPEALS (DEPUTY CHIEF ADMINISTRATIVE JUDGE).
		DIRECTOR, HEARINGS AND APPEALS (CHIEF ADMINISTRATIVE JUDGE).
	OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.	DIRECTOR OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.
		DEPUTY DIRECTOR FOR CYBER INTELLIGENCE.
		DEPUTY DIRECTOR FOR COUNTERINTELLIGENCE.
		DEPUTY DIRECTOR FOR INTELLIGENCE ANALYSIS.
		PRINCIPAL DEPUTY DIRECTOR, OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.
	OFFICE OF MANAGEMENT	DIRECTOR, OFFICE OF POLICY.
		DIRECTOR, SUSTAINABILITY PERFORMANCE OFFICE.
		DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
		DIRECTOR, OFFICE OF THE OMBUDSMAN.
		DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, OFFICE OF HEADQUARTERS PROCUREMENT SERVICES.
	OFFICE OF POLICY	CHIEF OPERATING OFFICER.
		DEPUTY DIRECTOR FOR ENERGY FINANCE INCENTIVES AND PROGRAM ANALYSIS.
	OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.	DIRECTOR, OFFICE OF PROJECT ASSESSMENTS.
		DEPUTY DIRECTOR, OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.
	OFFICE OF SCIENCE	SITE OFFICE MANAGER, ARGONNE.
		SITE OFFICE MANAGER, PRINCETON.
		DIRECTOR OFFICE OF SCIENTIFIC AND TECHNICAL INFORMATION.
		SITE OFFICE MANAGER, BROOKHAVEN.
		SITE OFFICE MANAGER, FERMI.
		BERKELEY/SLAC SITE OFFICE MANAGER.
		ASSISTANT MANAGER, GRANTS AND COOPERATIVE AGREEMENTS.
		ASSISTANT MANAGER FOR RESERVATION MANAGEMENT.
		CHIEF COUNSEL.
		DIRECTOR, OFFICE OF WORKFORCE MANAGEMENT.

Agency name	Organization name	Position title
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	DIRECTOR, OFFICE OF CORPORATE EXECUTIVE MANAGEMENT.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, OFFICE OF CORPORATE SERVICES.
		DIRECTOR, OFFICE OF TALENT MANAGEMENT.
		DIRECTOR, OAK RIDGE HUMAN RESOURCES SHARED SERVICE CENTER.
	UNITED STATES ENERGY INFORMATION ADMINISTRATION.	DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY.
		SENIOR ADVISOR.
		DIRECTOR, OFFICE OF PETROLEUM AND BIOFUELS STATISTICS.
		DEPUTY ADMINISTRATOR ENERGY INFORMATION ADMINISTRATION.
		ASSISTANT ADMINISTRATOR FOR ENERGY STATISTICS.
		ASSISTANT ADMINISTRATOR FOR ENERGY ANALYSIS.
		DIRECTOR, OFFICE OF OIL, GAS AND COAL SUPPLY STATISTICS.
		DIRECTOR, OFFICE OF ENERGY CONSUMPTION AND EFFICIENCY ANALYSIS.
		DIRECTOR OFFICE OF PETROLEUM GAS AND BIOFUELS ANALYSIS.
		DIRECTOR OFFICE OF INTEGRATED AND INTERNATIONAL ENERGY ANALYSIS.
		ASSISTANT ADMINISTRATOR FOR RESOURCES AND TECHNOLOGY MANAGEMENT.
		DIRECTOR, OFFICE OF ELECTRICITY, COAL, NUCLEAR AND RENEWABLES ANALYSIS.
		DIRECTOR, OFFICE OF ENERGY MARKETS AND FINANCIAL ANALYSIS.
		DIRECTOR, OFFICE OF STATISTICAL METHODS AND RESEARCH.
		DIRECTOR, OFFICE OF ENERGY CONSUMPTION AND EFFICIENCY STATISTICS.
NATIONAL NUCLEAR SECURITY ADMINISTRATION.	ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.	DEPUTY ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.
		ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.
		DIRECTOR, OFFICE OF ENTERPRISE PROJECT MANAGEMENT.
		FEDERAL PROJECT DIRECTOR (MOX).
		FEDERAL PROJECT DIRECTOR (URANIUM PROCESSING FACILITY).
		DEPUTY DIRECTOR, ACQUISITION MANAGEMENT.
		DIRECTOR, ACQUISITION MANAGEMENT.
	ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY.	DIRECTOR OFFICE OF SECURITY OPERATIONS AND PROGRAMMATIC PLANNING.
		ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY AND CHIEF OF DEFENSE NUCLEAR SECURITY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY.
	ASSOCIATE ADMINISTRATOR FOR EMERGENCY OPERATIONS.	ASSOCIATE ADMINISTRATOR AND DEPUTY UNDER SECRETARY FOR EMERGENCY OPERATIONS.

Agency name	Organization name	Position title
	DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION.	ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, OFFICE OF NONPROLIFERATION AND ARMS CONTROL.
		AADA ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT.
		ASSISTANT DEPUTY ADMINISTRATOR FOR NONPROLIFERATION RESEARCH AND DEVELOPMENT.
		CHIEF OF STAFF AND OPERATIONS.
		PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR.
	DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.	ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT
		ADA FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION.
		PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE SUSTAINMENT.
		MANAGER, NNSA PRODUCTION OFFICE.
		ASSISTANT DEPUTY ADMINISTRATOR FOR SYSTEMS ENGINEERING AND INTEGRATION.
		PROGRAM EXECUTIVE OFFICER FOR LIFE EXTENSION PROGRAMS.
		PRINCIPAL DEPUTY ASSISTANT DEPUTY ADMINSTRATOR FOR SECURE TRANSPORTATION.
		MANAGER, NEVADA FIELD OFFICE.
	DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.	ASSISTANT MANAGER FOR OPERATIONS.
		DIRECTOR NUCLEAR TECHNOLOGY DIVISION.
		DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION.
		PROGRAM MANAGER, NEW SHIP DESIGN.
		SENIOR NAVAL REACTORS REPRESENTATIVE (NEWPORT NEWS, VA).
		DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT.
		DEPUTY DIRECTOR, ADVANCED SUBMARINE SYSTEMS DIVISION.
		DIRECTOR ADVANCED SUBMARINE SYSTEMS DIVISION.
		DEPUTY DIRECTOR FOR NAVAL REACTORS.
		ASSISTANT MANAGER FOR OPERATIONS.
		DIRECTOR, COMMISSIONED SUBMARINE SYSTEMS DIVISION.
		PROGRAM MANAGER, PROTOTYPE AND MOORED TRAINING SHIP OPERATIONS AND INACTIVATION PROGRAM.
		SENIOR NAVAL REACTORS REPRESENTATIVE (PUGET SOUND NAVAL SHIP).
		PROGRAM MANAGER, ADVANCED TECHNOLOGY DEVELOPMENT.
		DIRECTOR, ACQUISITION DIVISION.
		DIRECTOR, GOVERNMENTAL AFFAIRS.
		PROGRAM MANAGER, VA CLASS SUBS AND US/UK TECHNOLOGY EXCHANGE.
		SENIOR NAVAL REACTORS REPRESENTATIVE (UNITED KINGDOM).
		DIRECTOR, REACTOR ENGINEERING DIVISION.
		PROGRAM MANAGER FOR SURFACE SHIP NUCLEAR PROPULSION.
		MANAGER, NAVAL REACTORS LABORATORY FIELD OFFICE.
		DEPUTY DIRECTOR, NUCLEAR TECHNOLOGY DIVISION.

Agency name	Organization name	Position title
	DEPUTY UNDER SECRETARY FOR COUNTERTERRORISM AND COUNTERPROLIFERATION.	DEPUTY ASSOCIATE ADMINISTRATOR FOR COUNTERTERRORISM AND COUNTERPROLIFERATION.
		ASSOCIATE ADMINISTRATOR/DEPUTY UNDER SECRETARY FOR COUNTERTERRORISM AND COUNTERPROLIFERATION.
	NATIONAL NUCLEAR SECURITY ADMINISTRATION FIELD SITE OFFICES.	DEPUTY MANAGER SANDIA FIELD OFFICE.
		MANAGER, SAVANNAH RIVER FIELD OFFICE.
		DEPUTY MANAGER FOR BUSINESS, SECURITY AND MISSIONS.
		MANAGER, LOS ALAMOS FIELD OFFICE.
		DEPUTY MANAGER, NATIONAL NUCLEAR SECURITY ADMINISTRATION PRODUCTION OFFICE—PANTEX.
		DEPUTY MANAGER, LIVERMORE FIELD OFFICE.
		DEPUTY MANAGER SAVANNAH RIVER FIELD OFFICE.
		DEPUTY MANAGER, NEVADA FIELD OFFICE.
		DEPUTY MANAGER, LIVERMORE FIELD OFFICE.
	OFFICE OF MANAGEMENT AND BUDGET ..	ASSOCIATE ADMINISTRATOR FOR MANAGEMENT AND BUDGET.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DIRECTOR, FINANCIAL INTEGRATION AND BUDGET DEPUTY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL FOR AGENCY OPERATIONS.
		GENERAL COUNSEL.
OFFICE OF THE DEPUTY SECRETARY	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DIRECTOR, OFFICE OF BUDGET.
		DEPUTY DIRECTOR, BUDGET OPERATIONS.
		DIRECTOR OF CORPORATE BUSINESS SYSTEMS.
		DEPUTY FOR CORPORATE BUSINESS SYSTEMS.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, FINANCIAL OPERATIONS.
		DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING.
		DEPUTY DIRECTOR, BUDGET ANALYSIS AND COORDINATION.
		DEPUTY DIRECTOR, FINANCIAL REPORTING AND BUSINESS ANALYSIS.
OFFICE OF THE SECRETARY	UNDER SECRETARY FOR SCIENCE	SENIOR ADVISOR FOR ENVIRONMENTAL MANAGEMENT TO THE UNDER SECRETARY FOR SCIENCE.
DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL		
	DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	SPECIAL COUNSEL FOR ADMINISTRATIVE REMEDIES.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		SENIOR COUNSEL, FOIA AND PRIVACY ACT OFFICER.
		ASSISTANT INSPECTOR GENERAL MANAGEMENT AND ADMINISTRATION.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, INTELLIGENCE OVERSIGHT, AND SPECIAL PROJECTS.

Agency name	Organization name	Position title
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (WESTERN REGION).
		ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY, FINANCIAL AND ANALYTICS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (EASTERN REGION).
		CHIEF COUNSEL TO THE INSPECTOR GENERAL.
ENVIRONMENTAL PROTECTION AGENCY		
ENVIRONMENTAL PROTECTION AGENCY	OFFICE OF THE ADMINISTRATOR	DIRECTOR, OFFICE OF ADMINISTRATIVE AND EXECUTIVE SERVICES.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION.	DIRECTOR, COMPLIANCE DIVISION.
		DIRECTOR, AIR QUALITY POLICY DIVISION.
		DIRECTOR, HEALTH AND ENVIRONMENTAL IMPACTS DIVISION.
		DIRECTOR, SECTOR POLICIES AND PROGRAMS DIVISION.
		DIRECTOR, CLIMATE CHANGE DIVISION.
		DIRECTOR, AIR QUALITY ASSESSMENT DIVISION.
		DIRECTOR, OUTREACH AND INFORMATION DIVISION.
		DIRECTOR, ASSESSMENT AND STANDARDS DIVISION.
		DIRECTOR, CLEAN AIR MARKETS DIVISION.
		DIRECTOR, TESTING AND ADVANCED TECHNOLOGY DIVISION.
		DIRECTOR, TRANSPORTATION AND CLIMATE DIVISION.
		DIRECTOR, INDOOR ENVIRONMENTS DIVISION.
		DIRECTOR, CLIMATE PROTECTION PARTNERSHIP DIVISION.
		DIRECTOR, RADIATION PROTECTION DIVISION.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR CHEMICAL SAFETY AND POLLUTION PREVENTION.	DIRECTOR, BIOPESTICIDES AND POLLUTION PREVENTION DIVISION.
		DEPUTY DIRECTOR, OFFICE OF PROGRAM SUPPORT.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, OFFICE OF PROGRAM SUPPORT.
		DIRECTOR, NEW CHEMICALS DIVISION.
		DIRECTOR, EXISTING CHEMICAL RISK MANAGEMENT DIVISION.
		DIRECTOR, PROJECT MANAGEMENT AND OPERATIONS DIVISION.
		DIRECTOR, DATA GATHERING AND ANALYSIS DIVISION.
		DIRECTOR, ENVIRONMENTAL ASSISTANCE DIVISION.
		DIRECTOR, BIOLOGICAL AND ECONOMIC ANALYSIS DIVISION.
		DIRECTOR, REGISTRATION DIVISION.
		DIRECTOR, PESTICIDE RE-EVALUATION DIVISION.
		DIRECTOR, ENVIRONMENTAL FATE AND EFFECTS DIVISION.
		DIRECTOR, CHEMISTRY, ECONOMICS AND SUSTAINABLE STRATEGIES DIVISION.
		DIRECTOR, NATIONAL PROGRAM CHEMICALS DIVISION.
		ASSOCIATE ASSISTANT ADMINISTRATOR (MANAGEMENT).
		DIRECTOR, CHEMICAL CONTROL DIVISION.
		DIRECTOR, INFORMATION MANAGEMENT DIVISION.

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE.	DIRECTOR, ANTIMICROBIALS DIVISION.
		DIRECTOR, FIELD AND EXTERNAL AFFAIRS DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY AND RESOURCES MANAGEMENT DIVISION.
		DIRECTOR, HEALTH EFFECTS DIVISION.
		DIRECTOR, RISK ASSESSMENT DIVISION.
		DIRECTOR, WATER ENFORCEMENT DIVISION.
		DEPUTY DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.
		DIRECTOR, NATIONAL ENFORCEMENT INVESTIGATIONS CENTER.
		DEPUTY DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT.
		DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.
		DIRECTOR, OFFICE OF CIVIL ENFORCEMENT.
		DEPUTY DIRECTOR, OFFICE OF CIVIL ENFORCEMENT.
		DIRECTOR, OFFICE OF COMPLIANCE.
		DIRECTOR, ENFORCEMENT TARGETING AND DATA DIVISION.
		DIRECTOR, MONITORING ASSISTANCE AND MEDIA PROGRAMS DIVISION.
		DIRECTOR, AIR ENFORCEMENT DIVISION.
		DIRECTOR, CRIMINAL INVESTIGATION DIVISION.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR LAND AND EMERGENCY MANAGEMENT.	DIRECTOR, RESOURCES MANAGEMENT DIVISION.
		DIRECTOR, ASSESSMENT AND REMEDIATION DIVISION.
		DIRECTOR, TECHNOLOGY INNOVATION AND FIELD SERVICES DIVISION.
		DIRECTOR, MATERIALS RECOVERY AND WASTE MANAGEMENT DIVISION.
		DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT.
		DIRECTOR, RESOURCE CONSERVATION AND SUSTAINABILITY DIVISION.
		DIRECTOR, PROGRAM IMPLEMENTATION AND INFORMATION DIVISION.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT.	DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
		DIRECTOR, OFFICE OF RESOURCES AND BUSINESS OPERATIONS.
		DIRECTOR, OFFICE OF DIGITAL SERVICES AND TECHNICAL ARCHITECTURE.
		DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT.
		DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT.
		ENVIRONMENTAL APPEALS JUDGE (3).
		DEPUTY DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
		DIRECTOR, OFFICE OF GRANTS AND DEBARMENT.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DEPUTY DIRECTOR, OFFICE OF GRANTS AND DEBARMENT.
		ENVIRONMENTAL APPEALS JUDGE.

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.	DEPUTY DIRECTOR FOR MANAGEMENT.
		DEPUTY DIRECTOR, OFFICE OF RESOURCE MANAGEMENT.
		DIRECTOR, GROUNDWATER CHARACTER AND REMEDIATION DIVISION.
		DIRECTOR, CENTER FOR ENVIRONMENTAL SOLUTIONS AND EMERGENCY RESPONSE.
		DIRECTOR, PACIFIC ECOLOGICAL SYSTEMS DIVISION.
		DIRECTOR, GULF ECOSYSTEM MEASUREMENT AND MODELING DIVISION.
		DIRECTOR, CENTER FOR ENVIRONMENTAL MEASUREMENT AND MODELING.
		DEPUTY DIRECTOR FOR MANAGEMENT (2).
		SENIOR ADVISOR (2).
		DIRECTOR, OFFICE OF SCIENCE INFORMATION MANAGEMENT.
		DIRECTOR, OFFICE OF SCIENCE ADVISOR, POLICY AND ENGAGEMENT.
		DIRECTOR, GREAT LAKES TOXICOLOGY AND ECOLOGY DIVISION.
		DIRECTOR, OFFICE OF RESOURCE MANAGEMENT.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WATER.	DIRECTOR, ENGINEERING AND ANALYSIS DIVISION.
		DIRECTOR, WATER PERMITS DIVISION.
		DIRECTOR, DRINKING WATER PROTECTION DIVISION.
		DIRECTOR, STANDARDS AND HEALTH PROTECTION DIVISION.
		DIRECTOR, HEALTH AND ECOLOGICAL CRITERIA DIVISION.
		DIRECTOR, STANDARDS AND RISK MANAGEMENT DIVISION.
		DIRECTOR, WATER INFRASTRUCTURE DIVISION.
		DIRECTOR, WATERSHED RESTORATION, ASSESSMENT AND PROTECTION DIVISION.
		DIRECTOR, OCEANS, WETLANDS AND COMMUNITIES DIVISION.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CONTROLLER.
		DEPUTY CONTROLLER.
		DIRECTOR, OFFICE OF BUDGET.
		DIRECTOR, OFFICE OF TECHNOLOGY SOLUTIONS.
		ASSOCIATE CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY.
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR, RESOURCES MANAGEMENT OFFICE.
	REGION 1—BOSTON, MASSACHUSETTS ...	DIRECTOR, WATER DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
	REGION 10—SEATTLE, WASHINGTON	DIRECTOR, WATER DIVISION.
		DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.

Agency name	Organization name	Position title
	REGION 2—NEW YORK, NEW YORK	DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSISTANCE DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION.
		DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION.
	REGION 3—PHILADELPHIA, PENNSYLVANIA.	DIRECTOR, CHESAPEAKE BAY PROGRAM OFFICE.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
	REGION 4—ATLANTA, GEORGIA	DIRECTOR, GULF OF MEXICO PROGRAM.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, WATER DIVISION.
	REGION 5—CHICAGO, ILLINOIS	DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, GREAT LAKES NATIONAL PROGRAM OFFICE.
		REGIONAL COUNSEL.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
	REGION 6—DALLAS, TEXAS	DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, WATER DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
	REGION 7—LENEXA, KANSAS	DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, WATER DIVISION
		DIRECTOR, MISSION SUPPORT DIVISION
		REGIONAL COUNSEL
		DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION
		DIRECTOR, AIR AND RADIATION DIVISION
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION

Agency name	Organization name	Position title
		DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION
	REGION 8—DENVER, COLORADO	DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, MISSION SUPPORT DIVISION.
	REGION 9—SAN FRANCISCO, CALIFORNIA	DIRECTOR, AIR AND RADIATION DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
OFFICE OF THE ADMINISTRATOR	OFFICE OF ENVIRONMENTAL	DIRECTOR, OFFICE OF ENVIRONMENTAL JUSTICE.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE.	OFFICE OF COMPLIANCE	DEPUTY DIRECTOR, OFFICE OF COMPLIANCE.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT.	OFFICE OF ADMINISTRATION	DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION.
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL		
	ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		CHIEF OF STAFF TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR EVALUATION.
		DEPUTY INSPECTOR GENERAL.
		ASSOCIATE DEPUTY INSPECTOR GENERAL.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION		
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.	OFFICE OF INFORMATION TECHNOLOGY	DEPUTY CHIEF INFORMATION OFFICER.
	OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS.	ASSOCIATE DIRECTOR.
	OFFICE OF ENTERPRISE DATA AND ANALYTICS.	DEPUTY CHIEF DATA OFFICER.
OFFICE OF FIELD PROGRAMS	DISTRICT DIRECTOR-(BIRMINGHAM).	
	DIRECTOR, INFORMATION INTAKE GROUP..	
	DISTRICT DIRECTOR-(PHILADELPHIA).	
	DISTRICT DIRECTOR-(CHARLOTTE)..	
		DISTRICT DIRECTOR-(PHOENIX).
		DISTRICT DIRECTOR-(LOS ANGELES).
		DISTRICT DIRECTOR-(NEW YORK).
		DISTRICT DIRECTOR-(ATLANTA).
		DISTRICT DIRECTOR-(HOUSTON).
		DISTRICT DIRECTOR-(SAN FRANCISCO).
		DISTRICT DIRECTOR-(DALLAS).
		DISTRICT DIRECTOR-(CHICAGO).
		DISTRICT DIRECTOR-(ST LOUIS).
		DISTRICT DIRECTOR-(MIAMI).
		DISTRICT DIRECTOR-(INDIANAPOLIS).
		DISTRICT DIRECTOR-(MEMPHIS).
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
OFFICE OF FIELD PROGRAMS	FIELD COORDINATION PROGRAMS	DIRECTOR, FIELD COORDINATION PROGRAMS.

Agency name	Organization name	Position title
	FIELD MANAGEMENT PROGRAMS	DIRECTOR FIELD MANAGEMENT PROGRAMS.
FEDERAL COMMUNICATIONS COMMISSION		
FEDERAL COMMUNICATIONS COMMISSION	MEDIA BUREAU	CHIEF, VIDEO DIVISION.
	OFFICE OF INSPECTOR GENERAL	INSPECTOR GENERAL.
FEDERAL ENERGY REGULATORY COMMISSION		
OFFICE OF THE CHAIRMAN	OFFICE OF ADMINISTRATIVE LITIGATION	DIRECTOR, LEGAL DIVISION.
		DIRECTOR, TECHNICAL DIVISION.
	OFFICE OF ENERGY PROJECTS	DIRECTOR OF DAM SAFETY AND INSPECTION.
	OFFICE OF ENFORCEMENT	CHIEF ACCOUNTANT AND DIRECTOR, DIVISION OF AUDITS AND ACCOUNTING.
FEDERAL LABOR RELATIONS AUTHORITY		
FEDERAL LABOR RELATIONS AUTHORITY	FEDERAL SERVICE IMPASSES PANEL	EXECUTIVE DIRECTOR, FEDERAL SERVICE IMPASSES PANEL.
	OFFICE OF MEMBER	CHIEF COUNSEL (2).
	OFFICE OF THE CHAIRMAN	CHIEF COUNSEL.
		SENIOR ADVISOR.
		DIRECTOR, POLICY AND PERFORMANCE MANAGEMENT.
		SOLICITOR.
	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL (2).
OFFICE OF THE CHAIRMAN	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
OFFICE OF THE GENERAL COUNSEL	OFFICE OF THE GENERAL COUNSEL REGIONAL OFFICES.	REGIONAL DIRECTOR—ATLANTA.
		REGIONAL DIRECTOR—DENVER.
		REGIONAL DIRECTOR—SAN FRANCISCO.
		REGIONAL DIRECTOR—WASHINGTON, DC.
		REGIONAL DIRECTOR—BOSTON.
		REGIONAL DIRECTOR—DALLAS.
		REGIONAL DIRECTOR—CHICAGO ILLINOIS.
FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF INSPECTOR GENERAL.	FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF INSPECTOR GENERAL.	INSPECTOR GENERAL.
FEDERAL MARITIME COMMISSION		
FEDERAL MARITIME COMMISSION	OFFICE OF THE MANAGING DIRECTOR	DEPUTY MANAGING DIRECTOR.
		DIRECTOR, STRATEGIC PLANNING AND REGULATORY REVIEW.
OFFICE OF THE MANAGING DIRECTOR	BUREAU OF TRADE ANALYSIS	DIRECTOR, BUREAU OF TRADE ANALYSIS.
OFFICE OF THE MEMBERS	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
FEDERAL MEDIATION AND CONCILIATION SERVICE		
OFFICE OF THE DIRECTOR	OFFICE OF THE DEPUTY DIRECTOR	DIRECTOR OF FIELD OPERATIONS.
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD		
	FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	DIRECTOR OF RESOURCE MANAGEMENT.
		DIRECTOR OF COMMUNICATIONS AND EDUCATION.
		SENIOR ADVISOR FOR UNIFORMED SERVICES.
		DIRECTOR OF PARTICIPANT SERVICES.
		CHIEF FINANCIAL OFFICER (2).
		DIRECTOR OF ENTERPRISE RISK MANAGEMENT.
		CHIEF TECHNOLOGY OFFICER.
FEDERAL TRADE COMMISSION		
FEDERAL TRADE COMMISSION	BUREAU OF COMPETITION	DEPUTY DIRECTOR, BUREAU OF COMPETITION.
	BUREAU OF CONSUMER PROTECTION	DEPUTY DIRECTOR, BUREAU OF CONSUMER PROTECTION.
	BUREAU OF ECONOMICS	DEPUTY DIRECTOR FOR RESEARCH AND MANAGEMENT.
	OFFICE OF EXECUTIVE DIRECTOR	CHIEF INFORMATION OFFICER.
		DEPUTY EXECUTIVE DIRECTOR.
	OFFICE OF THE GENERAL COUNSEL	PRINCIPAL DEPUTY GENERAL COUNSEL.
FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL		
FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL.
GENERAL SERVICES ADMINISTRATION		

Agency name	Organization name	Position title
FEDERAL ACQUISITION SERVICE	TECHNOLOGY TRANSFORMATION SERVICES.	DIRECTOR, PUBLIC EXPERIENCE PORTFOLIO.
GENERAL SERVICES ADMINISTRATION	FEDERAL ACQUISITION SERVICE	DIRECTOR, CENTERS OF EXCELLENCE.
		DEPUTY ASSISTANT COMMISSIONER FOR ACQUISITION.
		DIRECTOR, FEDERAL SYSTEMS INTEGRATION AND MANAGEMENT CENTER.
		DIRECTOR, INFORMATION TECHNOLOGY SERVICES.
		ASSISTANT COMMISSIONER FOR SYSTEMS MANAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER FOR CATEGORY MANAGEMENT.
		ASSISTANT COMMISSIONER FOR ENTERPRISE STRATEGY MANAGEMENT.
		DIRECTOR, INFORMATION TECHNOLOGY SCHEDULE CONTRACT OPERATIONS.
		DIRECTOR, TELECOMMUNICATIONS SERVICES.
		DIRECTOR OF TRAVEL, EMPLOYEE RELOCATION, AND TRANSPORTATION.
		DIRECTOR OF SUPPLY CHAIN MANAGEMENT.
		DIRECTOR OF FLEET MANAGEMENT.
		ASSISTANT COMMISSIONER FOR POLICY AND COMPLIANCE.
		ASSISTANT COMMISSIONER FOR ASSISTED ACQUISITION SERVICES.
		ASSISTANT COMMISSIONER FOR CUSTOMER AND STAKEHOLDER ENGAGEMENT.
		ASSISTANT COMMISSIONER FOR TRAVEL, TRANSPORTATION AND LOGISTICS CATEGORIES.
		ASSISTANT COMMISSIONER FOR GENERAL SUPPLIES AND SERVICES CATEGORIES.
		DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY.
		≤ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY.
	OFFICE OF GOVERNMENTWIDE POLICY	DEPUTY ASSOCIATE ADMINISTRATOR, SHARED SOLUTIONS AND PERFORMANCE IMPROVEMENT OFFICE.
		PRINCIPAL DEPUTY FOR ASSET AND TRANSPORTATION MANAGEMENT.
		DIRECTOR OF THE FEDERAL ACQUISITION INSTITUTE.
		DIRECTOR OF GENERAL SERVICES ACQUISITION POLICY, INTEGRITY AND WORKFORCE.
		DIRECTOR OF FEDERAL HIGH- PERFORMANCE GREEN BUILDINGS.
		DIRECTOR OF GOVERNMENTWIDE ACQUISITION POLICY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR INFORMATION, INTEGRITY AND ACCESS.
		DEPUTY CHIEF ACQUISITION OFFICER AND SENIOR PROCUREMENT EXECUTIVE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ASSET AND TRANSPORTATION MANAGEMENT.

Agency name	Organization name	Position title
	OFFICE OF GENERAL SERVICES ADMINISTRATION, INFORMATION TECHNOLOGY.	ASSOCIATE CHIEF INFORMATION OFFICER FOR CORPORATE INFORMATION TECHNOLOGY SERVICES.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR PUBLIC BUILDINGS INFORMATION TECHNOLOGY SERVICES.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR DIGITAL INFRASTRUCTURE TECHNOLOGIES.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE PLANNING AND GOVERNANCE.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ACQUISITION INFORMATION TECHNOLOGY SERVICES.
		CHIEF INFORMATION SECURITY OFFICER.
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF MISSION ASSURANCE	ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE.
		PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE.
	OFFICE OF THE ADMINISTRATOR	DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT—GENERAL SERVICES ADMINISTRATION MERGER PROJECT MANAGEMENT OFFICE.
		DIRECTOR, PRESIDENTIAL TRANSITION.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DIRECTOR OF REGIONAL FINANCIAL SERVICES.
		DIRECTOR OF FINANCIAL MANAGEMENT
		DIRECTOR OF BUDGET
		CHIEF FINANCIAL OFFICER
		DIRECTOR, OFFICE OF ANALYTICS, PERFORMANCE AND IMPROVEMENT
		DEPUTY CHIEF FINANCIAL OFFICER
	PUBLIC BUILDINGS SERVICE	CHIEF ARCHITECT.
		ASSISTANT COMMISSIONER, OFFICE OF STRATEGY AND ENGAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER FOR REAL PROPERTY ASSET MANAGEMENT.
		SENIOR ADVISOR
		ASSISTANT COMMISSIONER FOR FACILITIES MANAGEMENT AND SERVICES PROGRAMS.
		ASSISTANT COMMISSIONER FOR LEASING.
		ASSISTANT COMMISSIONER FOR ACQUISITION MANAGEMENT.
		ASSISTANT COMMISSIONER FOR PROJECT DELIVERY.
		ASSISTANT COMMISSIONER FOR PORTFOLIO MANAGEMENT AND CUSTOMER ENGAGEMENT.
		ASSISTANT COMMISSIONER FOR REAL PROPERTY UTILIZATION AND DISPOSAL.
REGIONAL ADMINISTRATORS	GREAT LAKES REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	GREATER SOUTHWEST REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	MID-ATLANTIC REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.

Agency name	Organization name	Position title
	NATIONAL CAPITAL REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		DEPUTY DIRECTOR OF PORTFOLIO MANAGEMENT AND LEASING
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE
		DIRECTOR OF FACILITIES MANAGEMENT AND SERVICES PROGRAMS
		DIRECTOR FOR DESIGN AND CONSTRUCTION
		DIRECTOR OF PORTFOLIO MANAGEMENT AND REAL ESTATE
	NEW ENGLAND REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	NORTHEAST AND CARIBBEAN REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	NORTHWEST/ARCTIC REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	PACIFIC RIM REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	ROCKY MOUNTAIN REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	SOUTHEAST SUNBELT REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	THE HEARTLAND REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL		
	GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR REAL PROPERTY AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR ACQUISITION PROGRAMS AUDITS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSOCIATE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION.
GULF COAST ECOSYSTEM RESTORATION COUNCIL		
	GULF COAST ECOSYSTEM RESTORATION COUNCIL.	DEPUTY EXECUTIVE DIRECTOR AND DIRECTOR OF PROGRAMS.
DEPARTMENT OF HEALTH AND HUMAN SERVICES		
CENTERS FOR MEDICARE AND MEDICAID SERVICES.	CENTER FOR CONSUMER INFORMATION AND INSURANCE OVERSIGHT.	DIRECTOR, MARKETPLACE INFORMATION TECHNOLOGY GROUP.
	CENTER FOR MEDICARE	DIRECTOR, MEDICARE CONTRACTOR MANAGEMENT GROUP.

Agency name	Organization name	Position title
	CENTER FOR PROGRAM INTEGRITY	DIRECTOR, INVESTIGATIONS AND AUDITS GROUP.
		DEPUTY CENTER DIRECTOR (2).
		DIRECTOR, PROVIDER COMPLIANCE GROUP.
	OFFICE OF THE ACTUARY	DIRECTOR, PARTS C AND D ACTUARIAL GROUP.
		DIRECTOR, MEDICARE AND MEDICAID COST ESTIMATES GROUP.
		DIRECTOR, OFFICE OF THE ACTUARY (CHIEF ACTUARY).
		DIRECTOR, NATIONAL HEALTH STATISTICS GROUP.
CHIEF OPERATING OFFICER	OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.	DEPUTY DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT.
		DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.
	OFFICE OF FINANCIAL MANAGEMENT	DEPUTY DIRECTOR OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR, FINANCIAL SERVICES GROUP.
		DIRECTOR, ACCOUNTING MANAGEMENT GROUP.
	OFFICE OF INFORMATION TECHNOLOGY	DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY/CMS CHIEF INFORMATION OFFICER.
		DIRECTOR, INFORMATION SECURITY AND PRIVACY GROUP/CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY.
		DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY.
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	ADMINISTRATION FOR CHILDREN AND FAMILIES.	DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.
	ADMINISTRATION FOR COMMUNITY LIVING.	DEPUTY ADMINISTRATOR FOR THE CENTER FOR INTEGRATED PROGRAMS.
		DEPUTY ADMINISTRATOR FOR MANAGEMENT AND BUDGET.
	CENTERS FOR DISEASE CONTROL AND PREVENTION.	DIRECTOR, ASSET MANAGEMENT SERVICES OFFICE.
		DIRECTOR, OFFICE OF SAFETY, SECURITY AND ASSET MANAGEMENT.
		DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS.
		DIRECTOR, DIVISION OF EMERGENCY OPERATIONS.
		CHIEF OPERATING OFFICER.
		DIRECTOR, DIVISION OF ACQUISITION SERVICES.
		CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
		DIRECTOR, DIGITAL SERVICES OFFICE.
		BUDGET OFFICER.
		DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING.
		DIRECTOR OFFICE OF GRANTS SERVICES.
		DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR FOR MANAGEMENT.
	FOOD AND DRUG ADMINISTRATION	DIRECTOR, OFFICE OF COMPLIANCE AND BIOLOGICS QUALITY.
		DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS SERVICES.
		CHIEF OPERATING OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER/DIRECTOR, OFFICE OF FINANCIAL OPERATIONS.
		DEPUTY CHIEF OPERATING OFFICER.
		DIRECTOR, OFFICE OF BUDGET.

Agency name	Organization name	Position title
		DIRECTOR, OFFICE OF SECURITY AND EMERGENCY MANAGEMENT.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT/CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR FOR COMPLIANCE OPERATIONS.
		DIRECTOR OFFICE OF HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, OFFICE OF TALENT SOLUTIONS.
		DIRECTOR, DIVISION OF ETHICS AND INTEGRITY.
	INDIAN HEALTH SERVICE	CHIEF EXECUTIVE OFFICER, PHOENIX INDIAN MEDICAL CENTER.
	NATIONAL INSTITUTES OF HEALTH	DEPUTY DIRECTOR FOR MANAGEMENT, NIH.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIGMS.
		DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SERVICES MANAGEMENT, CIT.
		DEPUTY DIRECTOR FOR MANAGEMENT, NINDS.
		ASSOCIATE DIRECTOR FOR SECURITY AND EMERGENCY RESPONSE, OD.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIDCR.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIDDK.
		ERA PROGRAM MANAGER, OD.
		ASSOCIATE DIRECTOR OF MANAGEMENT, NIEHS.
		DEPUTY DIRECTOR, CIT.
		ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT, NLM.
		DEPUTY DIRECTOR, DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES, OD.
		SENIOR POLICY OFFICER (ETHICS), OD.
		DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS MANAGEMENT, OD.
		DIRECTOR, OFFICE OF POPULATION GENOMICS, NHGRI.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIMH.
		DIRECTOR, OFFICE OF RESEARCH INFORMATION SYSTEMS.
		ASSOCIATE DIRECTOR FOR EXTRAMURAL PROGRAMS, NLM.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NCATS.
		DIRECTOR, CENTER FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		DIRECTOR, OFFICE OF MANAGEMENT ASSESSMENT, OD.
		DEPUTY DIRECTOR FOR MANAGEMENT, NEI.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, OD.
		DEPUTY DIRECTOR FOR MANAGEMENT, NIDA.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NICHD.
		DIRECTOR, INFORMATION SYSTEMS, NLM.
		ASSOCIATE DIRECTOR FOR LIBRARY OPERATIONS, NLM.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT, OD.
		ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT, NHLBI.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NIAAA.

Agency name	Organization name	Position title
		DIRECTOR OF MANAGEMENT, NIA.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NHGRI.
		CHIEF OPERATING OFFICER, CC.
		DEPUTY DIRECTOR FOR MANAGEMENT, NCI.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NIDCD.
		ASSOCIATE DIRECTOR FOR MANAGEMENT AND OPERATIONS, NIAMS.
		DIRECTOR, OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION, OD.
		CHIEF FINANCIAL OFFICER, CC.
		DIRECTOR, OFFICE OF STRATEGIC PLANNING AND MANAGEMENT OPERATIONS, OD.
	SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.	DIRECTOR, OFFICE OF FINANCIAL SERVICES.
FOOD AND DRUG ADMINISTRATION	OFFICE OF REGULATORY AFFAIRS	DEPUTY DIRECTOR FOR TARGETING, ANALYSIS AND SUPPORT.
		DIRECTOR OFFICE OF CRIMINAL INVESTIGATIONS.
NATIONAL INSTITUTES OF HEALTH	NATIONAL LIBRARY OF MEDICINE	DEPUTY DIRECTOR.
	OFFICE OF THE DIRECTOR	DIRECTOR, OFFICE OF RESEARCH FACILITIES DEVELOPMENT AND OPERATIONS.
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	PROGRAM SUPPORT CENTER	EXECUTIVE OFFICER.
OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR BUDGET.	DIRECTOR, OFFICE OF PROGRAM INTEGRITY COORDINATION.
	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCE.
OFFICE OF THE COMMISSIONER	OFFICE OF OPERATIONS	DIRECTOR OF FISCAL SERVICES AND OPERATIONS.
OFFICE OF THE SECRETARY	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY DIRECTOR, PROGRAM SUPPORT CENTER.
		HUMAN RESOURCES OPERATIONS DIRECTOR.
	OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, ACQUISITION.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, OFFICE OF GRANTS, ACQUISITION POLICY AND ACCOUNTABILITY.
		DEPUTY ASSISTANT SECRETARY, OFFICE OF ACQUISITIONS.
		EXECUTIVE DIRECTOR, GRANTS QUALITY SERVICE MANAGEMENT.
	OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PLANNING AND EVALUATION (HEALTH SERVICES POLICY).
	OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.	EXECUTIVE OFFICER/DEPUTY AGENCY CHIEF FOIA.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSOCIATE GENERAL COUNSEL FOR ETHICS ADVICE AND POLICY (ADAEO).
		DEPUTY GENERAL COUNSEL (LITIGATION).
		ASSOCIATE GENERAL COUNSEL, ETHICS DIVISION AND DESIGNATED AGENCY ETHICS OFFICIAL.
PROGRAM SUPPORT CENTER	OFFICE OF FINANCIAL MANAGEMENT SERVICE.	DIRECTOR, FINANCIAL MANAGEMENT SERVICE.
DEPARTMENT OF HEALTH AND HUMAN SERVICES		
	DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	DEPUTY CHIEF OF STAFF.
		CHIEF OF STAFF.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.

Agency name	Organization name	Position title
DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDIT SERVICES	DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES (3).
		ASSISTANT INSPECTOR GENERAL FOR MEDICARE AND MEDICAID SERVICE AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES (CYBERSECURITY AND INFORMATION TECHNOLOGY AUDITS).
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	CHIEF COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS (2).
	OFFICE OF EVALUATION AND INSPECTIONS.	DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS (2).
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (3).
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT AND POLICY	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY (DEPUTY CHIEF FINANCIAL OFFICER).
		DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		ASSISTANT INSPECTOR GENERAL (CHIEF DATA OFFICER).
		ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER).
DEPARTMENT OF HOMELAND SECURITY		
DEPARTMENT OF HOMELAND SECURITY	CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.	REGIONAL DIRECTOR (3).
		CHIEF INFORMATION OFFICER.
		ASSISTANT DIRECTOR, NATIONAL RISK MANAGEMENT CENTER.
		REGIONAL DIRECTOR, REGION 3, PHILADELPHIA, PA.
		DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR CYBERSECURITY.
		DIRECTOR OF MANAGEMENT.
		REGIONAL DIRECTOR, REGION 6, DALLAS, TX.
		DEPUTY DIRECTOR, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.
		DIRECTOR, PROTECTIVE SECURITY COORDINATION.
		EXECUTIVE ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.
		ASSISTANT DIRECTOR, FUTURES IDENTITY.
		SENIOR ADVISOR, OFFICE OF INFRASTRUCTURE SECURITY.
		DEPUTY DIRECTOR OF MANAGEMENT (BUSINESS SERVICE DELIVERY LEAD).
		DIRECTOR, NATIONAL INFRASTRUCTURE COORDINATING CENTER.
		REGIONAL DIRECTOR, REGION I, BOSTON, MA.
		REGIONAL DIRECTOR, REGION 10, SEATTLE, WA.
		DEPUTY ASSISTANT DIRECTOR FOR INTEGRATED OPERATIONS.
		REGIONAL DIRECTOR.
		CHIEF INFORMATION SECURITY OFFICER.
		EXECUTIVE DIRECTOR, CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.
		DEPUTY DIRECTOR CYBER THREAT DETECTION AND ANALYSIS.
		DEPUTY ASSISTANT DIRECTOR, NATIONAL RISK MANAGEMENT CENTER.

Agency name	Organization name	Position title
		REGIONAL DIRECTOR, REGION 7, KANSAS CITY, MO.
		REGIONAL DIRECTOR.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, NETWORK SECURITY DEPLOYMENT.
		COMPONENT ACQUISITION EXECUTIVE.
		SENIOR COUNSELOR TO THE DIRECTOR FOR CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.
		DIRECTOR, OFFICE OF COMPLIANCE AND SECURITY.
		COMPONENT CHIEF HUMAN CAPITAL OFFICER.
		CHIEF TECHNOLOGY OFFICER, CYBER SECURITY AND COMMUNICATIONS.
		DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR INFRASTRUCTURE SECURITY.
		DIRECTOR MISSION INTEGRATION.
		DEPUTY EXECUTIVE ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.
		DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER (NCCIC).
		ASSISTANT DIRECTOR FOR STAKEHOLDER ENGAGEMENT.
		PRINCIPAL DEPUTY DIRECTOR, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.
		DIRECTOR, NETWORK SECURITY DEPLOYMENT.
		ASSISTANT DIRECTOR FOR INTEGRATED OPERATIONS.
	FEDERAL EMERGENCY MANAGEMENT AGENCY.	DEPUTY DIRECTOR, INDIVIDUAL ASSISTANCE DIVISION.
		DEPUTY ASSISTANT ADMINISTRATOR, GRANTS SYSTEMS AND POLICY INTEGRATION.
		DIRECTOR, OFFICE OF EQUAL RIGHTS.
		DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		ASSISTANT ADMINISTRATOR, FUND MANAGEMENT.
		DEPUTY CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT.
		DEPUTY ASSISTANT ADMINISTRATOR FOR FEDERAL INSURANCE.
		ASSISTANT ADMINISTRATOR FOR MITIGATION.
		DIRECTOR, NATIONAL ASSESSMENT, INTEGRATION, AND INDIVIDUAL PREPAREDNESS.
		CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY CHIEF COMPONENT HUMAN CAPITAL OFFICER OF OPERATIONS.
		DEPUTY REGIONAL ADMINISTRATOR (REGION I BOSTON).
		DEPUTY REGIONAL ADMINISTRATOR (REGION II NEW YORK).
		DEPUTY REGIONAL ADMINISTRATOR (REGION III PHILADELPHIA).
		DEPUTY REGIONAL ADMINISTRATOR (REGION V CHICAGO).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VII KANSAS).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VIII DENVER).
		DEPUTY REGIONAL ADMINISTRATOR (REGION IX OAKLAND).

Agency name	Organization name	Position title
		DEPUTY REGIONAL ADMINISTRATOR (REGION X SEATTLE).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VI, DALLAS).
		PRINCIPAL DEPUTY CHIEF COUNSEL.
		DEPUTY REGIONAL ADMINISTRATOR, REGION IV, ATLANTA.
		DEPUTY ASSISTANT ADMINISTRATOR, NATIONAL PREPAREDNESS DIRECTORATE.
		DIRECTOR, EMERGENCY COMMUNICATION DIVISION.
		CHIEF TECHNOLOGY OFFICER.
		CHIEF SECURITY OFFICER.
		DEPUTY DIRECTOR, PUBLIC ASSISTANCE DIVISION.
		DEPUTY ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE.
		DIRECTOR, OPERATIONAL COORDINATION.
		DEPUTY DIRECTOR, EXTERNAL AFFAIRS.
		SUPERINTENDENT, CENTER FOR DOMESTIC PREPAREDNESS.
		DEPUTY CHIEF COUNSEL FOR OPERATIONS.
		DEPUTY ASSISTANT ADMINISTRATOR, GRANTS PROGRAM.
		ASSISTANT ADMINISTRATOR FOR FINANCIAL MANAGEMENT.
		DIRECTOR, OPERATIONS DIVISION (RESPONSE AND RECOVERY).
		DIRECTOR, NATIONAL EXERCISES AND TECHNOLOGICAL HAZARDS DIVISION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY, PROGRAM ANALYSIS AND INTERNATIONAL AFFAIRS.
		CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR MITIGATION.
		ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE.
		DEPUTY CHIEF COMPONENT PROCUREMENT OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR RESPONSE.
		DEPUTY CHIEF INFORMATION OFFICER (DISASTER OPERATIONS), MISSION SUPPORT DIRECTORATE.
		SUPERINTENDENT, EMERGENCY MANAGEMENT INSTITUTE.
		DEPUTY ASSISTANT ADMINISTRATOR FOR FINANCIAL SYSTEMS MODERNIZATION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION SUPPORT.
		ASSISTANT ADMINISTRATOR FOR NATIONAL PREPAREDNESS.
		DIRECTOR, INDIVIDUAL ASSISTANCE DIVISION.
		DIRECTOR, PUBLIC ASSISTANCE DIVISION.
		CHIEF COMPONENT PROCUREMENT OFFICER.
		DIVISION DIRECTOR, HAZARD MITIGATION ASSISTANCE.
		DEPUTY CHIEF COUNSEL FOR GENERAL LAW.
		DIRECTOR, PLANNING AND EXERCISE DIVISION, OFFICE OF RESPONSE AND RECOVERY.
		ASSISTANT ADMINISTRATOR FOR FEDERAL INSURANCE.
		ASSOCIATE ADMINISTRATOR, MISSION SUPPORT BUREAU.

Agency name	Organization name	Position title
		ASSISTANT ADMINISTRATOR FOR BUDGET.
		DEPUTY CHIEF COMPONENT HUMAN CAPITAL OFFICER FOR STRATEGIC SERVICES.
		CHIEF FINANCIAL OFFICER.
		DEPUTY ASSOCIATE ADMINISTRATOR, FEDERAL INSURANCE AND MITIGATION ADMINISTRATION.
		DIRECTOR, GRANTS MANAGEMENT DIVISION.
		ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
	FEDERAL LAW ENFORCEMENT TRAINING CENTER.	SENIOR EXECUTIVE ADVISOR.
		ASSISTANT DIRECTOR (MISSION AND READINESS SUPPORT DIRECTORATE).
		ASSISTANT DIRECTOR (CHIEF FINANCIAL OFFICER).
		ASSISTANT DIRECTOR OF TRAINING (CORE TRAINING OPERATIONS DIRECTORATE.
		ASSISTANT DIRECTOR OF TRAINING (NATIONAL CAPITAL REGION TRAINING OPERATIONS DIRECTORATE.
		CHIEF COUNSEL.
		ASSISTANT DIRECTOR (CHIEF INFORMATION OFFICER DIRECTORATE).
		DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER.
		DEPUTY DIRECTOR.
		ASSOCIATE DIRECTOR FOR TRAINING OPERATIONS.
		ASSISTANT DIRECTOR OF TRAINING (TRAINING MANAGEMENT OPERATIONS DIRECTORATE).
		ASSISTANT DIRECTOR OF TRAINING (TECHNICAL TRAINING OPERATIONS DIRECTORATE).
	MANAGEMENT DIRECTORATE	DEPUTY DIRECTOR, TECHNOLOGY AND INNOVATION (CHIEF TECHNOLOGY OFFICER).
		EXECUTIVE DIRECTOR, SUSTAINABILITY AND ENVIRONMENTAL PROGRAMS.
		EXECUTIVE DIRECTOR, HUMAN RESOURCES MANAGEMENT AND SERVICES.
		EXECUTIVE DIRECTOR, ENTERPRISE SECURITY OPERATIONS AND SUPPORT.
		DIRECTOR, FINANCIAL MANAGEMENT.
		EXECUTIVE DIRECTOR, THREAT MANAGEMENT OPERATIONS.
		DIRECTOR, OFFICE OF BUDGET.
		EXECUTIVE DIRECTOR, SOLUTIONS DEVELOPMENT DIRECTORATE.
		CHIEF PROCUREMENT OFFICER.
		DEPUTY CHIEF INFORMATION SECURITY OFFICER—CYBERSECURITY (CIO).
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF DATA OFFICER.
		EXECUTIVE DIRECTOR, HEADQUARTERS SUPPORT.
		EXECUTIVE DIRECTOR, ACQUISITION WORKFORCE AND SYSTEMS SUPPORT.
		ASSISTANT DIRECTOR FOR FIELD OPERATIONS (EAST), FEDERAL PROTECTIVE SERVICE.
		DEPUTY CHIEF SECURITY OFFICER.
		EXECUTIVE DIRECTOR, ACQUISITION, POLICY AND OVERSIGHT.

Agency name	Organization name	Position title
		DEPUTY EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS (ENGINEERING).
		EXECUTIVE DIRECTOR, HUMAN CAPITAL POLICY AND PROGRAMS.
		DEPUTY CHIEF INFORMATION SECURITY OFFICER (FISMA).
		EXECUTIVE DIRECTOR, FACILITIES AND OPERATIONAL SUPPORT.
		DEPUTY DIRECTOR, POLICY, INTERGOVERNMENTAL PROGRAMS AND COMMUNICATIONS.
		CHIEF SECURITY OFFICER.
		EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS.
		EXECUTIVE DIRECTOR, BUSINESS MANAGEMENT DIRECTORATE.
		DEPUTY CHIEF PROCUREMENT OFFICER.
		ASSISTANT DIRECTOR PROTECTIVE SECURITY OFFICER OVERSIGHT.
		DEPUTY CHIEF READINESS SUPPORT OFFICER.
		EXECUTIVE DIRECTOR, OFFICE OF THE CHIEF TECHNOLOGY OFFICER.
		DIRECTOR, FEDERAL PROTECTIVE SERVICE.
		EXECUTIVE DIRECTOR, CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
		DEPUTY CHIEF INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
		EXECUTIVE DIRECTOR, STRATEGIC OPERATIONS.
		ASSISTANT DIRECTOR FOR RESOURCE MANAGEMENT (FINANCIAL OPERATIONS).
		EXECUTIVE DIRECTOR, REGIONAL MISSION SUPPORT.
		DIRECTOR, PROCUREMENT POLICY AND OVERSIGHT.
		EXECUTIVE DIRECTOR, ACQUISITION POLICY AND LEGISLATION BRANCH.
		EXECUTIVE DIRECTOR, STRATEGIC WORKFORCE PLANNING AND ANALYSIS.
		EXECUTIVE DIRECTOR, HEADQUARTERS SERVICES.
		DEPUTY DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.
		EXECUTIVE DIRECTOR, ASSETS AND LOGISTICS.
		DEPUTY CHIEF TECHNOLOGY OFFICER.
		DEPUTY BUDGET DIRECTOR, OFFICE OF BUDGET.
		EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS DIVISION.
		DEPUTY EXECUTIVE DIRECTOR, SOLUTIONS DEVELOPMENT DIRECTORATE.
		PRINCIPAL DEPUTY DIRECTOR, FEDERAL PROTECTIVE SERVICE.
		CHIEF DATA OFFICER.
		DIRECTOR, DEPARTMENTAL GENERAL ACCOUNTING OFFICE/INSPECTOR GENERAL (GAO/IG) LIAISON OFFICE.
		ASSISTANT DIRECTOR OF OPERATIONS, FEDERAL PROTECTIVE SERVICES.
		ASSISTANT DIRECTOR OF FIELD OPERATIONS (WEST), FEDERAL PROTECTIVE SERVICES.

Agency name	Organization name	Position title
		ASSISTANT DIRECTOR OF FIELD OPERATIONS (CENTRAL), FEDERAL PROTECTIVE SERVICES.
		EXECUTIVE DIRECTOR, HUMAN CAPITAL BUSINESS SYSTEMS.
		DIRECTOR, RISK MANAGEMENT AND ASSURANCE.
		DIRECTOR, WORKFORCE HEALTH AND MEDICAL SUPPORT/DEPUTY CHIEF MEDICAL OFFICER.
		EXECUTIVE DIRECTOR, DIVERSITY AND INCLUSION.
		ASSISTANT DIRECTOR, OFFICE OF RESOURCE MANAGEMENT, FEDERAL PROTECTIVE SERVICE.
		ASSISTANT DIRECTOR, OFFICE OF TRAINING AND CAREER DEVELOPMENT, FEDERAL PROTECTIVE SERVICE.
		EXECUTIVE DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT OFFICE.
	OFFICE OF INTELLIGENCE AND ANALYSIS	CHIEF OF STAFF.
		DEPUTY UNDER SECRETARY FOR INTELLIGENCE ENTERPRISE READINESS.
		DIRECTOR, CYBER MISSION CENTER.
		DIRECTOR, BORDER SECURITY DIVISION.
		DIRECTOR, CURRENT AND EMERGING THREATS CENTER.
		PRINCIPAL DEPUTY UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS.
	OFFICE OF STRATEGY, POLICY, AND PLANS.	DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS (WESTERN HEMISPHERE).
		DEPUTY ASSISTANT SECRETARY FOR CYBER.
		DEPUTY ASSISTANT SECRETARY FOR UNITY OF EFFORT INTEGRATION.
		DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION STATISTICS.
		DEPARTMENT OF HOMELAND SECURITY (DHS) ATTACHE TO CENTRAL AMERICA.
		EXECUTIVE DIRECTOR, JOINT CYBER COORDINATION GROUP.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
		CHIEF OF STAFF/MANAGING COUNSEL.
		LEGAL ADVISOR OF ETHICS/ALTERNATE DESIGNATED AGENCY ETHICS OFFICIAL.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR ACQUISITION AND PROCUREMENT.
	OFFICE OF THE SECRETARY	SENIOR DEPARTMENT OF HOMELAND SECURITY ADVISOR TO THE COMMANDER, UNITED STATES NORTHERN COMMAND/NORTH AMERICAN AEROSPACE DEFENSE COMMAND.
		DEPARTMENT OF HOMELAND SECURITY (DHS) ADVISOR TO THE DEPARTMENT OF DEFENSE (DOD).
	SCIENCE AND TECHNOLOGY DIRECTORATE.	DIRECTOR, TEST AND EVALUATION DIVISION.
		TECHNICAL DIRECTOR, TECHNOLOGY CENTERS.
		PRINCIPAL DIRECTOR, OFFICE OF SCIENCE AND ENGINEERING.
		DIRECTOR, SYSTEMS ENGINEERING AND STANDARDS.
		DIRECTOR, FINANCE AND BUDGET DIVISION.
		DIRECTOR, TECHNOLOGY CENTERS.
		DIRECTOR, OFFICE FOR STRATEGY AND POLICY.

Agency name	Organization name	Position title
	UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.	DIRECTOR, TECHNOLOGY TRANSITION.
		DIRECTOR, OPERATIONS AND REQUIREMENTS ANALYSIS.
		SENIOR ADVISOR TO THE DEPUTY UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.
		CHIEF SCIENTIST.
		SENIOR COUNSELOR FOR RESILIENCE.
		PRINCIPAL DIRECTOR, OFFICE OF ENTERPRISE SERVICES.
		PRINCIPAL DIRECTOR, OFFICE OF INNOVATION AND COLLABORATION.
		SENIOR ADVISOR FOR INTERAGENCY COORDINATION.
		DIRECTOR, NATIONAL RECORDS CENTER.
		DEPUTY DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA.
		DEPUTY DIRECTOR, SERVICE CENTER, DALLAS, TEXAS.
		CHIEF, INTERNATIONAL OPERATIONS.
		DISTRICT DIRECTOR, FIELD SERVICES, TAMPA, FLORIDA.
		DISTRICT DIRECTOR, FIELD SERVICES, NEWARK, NEW JERSEY.
		DISTRICT DIRECTOR, FIELD SERVICES, ATLANTA, GEORGIA.
		CHIEF, OFFICE OF SECURITY AND INTEGRITY.
		ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION.
		DEPUTY ASSOCIATE DIRECTOR, REFUGEE, ASYLUM, AND INTERNATIONAL OPERATIONS.
		ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS.
		DEPUTY DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA.
		DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA.
		DIRECTOR, SERVICE CENTER, DALLAS, TEXAS.
		DIRECTOR, VERMONT SERVICE CENTER, SAINT ALBANS, VERMONT.
		CENTRAL REGIONAL DIRECTOR (DALLAS, TEXAS).
		DISTRICT DIRECTOR, FIELD SERVICES, MIAMI, FLORIDA.
		DEPUTY ASSOCIATE DIRECTOR, OFFICE OF FIELD OPERATIONS.
		DIRECTOR, OFFICE OF REFUGEE AFFAIRS.
		CHIEF, PERFORMANCE AND QUALITY.
		CHIEF INFORMATION OFFICER.
		ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT.
		ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY.
		WESTERN REGIONAL DIRECTOR (LAGUNA NIGUEL, CALIFORNIA).
		NORTHEAST REGIONAL DIRECTOR (BURLINGTON, VERMONT).
		CHIEF, INTAKE AND DOCUMENT PRODUCTION.
		CHIEF, ASYLUM DIVISION.
		DISTRICT DIRECTOR, FIELD SERVICES, NEW YORK CITY, NEW YORK.
		DEPUTY ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION.

Agency name	Organization name	Position title
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF, HUMAN CAPITAL AND TRAINING.
		DEPUTY GENERAL COUNSEL.
		ASSOCIATE DIRECTOR, REFUGEE, ASYLUM AND INTERNATIONAL OPERATIONS.
		DEPUTY ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY.
		DISTRICT DIRECTOR, FIELD SERVICES (CLEVELAND, OH).
		DISTRICT DIRECTOR, FIELD SERVICES (SAN ANTONIO, TX).
		CHIEF, IDENTIFY AND INFORMATION MANAGEMENT DIVISION.
		COMPONENT ACQUISITION EXECUTIVE.
		DEPUTY DIRECTOR, POTOMAC SERVICE CENTER.
		DIRECTOR, POTOMAC SERVICE CENTER.
		DISTRICT DIRECTOR, FIELD SERVICES, DALLAS, TEXAS.
		CHIEF DATA OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF INFORMATION OFFICE FOR OPERATIONS.
		DISTRICT DIRECTOR, WASHINGTON, DC.
		CHIEF, OFFICE OF CONTRACTING.
		DISTRICT DIRECTOR, FIELD OPERATIONS (SEATTLE, WA).
		DISTRICT DIRECTOR, FIELD SERVICES (SAN DIEGO, CA).
		DISTRICT DIRECTOR, FIELD SERVICES (KANSAS CITY, MO).
		DEPUTY ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS.
		CHIEF, IMMIGRANT AND INVESTOR PROGRAM.
		DEPUTY CHIEF OFFICE OF SECURITY AND INTEGRITY.
		DEPUTY ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT.
		DEPUTY ASSOCIATE DIRECTOR, EXTERNAL AFFAIRS DIRECTORATE.
		DEPUTY CHIEF COUNSEL FOR FIELD MANAGEMENT.
		DEPUTY DIRECTOR, SERVICE CENTER, SAINT ALBANS, VERMONT.
		ASSOCIATE DIRECTOR, FIELD OPERATIONS.
		CHIEF, ADMINISTRATIVE APPEALS.
		CHIEF, VERIFICATION DIVISION.
		DISTRICT DIRECTOR, FIELD SERVICES, BOSTON, MASSACHUSETTS.
		DISTRICT DIRECTOR, FIELD SERVICES, CHICAGO, ILLINOIS.
		CHIEF STRATEGY OFFICER, OFFICE OF POLICY AND STRATEGY.
		CHIEF, OFFICE OF ADMINISTRATION.
		DIRECTOR, NATIONAL BENEFITS CENTER.
		DISTRICT DIRECTOR, FIELD SERVICES, LOS ANGELES CALIFORNIA.
		DISTRICT DIRECTOR, FIELD SERVICES, SAN FRANCISCO CALIFORNIA.
		REGIONAL DIRECTOR, SOUTHEAST REGION.
		DEPUTY DIRECTOR, NATIONAL BENEFITS CENTER.
	UNITED STATES CUSTOMS AND BORDER PROTECTION.	EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS.
		DEPUTY CHIEF (DEPUTY EXECUTIVE ASSISTANT COMMISSIONER), BORDER PATROL.
		EXECUTIVE DIRECTOR, OPERATIONS.

Agency name	Organization name	Position title
		DIRECTOR, FIELD OPERATIONS (SEATTLE).
		DIRECTOR, FIELD OPERATIONS (DETROIT).
		DIRECTOR, FIELD OPERATIONS (BUFFALO).
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF TRAINING AND DEVELOPMENT.
		DEPUTY CHIEF PATROL AGENT, RIO GRANDE VALLEY.
		ASSISTANT COMMISSIONER, ACQUISITION, CHIEF ACQUISITION OFFICER.
		DEPUTY CHIEF PATROL AGENT, EL PASO.
		PORT DIRECTOR, JOHN F. KENNEDY AIRPORT.
		EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS AND EVALUATION.
		DEPUTY CHIEF COUNSEL.
		EXECUTIVE DIRECTOR, INTELLIGENCE AND ANALYSIS.
		EXECUTIVE DIRECTOR, CYBERSECURITY OPERATIONS AND POLICY.
		DEPUTY COMMISSIONER.
		ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT.
		EXECUTIVE DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS.
		ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGEMENT, CHIEF READINESS SUPPORT OFFICER.
		ASSISTANT COMMISSIONER, TRAINING AND DEVELOPMENT.
		EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF TRADE.
		EXECUTIVE DIRECTOR, REGULATORY AUDIT.
		EXECUTIVE DIRECTOR, REGULATIONS AND RULINGS.
		ASSISTANT COMMISSIONER, FINANCE, CHIEF FINANCIAL OFFICER.
		EXECUTIVE DIRECTOR, BUDGET.
		ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY.
		EXECUTIVE DIRECTOR, LABORATORIES AND SCIENTIFIC SERVICES.
		ASSISTANT COMMISSIONER, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DIRECTOR, FIELD OPERATIONS (NEW YORK).
		CHIEF ACCOUNTABILITY OFFICER.
		PORT DIRECTOR, NEWARK.
		PORT DIRECTOR, MIAMI INTERNATIONAL AIRPORT.
		DIRECTOR, FIELD OPERATIONS (MIAMI).
		DIRECTOR, FIELD OPERATIONS (CHICAGO).
		DIRECTOR, FIELD OPERATIONS (LOS ANGELES).
		DIRECTOR, FIELD OPERATIONS (HOUSTON).
		DIRECTOR, FIELD OPERATIONS (LAREDO).
		DIRECTOR, FIELD OPERATIONS (SAN DIEGO).
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE.
		CHIEF (EXECUTIVE ASSISTANT COMMISSIONER), UNITED STATES BORDER PATROL.
		CHIEF PATROL AGENT, LAREDO.
		DIRECTOR, FIELD OPERATIONS (SAN FRANCISCO).

Agency name	Organization name	Position title
		CHIEF PATROL AGENT (EL PASO).
		CHIEF PATROL AGENT, SAN DIEGO.
		DEPUTY EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT.
		DIRECTOR, FIELD OPERATIONS (EL PASO).
		ASSOCIATE CHIEF COUNSEL—ENFORCEMENT.
		ASSOCIATE CHIEF COUNSEL—TRADE AND FINANCE.
		ASSOCIATE CHIEF COUNSEL FOR ETHICS, LABOR, AND EMPLOYMENT.
		ASSOCIATE CHIEF COUNSEL—SOUTHEAST.
		ASSOCIATE CHIEF COUNSEL—NEW YORK.
		ASSOCIATE CHIEF COUNSEL—CHICAGO.
		ASSOCIATE CHIEF COUNSEL—HOUSTON.
		ASSOCIATE CHIEF COUNSEL—LOS ANGELES.
		DEPUTY ASSISTANT COMMISSIONER, FINANCE.
		EXECUTIVE DIRECTOR, NATIONAL TARGETING CENTER.
		PORT DIRECTOR, SAN FRANCISCO.
		DIRECTOR, FIELD OPERATIONS (TUCSON).
		DIRECTOR, FIELD OPERATIONS (SAN JUAN).
		DIRECTOR, FIELD OPERATIONS (BOSTON).
		PORT DIRECTOR, LOS ANGELES AIRPORT.
		EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS, AND EVALUATION.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF TRADE.
		CHIEF PATROL AGENT (TUCSON).
		PORT DIRECTOR, LOS ANGELES/LONG BEACH SEAPORT.
		PORT DIRECTOR (EL PASO).
		DEPUTY ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY.
		EXECUTIVE DIRECTOR, PROCUREMENT.
		EXECUTIVE DIRECTOR, AGRICULTURE PROGRAMS AND TRADE LIAISON.
		EXECUTIVE DIRECTOR, MISSION SUPPORT.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT.
		DEPUTY ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGEMENT.
		EXECUTIVE DIRECTOR, MISSION READINESS OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR, ENTERPRISE NETWORKS AND TECHNOLOGY SUPPORT.
		CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL.
		DIRECTOR, FIELD OPERATIONS (ATLANTA).
		EXECUTIVE DIRECTOR, CARGO AND CONVEYANCE SECURITY.
		EXECUTIVE DIRECTOR, PLANNING, ANALYSIS AND REQUIREMENTS EVALUATION (PARE).
		EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE.
		CHIEF PATROL AGENT (DEL RIO).
		EXECUTIVE DIRECTOR, ADMISSIBILITY AND PASSENGER PROGRAMS.
		CHIEF PATROL AGENT, RIO GRANDE VALLEY.
		CHIEF PATROL AGENT, YUMA, ARIZONA.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, TARGETING AND ANALYSIS SYSTEMS.
		EXECUTIVE DIRECTOR, ENTERPRISE DATA MANAGEMENT AND ENGINEERING.
		DEPUTY CHIEF, LAW ENFORCEMENT OPERATIONAL PROGRAMS, OFFICE OF BORDER PATROL.
		EXECUTIVE DIRECTOR, CARGO SYSTEMS.
		EXECUTIVE DIRECTOR, COMMERCIAL TARGETING AND ENFORCEMENT.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL.
		EXECUTIVE DIRECTOR, MISSION SUPPORT, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES.
		EXECUTIVE DIRECTOR, TRADE POLICY AND PROGRAMS.
		EXECUTIVE DIRECTOR, OPERATIONS, AIR AND MARINE.
		CHIEF, STRATEGIC PLANNING AND ANALYSIS.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE.
		EXECUTIVE DIRECTOR, FIELD SUPPORT.
		EXECUTIVE DIRECTOR, TRAINING, SAFETY AND STANDARDS.
		EXECUTIVE DIRECTOR, NATIONAL AIR SECURITY OPERATIONS, AIR AND MARINE.
		EXECUTIVE DIRECTOR, PASSENGER SYSTEMS PROGRAM OFFICE.
		DIRECTOR OF OPERATIONS, SOUTHWEST BORDER, EL PASO, NEW MEXICO.
		EXECUTIVE DIRECTOR, AIR AND MARINE OPERATIONS CENTER, RIVERSIDE, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		DIRECTOR OF OPERATIONS, SOUTHEASTERN REGION, MIAMI, FL.
		PORT DIRECTOR, LAREDO.
		EXECUTIVE DIRECTOR, FINANCIAL OPERATIONS.
		DIRECTOR OF OPERATIONS, NORTHERN REGION, WDC, (CBP) AMO.
		EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT OFFICE.
		DEPUTY CHIEF PATROL AGENT, SAN DIEGO.
		CHIEF PATROL AGENT, EL CENTRO, CALIFORNIA.
		DEPUTY CHIEF PATROL AGENT, TUCSON.
		PORT DIRECTOR, SAN YSIDRO.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF ACQUISITION.
		EXECUTIVE DIRECTOR, TALENT MANAGEMENT.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES.
		DIRECTOR, FIELD OPERATIONS (PRECLEARANCE).
		DEPUTY ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS.
		EXECUTIVE DIRECTOR, ACQUISITION MANAGEMENT.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, AUTOMATED COMMERCIAL ENVIRONMENT (ACE) BUSINESS OFFICE.
		ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE.
		DIRECTOR, NATIONAL TARGETING CENTER (PASSENGER).
		CHIEF PATROL AGENT (DETROIT).
		CHIEF PATROL AGENT (BIG BEND).
		EXECUTIVE DIRECTOR, PRIVACY AND DIVERSITY.
		ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS.
		EXECUTIVE DIRECTOR, INTELLIGENCE OPERATIONS.
		DIRECTOR, JOINT TASK FORCE (JTF)—WEST, SAN ANTONIO, TX.
		DIRECTOR, LEADERSHIP DEVELOPMENT CENTER.
		DIRECTOR, NATIONAL TARGETING CENTER (CARGO).
		DEPUTY JOINT FIELD COMMANDER, EAST.
		DIRECTOR, COUNTER NETWORK.
		EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT.
		EXECUTIVE DIRECTOR, BORDER ENFORCEMENT AND MANAGEMENT SYSTEMS.
		ASSOCIATE CHIEF COUNSEL (TUCSON).
		DIRECTOR, FIELD OPERATIONS (BALTIMORE).
		PORT DIRECTOR, BUFFALO.
		PORT DIRECTOR, CALEXICO, CA.
		PORT DIRECTOR, NOGALES, AZ.
		EXECUTIVE DIRECTOR, PROGRAMMING.
		EXECUTIVE DIRECTOR, INVESTIGATIVE OPERATIONS.
		CHIEF PATROL AGENT, GRAND FORKS.
		CHIEF PATROL AGENT, MIAMI.
		EXECUTIVE DIRECTOR, INTERGOVERNMENTAL PUBLIC LIAISON.
		EXECUTIVE DIRECTOR, SECURITY OPERATIONS.
		CHIEF PATROL AGENT, BLAINE.
		EXECUTIVE DIRECTOR, INTELLIGENCE ENTERPRISE.
		PORT DIRECTOR (OTAY MESA).
		EXECUTIVE DIRECTOR, OPERATIONS.
		EXECUTIVE DIRECTOR, FIELD OPERATIONS ACADEMY.
		DEPUTY CHIEF PATROL AGENT (LAREDO).
		DEPUTY EXECUTIVE DIRECTOR, OPERATIONS.
		EXECUTIVE DIRECTOR, MISSION SUPPORT.
		DIRECTOR, BORDER PATROL ACADEMY.
		EXECUTIVE DIRECTOR, LAW ENFORCEMENT SAFETY AND COMPLIANCE.
	UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.	DEPUTY ASSISTANT DIRECTOR, INVESTIGATIONS (ILLICIT TRADE, TRAVEL, AND FINANCE).
		ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS.
		ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE (MIAMI).
		ASSISTANT DIRECTOR, NATIONAL SECURITY INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE (NEW YORK).
		DEPUTY DIRECTOR, OFFICE OF HOMELAND SECURITY INVESTIGATIONS.

Agency name	Organization name	Position title
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DALLAS, TEXAS.
		SPECIAL AGENT IN CHARGE, DALLAS.
		SPECIAL AGENT IN CHARGE, SAN FRANCISCO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SAN FRANCISCO, CA.
		DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (WEST).
		SPECIAL AGENT IN CHARGE, PHOENIX.
		SPECIAL AGENT IN CHARGE, EL PASO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHILADELPHIA, PENNSYLVANIA.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (INTERNATIONAL), ERO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ST. PAUL, MN.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SEATTLE, ERO.
		SPECIAL AGENT IN CHARGE, CHICAGO.
		SPECIAL AGENT IN CHARGE, HOUSTON.
		SPECIAL AGENT IN CHARGE, LOS ANGELES.
		SPECIAL AGENT IN CHARGE, NEW ORLEANS.
		SPECIAL AGENT IN CHARGE, SAN ANTONIO.
		SPECIAL AGENT IN CHARGE, SAN DIEGO.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		SPECIAL AGENT IN CHARGE (SAC), NASHVILLE, TN.
		SPECIAL AGENT IN CHARGE, BALTIMORE.
		SPECIAL AGENT IN CHARGE, DENVER.
		DIRECTOR, FACILITIES AND ASSET ADMINISTRATION.
		DEPUTY ASSISTANT DIRECTOR, DOMESTIC OPERATIONS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHOENIX, ARIZONA.
		FIELD OFFICE DIRECTOR, OERO, LOS ANGELES, CALIFORNIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ERO, NEW YORK.
		SPECIAL AGENT IN CHARGE, SAINT PAUL, MINNESOTA.
		SPECIAL AGENT IN CHARGE, TAMPA, FLORIDA.
		CHIEF FINANCIAL OFFICER.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, REPATRIATION DIVISION.
		DIRECTOR, FINANCIAL MANAGEMENT.
		DEPUTY CHIEF FINANCIAL OFFICER.
		ASSISTANT DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SERVICES HEALTH CORPS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY
		DIVISION DIRECTOR FOR INVESTIGATIONS, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		ASSISTANT DIRECTOR, OFFICE OF LEADERSHIP AND CAREER DEVELOPMENT.

Agency name	Organization name	Position title
		ASSISTANT DIRECTOR, INFORMATION GOVERNANCE AND PRIVACY.
		DEPUTY PRINCIPAL LEGAL ADVISOR FOR FIELD OPERATIONS.
		DEPUTY PRINCIPAL LEGAL ADVISOR FOR GENERAL AND ADMINISTRATIVE LAW.
		DEPUTY DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, CYBER DIVISION.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN DIEGO, CALIFORNIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN ANTONIO, TEXAS.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, CUSTODY OPERATIONS DIVISION.
		ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (DOMESTIC OPERATIONS).
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS—WEST), OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR STRATEGY AND SERVICES.
		DEPUTY PRINCIPAL LEGAL ADVISOR.
		DIRECTOR, OFFICE OF HOMELAND SECURITY INVESTIGATIONS.
		DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		DEPUTY DIRECTOR, INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL).
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (EAST).
		ASSISTANT DIRECTOR, DIVERSITY AND CIVIL RIGHTS.
		DEPUTY ASSISTANT DIRECTOR, CRITICAL INFRASTRUCTURE, PROTECTION, AND FRAUD.
		DIRECTOR, BUDGET AND PROGRAM PERFORMANCE.
		CHIEF HUMAN CAPITAL OFFICER.
		EXECUTIVE DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		ASSISTANT DIRECTOR, ENFORCEMENT DIVISION, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		ASSISTANT DIRECTOR, OFFICE OF ACQUISITIONS.
		CHIEF INFORMATION OFFICER.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, FIELD OPERATIONS.
		SPECIAL AGENT IN CHARGE, ATLANTA.
		SPECIAL AGENT IN CHARGE, WASHINGTON, DC.
		DEPUTY ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS.
		≤DEPUTY ASSISTANT DIRECTOR, MISSION SUPPORT.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT.
		DIRECTOR OF ENFORCEMENT AND LITIGATION.
		DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		SPECIAL AGENT IN CHARGE (SEATTLE).

Agency name	Organization name	Position title
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS - EAST).
		DEPUTY ASSISTANT DIRECTOR, TRANSNATIONAL ORGANIZED CRIME DIVISION TWO.
		ASSISTANT DIRECTOR, SECURITY DIVISION.
		DEPUTY ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS.
		DEPUTY HEAD OF CONTRACTING ACTIVITY.
		DEPUTY ASST. DIRECTOR, DETENTION & MANAGEMENT DIVISION (DMD), ERO.
		CHIEF COUNSEL, NEW ORLEANS.
		SPECIAL AGENT IN CHARGE (KANSAS CITY).
		SPECIAL AGENT IN CHARGE, NEWARK, NEW JERSEY.
		SPECIAL AGENT IN CHARGE, BOSTON, MASSACHUSETTS.
		SPECIAL AGENT IN CHARGE, PHILADELPHIA, PENNSYLVANIA.
		SPECIAL AGENT IN CHARGE, BUFFALO, NEW YORK.
		SPECIAL AGENT IN CHARGE, SAN JUAN, PUERTO RICO.
		COMPONENT ACQUISITION EXECUTIVE.
		SPECIAL AGENT IN CHARGE, HONOLULU, HI.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DENVER, CO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BUFFALO, NY.
		DEPUTY ASSISTANT DIRECTOR NATIONAL SECURITY PROGRAMS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BOSTON, MA.
		CHIEF COUNSEL, PHOENIX.
		CHIEF COUNSEL, CHICAGO.
		CHIEF COUNSEL, SAN ANTONIO.
		CHIEF COUNSEL, NEW YORK.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, EL PASO, TEXAS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ATLANTA, GEORGIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, CHICAGO, ILLINOIS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, HOUSTON, TEXAS.
		ASSISTANT DIRECTOR, INTELLECTUAL PROPERTY RIGHTS CENTER.
		ASSISTANT DIRECTOR, OPERATIONAL TECHNOLOGY AND CYBER DIVISION.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR OPERATIONS.
		SPECIAL AGENT IN CHARGE, DETROIT.
		DEPUTY CHIEF INFORMATION OFFICER.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, TARGETING OPERATIONS DIVISION.
		DIRECTOR, FEDERAL EXPORT ENFORCEMENT COORDINATION CENTER.
		CHIEF COUNSEL, MIAMI.
		CHIEF COUNSEL FOR LOS ANGELES.

Agency name	Organization name	Position title
		ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		ASSISTANT DIRECTOR, INSPECTIONS AND DETENTION OVERSIGHT DIVISION.
		ASSISTANT DIRECTOR, HOMELAND SECURITY INVESTIGATIVE PROGRAMS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, MIAMI, FLORIDA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, NEW ORLEANS, LOUISIANA.
		DEPUTY ASSISTANT DIRECTOR, STUDENT AND EXCHANGE VISITOR PROGRAM.
	UNITED STATES COAST GUARD	DIRECTOR, ASSISTANT COMMANDANT FOR HUMAN RESOURCES.
		DEPUTY ASSISTANT COMMANDANT FOR CAPABILITY.
		DIRECTOR OF FINANCIAL OPERATIONS/COMPTROLLER.
		DEPUTY ASSISTANT COMMANDANT FOR HUMAN RESOURCES.
		DIRECTOR, INCIDENT MANAGEMENT AND PREPAREDNESS POLICY.
		DIRECTOR, COAST GUARD INVESTIGATIVE SERVICE.
		HEAD OF CONTRACTING ACTIVITY.
		DEPUTY ASSISTANT COMMANDANT FOR ACQUISITION/DIRECTOR OF ACQUISITION SERVICES.
		DIRECTOR, NATIONAL POLLUTION FUNDS CENTER.
		ASSISTANT JUDGE ADVOCATE GENERAL FOR ACQUISITION AND LITIGATION.
		DIRECTOR, MARINE TRANSPORTATION SYSTEM MANAGEMENT.
		DEPUTY ASSISTANT COMMANDANT FOR INTELLIGENCE.
		DEPUTY ASSISTANT COMMANDANT FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INFORMATION TECHNOLOGY/DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT COMMANDANT FOR RESOURCES AND DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR OF ACQUISITION PROGRAMS.
	UNITED STATES SECRET SERVICE	DEPUTY ASSISTANT DIRECTOR, ENTERPRISE READINESS OFFICE.
		DEPUTY ASSISTANT DIRECTOR, INVESTIGATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS.
		ASSISTANT DIRECTOR, OFFICE OF TRAINING.
		CHIEF OPERATING OFFICER.
		DIRECTOR OF COMMUNICATIONS (MEDIA AFFAIRS).
		CHIEF OF STAFF.
		ASSISTANT DIRECTOR—OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS.
		COMPONENT ACQUISITION EXECUTIVE.
		ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION.

Agency name	Organization name	Position title
		DEPUTY ASSISTANT DIRECTOR, STRATEGIC INTELLIGENCE AND INFORMATION.
		SPECIAL AGENT IN CHARGE, PARIS FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—MIAMI FIELD OFFICE.
		DEPUTY CHIEF COUNSEL/PRINCIPAL ETHICS OFFICIAL.
		EQUITY AND EMPLOYEE SUPPORT SERVICES EXECUTIVE.
		SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATIVE DIVISION.
		SPECIAL AGENT IN CHARGE—ROWLEY TRAINING CENTER.
		SPECIAL AGENT IN CHARGE—ROME.
		SPECIAL AGENT IN CHARGE, PROTECTIVE INTELLIGENCE AND ASSESSMENT DIVISION.
		DEPUTY ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS.
		SPECIAL AGENT IN CHARGE - PHILADELPHIA FIELD OFFICE.
		DEPUTY ASSISTANT DIRECTOR—OFFICE OF INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE, CHICAGO FIELD OFFICE.
		SPECIAL AGENT IN CHARGE, SPECIAL OPERATIONS DIVISION.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS.
		CHIEF FINANCIAL OFFICER.
		SPECIAL AGENT IN CHARGE (DIGNITARY PROTECTIVE DIVISION).
		DEPUTY CHIEF, OFFICE OF STRATEGIC PLANNING AND POLICY.
		DEPUTY SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION.
		CHIEF, OFFICE OF STRATEGIC PLANNING AND POLICY.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE—HOUSTON FIELD OFFICE.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF TRAINING.
		DEPUTY ASSISTANT DIRECTOR, TECHNICAL DEVELOPMENT AND MISSION SUPPORT.
		DEPUTY SPECIAL AGENT IN CHARGE (OPERATIONAL).
		CHIEF INFORMATION OFFICER.
		DEPUTY SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—ATLANTA FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—HONOLULU FIELD OFFICE.
		PROTECTIVE INTELLIGENCE SENIOR ADVISOR.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE—LOS ANGELES FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—WASHINGTON FIELD OFFICE.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.

Agency name	Organization name	Position title
		TALENT DEVELOPMENT EXECUTIVE.
		DIRECTOR, UNITED STATES SECRET SERVICE.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INTEGRITY.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, UNITED STATES SECRET SERVICE.
		ASSISTANT DIRECTOR, INVESTIGATIONS.
		ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS.
		ASSISTANT DIRECTOR/CHIEF TECHNOLOGY OFFICER, OFFICE OF TECHNICAL DEVELOPMENT AND MISSION SUPPORT.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—NEW YORK.
		ASSISTANT DIRECTOR, OFFICE OF HUMAN RESOURCES.
		SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—TECHNICAL SECURITY DIVISION.
		CHIEF COUNSEL.
		SPECIAL AGENT IN CHARGE—SAN FRANCISCO FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—DALLAS FIELD OFFICE.
		CHIEF SECURITY OFFICER.
OFFICE OF THE SECRETARY	COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR HEALTH AFFAIRS.
		DEPUTY ASSISTANT SECRETARY FOR HEALTH SECURITY.
		CHIEF FINANCIAL MANAGER.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR SYSTEMS SUPPORT.
		DIRECTOR OF ACQUISITION.
		CHIEF OF STAFF.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT DIRECTORATE.
		DEPUTY ASSISTANT SECRETARY FOR POLICY AND PLANS.
	OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.	DIRECTOR CIVIL RIGHTS AND CIVIL LIBERTIES PROGRAMS BRANCH.
		DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, PROGRAMS AND COMPLIANCE.
		DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DIRECTOR.
		DIRECTOR, COMPLIANCE BRANCH.
	OFFICE OF OPERATIONS COORDINATION	PRINCIPAL DEPUTY DIRECTOR, TERRORIST SCREENING CENTER.
	OFFICE OF PARTNERSHIP AND ENGAGEMENT.	DEPUTY ASSISTANT SECRETARY.
		EXECUTIVE DIRECTOR, SOCIAL IMPACT.
	OFFICE OF THE SECRETARY	DEPUTY EXECUTIVE SECRETARY, OPERATIONS AND ADMINISTRATION.
DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL		
DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR ENTERPRISE INNOVATION AND OPERATIONS COORDINATION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS (LAW ENFORCEMENT AND TERRORISM).
		ATTORNEY ADVISOR.
		ASSISTANT INSPECTOR GENERAL, INTEGRITY AND QUALITY OVERSIGHT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.

Agency name	Organization name	Position title
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (2).
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL, AUDITS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS AND EVALUATIONS.
		DEPUTY COUNSEL.
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT (DISASTER AND IMMIGRATION).
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL, SPECIAL REVIEWS AND EVALUATIONS.
		CHIEF OF STAFF.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	OFFICE OF THE SECRETARY.	
OFFICE OF THE SECRETARY	GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.	SENIOR VICE PRESIDENT FOR MORTGAGE-BACKED SECURITIES.
		SENIOR VICE PRESIDENT OF THE OFFICE OF SECURITIES OPERATIONS.
		SENIOR VICE PRESIDENT AND CHIEF FINANCIAL OFFICER.
		SENIOR VICE PRESIDENT, OFFICE OF ENTERPRISE DATA AND TECHNOLOGY SOLUTIONS.
		SENIOR VICE PRESIDENT OFFICE OF CAPITAL MARKETS.
		SENIOR VICE PRESIDENT AND CHIEF RISK OFFICER.
	OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT.	DEPUTY ASSISTANT SECRETARY FOR SPECIAL NEEDS PROGRAMS.
		DIRECTOR OF STRATEGIC PLANNING AND MANAGEMENT OF HUMAN CAPITAL.
		DEPUTY ASSISTANT SECRETARY FOR GRANT PROGRAMS.
	OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY.	DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY.
	OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT.
	OFFICE OF FIELD POLICY AND MANAGEMENT.	DIRECTOR.
	OFFICE OF HOUSING	DEPUTY ASSISTANT SECRETARY FOR OPERATION.
		HOUSING FEDERAL HOUSING ADMINISTRATION—COMPTROLLER.
		DIRECTOR, PROGRAM SYSTEMS MANAGEMENT OFFICE.
		DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET.
		DEPUTY ASSISTANT SECRETARY FOR MULTIFAMILY HOUSING.
		FEDERAL HOUSING ADMINISTRATION COMPTROLLER.
		DEPUTY ASSISTANT SECRETARY FOR HEALTHCARE PROGRAMS.
	OFFICE OF POLICY DEVELOPMENT AND RESEARCH.	DEPUTY ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH.

Agency name	Organization name	Position title
	OFFICE OF PUBLIC AFFAIRS	GENERAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.
	OFFICE OF PUBLIC AND INDIAN HOUSING	DEPUTY ASSISTANT SECRETARY FOR NATIVE AMERICAN PROGRAMS.
		DEPUTY ASSISTANT SECRETARY FOR POLICY PROGRAM AND LEGISLATIVE INITIATIVES.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER.
		DEPUTY ASSISTANT SECRETARY FOR PUBLIC HOUSING INVESTMENTS.
		DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER.
		DIRECTOR FOR BUDGET AND FINANCIAL MANAGEMENT.
	OFFICE OF THE ADMINISTRATION	CHIEF DISASTER AND NATIONAL SECURITY OFFICER.
		CHIEF PRIVACY OFFICER AND CHIEF FOIA OFFICER.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSISTANT CHIEF FINANCIAL OFFICER FOR BUDGET.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.
		CHIEF RISK OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR SYSTEMS.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR ACCOUNTING.
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER.	CHIEF LEARNING OFFICER.
		DIRECTOR, OFFICE OF HUMAN CAPITAL SERVICES.
		CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER (2).
		DIRECTOR, HUMAN CAPITAL SERVICES.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	PRINCIPAL DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF INFORMATION SECURITY OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		PRINCIPAL DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER FOR INFRASTRUCTURE AND OPERATIONS.
		DEPUTY CHIEF INFORMATION OFFICER - OFFICE OF CUSTOMER RELATIONSHIP AND PERFORMANCE MANAGEMENT.
		DEPUTY CHIEF INFORMATION OFFICER FOR BUSINESS AND INFORMATION TECHNOLOGY RESOURCE MANAGEMENT OFFICER.
		CHIEF INFORMATION SECURITY OFFICER.
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER.
		SENIOR COUNSEL.
		ASSOCIATE GENERAL COUNSEL FOR PROGRAM ENFORCEMENT.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL		
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	SENIOR ADVISOR FOR EXTERNAL AFFAIRS.
		CHIEF STRATEGY OFFICER.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.

Agency name	Organization name	Position title
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION (HEADQUARTERS OPERATIONS).
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF EVALUATION (OE).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS).
		DEPUTY INSPECTOR GENERAL.
DEPARTMENT OF THE INTERIOR		
ASSISTANT SECRETARY—FISH AND WILDLIFE AND PARKS.	NATIONAL PARK SERVICE	CHIEF, UNITED STATES PARK POLICE.
		CHIEF FINANCIAL OFFICER.
		COMPTROLLER.
		ASSOCIATE DIRECTOR, INTERPRETATION AND EDUCATION.
	UNITED STATES FISH AND WILDLIFE SERVICE.	CHIEF, OFFICE OF LAW ENFORCEMENT.
ASSISTANT SECRETARY—LAND AND MINERALS MANAGEMENT.	BUREAU OF LAND MANAGEMENT	ASSISTANT DIRECTOR, HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, LAW ENFORCEMENT AND SECURITY.
	BUREAU OF OCEAN ENERGY MANAGEMENT.	STRATEGIC RESOURCES CHIEF.
ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	OFFICE OF HEARINGS AND APPEALS	DIRECTOR, OFFICE OF HEARINGS AND APPEALS.
	OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT.	PROGRAM DIRECTOR FOR COORDINATION, ENFORCEMENT, VALUATION AND APPEALS.
		DEPUTY DIRECTOR, OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT.
		PROGRAM DIRECTOR FOR REVENUE, REPORTING AND COMPLIANCE MANAGEMENT.
		PROGRAM DIRECTOR FOR AUDIT AND COMPLIANCE MANAGEMENT.
ASSISTANT SECRETARY—WATER AND SCIENCE.	BUREAU OF RECLAMATION	DIRECTOR, MISSION SUPPORT ORGANIZATION.
		DIRECTOR, DAM SAFETY AND INFRASTRUCTURE.
	UNITED STATES GEOLOGICAL SURVEY	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
		ASSOCIATE DIRECTOR FOR ECOSYSTEMS.
		ASSOCIATE DIRECTOR FOR ENERGY AND MINERALS.
		DEPUTY DIRECTOR.
		DIRECTOR, EARTH RESOURCES OBSERVATION AND SCIENCE CENTER AND POLICY ADVISOR.
		ASSOCIATE DIRECTOR FOR COMMUNICATIONS AND PUBLISHING.
		ASSOCIATE DIRECTOR FOR BUDGET, PLANNING, AND INTEGRATION.
		ASSOCIATE DIRECTOR FOR NATURAL HAZARDS.
		ASSOCIATE DIRECTOR FOR LAND RESOURCES.
		ASSOCIATE DIRECTOR FOR WATER.
		ASSOCIATE DIRECTOR FOR CORE SCIENCE SYSTEMS.
BUREAU OF LAND MANAGEMENT	FIELD OFFICES—BUREAU OF LAND MANAGEMENT.	DIRECTOR, NATIONAL OPERATIONS CENTER.
DEPARTMENT OF THE INTERIOR	ASSISTANT SECRETARY—INDIAN AFFAIRS.	DIRECTOR OF HUMAN CAPITAL MANAGEMENT.

Agency name	Organization name	Position title
	ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	CHIEF DIVERSITY OFFICER/DIRECTOR, OFFICE OF CIVIL RIGHTS.
		DEPUTY ASSISTANT SECRETARY—HUMAN CAPITAL AND DIVERSITY/CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT.
		DIRECTOR, OFFICE OF GRANTS MANAGEMENT.
		CHIEF, BUDGET ADMINISTRATION AND DEPARTMENTAL MANAGEMENT.
		CHIEF DIVISION OF BUDGET AND PROGRAM REVIEW.
		DEPUTY ASSISTANT SECRETARY—BUDGET, FINANCE, GRANTS AND ACQUISITION.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER/DIRECTOR, OFFICE OF HUMAN CAPITAL.
		DIRECTOR, OFFICE OF LAW ENFORCEMENT AND SECURITY.
		DEPUTY ASSISTANT SECRETARY—PUBLIC SAFETY, RESOURCE PROTECTION AND EMERGENCY SERVICES.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF THE SOLICITOR	DESIGNATED AGENCY ETHICS OFFICIAL.
		ASSOCIATE SOLICITOR FOR ADMINISTRATION.
		DEPUTY CHIEF FOIA OFFICER.
NATIONAL PARK SERVICE	FIELD OFFICES—NATIONAL PARK SERVICE.	PARK MANAGER, YELLOWSTONE NATIONAL PARK.
		PARK MANAGER, GRAND CANYON NATIONAL PARK.
OFFICE OF SURFACE MINING	FIELD OFFICES—OFFICE OF SURFACE MINING.	REGIONAL DIRECTOR, DOI UNIFIED REGION 3.
		REGIONAL DIRECTOR, DOI UNIFIED REGION 1.
UNITED STATES GEOLOGICAL SURVEY	FIELD OFFICES—UNITED STATES GEOLOGICAL SURVEY.	REGIONAL DIRECTOR—DOI UNIFIED REGION 9.
		REGIONAL DIRECTOR—DOI UNIFIED REGIONS 3 AND 5.
		REGIONAL DIRECTOR—DOI UNIFIED REGIONS 8 AND 10.
		REGIONAL DIRECTOR—DOI UNIFIED REGION 11.
		REGIONAL DIRECTOR—DOI UNIFIED REGION 1.
		REGIONAL DIRECTOR—DOI UNIFIED REGIONS 4 AND 6.
		REGIONAL DIRECTOR—DOI UNIFIED REGION 7.
DEPARTMENT OF THE INTERIOR OFFICE OF THE INSPECTOR GENERAL		
DEPARTMENT OF THE INTERIOR OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR STRATEGIC PROGRAMS.
		CHIEF OF STAFF.
		DEPUTY INSPECTOR GENERAL.
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF AUDITS, INSPECTIONS, AND EVALUATIONS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS, INSPECTIONS, AND EVALUATIONS.
	OFFICE OF GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
DEPARTMENT OF JUSTICE		
DEPARTMENT OF JUSTICE	EXECUTIVE OFFICE FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES.	DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES.

Agency name	Organization name	Position title
OFFICE OF THE ASSOCIATE ATTORNEY GENERAL.	OFFICE OF THE ATTORNEY GENERAL	SENIOR ADVISOR FOR LAW ENFORCEMENT RELATIONS.
	OFFICE OF THE DEPUTY ATTORNEY GENERAL.	CHIEF AND COUNSELOR TO THE DEPUTY ATTORNEY GENERAL, PROFESSIONAL MISCONDUCT REVIEW UNIT.
	OFFICE OF TRIBAL JUSTICE	DIRECTOR.
	ANTITRUST DIVISION	EXECUTIVE OFFICER.
		CHIEF, TELECOMMUNICATIONS AND MEDIA SECTION.
		DIRECTOR, ECONOMIC ENFORCEMENT.
	CIVIL DIVISION	DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
		DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS.
		SPECIAL COUNSEL.
		DIRECTOR, BUDGET STAFF.
		DEPUTY DIRECTOR, CONSTITUTIONAL AND SPECIALIZED TORT LITIGATION.
		DEPUTY DIRECTOR CONSUMER PROTECTION BRANCH.
		DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION, FRAUD SECTION.
		DEPUTY DIRECTOR (OPERATIONS), OFFICE OF IMMIGRATION LITIGATION, DISTRICT COURT SECTION.
		DEPUTY DIRECTOR APPELLATE BRANCH.
		DIRECTOR, CONSUMER LITIGATION BRANCH, FOREIGN LITIGATION SECTION.
		SPECIAL LITIGATION COUNSEL, AVIATION AND ADMIRALTY SECTION.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
		DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS.
		DEPUTY BRANCH DIRECTOR.
		DEPUTY DIRECTOR, APPELLATE STAFF.
		APPELLATE LITIGATION COUNSEL.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH (INTELLECTUAL PROPERTY).
		DIRECTOR, OFFICE OF MANAGEMENT PROGRAMS.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
		DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS.
		DIRECTOR, CONSUMER PROTECTION BRANCH.
	CIVIL RIGHTS DIVISION	PRINCIPAL DEPUTY CHIEF, CRIMINAL SECTION.
		PRINCIPAL DEPUTY CHIEF, VOTING SECTION.
		CHIEF, POLICY STRATEGY SECTION.
		PRINCIPAL DEPUTY CHIEF, EMPLOYMENT LITIGATION SECTION.
		PRINCIPAL DEPUTY CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
		PRINCIPAL DEPUTY CHIEF, DISABILITY RIGHTS SECTION.
		PRINCIPAL DEPUTY CHIEF, SPECIAL LITIGATION SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL (2).
		CHIEF FEDERAL COORDINATION AND COMPLIANCE SECTION.
		EXECUTIVE OFFICER.
		CHIEF, EMPLOYMENT LITIGATION SECTION.
		CHIEF APPELLATE SECTION.

Agency name	Organization name	Position title
		CHIEF CRIMINAL SECTION.
		CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
		CHIEF, VOTING SECTION.
		CHIEF, EDUCATIONAL OPPORTUNITIES SECTION.
		CHIEF–SPECIAL LITIGATION SECTION.
		COUNSEL TO THE ASSISTANT ATTORNEY GENERAL.
		CHIEF, DISABILITY RIGHTS SECTION.
		DEPUTY SPECIAL COUNSEL FOR IMMIGRATION–RELATED UNFAIR EMPLOYMENT PRACTICES.
	ENVIRONMENT AND NATURAL RESOURCES DIVISION.	DEPUTY CHIEF, ENVIRONMENTAL CRIMES SECTION.
		CHIEF, ENVIRONMENTAL DEFENSE SECTION.
		DEPUTY CHIEF ENVIRONMENTAL ENFORCEMENT SECTION.
		SENIOR LITIGATION COUSEL.
		DEPUTY CHIEF, APPELLATE SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL DEFENSE SECTION.
		DEPUTY SECTION CHIEF, NATURAL RESOURCES SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
		CHIEF, INDIAN RESOURCES SECTION.
		DEPUTY CHIEF, NATURAL RESOURCES SECTION.
		CHIEF–APPELLATE SECTION.
		CHIEF, LAND ACQUISITION SECTION.
		CHIEF, NATURAL RESOURCES SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
		CHIEF, WILDLIFE AND MARINE RESOURCES SECTION.
		CHIEF ENVIRONMENTAL ENFORCEMENT SECTION.
		CHIEF ENVIRONMENTAL CRIMES SECTION.
		EXECUTIVE OFFICER.
	OFFICE OF JUSTICE PROGRAMS	DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF AUDIT, ASSESSMENT AND MANAGEMENT.
		DEPUTY DIRECTOR, OFFICE FOR VICTIMS OF CRIME.
		DIRECTOR OF COMMUNICATIONS.
		DIRECTOR, OFFICE OF ADMINISTRATION.
		CHIEF FINANCIAL OFFICER.
	OFFICE OF TAX DIVISION	DEPUTY CHIEF, APPELLATE SECTION.
		CHIEF, APPELLATE SECTION.
		CHIEF, COURT OF FEDERAL CLAIMS SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		CHIEF, CIVIL TRIAL SECTION, CENTRAL REGION.
		CHIEF CIVIL TRIAL SECTION, NORTHERN REGION.
		CHIEF CIVIL TRIAL SECTION, SOUTHERN REGION.
		CHIEF CIVIL TRIAL SECTION, WESTERN REGION.
		SPECIAL LITIGATION COUNSEL.
		SENIOR LITIGATION COUNSEL.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, SOUTH REGION.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, NORTH REGION.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, WESTERN REGION.
		CHIEF, CRIMINAL APPEALS AND TAX ENFORCEMENT POLICY SECTION.

Agency name	Organization name	Position title
OFFICE OF THE DEPUTY ATTORNEY GENERAL.	BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.	CHIEF CIVIL TRIAL SECTION SOUTHWESTERN REGION. CHIEF CIVIL TRIAL SECTION EASTERN REGION. CHIEF OFFICE OF REVIEW. EXECUTIVE OFFICER. SPECIAL AGENT IN CHARGE, CHICAGO. SPECIAL AGENT IN CHARGE, KANSAS CITY. SPECIAL AGENT IN CHARGE, PHILADELPHIA. SPECIAL AGENT IN CHARGE, PHOENIX. SPECIAL AGENT IN CHARGE, SAN FRANCISCO. SPECIAL AGENT IN CHARGE, MIAMI. SPECIAL AGENT IN CHARGE, CHARLOTTE. SPECIAL AGENT IN CHARGE, DETROIT. SPECIAL AGENT IN CHARGE, LOUISVILLE. SPECIAL AGENT IN CHARGE, SEATTLE. SPECIAL AGENT IN CHARGE, TAMPA. SPECIAL ASSISTANT TO THE DIRECTOR. SPECIAL AGENT IN CHARGE, NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH. DEPUTY ASSISTANT DIRECTOR HUMAN RESOURCES. SPECIAL AGENT IN CHARGE, SAINT PAUL. SPECIAL AGENT IN CHARGE, ATLANTA. DEPUTY DIRECTOR, TERRORIST EXPLOSIVE DEVICE ANALYTICAL CENTER. DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (PROGRAMS). EXECUTIVE ASSISTANT TO THE DIRECTOR. CHIEF, SPECIAL OPERATIONS DIVISION. DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—EAST. DEPUTY ASSISTANT DIRECTOR, INDUSTRY OPERATIONS. SPECIAL AGENT IN CHARGE, NASHVILLE. SPECIAL AGENT IN CHARGE, DALLAS. ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION. DEPUTY ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION. ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS. SPECIAL AGENT IN CHARGE, COLUMBUS. SPECIAL AGENT IN CHARGE, NEW ORLEANS. SPECIAL AGENT IN CHARGE, BALTIMORE. SPECIAL AGENT IN CHARGE, NEWARK. SPECIAL AGENT IN CHARGE, DENVER. DEPUTY ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS. DEPUTY DIRECTOR. ASSISTANT DIRECTOR, FIELD OPERATIONS. DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS–CENTRAL. ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES. DEPUTY ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES. DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.

Agency name	Organization name	Position title
		ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER.
		ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER.
		DEPUTY ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY AND DEPUTY CHIEF INFORMATION OFFICER.
		ASSISTANT DIRECTOR, SCIENCE AND TECHNOLOGY.
		DEPUTY ASSISTANT DIRECTOR, FORENSIC SERVICES.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—WEST.
		SPECIAL AGENT IN CHARGE, LOS ANGELES.
		SPECIAL AGENT IN CHARGE, NEW YORK.
		SPECIAL AGENT IN CHARGE, WASHINGTON DC.
		SPECIAL AGENT IN CHARGE, HOUSTON.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS.
		SPECIAL AGENT IN CHARGE, BOSTON.
	CRIMINAL DIVISION	CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION.
		DEPUTY CHIEF PUBLIC INTEGRITY SECTION.
		CHIEF, ORGANIZED CRIME AND GANG SECTION.
		CHIEF, APPELLATE SECTION.
		DEPUTY CHIEF FOR ORGANIZED CRIME AND GANG SECTION.
		CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
		DIRECTOR, INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM.
		CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.
		DEPUTY CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.
		SENIOR COUNSEL FOR CYBERCRIME.
		DEPUTY CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION.
		DIRECTOR, OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT, ASSISTANCE, AND TRAINING.
		DEPUTY CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
		DEPUTY CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS SECTION.
		CHIEF FRAUD SECTION.
		CHIEF PUBLIC INTEGRITY SECTION.
		CHIEF NARCOTIC AND DANGEROUS DRUG SECTION.
		DEPUTY CHIEF, APPELLATE SECTION.
		EXECUTIVE OFFICER.
		DEPUTY, CHIEF FRAUD SECTION.

Agency name	Organization name	Position title
	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.	REGIONAL DEPUTY CHIEF IMMIGRATION JUDGE (2).
		DEPUTY CHIEF APPELLATE IMMIGRATION JUDGE.
		CHIEF ADMINISTRATIVE HEARING OFFICER.
		GENERAL COUNSEL.
		CHAIRMAN, BOARD OF IMMIGRATION APPEALS.
		ASSISTANT DIRECTOR FOR POLICY.
		CHIEF IMMIGRATION JUDGE.
		DEPUTY CHIEF IMMIGRATION JUDGE.
		ASSISTANT DIRECTOR FOR ADMINISTRATION.
		VICE CHAIRMAN, BOARD OF IMMIGRATION APPEALS.
	EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS.	DEPUTY DIRECTOR.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR FOR ADMINISTRATION AND MANAGEMENT.
		CHIEF, INFORMATION OFFICER.
		GENERAL COUNSEL.
		CHIEF HUMAN RESOURCES OFFICER.
		COUNSEL, LEGAL PROGRAMS AND POLICY.
		ASSOCIATE DIRECTOR, OFFICE OF LEGAL EDUCATION.
	FEDERAL BUREAU OF PRISONS	SENIOR DEPUTY ASSISTANT DIRECTOR, INDUSTRIES, EDUCATION, AND VOCATIONAL TRAINING DIVISION.
		ASSISTANT DIRECTOR, HEALTH SERVICES DIVISION.
		CHIEF, OFFICE OF PUBLIC AFFAIRS.
		SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		SENIOR ADVISOR (2).
		WARDEN, FCI, MENDOTA, CA.
		CHIEF EDUCATION ADMINISTRATOR.
		ASSISTANT DIRECTOR, INFORMATION, POLICY AND PUBLIC AFFAIRS.
		SENIOR DEPUTY ASSISTANT DIRECTOR, INFORMATION, POLICY, AND PUBLIC AFFAIRS DIVISION.
		ASSISTANT DIRECTOR, REENTRY SERVICES DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, ADMINISTRATION DIVISION.
		WARDEN FCI FORT WORTH TX.
		WARDEN FCI, THOMSON, IL.
		SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		SENIOR DEPUTY GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SHERIDAN, OREGON.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GILMER, WEST VIRGINIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MANCHESTER, KENTUCKY.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BENNETTSVILLE, SOUTH CAROLINA.
		COMPLEX WARDEN, FEDERAL CORRECTION COMPLEX, PETERSBURG, VIRGINIA.
		WARDEN, UNITED STATES PENITENTIARY, HAZELTON, WEST VIRGINIA.
		COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, YAZOO CITY, MISSISSIPPI.
		WARDEN, UNITED STATES PENITENTIARY, CANAAN, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, FORREST CITY, ARKANSAS.

Agency name	Organization name	Position title
		SENIOR DEPUTY ASSISTANT DIRECTOR RE- ENTRY SERVICES DIVISION.
		WARDEN, UNITED STATES PENITENTIARY COLEMAN–I, COLEMAN, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, WILLIAMSBURG, SOUTH CAROLINA.
		COMPLEX WARDEN, UNITED STATES PENITENTIARY, TUCSON, ARIZONA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, CUMBERLAND, MARYLAND.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GREENVILLE, ILLINOIS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MCKEAN, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PEKIN, ILLINOIS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SCHUYLKILL, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, THREE RIVERS, TEXAS.
		WARDEN, METROPOLITAN DETENTION CENTER, GUAYNABO, PUERTO RICO.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, JESUP, GEORGIA.
		COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, VICTORVILLE, CALIFORNIA.
		WARDEN, UNITED STATES PENITENTIARY, MCCREARY, KENTUCKY.
		WARDEN, UNITED STATES PENITENTIARY, POLLOCK, LOUISIANA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MEMPHIS, TENNESSEE.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PHOENIX, ARIZONA.
		WARDEN, FEDERAL MEDICAL CENTER, ROCHESTER, MINNESOTA.
		REGIONAL DIRECTOR MIDDLE ATLANTIC REGION.
		DEPUTY DIRECTOR.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, TALLADEGA, ALABAMA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, NEW JERSEY.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, FLORENCE, COLORADO.
		WARDEN, UNITED STATES PENITENTIARY—HIGH, FLORENCE, COLORADO.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, OAKDALE, LOUISIANA.
		WARDEN, FEDERAL MEDICAL CENTER, CARSWELL, TEXAS.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, ALLENWOOD, PENNSYLVANIA.
		WARDEN, FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA.
		SENIOR DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES MANAGEMENT DIVISION.
		WARDEN, FEDERAL DETENTION CENTER, MIAMI, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FAIRTON, NEW JERSEY.
		ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, EDGEFIELD, SOUTH CAROLINA.
		WARDEN, FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS.

Agency name	Organization name	Position title
		WARDEN, METROPOLITAN DETENTION CENTER, LOS ANGELES, CALIFORNIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MARIANNA, FLORIDA.
		ASSISTANT DIRECTOR FOR ADMINISTRATION.
		ASSISTANT DIRECTOR CORRECTIONAL PROGRAMS DIVISION.
		ASSISTANT DIRECTOR, OFFICE OF GENERAL COUNSEL.
		REGIONAL DIRECTOR, NORTHEAST REGION.
		REGIONAL DIRECTOR, SOUTHEAST REGION.
		REGIONAL DIRECTOR, NORTH CENTRAL REGION.
		REGIONAL DIRECTOR, WESTERN REGION.
		REGIONAL DIRECTOR, SOUTH CENTRAL REGION.
		WARDEN, UNITED STATES PENITENTIARY, ATLANTA, GEORGIA.
		WARDEN, UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS.
		WARDEN, UNITED STATES PENITENTIARY, LEWISBURG, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, LOMPOC, CALIFORNIA.
		WARDEN, UNITED STATES MEDICAL CENTER FEDERAL PRISONERS, SPRINGFIELD, MISSOURI.
		WARDEN, FEDERAL MEDICAL CENTER, LEXINGTON, KENTUCKY.
		WARDEN, UNITED STATES PENITENTIARY, MARION ILLINOIS.
		SUPERVISORY INDUSTRIAL SPECIALIST (CEO)FEDERAL PRISON INDUSTRIES.
		SENIOR DEPUTY ASSISTANT DIRECTOR, REENTRY SERVICES.
		WARDEN FEDERAL CORRECTIONAL COMPLEX, TERRE HAUTE, INDIANA.
		WARDEN FEDERAL CORRECTIONAL COMPLEX, BUTNER, NORTH CAROLINA.
		WARDEN, METROPOLITAN CORRECTIONAL CENTER, NEW YORK, NEW YORK.
		SENIOR DEPUTY ASSISTANT DIRECTOR ADMINISTRATION DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, INFORMATION, POLICY, AND PUBLIC AFFAIRS DIVISION.
		WARDEN, UNITED STATES PENITENTIARY, BIG SANDY, KENTUCKY.
		SENIOR COUNSEL, OFFICE OF GENERAL COUNSEL.
		WARDEN, METROPOLITAN DETENTION CENTER, BROOKLYN, NEW YORK.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, BEAUMONT, TEXAS.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, COLEMAN, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BECKLEY, WEST VIRGINIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, OTISVILLE, NEW YORK.
		WARDEN, UNITED STATES PENITENTIARY, LEE, VIRGINIA.
		WARDEN, UNITED STATES PENITENTIARY, ATWATER, CALIFORNIA.
		ASSISTANT DIRECTOR HUMAN RESOURCES MANAGEMENT DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, CORRECTIONAL PROGRAMS DIVISION.

Agency name	Organization name	Position title
	JUSTICE MANAGEMENT DIVISION	DIRECTOR RM AND E–DISCOVERY.
		DIRECTOR, ASSET FORFEITURE MANAGEMENT STAFF.
		DEPUTY ASSISTANT ATTORNEY GENERAL/CHIEF INFORMATION OFFICER.
		DIRECTOR PROCUREMENT SERVICES STAFF.
		GENERAL COUNSEL.
		DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY STAFF.
		DIRECTOR, BUDGET STAFF.
		DIRECTOR, DEBT COLLECTION MANAGEMENT STAFF.
		DEPUTY DIRECTOR, SERVICE DELIVERY STAFF.
		DIRECTOR, DEPARTMENTAL ETHICS OFFICE.
		DEPUTY DIRECTOR, BUDGET STAFF, OPERATIONS AND FUNDS CONTROL.
		SENIOR ADVISOR.
		DIRECTOR, SERVICE ENGINEERING STAFF.
		DIRECTOR, SERVICE DELIVERY STAFF.
		DEPUTY DIRECTOR, CYBERSECURITY STAFF/DEPUTY CHIEF INFORMATION SECURITY OFFICER.
		SENIOR COUNSELOR, OFFICE OF THE DEPUTY ASSISTANT ATTORNEY GENERAL FOR POLICY, MANAGEMENT AND PLANNING JUSTICE MANAGEMENT DIVISION.
		ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION.
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		DIRECTOR, CYBERSECURITY SERVICES STAFF.
		DEPUTY DIRECTOR, BUDGET STAFF, PROGRAMS AND PERFORMANCE.
		DEPUTY DIRECTOR, AUDITING, FINANCE STAFF.
		DEPUTY DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, INFORMATION TECHNOLOGY POLICY AND PLANNING STAFF.
		DIRECTOR, FACILITIES AND ADMINISTRATIVE SERVICES STAFF.
		DIRECTOR, OFFICE OF ATTORNEY RECRUITMENT AND MANAGEMENT.
		DIRECTOR FINANCE STAFF.
		DEPUTY ASSISTANT ATTORNEY GENERAL (CONTROLLER).
		DEPUTY ASSISTANT ATTORNEY GENERAL FOR HUMAN RESOURCES AND ADMINISTRATION.
		DIRECTOR LIBRARY STAFF.
		DIRECTOR JUSTICE SECURITY OPERATIONS CENTER.
		DEPUTY ASSISTANT ATTORNEY GENERAL, POLICY, MANAGEMENT, AND PLANNING.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, APPROPRIATION LIAISON OFFICE.
		DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF.
		DEPUTY DIRECTOR, CUSTOMER AND BUSINESS SOLUTIONS SERVICE DELIVERY STAFF.

Agency name	Organization name	Position title
	NATIONAL SECURITY DIVISION	CHIEF, FOREIGN INVESTMENT REVIEW STAFF.
		DIRECTOR OF RISK MANAGEMENT AND SENIOR COUNSEL.
		DIRECTOR, FOIA AND DECLASSIFICATION PROGRAM.
		CHIEF, APPELLATE UNIT.
		DEPUTY CHIEF, COUNTERTERRORISM SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL, FISA OPERATIONS AND INTELLIGENCE OVERSIGHT.
		CHIEF, OPERATIONS SECTION.
		CHIEF, OVERSIGHT SECTION.
		EXECUTIVE OFFICER.
		SPECIAL COUNSEL FOR NATIONAL SECURITY.
	OFFICE OF PROFESSIONAL RESPONSIBILITY.	DEPUTY COUNSEL ON PROFESSIONAL RESPONSIBILITY.
		COUNSEL ON PROFESSIONAL RESPONSIBILITY.
	OFFICE OF THE LEGAL COUNSEL	SPECIAL COUNSEL (2).
	PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE.	DIRECTOR, PROFESSIONAL RESPONSPONSIBILITY ADVISORY OFFICE.
	UNITED STATES MARSHALS SERVICE	ASSISTANT DIRECTOR, HUMAN RESOURCES.
		CHIEF FINANCIAL OFFICER, FINANCIAL SERVICES.
		ASSISTANT DIRECTOR, WITNESS SECURITY.
		ASSISTANT DIRECTOR, MANAGEMENT SUPPORT.
		ASSISTANT DIRECTOR, ASSET FORFEITURE.
		ASSISTANT DIRECTOR, TRAINING.
		ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS.
		DEPUTY DIRECTOR.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		ASSISTANT DIRECTOR JUDICIAL SECURITY.
		PROCUREMENT EXECUTIVE, FINANCIAL SERVICES.
		ASSISTANT DIRECTOR, JPATS.
		ATTORNEY ADVISOR.
		ASSOCIATE DIRECTOR, OPERATIONS.
		ASSOCIATE DIRECTOR, ADMINISTRATION.
		ASSISTANT DIRECTOR, TACTICAL OPERATIONS.
		ASSISTANT DIRECTOR FOR PRISONER OPERATIONS.
		ASSISTANT DIRECTOR, INFORMATION TECHNOLOGY.
		ASSISTANT DIRECTOR FINANCIAL SERVICES.
DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL		
DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL.	AUDIT DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION.
		ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION.
	EVALUATION AND INSPECTIONS DIVISION	ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION.
	FRONT OFFICE	DEPUTY INSPECTOR GENERAL.
		≤GENERAL COUNSEL.
	INFORMATION TECHNOLOGY DIVISION	ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY DIVISION.
	INVESTIGATIONS DIVISION	ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION.

Agency name	Organization name	Position title
	MANAGEMENT AND PLANNING DIVISION ..	DEPUTY ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING.
		ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING DIVISION.
	OVERSIGHT AND REVIEW DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION.
		ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION.
DEPARTMENT OF LABOR		
DEPARTMENT OF LABOR	BUREAU OF LABOR STATISTICS	ASSOCIATE COMMISSIONER FOR ADMINISTRATION.
		ASSOCIATE COMMISSIONER FOR PRICES AND LIVING CONDITIONS.
		ASSOCIATE COMMISSIONER PRODUCTIVITY AND TECHNOLOGY.
		DEPUTY COMMISSIONER FOR LABOR STATISTICS.
		ASSISTANT COMMISSIONER FOR INTERNATIONAL PRICES.
		ASSOCIATE COMMISSIONER FOR PUBLICATIONS AND SPECIAL STUDIES.
		ASSOCIATE COMMISSIONER FOR TECHNOLOGY AND SURVEY PROCESSING.
		ASSISTANT COMMISSIONER FOR COMPENSATION LEVELS AND TRENDS.
		ASSISTANT COMMISSIONER FOR SAFETY, HEALTH AND WORKING CONDITIONS.
		ASSOCIATE COMMISSIONER FOR COMPENSATION AND WORKING CONDITIONS.
		DIRECTOR OF TECHNOLOGY AND COMPUTING SERVICES.
		ASSISTANT COMMISSIONER FOR INDUSTRIAL PRICES AND PRICE INDEXES.
		ASSOCIATE COMMISSIONER FOR EMPLOYMENT AND UNEMPLOYMENT STATISTICS.
		ASSISTANT COMMISSIONER FOR CURRENT EMPLOYMENT ANALYSIS.
		ASSOCIATE COMMISSIONER FOR SURVEY METHODS RESEARCH.
		DIRECTOR OF SURVEY PROCESSING.
		ASSISTANT COMMISSIONER FOR REGIONAL OPERATIONS (3).
		ASSISTANT COMMISSIONER FOR CONSUMER PRICES AND PRICES INDEXES.
		ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS.
		ASSISTANT COMMISSIONER FOR OCCUPATIONAL STATISTICS AND EMPLOYMENT PROJECTIONS.
		ASSOCIATE COMMISSIONER FOR PRICES AND LIVING CONDITIONS.
		ASSISTANT COMMISSIONER FOR INDUSTRY EMPLOYMENT STATISTICS.
	EMPLOYEE BENEFITS SECURITY ADMINISTRATION.	REGIONAL DIRECTOR—PHILADELPHIA.
		DEPUTY ASSISTANT SECRETARY REGIONAL OFFICES.
		REGIONAL DIRECTOR NEW YORK.
		CHIEF ACCOUNTANT.
		REGIONAL DIRECTOR—NEW YORK.
		REGIONAL DIRECTOR.
		DIRECTOR OF EXEMPTION DETERMINATIONS.
		DIRECTOR OF REGULATIONS AND INTERPRETATIONS.
		DEPUTY ASSISTANT SECRETARY FOR PROGRAM OPERATIONS.
		DIRECTOR OF HEALTH PLAN STANDARDS COMPLIANCE AND ASSISTANCE.
		DIRECTOR, OFFICE OF TECHNOLOGY AND INFORMATION SERVICES.
		REGIONAL DIRECTOR—BOSTON.

Agency name	Organization name	Position title
		REGIONAL DIRECTOR—ATLANTA.
		REGIONAL DIRECTOR—KANSAS CITY.
		REGIONAL DIRECTOR—SAN FRANCISCO.
		DIRECTOR OF ENFORCEMENT.
		DIRECTOR, OFFICE OF OUTREACH EDUCATION AND ASSISTANCE.
		REGIONAL DIRECTOR—CHICAGO.
	EMPLOYMENT AND TRAINING ADMINISTRATION.	ASSOCIATE ADMINISTRATOR.
		COMPTROLLER.
		DEPUTY ASSISTANT SECRETARY (OPERATIONS AND MANAGEMENT).
		DEPUTY ADMINISTRATOR JOB CORP.
		DEPUTY ADMINISTRATOR, OFFICE OF JOB CORP.
		ADMINISTRATOR, OFFICE OF WORKFORCE SECURITY.
		ADMINISTRATOR, OFFICE OF FOREIGN LABOR CERTIFICATION.
		ADMINISTRATOR, OFFICE OF TRADE ADJUSTMENT ASSISTANCE.
		ADMINISTRATOR, OFFICE OF GRANTS MANAGEMENT.
		ADMINISTRATOR, OFFICE OF POLICY DEVELOPMENT AND RESEARCH.
		ADMINISTRATOR, OFFICE OF JOB CORPS.
		REGIONAL ADMINISTRATOR (4).
		ADMINISTRATOR, APPRENTICESHIP AND TRAINING, EMPLOYEE AND LABOR SERVICES.
	MINE SAFETY AND HEALTH ADMINISTRATION.	DIRECTOR OF PROGRAM EVALUATION AND INFORMATION RESOURCES.
		REGIONAL ADMINISTRATOR.
		DIRECTOR OF ADMINISTRATION AND MANAGEMENT.
		DEPUTY ASSISTANT SECRETARY.
		DIRECTOR, OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT, AND INVESTIGATIONS.
		CHIEF OF STANDARDS, REGULATIONS AND VARIANCES.
		DIRECTOR OF TECHNICAL SUPPORT.
		DEPUTY ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH.
	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.	DIRECTOR OF CONSTRUCTION.
		DIRECTORATE OF TECHNICAL SUPPORT AND EMERGENCY MANAGEMENT.
		DIRECTOR, ADMINISTRATIVE PROGRAMS.
	OFFICE OF DISABILITY EMPLOYMENT POLICY.	DEPUTY ASSISTANT SECRETARY.
		DIRECTOR FOR PROGRAM MANAGEMENT.
	OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.	REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.
		DIRECTOR, MANAGEMENT AND ADMINISTRATIVE PROGRAMS.
		≤REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (3).
		DIRECTOR, DIVISION OF POLICY, PLANNING AND PROGRAM DEVELOPMENT.
		REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.
		REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACTS COMPLIANCE PROGRAMS.
	OFFICE OF LABOR-MANAGEMENT STANDARDS.	DIRECTOR, OFFICE OF PROGRAM OPERATIONS.
		DIRECTOR, OFFICE OF FIELD OPERATIONS.
		REGIONAL DIRECTOR, SAINT LOUIS, MO.
		REGIONAL DIRECTOR, MILWAUKEE.
		REGIONAL DIRECTOR, NEW YORK, NEW YORK.

Agency name	Organization name	Position title
		REGIONAL DIRECTOR, NEW ORLEANS.
		DEPUTY DIRECTOR, OFFICE OF LABOR MANAGEMENT STANDARDS.
	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT.	DIRECTOR, PERFORMANCE MANAGEMENT CENTER.
		DIRECTOR BUSINESS OPERATIONS CENTER.
		DIRECTOR OF CIVIL RIGHTS.
		DIRECTOR, DIRECTORATE OF INFORMATION TECHNOLOGY OPERATIONS AND SERVICES.
		SENIOR DIRECTOR OF JOB CORPS ACQUISITION SERVICES.
		HEAD OF CONTRACTING ACTIVITY.
		DEPUTY ASSISTANT SECRETARY FOR BUDGET.
		DIRECTOR OF CASE MANAGEMENT.
		DIRECTOR, GRANTS MANAGEMENT.
		DIRECTOR, BENEFITS AND PAYMENTS.
		DIRECTOR, BUSINESS APPLICATION SERVICES.
		CHIEF TECHNOLOGY OFFICER.
		SENIOR PROCUREMENT EXECUTIVE.
		DIRECTOR, CYBERSECURITY AND CHIEF INFORMATION SECURITY OFFICER.
		DIRECTOR OF ENTERPRISE SERVICES.
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY DIRECTOR OF HUMAN RESOURCES.
		DEPUTY ASSISTANT SECRETARY FOR OPERATIONS.
		DIRECTOR DEPARTMENTAL BUDGET CENTER.
	OFFICE OF THE ASSISTANT SECRETARY FOR POLICY.	DIRECTOR, OFFICE OF REGULATORY AND PROGRAMMATIC POLICY.
		DEPUTY ASSISTANT SECRETARY FOR POLICY.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL SYSTEMS.
		DEPUTY CHIEF FINANCIAL OFFICER (2).
	OFFICE OF THE SOLICITOR	ASSOCIATE SOLICITOR, MANAGEMENT AND ADMINISTRATIVE LEGAL SERVICES DIVISION.
		ASSOCIATE SOLICITOR FOR CIVIL RIGHTS AND LABOR MANAGEMENT.
		ASSOCIATE SOLICITOR FOR BLACK LUNG AND LONGSHORE LEGAL SERVICES.
		DEPUTY SOLICITOR (NATIONAL OPERATIONS).
		ASSOCIATE SOLICITOR FOR FAIR LABOR STANDARDS.
		REGIONAL SOLICITOR—ATLANTA.
		ASSOCIATE SOLICITOR FOR FEDERAL EMPLOYEES' AND ENERGY WORKERS' COMPENSATION.
		REGIONAL SOLICITOR—BOSTON.
		REGIONAL SOLICITOR—NEW YORK.
		ASSOCIATE SOLICITOR FOR PLAN BENEFITS SECURITY.
		DEPUTY SOLICITOR (REGIONAL OPERATIONS).
		ASSOCIATE SOLICITOR FOR OCCUPATIONAL SAFETY AND HEALTH.
		ASSOCIATE SOLICITOR FOR MINE SAFETY AND HEALTH.
		REGIONAL SOLICITOR—CHICAGO.
		REGIONAL SOLICITOR—PHILADELPHIA.
		REGIONAL SOLICITOR—DALLAS.
		REGIONAL SOLICITOR—SAN FRANCISCO.

Agency name	Organization name	Position title
	OFFICE OF WORKERS COMPENSATION PROGRAMS.	DEPUTY DIRECTOR FOR OFFICE OF WORKERS' COMPENSATION PROGRAMS.
		DIRECTOR, ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENSATION.
		DIRECTOR OF COAL MINE WORKERS COMPENSATION.
		ADMINISTRATIVE OFFICER.
		DEPUTY DIRECTOR, POLICY AND NATIONAL OPERATIONS.
		NATIONAL ADMINISTRATION OF FIELD OPERATIONS, DIVISION OF FEDERAL EMPLOYEES COMPENSATION.
		NATIONAL ADMINISTRATION OF FIELD OPERATION, DIVISION OF ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION.
		DEPUTY DIRECTOR, CLAIMS ADMINISTRATION, POLICY, HEARINGS, AND TECHNICAL ASSISTANCE.
		DEPUTY DIRECTOR, PROGRAM AND SYSTEMS INTEGRITY.
		COMPTROLLER.
		REGIONAL DIRECTOR (NORTHEAST REGION).
		REGIONAL DIRECTOR—DALLAS.
		REGIONAL DIRECTOR (2).
		COMPTROLLER.
		DIRECTOR FOR FEDERAL EMPLOYEES' COMPENSATION.
	VETERANS EMPLOYMENT AND TRAINING SERVICE.	DIRECTOR, OFFICE OF FIELD OPERATIONS.
		DIRECTOR OF NATIONAL PROGRAMS.
		DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT.
	WAGE AND HOUR DIVISION	ASSISTANT ADMINISTRATOR, OPERATIONS.
		ASSOCIATE ADMINISTRATOR, REGIONAL ENFORCEMENT AND SUPPORT.
		ASSOCIATE ADMINISTRATOR FOR ENTERPRISE DATA AND ANALYTICS.
	WOMEN'S BUREAU	DEPUTY DIRECTOR, WOMEN'S BUREAU.
DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL		
	DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		CHIEF PERFORMANCE AND RISK MANAGEMENT OFFICER.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		ASSISTANT INSPECTOR GENERAL FOR CONGRESSIONAL AND PUBLIC RELATIONS.
MERIT SYSTEMS PROTECTION BOARD		
MERIT SYSTEMS PROTECTION BOARD	DALLAS REGIONAL OFFICE	REGIONAL DIRECTOR, DALLAS.
OFFICE OF REGIONAL OPERATIONS	ATLANTA REGIONAL OFFICE	REGIONAL DIRECTOR, ATLANTA.
	CENTRAL REGION, CHICAGO REGIONAL OFFICE.	REGIONAL DIRECTOR, CHICAGO.
	NORTHEAST REGION, PHILADELPHIA REGIONAL OFFICE.	REGIONAL DIRECTOR, PHILADELPHIA.

Agency name	Organization name	Position title
	WASHINGTON, DC REGION, WASHINGTON REGIONAL OFFICE.	REGIONAL DIRECTOR, WASHINGTON, D.C.
	WESTERN REGION, OAKLAND REGIONAL OFFICE.	REGIONAL DIRECTOR, OAKLAND.
OFFICE OF THE BOARD, CHAIRMAN	OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT.	DIRECTOR, FINANCIAL AND ADMINISTRATIVE MANAGEMENT.
	OFFICE OF INFORMATION RESOURCES MANAGEMENT.	DIRECTOR, INFORMATION RESOURCES MANAGEMENT.
	OFFICE OF POLICY AND EVALUATION	DIRECTOR, OFFICE OF POLICY AND EVALUATION.
	OFFICE OF REGIONAL OPERATIONS	DIRECTOR, OFFICE OF REGIONAL OPERATIONS.
	OFFICE OF THE CLERK OF THE BOARD	CLERK OF THE BOARD.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION		
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, SPACEPORT INTEGRATION AND SERVICES.
		DIRECTOR, COMMUNICATION AND PUBLIC ENGAGEMENT.
		DIRECTOR, EXPLORATION RESEARCH AND TECHNOLOGY PROGRAMS.
		GROUND SYSTEMS INTEGRATION MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
AERONAUTICS RESEARCH MISSION DIRECTORATE		
AERONAUTICS RESEARCH MISSION DIRECTORATE.	AMES RESEARCH CENTER	DEPUTY DIRECTOR, SCIENCE.
		DIRECTOR, PROGRAMS AND PROJECTS.
		ASSOCIATE DIRECTOR FOR RESEARCH AND TECHNOLOGY.
		DEPUTY DIRECTOR, EXPLORATION TECHNOLOGY.
		PROGRAM MANAGER FOR SOFIA.
		PROCUREMENT OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY CENTER DIRECTOR, ARC.
		DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DEPUTY DIRECTOR, AERONAUTICS.
		DIRECTOR OF SCIENCE.
		DIRECTOR, EXPLORATION TECHNOLOGY.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR OF CENTER OPERATIONS.
		DIRECTOR OF AERONAUTICS.
		ASSISTANT CENTER DIRECTOR FOR MANAGEMENT OPERATIONS.
		DIRECTOR OF ENGINEERING.
		CENTER ASSOCIATE DIRECTOR.
	GLENN RESEARCH CENTER	PLUM BROOK STATION MANAGER.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR OF FACILITIES, TEST AND MANUFACTURING DIRECTORATE.
		CENTER ASSOCIATE DIRECTOR.
		DIRECTOR OF CENTER OPERATIONS.
		DIRECTOR, OFFICE OF PROCUREMENT.
		DIRECTOR, AEROSCIENCES EVALUATION AND TEST CAPABILITIES PORTFOLIO.
		DEPUTY DIRECTOR, NASA SAFETY CENTER.
		DEPUTY CENTER DIRECTOR.
		ASSOCIATE DIRECTOR FOR STRATEGY.
		DIRECTOR, FACILITIES, TEST AND MANUFACTURING DIRECTORATE.
		DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		DIRECTOR, AERONAUTICS DIRECTORATE.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, OFFICE OF TECHNOLOGY INCUBATION AND INNOVATION.

Agency name	Organization name	Position title
	LANGLEY RESEARCH CENTER	CHIEF FINANCIAL OFFICER.
		DIRECTOR, SAFETY AND MISSION ASSURANCE OFFICE.
		DIRECTOR, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, ENGINEERING DIRECTORATE.
		DIRECTOR, RESEARCH DIRECTORATE.
		DEPUTY DIRECTOR, RESEARCH DIRECTORATE.
		DIRECTOR, CENTER OPERATIONS DIRECTORATE.
		DIRECTOR, AERONAUTICS RESEARCH DIRECTORATE.
		DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER.
		DEPUTY DIRECTOR, LANGLEY RESEARCH CENTER.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER.
		DIRECTOR, SCIENCE DIRECTORATE.
		DIRECTOR, SYSTEMS ANALYSIS AND ADVANCED CONCEPTS DIRECTORATE.
		DIRECTOR, RESEARCH SERVICES DIRECTORATE.
		DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT.
		MANAGER, NESC INTEGRATION OFFICE.
		MANAGER, LOW BOOM FLIGHT DEMONSTRATION MISSION.
		DEPUTY DIRECTOR FOR STRUCTURES AND MATERIALS.
		DEPUTY DIRECTOR FOR MISSION ASSURANCE.
		SENIOR ADVISOR, ON–ORBIT SERVICING, ASSEMBLY, AND MANUFACTURING.
		DIRECTOR, OFFICE OF STRATEGIC ANALYSIS, COMMUNICATIONS, AND BUSINESS DEVELOPMENT.
		ASSOCIATE DIRECTOR, TECHNICAL.
		SENIOR ADVISOR FOR ENGINEERING DEVELOPMENT.
		DEPUTY DIRECTOR FOR AEROSCIENCES.
		DEPUTY DIRECTOR FOR SAFETY.
		DIRECTOR, EARTH SYSTEM SCIENCE PATHFINDER PROGRAM OFFICE.
		DEPUTY DIRECTOR FOR TECHNICAL CAPABILITIES.
		DEPUTY DIRECTOR FOR AERONAUTICS PROJECTS.
		DIRECTOR, SPACE TECHNOLOGY AND EXPLORATION DIRECTORATE.
		ASSOCIATE DIRECTOR, LANGLEY RESEARCH CENTER.
		DEPUTY DIRECTOR FOR INTELLIGENT FLIGHT SYSTEMS.
GLENN RESEARCH CENTER	NASA SAFETY CENTER	DIRECTOR, AUDITS AND ASSESSMENTS.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF INFORMATION OFFICER.
	RESEARCH AND ENGINEERING DIRECTORATE.	DEPUTY DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE.
		DEPUTY CHIEF, POWER DIVISION.
		CHIEF, POWER DIVISION.
		DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE.
		CHIEF, CHIEF ENGINEER OFFICE.

Agency name	Organization name	Position title
	SPACE FLIGHT SYSTEMS DIRECTORATE	DIRECTOR, SPACE FLIGHT SYSTEMS DIRECTORATE.
		DEPUTY DIRECTOR, SPACE FLIGHT SYSTEMS.
		MANAGER, POWER AND PROPULSION ELEMENT PROJECT OFFICE.
		MANAGER, EUROPEAN SERVICE MODULE INTEGRATION OFFICE.
GODDARD SPACE FLIGHT CENTER	FLIGHT PROJECTS	ASSOCIATE DIRECTOR FOR EXPLORERS AND HELIOPHYSICS PROJECTS DIVISION.
		DEPUTY ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JOINT POLAR SATELLITE SYSTEM (JPSS) GROUND.
	INFORMATION TECHNOLOGY	CHIEF INFORMATION OFFICER.
	MANAGEMENT OPERATIONS	DEPUTY DIRECTOR OF MANAGEMENT OPERATIONS.
	SCIENCES AND EXPLORATION	DEPUTY DIRECTOR OF SCIENCES AND EXPLORATION.
JOHNSON SPACE CENTER	CENTER OPERATIONS	DIRECTOR, CENTER OPERATIONS.
	ENGINEERING	CHIEF, AEROSCIENCE AND FLIGHT MECHANICS DIVISION.
		CHIEF, PROPULSION AND POWER DIVISION.
		DEPUTY DIRECTOR, ENGINEERING.
		CHIEF, SOFTWARE, ROBOTICS AND SIMULATION DIVISION.
		DIRECTOR, ENGINEERING.
	EXPLORATION INTEGRATION AND SCIENCE.	DEPUTY DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE.
		DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE.
		ASSOCIATE DIRECTOR, EXPLORATION, INTEGRATION AND SCIENCE.
		MANAGER, EXTRA VEHICULAR ACTIVITY MANAGEMENT OFFICE.
	FLIGHT OPERATIONS	CHIEF ASTRONAUT OFFICE.
		CHIEF, FLIGHT DIRECTOR OFFICE.
		CHIEF, AIRCRAFT OPERATIONS DIVISION.
		CHIEF, MISSION SYSTEMS DIVISION.
		DEPUTY DIRECTOR, FLIGHT OPERATIONS.
		DIRECTOR, FLIGHT OPERATIONS.
	HUMAN HEALTH AND PERFORMANCE	DEPUTY DIRECTOR, HUMAN HEALTH AND PERFORMANCE
		DIRECTOR, HUMAN HEALTH AND PERFORMANCE.
	INFORMATION RESOURCES	DIRECTOR, INFORMATION RESOURCES.
	OFFICE OF PROCUREMENT	DIRECTOR, OFFICE OF PROCUREMENT.
		SENIOR ADVISOR (TRANSFORMATION).
	ORION PROGRAM	MANAGER, ORION PROGRAM.
		DEPUTY MANAGER, ORION PROGRAM.
		MANAGER, AVIONICS, POWER AND SOFTWARE OFFICE.
	SPACE STATION PROGRAM OFFICE	MANAGER, EXTERNAL INTEGRATION OFFICE.
		DEPUTY MANAGER FOR UTILIZATION.
		MANAGER, INTERNATIONAL SPACE STATION RESEARCH INTEGRATION OFFICE.
		MANAGER, OPERATIONS INTEGRATION.
		MANAGER, SAFETY AND MISSION ASSURANCE/PROGRAM RISK OFFICE, ISSP.
		MANAGER, INTERNATIONAL SPACE STATION TRANSPORTATION INTEGRATION.
		MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, INTERNATIONAL SPACE STATION.
		MANAGER, AVIONICS AND SOFTWARE OFFICE.
		DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM.
		MANAGER, VEHICLE OFFICE.

Agency name	Organization name	Position title
		MANAGER, INTERNATIONAL SPACE STATION PROGRAM.
	WHITE SANDS TEST FACILITY	MANAGER, WHITE SANDS TEST FACILITY.
KENNEDY SPACE CENTER	LAUNCH SERVICES PROGRAM	MANAGER, LAUNCH SERVICES PROGRAM.
	SAFETY AND MISSION ASSURANCE	DIRECTOR, SAFETY AND MISSION ASSURANCE.
MISSION SUPPORT DIRECTORATE	NASA SHARED SERVICES CENTER	DIRECTOR, SERVICE DELIVERY DIRECTORATE.
		DIRECTOR, SUPPORT OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR OF NASA SHARED SERVICES CENTER.
	OFFICE OF CHIEF HEALTH AND MEDICAL OFFICER.	CHIEF HEALTH AND MEDICAL OFFICER.
		DEPUTY CHIEF HEALTH AND MEDICAL OFFICER.
	OFFICE OF HEADQUARTERS OPERATIONS.	DIRECTOR, HEADQUARTERS INFORMATION AND COMMUNICATION DIVISION.
		DIRECTOR, HUMAN RESOURCE MANAGEMENT DIVISION.
		DIRECTOR, BUDGET MANAGEMENT AND SYSTEMS SUPPORT.
		EXECUTIVE DIRECTOR, HEADQUARTERS OPERATIONS.
	OFFICE OF HUMAN CAPITAL MANAGEMENT.	DIRECTOR, HUMAN RESOURCES SERVICES DIVISION.
		SPECIAL ASSISTANT TO THE CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, BUSINESS OPERATIONS DIVISION.
		DEPUTY ASSISTANT ADMINISTRATOR FOR HIRING.
		DIRECTOR, EXECUTIVE RESOURCES.
		DEPUTY ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, WORKFORCE STRATEGY DIVISION.
		DIRECTOR, WORKFORCE CULTURE DIVISION.
		ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, TALENT ACQUISITION AND DEVELOPMENT PROGRAM OFFICE.
	OFFICE OF PROCUREMENT	DIRECTOR, PROGRAM OPERATIONS DIVISION.
		DIRECTOR, OFFICE OF PROCUREMENT.
		DEPUTY ASSISTANT ADMINISTRATOR FOR OFFICE OF PROCUREMENT.
		DIRECTOR, INFORMATION TECHNOLOGY PROCUREMENT OFFICE.
		DIRECTOR, CONTRACT MANAGEMENT DIVISION.
		ASSISTANT ADMINISTRATOR FOR PROCUREMENT.
		DIRECTOR, OFFICE OF PROCUREMENT.
	OFFICE OF PROTECTIVE SERVICES	ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES.
		DEPUTY ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES.
		SENIOR ADVISOR (TRANSFORMATION).
		DIRECTOR OF COUNTERINTELLIGENCE/COUNTERTERRORISM FOR PROTECTIVE SERVICES.
	OFFICE OF STRATEGIC INFRASTRUCTURE.	DIRECTOR ENVIRONMENTAL MANAGEMENT DIVISION.
		SENIOR ADVISOR (TRANSFORMATION)
		ASSISTANT ADMINISTRATOR FOR INFRASTRUCTURE AND ADMINISTRATION
		DIRECTOR, LOGISTICS MANAGEMENT DIVISION
		DIRECTOR, FACILITIES AND REAL ESTATE
		DEPUTY ASSISTANT ADMINISTRATOR FOR STRATEGIC INFRASTRUCTURE

Agency name	Organization name	Position title
		DIRECTOR, SPACE ENVIRONMENTS TESTING MANAGEMENT OFFICE (SETMO)
	OFFICE OF THE CHIEF ENGINEER	CHIEF ENGINEER.
		DEPUTY FOR MANAGEMENT.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DEPUTY CHIEF FINANCIAL OFFICER (APPROPRIATIONS).
		DIRECTOR, POLICY DIVISION
		DIRECTOR, BUDGET DIVISION
		DEPUTY CHIEF FINANCIAL OFFICER (FINANCE)
		DIRECTOR, FINANCIAL MANAGEMENT DIVISION
		DIRECTOR, QUALITY ASSURANCE
		DIRECTOR, STRATEGIC INVESTMENT DIVISION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	OFFICE OF SAFETY AND MISSION ASSURANCE.	DIRECTOR, INSTITUTIONAL SAFETY MANAGEMENT DIVISION.
		DIRECTOR, INDEPENDENT VERIFICATION AND VALIDATION PROGRAM.
	OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINISTRATOR.
		DEPUTY ASSOCIATE ADMINISTRATOR.
		SENIOR ADVISOR.
		SENIOR ADVISOR TO THE DEPUTY ASSOCIATE ADMINISTRATOR.
		DIRECTOR FIELD OPERATIONS DIVISION.
		SENIOR ADVISOR TO THE ASSOCIATE ADMINISTRATOR.
		DIGITAL TRANSFORMATION OFFICER.
		DEPUTY DIGITAL TRANSFORMATION OFFICER AND CHIEF DATA OFFICER.
	STENNIS SPACE CENTER	DIRECTOR, OFFICE OF SAFETY AND MISSION ASSURANCE.
		DIRECTOR, CENTER OPERATIONS DIRECTORATE.
		DEPUTY DIRECTOR, ENGINEERING AND TEST DIRECTORATE.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, STENNIS SPACE CENTER.
		DIRECTOR, ENGINEERING AND SCIENCE DIRECTORATE.
		ASSOCIATE DIRECTOR.
OFFICE OF EARTH SCIENCE	GODDARD SPACE FLIGHT CENTER	DIRECTOR, SOLAR SYSTEM EXPLORATION DIVISION.
		CHIEF, MECHANICAL SYSTEMS DIVISION.
		CHIEF, INSTRUMENT SYSTEMS AND TECHNOLOGY DIVISION.
		DEPUTY DIRECTOR FOR PLANNING AND BUSINESS MANAGEMENT.
		ASSOCIATE DIRECTOR FOR ASTROPHYSICS PROJECTS DIVISION.
		CENTER ASSOCIATE DIRECTOR.
		CHIEF, ELECTRICAL ENGINEERING DIVISION.
		DIRECTOR OF ENGINEERING AND TECHNOLOGY.
		DEPUTY DIRECTOR OF ENGINEERING AND TECHNOLOGY.
		CHIEF, SOFTWARE ENGINEERING DIVISION.
		DIRECTOR, EARTH SCIENCES DIVISION.
		CHIEF, GODDARD INSTITUTE FOR SPACE STUDIES.
		DIRECTOR, ASTROPHYSICS SCIENCE DIVISION.
		DIRECTOR OF THE OFFICE OF HUMAN CAPITAL MANAGEMENT.
		DIRECTOR OF FLIGHT PROJECTS.
		DIRECTOR OF MANAGEMENT OPERATIONS.
		DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DIRECTOR OFFICE OF PROCUREMENT.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR.
		DEPUTY DIRECTOR OF FLIGHT PROJECTS.
		DIRECTOR OF WALLOPS FLIGHT FACILITY.
		DEPUTY DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DIRECTOR OF SCIENCES AND EXPLORATION.
		CHIEF INFORMATION OFFICER AND DIRECTOR OF INFORMATION TECHNOLOGY AND COMMUNICATIONS DIRECTORATE.
		DEPUTY DIRECTOR WALLOPS FLIGHT FACILITY.
		DEPUTY ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JOINT POLAR SATELLITE SYSTEM (JPSS) FLIGHT.
		SPECIAL ASSISTANT FOR PROJECT MANAGEMENT TRAINING.
		ASSOCIATE DIRECTOR FOR SATELLITE SERVICING CAPABILITIES PROJECT.
		DEPUTY DIRECTOR FOR TECHNICAL MANAGEMENT.
		ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR THE INSTRUMENT AND SPECIAL PROJECTS DIVISION.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, HELIOPHYSICS SCIENCE DIVISION.
		ASSOCIATE DIRECTOR FOR EXPLORATION AND SPACE COMMUNICATIONS PROJECTS DIVISION.
		ASSOCIATE DIRECTOR FOR EARTH SCIENCE PROJECTS DIVISION.
		CHIEF, MISSION ENGINEERING AND SYSTEMS ANALYSIS DIVISION.
		DEPUTY DIRECTOR FOR INSTITUTIONS, PROGRAMS, AND BUSINESS MANAGEMENT.
		DEPUTY DIRECTOR FOR TECHNOLOGY AND RESEARCH INVESTMENTS.
		DEPUTY DIRECTOR FLIGHT PROJECTS FOR PLANNING AND BUSINESS MANAGEMENT.
		CHIEF FINANCIAL OFFICER.
OFFICE OF PUBLIC AFFAIRS	OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.	DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.
OFFICE OF SMALL BUSINESS PROGRAMS	JOHNSON SPACE CENTER	MANAGER, PROGRAM PLANNING AND CONTROL, ORION.
		MANAGER, CREW AND SERVICE MODULE OFFICE.
		DEPUTY MANAGER, FLIGHT DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PROGRAM.
		CHIEF FINANCIAL OFFICER.
		CHIEF, ASTROMATERIALS RESEARCH AND EXPLORATION SCIENCE (ARES).
		CHIEF, AVIONIC SYSTEMS DIVISION.
		MANAGER, OPERATIONS INTEGRATION, COMMERCIAL CREW PROGRAM.
		CHIEF, STRUCTURAL ENGINEERING DIVISION.
		MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE, GATEWAY.
		DEPUTY MANAGER, GATEWAY PROGRAM.
		MANAGER, VEHICLE SYSTEMS INTEGRATION.
		DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM (UTILIZATION).

Agency name	Organization name	Position title
	KENNEDY SPACE CENTER	PRODUCTION MANAGER, GATEWAY PROGRAM.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM (OPERATIONS).
		MANAGER, VEHICLE INTEGRATION OFFICE.
		DIRECTOR, EXTERNAL RELATIONS.
		CENTER ASSOCIATE DIRECTOR.
		DIRECTOR OF HUMAN RESOURCES.
		DEPUTY DIRECTOR, JOHNSON SPACE CENTER.
		DEPUTY DIRECTOR, JOHN F KENNEDY SPACE CENTER.
		ASSOCIATE DIRECTOR, TECHNICAL, JOHN F KENNEDY SPACE CENTER.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, PROCUREMENT.
		DEPUTY DIRECTOR, ENGINEERING.
		ASSOCIATE DIRECTOR, ENGINEERING.
		DIRECTOR, ENGINEERING.
		DEPUTY MANAGER, LAUNCH SERVICES PROGRAM.
		DEPUTY MANAGER, GROUND DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PROGRAM.
		MANAGER, COMMERCIAL CREW PROGRAM.
		CHIEF INFORMATION OFFICER, KENNEDY SPACE CENTER.
		MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
		DEPUTY MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
		PRINCIPAL ADVISOR FOR SPACE TRANSPORTATION.
		DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE.
		DEPUTY DIRECTOR, SPACEPORT INTEGRATION AND SERVICES.
		ASSOCIATE DIRECTOR, MANAGEMENT.
		CHIEF, COMMERCIAL SYSTEMS DIVISION, ENGINEERING.
		CHIEF, EXPLORATION SYSTEMS AND OPERATIONS DIVISION, ENGINEERING.
		ASSOCIATE MANAGER, TECHNICAL, EXPLORATION GROUND SYSTEMS PROGRAM.
		MANAGER, DEEP SPACE GATEWAY, LOGISTICS ELEMENT.
		CHIEF, LABORATORIES AND TEST FACILITIES DIVISION, ENGINEERING.
		CHIEF, TECHNICAL PERFORMANCE AND INTEGRATION DIVISION, ENGINEERING.
	MARSHALL SPACE FLIGHT CENTER	MANAGER, HABITATION ELEMENT OFFICE, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE.
		CHIEF FINANCIAL OFFICER.
		MANAGER, SCIENCE AND TECHNOLOGY OFFICE.
		ASSOCIATE MANAGER, SCIENCE AND TECHNOLOGY OFFICE.
		DIRECTOR, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, OFFICE OF CENTER OPERATIONS.
		MANAGER, SPACECRAFT/PAYLOAD INTEGRATION AND EVOLUTION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		ASSOCIATE CENTER DIRECTOR.
		DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE.

Agency name	Organization name	Position title
		ASSOCIATE CHIEF INFORMATION OFFICER, APPLICATIONS DIVISION.
		MANAGER, PLANETARY MISSIONS PROGRAM OFFICE.
		MANAGER, BLOCK1B/EXPLORATION UPPER STAGE DEVELOPMENT OFFICE.
		MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE.
		PROGRAM MANAGER, HUMAN LANDING SYSTEM.
		DIRECTOR FOR ADVANCED TECHNOLOGY, SCIENCE AND TECHNOLOGY OFFICE.
		DEPUTY CENTER DIRECTOR.
		MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, SPACE LAUNCH .SYSTEM PROGRAM OFFICE.
		ASSOCIATE PROGRAM MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		DEPUTY DIRECTOR, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, SPACE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DIRECTOR, SPACE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DIRECTOR, MATERIALS AND PROCESSES LAB, ENGINEERING DIRECTORATE.
		DIRECTOR, PROPULSION SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, PROPULSION SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DIRECTOR, TEST LABORATORY, ENGINEERING DIRECTORATE.
		DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		CHIEF ENGINEER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE.
		SPACE LAUNCH SYSTEM CHIEF SAFETY OFFICER, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		DEPUTY MANAGER, SCIENCE AND TECHNOLOGY OFFICE.
		DIRECTOR, OFFICE OF STRATEGIC ANALYSIS AND COMMUNICATIONS.
		ASSOCIATE CENTER DIRECTOR, TECHNICAL.
		ASSOCIATE DIRECTOR FOR TECHNICAL OPERATIONS, ENGINEERING DIRECTORATE.
		DIRECTOR, MICHOUD ASSEMBLY FACILITY.
		DEPUTY MANAGER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE.
		ASSOCIATE DIRECTOR FOR OPERATIONS, ENGINEERING DIRECTORATE.
		DIRECTOR, OFFICE OF CENTER OPERATIONS.
		MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		DEPUTY MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE.

Agency name	Organization name	Position title
		MANAGER, ENGINES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, STAGES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, BOOSTERS OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		CHIEF ENGINEER, SPACE LAUNCH SYSTEM, ENGINEERING DIRECTORATE.
		DIRECTOR, OFFICE OF THE CHIEF INFORMATION OFFICER.
		DEPUTY MANAGER, HUMAN LANDING SYSTEM PROGRAM OFFICE.
		INTERNATIONAL SPACE STATION COST ACCOUNT MANAGER.
		MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE.
		MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE.
		DEPUTY MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE.
OFFICE OF THE ADMINISTRATOR	AERONAUTICS RESEARCH MISSION DIRECTORATE.	DIRECTOR OF AIRSPACE OPERATIONS AND SAFETY PROGRAM OFFICE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY.
		DEPUTY ASSOCIATE ADMINISTRATOR.
		DIRECTOR, PORTFOLIO ANALYSIS AND MANAGEMENT OFFICE.
		DIRECTOR OF TRANSFORMATIVE AERONAUTICS CONCEPTS PROGRAM OFFICE.
		DIRECTOR FOR INTEGRATED AVIATION SYSTEMS PROGRAM.
		DIRECTOR OF ADVANCED AIR VEHICLES PROGRAM OFFICE.
	CHIEF OF STAFF	ASSOCIATE ADMINISTRATOR, STRATEGY AND PLANS.
		SENIOR ADVISOR, AGENCY ARCHITECTURES AND MISSION ALIGNMENT.
	HUMAN EXPLORATION AND OPERATIONS MISSION DIRECTORATE.	DEPUTY ASSOCIATE ADMINISTRATOR, ADVANCED EXPLORATION SYSTEMS.
		MANAGER, ROCKET PROPULSION TEST PROGRAM OFFICE.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION (SCAN) OFFICE.
		DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR HUMAN EXPLORATION AND OPERATIONS.
		GATEWAY PROGRAM MANAGER.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR SYSTEMS ENGINEERING AND INTEGRATION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ARTEMIS PHASE I/PRODUCTION AND OPERATIONS.
		EXPLORATION SYSTEMS DEVELOPMENT SAFETY AND MISSION ASSURANCE MANAGER.
		DIRECTOR, BIOLOGICAL AND PHYSICAL SCIENCES DIVISION.
		DEPUTY DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR, MANAGEMENT.

Agency name	Organization name	Position title
		SPECIAL ASSISTANT TO THE DEPUTY ASSOCIATE ADMINISTRATOR, SYSTEMS ENGINEERING AND INTEGRATION.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR, ADVANCED EXPLORATION SYSTEMS.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR, SYSTEMS ENGINEERING AND INTEGRATION.
		SPECIAL ASSISTANT TO THE ASSOCIATE ADMINISTRATOR, HUMAN EXPLORATION AND OPERATIONS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DIRECTOR, PROGRAM AND STRATEGIC INTEGRATION OFFICE.
		DIRECTOR, HUMAN RESEARCH PROGRAM.
		DIRECTOR, LAUNCH SERVICES OFFICE.
		DIRECTOR, NETWORK SERVICES.
		DIRECTOR, HUMAN SPACEFLIGHT CAPABILITIES DIVISION.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION SYSTEMS DEVELOPMENT.
		DIRECTOR, RESOURCES MANAGEMENT OFFICE.
		DIRECTOR, COMMERCIAL SPACEFLIGHT DEVELOPMENT DIVISION.
		POWER PROPULSION ELEMENT, PROGRAM DIRECTOR.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION.
		DIRECTOR, INTERNATIONAL SPACE STATION.
	MISSION SUPPORT DIRECTORATE	DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION SUPPORT.
		ASSISTANT ASSOCIATE ADMINISTRATOR FOR RESOURCES AND PERFORMANCE.
		DEPUTY PROGRAM EXECUTIVE FOR MISSION SUPPORT FUTURE ARCHITECTURE PROGRAM (MAP).
		SENIOR ADVISOR FOR TRANSFORMATION (MAP).
		DEPUTY ASSOCIATE ADMINISTRATOR, MISSION SUPPORT.
		DEPUTY ASSOCIATE ADMINISTRATOR, MISSION SUPPORT TRANSFORMATION OFFICE.
		DIRECTOR, STRATEGY AND INTEGRATION OFFICE.
		DIRECTOR, RESOURCES AND PERFORMANCE MANAGEMENT OFFICE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
	NASA MANAGEMENT OFFICE	DEPUTY DIRECTOR, NASA MANAGEMENT OFFICE.
	OFFICE OF COMMUNICATIONS	SENIOR ADVISOR FOR TRANSFORMATION (MAP).
		DIRECTOR, PUBLIC ENGAGEMENT AND MULTIMEDIA.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MEDIA OPERATIONS AND TECHNOLOGY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR COMMUNICATIONS.
		STRATEGY AND ENGAGEMENT DIVISION DIRECTOR.

Agency name	Organization name	Position title
	OFFICE OF SAFETY AND MISSION ASSURANCE.	DEPUTY CHIEF SAFETY AND MISSION ASSURANCE OFFICER.
		CHIEF SAFETY AND MISSION ASSURANCE OFFICER.
		DIRECTOR, SAFETY AND ASSURANCE REQUIREMENTS DIVISION.
		DIRECTOR, NASA SAFETY CENTER.
		DIRECTOR, MISSION SUPPORT DIVISION.
	OFFICE OF STEM ENGAGEMENT	SENIOR ADVISOR (TRANSFORMATION).
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY AND INTEGRATION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STEM ENGAGEMENT PROGRAM.
	OFFICE OF THE CHIEF ENGINEER	DEPUTY CHIEF ENGINEER.
		HUMAN EXPLORATION AND OPERATIONS MISSION DIRECTORATE CHIEF ENGINEER.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DEPUTY CHIEF FINANCIAL OFFICER.
		ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER (FINANCE).
		DEPUTY CHIEF FINANCIAL OFFICER (STRATEGY AND PERFORMANCE).
	OFFICE OF THE CHIEF INFORMATION OFFICER.	ASSOCIATE CHIEF INFORMATION OFFICER FOR CAPITAL PLANNING AND GOVERNANCE.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR TECHNOLOGY AND INNOVATION, CHIEF TECHNOLOGY OFFICER.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE SERVICE AND INTEGRATION DIVISION.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER FOR INFORMATION TECHNOLOGY SECURITY.
	OFFICE OF THE CHIEF SCIENTIST	CHIEF SCIENTIST.
		DEPUTY CHIEF SCIENTIST.
	OFFICE OF THE CHIEF TECHNOLOGIST	DEPUTY CHIEF TECHNOLOGIST.
		CHIEF TECHNOLOGIST.
	SCIENCE MISSION DIRECTORATE	DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR, SCIENCE MISSION DIRECTORATE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR RESEARCH.
		DIRECTOR, SCIENCE ENGAGEMENT AND PARTNERSHIPS.
		ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JAMES WEBB SPACE TELESCOPE (JWST).
		DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION.
		DEPUTY DIRECTOR, EARTH SCIENCE DIVISION.
		DEPUTY DIRECTOR, PLANETARY SCIENCE DIVISION.
		DIRECTOR, MARS SAMPLE RETURN PROGRAM.
		PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, ASTROPHYSICS DIVISION.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, PLANETARY SCIENCE.
		DIRECTOR, NASA MANAGEMENT OFFICE.

Agency name	Organization name	Position title
OFFICE OF THE DEPUTY ADMINISTRATOR	ARMSTRONG FLIGHT RESEARCH CENTER	ASSISTANT DIRECTOR FOR STRATEGIC IMPLEMENTATION.
		DIRECTOR FOR RESEARCH AND ENGINEERING.
		CENTER ASSOCIATE DIRECTOR FOR MISSION SUPPORT.
		DIRECTOR FOR FLIGHT OPERATIONS.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR FOR PROGRAMS.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR FOR SAFETY AND MISSION ASSURANCE.
		DEPUTY CENTER DIRECTOR.
		DIRECTOR, MISSION OPERATIONS.
	OFFICE INTERNATIONAL AND INTER-AGENCY RELATIONS.	DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION.
		DIRECTOR, ADVISORY COMMITTEE MANAGEMENT DIVISION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL AND INTER-AGENCY RELATIONS.
		DIRECTOR, SCIENCE DIVISION.
		DIRECTOR, AERONAUTICS AND CROSS AGENCY SUPPORT DIVISION.
		DIRECTOR, HUMAN EXPLORATION AND OPERATIONS DIVISION.
		DEPUTY DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION.
	OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY.	DIRECTOR, DIVERSITY AND DATA/ANALYTICS DIVISION AND FIELD OPERATIONS.
		DIRECTOR, COMPLAINTS MANAGEMENT DIVISION.
		DIRECTOR, EQUAL OPPORTUNITY PROGRAMS DIVISION AND FIELD OPERATIONS.
		CHIEF OF STAFF (STRATEGY AND INTEGRATION).
		EMPLOYMENT OPPORTUNITY COMPLAINTS AND PROGRAMS DIVISION AND FIELD OPERATIONS.
	SPACE TECHNOLOGY MISSION DIRECTORATE.	TECHNOLOGY MATURATION PROGRAM DIRECTOR.
		TECHNOLOGY DEMONSTRATIONS PROGRAM DIRECTOR.
		DIRECTOR, RESOURCE MANAGEMENT OFFICE.
		DEPUTY ASSOCIATE ADMINISTRATOR (STMD).
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		EARLY STAGE INNOVATIONS AND PARTNERSHIPS DIRECTOR.
RESEARCH AND ENGINEERING DIRECTORATE.	COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION.	CHIEF, COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION.
	MATERIALS AND STRUCTURES DIVISION	CHIEF, MATERIALS AND STRUCTURES DIVISION.
	PROPULSION DIVISION	CHIEF, PROPULSION DIVISION.
		DEPUTY CHIEF, PROPULSION DIVISION.
	SYSTEMS ENGINEERING AND ARCHITECTURE DIVISION.	CHIEF, SYSTEMS ENGINEERING AND ARCHITECTURE DIVISION.
SAFETY AND MISSION ASSURANCE	SAFETY AND MISSION ASSURANCE	DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE.
		DIRECTOR, SAFETY AND MISSION ASSURANCE.
SCIENCE MISSION DIRECTORATE	ASTROPHYSICS DIVISION	DIRECTOR, ASTROPHYSICS DIVISION.
		DEPUTY DIRECTOR, ASTROPHYSICS DIVISION.

Agency name	Organization name	Position title
	EARTH SCIENCE DIVISION	DIRECTOR, EARTH SCIENCE DIVISION.
		ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS.
		DEPUTY DIRECTOR, EARTH SCIENCE DIVISION, NASA HQ.
		PROGRAM DIRECTOR RESEARCH AND ANALYSIS PROGRAM.
	HELIOPHYSICS DIVISION	DEPUTY, DIRECTOR, HELIOPHYISCS DIVISION
		DIRECTOR, HELIOPHYSICS DIVISION.
	JAMES WEBB SPACE TELESCOPE PROGRAM OFFICE.	SENIOR SCIENCE ADVISOR.
		DIRECTOR, JAMES WEBB SPACE TELESCOPE PROGRAM.
	JOINT AGENCY SATELLITE DIVISION	DEPUTY DIRECTOR, JOINT AGENCY SATELLITE DIVISION.
		DIRECTOR, JOINT AGENCY SATELLITE DIVISION.
	PLANETARY SCIENCE DIVISION	DIRECTOR, PLANETARY SCIENCE DIVISION.
		DEPUTY DIRECTOR, PLANETARY SCIENCE DIVISION.
		MARS EXPLORATION PROGRAM DIRECTOR.
	RESOURCES MANAGEMENT DIVISION	DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DIRECTOR, RESOURCES MANAGEMENT DIVISION.
	STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.	DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.		
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING.
NATIONAL ARCHIVES AND RECORDS		
ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	CONGRESSIONAL AFFAIRS STAFF	DIRECTOR, CONGRESSIONAL AND LEGISLATIVE AFFAIRS.
	GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF INNOVATION	CHIEF INNOVATION OFFICER.
	OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	CHIEF OF MANAGEMENT AND ADMINISTRATION.
	OFFICE OF THE CHIEF OF STAFF	CHIEF OF STAFF.
	OFFICE OF THE CHIEF OPERATING OFFICER.	CHIEF OPERATING OFFICER.
LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	OFFICE OF PRESIDENTIAL LIBRARIES	DEPUTY FOR PRESIDENTIAL LIBRARIES.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.	ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	DEPUTY ARCHIVIST OF THE UNITED STATES.
OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	BUSINESS SUPPORT SERVICES	BUSINESS SUPPORT SERVICES EXECUTIVE.
	INFORMATION SERVICES	DEPUTY CHIEF INFORMATION OFFICER.
		INFORMATION SERVICES EXECUTIVE/ CHIEF INFORMATION OFFICER.
	OFFICE OF HUMAN CAPITAL	CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF THE CHIEF ACQUISITION OFFICER.	CHIEF ACQUISITION OFFICER.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
OFFICE OF THE CHIEF OPERATING OFFICER.	AGENCY SERVICES	DIRECTOR, NATIONAL PERSONNEL RECORDS CENTER.
		CHIEF RECORDS OFFICER.
		DIRECTOR, NATIONAL DECLASSIFICATION CENTER.
		DIRECTOR, OFFICE OF GOVERNMENT INFORMATION SERVICES.
		DIRECTOR, INFORMATION SECURITY OVERSIGHT OFFICE.

Agency name	Organization name	Position title
		AGENCY SERVICES EXECUTIVE.
		DIRECTOR, RECORDS CENTER PROGRAMS.
	LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES EXECUTIVE.
	OFFICE OF THE FEDERAL REGISTER	DIRECTOR OF THE FEDERAL REGISTER.
	RESEARCH SERVICES	DEPUTY EXECUTIVE FOR ARCHIVAL OPERATIONS.
		RESEARCH SERVICES EXECUTIVE.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL		
	NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
NATIONAL CAPITAL PLANNING COMMISSION		
	NATIONAL CAPITAL PLANNING COMMISSION STAFF.	EXECUTIVE DIRECTOR.
NATIONAL ENDOWMENT FOR THE ARTS		
	NATIONAL ENDOWMENT FOR THE ARTS ..	DEPUTY CHAIRMAN FOR MANAGEMENT AND BUDGET.
		DIRECTOR, RESEARCH AND ANALYSIS.
		CHIEF INFORMATION OFFICER.
NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL		
	NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL.
NATIONAL ENDOWMENT FOR THE HUMANITIES		
	NATIONAL ENDOWMENT FOR THE HUMANITIES.	ASSISTANT CHAIRMAN FOR PLANNING AND OPERATIONS.
NATIONAL LABOR RELATIONS BOARD		
	NATIONAL LABOR RELATIONS BOARD	DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ENFORCEMENT LITIGATION.
DIVISION OF OPERATIONS MANAGEMENT ..	REGIONAL OFFICES	REGIONAL DIRECTOR, REGION 31, LOS ANGELES, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 10, ATLANTA, GEORGIA.
		REGIONAL DIRECTOR, REGION 27, DENVER, COLORADO.
		REGIONAL DIRECTOR REGION 2, NEW YORK.
		REGIONAL DIRECTOR, REGION 3, BUFFALO, NEW YORK.
		REGIONAL DIRECTOR, REGION 4, PHILADELPHIA, PENNSYLVANIA.
		REGIONAL DIRECTOR, REGION 5, BALTIMORE, MARYLAND.
		REGIONAL DIRECTOR, REGION 6, PITTSBURGH, PENNSYLVANIA.
		REGIONAL DIRECTOR, REGION 7, DETROIT, MICHIGAN.
		REGIONAL DIRECTOR, REGION 8, CLEVELAND, OHIO.
		REGIONAL DIRECTOR, REGION 9, CINCINNATI, OHIO.
		REGIONAL DIRECTOR, REGION 11, WINSTON SALEM, NORTH CAROLINA.
		REGIONAL DIRECTOR, REGION 13, CHICAGO, ILLINOIS.
		REGIONAL DIRECTOR, REGION 14, SAINT LOUIS, MISSOURI.
		REGIONAL DIRECTOR, REGION 15, NEW ORLEANS, LOUISIANA.
		REGIONAL DIRECTOR, REGION 16, FORT WORTH, TEXAS.
		REGIONAL DIRECTOR, REGION 17, KANSAS CITY, KANSAS.

Agency name	Organization name	Position title
		REGIONAL DIRECTOR, REGION 18, MINNEAPOLIS, MINNESOTA.
		REGIONAL DIRECTOR, REGION 19, SEATTLE, WASHINGTON.
		REGIONAL DIRECTOR, REGION 20, SAN FRANCISCO, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 21, LOS ANGELES, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 22, NEWARK, NEW JERSEY.
		REGIONAL DIRECTOR, REGION 24, HATO REY, PUERTO RICO.
		REGIONAL DIRECTOR, REGION 25, INDIANAPOLIS, INDIANA.
		REGIONAL DIRECTOR, REGION 26, MEMPHIS, TENNESSEE.
		REGIONAL DIRECTOR, REGION 1, BOSTON, MASSACHUSETTS.
		REGIONAL DIRECTOR, REGION 28, PHOENIX, ARIZONA.
		REGIONAL DIRECTOR, REGION 29, BROOKLYN, NEW YORK.
		REGIONAL DIRECTOR, REGION 30, MILWAUKEE, WISCONSIN.
		REGIONAL DIRECTOR, REGION 32, OAKLAND, CALFORNIA.
NATIONAL LABOR RELATIONS BOARD	OFFICE OF THE BOARD MEMBERS	REGIONAL DIRECTOR, REGION 12, TAMPA, FLORIDA.
		DEPUTY EXECUTIVE SECRETARY.
		EXECUTIVE SECRETARY.
		DEPUTY CHIEF COUNSEL.
		CHIEF INFORMATION OFFICER.
		INSPECTOR GENERAL.
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL (DAEO).
OFFICE OF THE GENERAL COUNSEL	DIVISION OF ADMINISTRATION	DIRECTOR, DIVISION OF ADMINISTRATION.
		DIRECTOR OF ADMINISTRATION.
	DIVISION OF ADVICE	DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE.
		ASSOCIATE GENERAL COUNSEL, DIVISION OF LEGAL COUNSEL.
	DIVISION OF ENFORCEMENT LITIGATION	DEPUTY ASSOCIATE GENERAL COUNSEL, APPELLATE COURT BRANCH.
		DIRECTOR, OFFICE OF APPEALS.
	DIVISION OF OPERATIONS MANAGEMENT	ASSISTANT GENERAL COUNSEL (2).
		ASSISTANT TO GENERAL COUNSEL (2).
		DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATIONS–MANAGEMENT.
		ASSOCIATE TO THE GENERAL COUNSEL, DIVISION OF OPERATION–MANAGEMENT.
NATIONAL SCIENCE FOUNDATION		
DIRECTORATE FOR ENGINEERING	DIVISION OF ENGINEERING EDUCATION AND CENTERS.	DEPUTY DIVISION DIRECTOR.
	DIVISION OF INDUSTRIAL INNOVATION AND PARTNERSHIPS.	DEPUTY DIVISION DIRECTOR.
DIRECTORATE FOR GEOSCIENCES	DIVISION OF ATMOSPHERIC AND GEOSPACE SCIENCES.	SECTION HEAD NCAR/FACILITIES SECTION.
	DIVISION OF EARTH SCIENCES	SECTION HEAD, INTEGRATED ACTIVITIES SECTION.
	DIVISION OF OCEAN SCIENCES	SECTION HEAD, INTEGRATIVE PROGRAMS SECTION.
	OFFICE OF POLAR PROGRAMS	HEAD, SECTION FOR ANTARCTIC INFRASTRUCTURE AND LOGISTIC.
DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES.	DIVISION OF ASTRONOMICAL SCIENCES	DEPUTY DIVISION DIRECTOR.
DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.	DIVISION DIRECTOR.
NATIONAL SCIENCE FOUNDATION	DIRECTORATE FOR BIOLOGICAL SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR COMPUTER AND INFORMATION SCIENCE AND ENGINEERING.	DEPUTY ASSISTANT DIRECTOR.

Agency name	Organization name	Position title
	DIRECTORATE FOR GEOSCIENCES	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	DEPUTY OFFICE HEAD.
		CHIEF FINANCIAL OFFICER AND HEAD, OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.
	OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DEPUTY OFFICE HEAD.
		HEAD, OFFICE OF INFORMATION AND RESOURCE MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER.
OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	BUDGET DIVISION	DIVISION DIRECTOR.
		DEPUTY DIRECTOR.
	DIVISION OF ACQUISITION AND COOPERATIVE SUPPORT.	DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
	DIVISION OF FINANCIAL MANAGEMENT	CONTROLLER AND DEPUTY DIVISION DIRECTOR.
		DEPUTY CHIEF FINANCIAL OFFICER AND DIVISION DIRECTOR.
	DIVISION OF GRANTS AND AGREEMENTS	DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
	DIVISION OF INSTITUTIONAL AND AWARD SUPPORT.	DEPUTY DIVISION DIRECTOR
		DIVISION DIRECTOR.
OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DIVISION OF ADMINISTRATIVE SERVICES	DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
	DIVISION OF HUMAN RESOURCE MANAGEMENT.	DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
	DIVISION OF INFORMATION SYSTEMS	DEPUTY DIVISION DIRECTOR.
OFFICE OF THE DIRECTOR	OFFICE OF DIVERSITY AND INCLUSION	OFFICE HEAD.
	OFFICE OF THE GENERAL COUNSEL	DESIGNATED AGENCY ETHICS OFFICIAL.
		DEPUTY GENERAL COUNSEL.
NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL		
	NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT/CHIEF INFORMATION OFFICER.
		INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL AND COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.
NATIONAL TRANSPORTATION SAFETY BOARD		
OFFICE OF BOARD MEMBERS	OFFICE OF CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER.
	OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS.	DEPUTY DIRECTOR, OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS.
	OFFICE OF THE MANAGING DIRECTOR	DEPUTY MANAGING DIRECTOR FOR INVESTIGATIONS.
		SENIOR ADVISOR FOR POLICY AND STRATEGIC INITIATIVES.
		PRINCIPAL DEPUTY MANAGING DIRECTOR.
OFFICE OF THE MANAGING DIRECTOR	OFFICE OF ADMINISTRATION	DIRECTOR, OFFICE OF ADMINISTRATION.
	OFFICE OF AVIATION SAFETY	DEPUTY DIRECTOR, REGIONAL OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF AVIATION SAFETY.
		DIRECTOR OFFICE OF AVIATION SAFETY.
	OFFICE OF CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER.
	OFFICE OF HIGHWAY SAFETY	DIRECTOR, OFFICE OF HIGHWAY SAFETY.
	OFFICE OF MARINE SAFETY	DIRECTOR, OFFICE OF MARINE SAFETY.
	OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS.	DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS.

Agency name	Organization name	Position title
	OFFICE OF RESEARCH AND ENGINEERING.	DEPUTY DIRECTOR OFFICE OF RESEARCH AND ENGINEERING.
		DIRECTOR OFFICE OF RESEARCH AND ENGINEERING.
NUCLEAR REGULATORY COMMISSION	OFFICE OF ADMINISTRATION	DIRECTOR, DIVISION OF FACILITIES AND SECURITY.
		DIRECTOR, ACQUISITION MANAGEMENT DIVISION.
		DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION.
	OFFICE OF COMMISSION APPELLATE ADJUDICATION.	DIRECTOR, OFFICE OF COMMISSION APPELLATE ADJUDICATION.
	OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS.	DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT.
		DEPUTY DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT.
		DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF FUEL MANAGEMENT.
		DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS.
	OFFICE OF NUCLEAR REACTOR REGULATION.	DEPUTY OFFICE DIRECTOR FOR ENGINEERING.
		DEPUTY OFFICE DIRECTOR FOR REACTOR SAFETY PROGRAMS AND MISSION SUPPORT.
		DIRECTOR, DIVISION OF SAFETY SYSTEMS.
		DEPUTY DIRECTOR, DIVISION OF SAFETY SYSTEMS.
		DEPUTY DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS.
		DEPUTY OFFICE DIRECTOR FOR NEW REACTORS.
		DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING.
		DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING (2).
		DIRECTOR, DIVISION OF REACTOR OVERSIGHT.
		DIRECTOR, DIVISION OF RISK ASSESSMENT.
		DIRECTOR, DIVISION OF NEW AND RENEWED LICENSE.
		DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS.
		DEPUTY DIRECTOR, DIVISION OF NEW AND RENEWED LICENSES.
		DIRECTOR, VOGTLE 3 AND 4 PROJECT OFFICE.
		DEPUTY DIRECTOR, DIVISION OF ADVANCED REACTORS AND NON–POWER PRODUCTION AND UTILIZATION FACILITIES.
		DIRECTOR, DIVISION OF ADVANCED REACTORS AND NON–POWER PRODUCTION AND UTILIZATION FACILITIES.
		DEPUTY DIRECTOR, DIVISION OF REACTOR OVERSIGHT.
		DEPUTY DIRECTOR, DIVISION OF RISK ASSESSMENT.

Agency name	Organization name	Position title
	OFFICE OF NUCLEAR REGULATORY RESEARCH.	DIRECTOR, DIVISION OF ENGINEERING.
		DIRECTOR, DIVISION OF SYSTEMS ANALYSIS.
		DEPUTY DIRECTOR, DIVISION OF SYSTEMS ANALYSIS.
		DIRECTOR, DIVISION OF RISK ANALYSIS.
		DEPUTY DIRECTOR, DIVISION OF RISK ANALYSIS.
		DEPUTY DIRECTOR, DIVISION OF ENGINEERING.
	OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.	DEPUTY DIRECTOR, DIVISION OF SECURITY OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.
		DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE.
		DIRECTOR, DIVISION OF PHYSICAL AND CYBERSECURITY POLICY.
		DEPUTY DIRECTOR, DIVISION OF PHYSICAL AND CYBERSECURITY POLICY.
		DIRECTOR, DIVISION OF SECURITY OPERATIONS.
		DEPUTY DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE.
	OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS.	DIRECTOR, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	COMPTROLLER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		BUDGET DIRECTOR.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DIRECTOR, GOVERNANCE AND ENTERPRISE MANAGEMENT SERVICES DIVISION.
		DIRECTOR, IT SERVICES DEVELOPMENT AND OPERATIONS DIVISION.
	REGION I	DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR DIVISION OF REACTOR SAFETY.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
	REGION II	DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF CONSTRUCTION OVERSIGHT.
		DEPUTY REGIONAL ADMINISTRATOR.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
	REGION III	DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.

Agency name	Organization name	Position title
	REGION IV	DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR DIVISION OF REACTOR PROJECTS.
		ASSISTANT TO THE REGIONAL ADMINISTRATOR.
		DEPUTY REGIONAL ADMINISTRATOR.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL		
	NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS.
	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION		
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR.
OFFICE OF GOVERNMENT ETHICS		
	OFFICE OF GOVERNMENT ETHICS	DEPUTY GENERAL COUNSEL.
		CHIEF OF STAFF AND PROGRAM COUNSEL.
		DEPUTY DIRECTOR FOR COMPLIANCE.
OFFICE OF MANAGEMENT AND BUDGET		
GENERAL GOVERNMENT PROGRAMS	HOUSING, TREASURY AND COMMERCE DIVISION.	DEPUTY ASSOCIATE DIRECTOR FOR HOUSING, TREASURY AND COMMERCE.
		CHIEF, COMMERCE BRANCH.
		CHIEF, HOUSING BRANCH.
		CHIEF, TREASURY BRANCH
	TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES DIVISION.	CHIEF TRANSPORTATION BRANCH.
		CHIEF, JUSTICE BRANCH.
		CHIEF, TRANSPORTATION/GENERAL SERVICES ADMINISTRATION BRANCH.
		DEPUTY ASSOCIATE DIRECTOR, TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES.
		CHIEF, HOMELAND SECURITY BRANCH.
HUMAN RESOURCE PROGRAMS	HEALTH DIVISION	DEPUTY ASSOCIATE DIRECTOR FOR HEALTH.
		CHIEF, MEDICARE BRANCH.
		CHIEF, MEDICAID BRANCH.
		CHIEF, HEALTH INSURANCE AND DATA ANALYSIS BRANCH.
		CHIEF, HEALTH AND HUMAN SERVICES BRANCH.
		CHIEF, PUBLIC HEALTH BRANCH.
NATIONAL SECURITY PROGRAMS	INTERNATIONAL AFFAIRS DIVISION	CHIEF, STATE/UNITED STATES INFORMATION AGENCY BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR INTERNATIONAL AFFAIRS.
		CHIEF, ECONOMIC AFFAIRS BRANCH.
	NATIONAL SECURITY DIVISION	CHIEF, INTELLIGENCE PROGRAMS BRANCH.
		CHIEF, FORCE STRUCTURE AND INVESTMENT BRANCH.
		CHIEF, VETERANS AFFAIRS AND DEFENSE HEALTH BRANCH.
		CHIEF, DEFENSE OPERATIONS, PERSONNEL, AND SUPPORT.
		CHIEF OPERATIONS AND SUPPORT BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR NATIONAL SECURITY.
NATURAL RESOURCE PROGRAMS	ENERGY, SCIENCE AND WATER DIVISION	CHIEF SCIENCE AND SPACE PROGRAMS BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR ENERGY, SCIENCE, AND WATER DIVISION.

Agency name	Organization name	Position title
		CHIEF, ENERGY BRANCH.
		CHIEF, WATER AND POWER BRANCH.
	NATURAL RESOURCES DIVISION	CHIEF INTERIOR BRANCH.
		CHIEF, ENVIRONMENT BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR NATURAL RESOURCES.
		CHIEF, AGRICULTURE BRANCH.
OFFICE OF INFORMATION AND REGULATORY AFFAIRS.	OFFICE OF E-GOVERNMENT AND INFORMATION TECHNOLOGY.	CHIEF ARCHITECT.
OFFICE OF MANAGEMENT AND BUDGET	OFFICE OF THE DIRECTOR	EXECUTIVE SECRETARY.
		SENIOR ADVISOR (3).
	STAFF OFFICES	ASSISTANT DIRECTOR FOR MANAGEMENT AND OPERATIONS.
		DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY.
		DEPUTY ASSISTANT DIRECTOR FOR MANAGEMENT.
OFFICE OF THE DIRECTOR	BUDGET REVIEW	CHIEF BUDGET ANALYSIS BRANCH.
		CHIEF, BUDGET CONCEPTS BRANCH
		ASSISTANT DIRECTOR FOR BUDGET REVIEW
		DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW
		CHIEF, BUDGET SYSTEMS BRANCH
		DEPUTY CHIEF BUDGET ANALYSIS BRANCH
		CHIEF, BUDGET REVIEW BRANCH
		DEPUTY CHIEF, BUDGET REVIEW BRANCH
	EDUCATION, INCOME MAINTENANCE AND LABOR PROGRAMS.	CHIEF, LABOR BRANCH.
		CHIEF, EDUCATION BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTENANCE AND LABOR.
		CHIEF, INCOME MAINTENANCE BRANCH.
	LEGISLATIVE REFERENCE DIVISION	ASSISTANT DIRECTOR LEGISLATIVE REFERENCE.
		CHIEF, RESOURCES—DEFENSE-INTERNATIONAL BRANCH.
		CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH.
		CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH.
	OFFICE OF FEDERAL FINANCIAL MANAGEMENT.	CHIEF, FINANCIAL INTEGRITY AND RISK MANAGEMENT BRANCH.
	OFFICE OF FEDERAL PROCUREMENT POLICY.	ASSOCIATE ADMINISTRATOR.
		DEPUTY ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.
	OFFICE OF INFORMATION AND REGULATORY AFFAIRS.	CHIEF, INFORMATION POLICY BRANCH.
		CHIEF STATISTICAL AND SCIENCE POLICY BRANCH.
		CHIEF, NATURAL RESOURCES AND ENVIRONMENT BRANCH.
		CHIEF, PRIVACY BRANCH.
		CHIEF, FOOD, HEALTH AND LABOR BRANCH.
OFFICE OF NATIONAL DRUG CONTROL POLICY		
	OFFICE OF MANAGEMENT AND ADMINISTRATION.	ASSISTANT DIRECTOR FOR THE OFFICE OF MANAGEMENT AND ADMINISTRATION.
	OFFICE OF PERFORMANCE AND BUDGET	ASSISTANT DIRECTOR FOR OFFICE OF PERFORMANCE AND BUDGET.
	OFFICE OF SUPPLY REDUCTION	ASSOCIATE DIRECTOR FOR INTELLIGENCE.
OFFICE OF PERSONNEL MANAGEMENT		
	FACILITIES, SECURITY AND EMERGENCY MANAGEMENT.	DIRECTOR, FACILITIES, SECURITY AND EMERGENCY MANAGEMENT.
	HEALTHCARE AND INSURANCE	ASSISTANT DIRECTOR, FEDERAL EMPLOYEE INSURANCE OPERATIONS.
		DEPUTY DIRECTOR, ACTUARY.

Agency name	Organization name	Position title
	MERIT SYSTEM ACCOUNTABILITY AND COMPLIANCE.	DEPUTY ASSOCIATE DIRECTOR, MERIT SYSTEM AUDIT AND COMPLIANCE.
		PRINCIPAL DEPUTY ASSOCIATE DIRECTOR.
	OFFICE OF PROCUREMENT OPERATIONS	DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER AND DEPUTY CHIEF MANAGEMENT OFFICER.
		ASSOCIATE CHIEF FINANCIAL OFFICER FINANCIAL SERVICES.
		DEPUTY CHIEF FINANCIAL OFFICER.
	RETIREMENT SERVICES	DEPUTY ASSOCIATE DIRECTOR, OPERATIONS.
		ASSOCIATE DIRECTOR, RETIREMENT SERVICES.
		DEPUTY ASSOCIATE DIRECTOR, RETIREMENT OPERATIONS.
OFFICE OF PERSONNEL MANAGEMENT OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF MANAGEMENT	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		CHIEF INFORMATION TECHNOLOGY OFFICER.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
OFFICE OF AUDITS	OFFICE OF AUDITS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
OFFICE OF INVESTIGATIONS	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OFFICE OF LEGISLATIVE AND LEGAL AFFAIRS.	OFFICE OF LEGISLATIVE AND LEGAL AFFAIRS.	ASSISTANT INSPECTOR GENERAL FOR LEGISLATIVE AND LEGAL AFFAIRS.
OFFICE OF THE INSPECTOR GENERAL	OFFICE OF EVALUATIONS	ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS.
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL.
OFFICE OF SPECIAL COUNSEL		
	HEADQUARTERS, OFFICE OF SPECIAL COUNSEL.	ASSOCIATE SPECIAL COUNSEL FOR GENERAL LAW DIVISION.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATIVE SERVICES.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		CHIEF OPERATING OFFICER.
		ASSOCIATE SPECIAL COUNSEL (GENERAL LAW).
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (HEADQUARTERS).
		DIRECTOR OF MANAGEMENT AND BUDGET.
		DIRECTOR, OFFICE OF PLANNING AND ANALYSIS.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		SENIOR ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		ASSOCIATE SPECIAL COUNSEL FOR LEGAL COUNSEL AND POLICY.
	OFFICE OF SPECIAL COUNSEL	ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (FIELD OFFICES).
SURFACE TRANSPORTATION BOARD		

Agency name	Organization name	Position title
	SURFACE TRANSPORTATION BOARD	DIRECTOR, OFFICE OF PROCEEDINGS.
		DEPUTY DIRECTOR OFFICE OF PROCEEDINGS.
		DIRECTOR OF PUBLIC ASSISTANT GOVERNMENT AFFAIRS AND COMPLIANCE.
		GENERAL COUNSEL.
		MANAGING DIRECTOR.
		DIRECTOR, OFFICE OF ECONOMICS.
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE		
	INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS.	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS.
	LABOR	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR LABOR.
	MONITORING AND ENFORCEMENT	DIRECTOR OF INTERAGENCY CENTER FOR TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.
RAILROAD RETIREMENT BOARD		
	BOARD STAFF	CHIEF OF TECHNOLOGY SERVICE.
		CHIEF ACTUARY.
		DIRECTOR OF FIELD SERVICE.
		DIRECTOR OF ADMINISTRATION.
		CHIEF FINANCIAL OFFICER.
		GENERAL COUNSEL.
		DIRECTOR OF PROGRAMS.
		CHIEF INFORMATION OFFICER.
		DIRECTOR OF OPERATIONS.
		DIRECTOR OF FISCAL OPERATIONS.
		DEPUTY GENERAL COUNSEL.
RAILROAD RETIREMENT BOARD OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF INSPECTOR GENERAL	OFFICE OF INSPECTOR GENERAL	ASSISTANT TO THE INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT TO THE INSPECTOR GENERAL FOR INVESTIGATIONS.
		GENERAL COUNSEL—DEPUTY INSPECTOR GENERAL.
SELECTIVE SERVICE SYSTEM		
	SELECTIVE SERVICE SYSTEM	ASSOCIATE DIRECTOR FOR OPERATIONS.
	OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR OPERATIONS.
		SENIOR ADVISOR TO THE DIRECTOR.
SMALL BUSINESS ADMINISTRATION		
OFFICE OF MANAGEMENT AND ADMINISTRATION.	OFFICE OF HUMAN RESOURCES SOLUTIONS.	DEPUTY CHIEF HUMAN CAPITAL OFFICER
		CHIEF HUMAN CAPITAL OFFICER.
OFFICE OF THE ADMINISTRATOR	OFFICE OF ENTREPRENEURIAL DEVELOPMENT.	DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTREPRENEURIAL DEVELOPMENT.
	OFFICE OF FIELD OPERATIONS	DISTRICT DIRECTOR WASHINGTON METRO AREA DISTRICT OFFICE.
	OFFICE OF GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.	DIRECTOR FOR POLICY PLANNING AND LIAISON.
		DIRECTOR OF HUBZONE EMPOWERMENT PROGRAM.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.
	OFFICE OF HEARINGS AND APPEALS	ASSISTANT ADMINISTRATOR FOR HEARINGS AND APPEALS.
	OFFICE OF INTERNATIONAL TRADE	DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.
	OFFICE OF INVESTMENT AND INNOVATION.	DEPUTY ASSISTANT ADMINISTRATOR FOR INVESTMENT AND INNOVATION.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DEPUTY CHIEF INFORMATION OFFICER.

Agency name	Organization name	Position title
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR FINANCIAL LAW AND LENDER OVERSIGHT. ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW. ASSOCIATE GENERAL COUNSEL FOR PROCUREMENT LAW. ASSOCIATE GENERAL COUNSEL LITIGATION.
SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL		
	SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND OPERATIONS. COUNSEL TO THE INSPECTOR GENERAL. ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS. DEPUTY INSPECTOR GENERAL. ASSISTANT INSPECTOR GENERAL FOR AUDITS.
SOCIAL SECURITY ADMINISTRATION		
OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT.	OFFICE OF APPELLATE OPERATIONS	EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS. DEPUTY EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS.
	OFFICE OF PROGRAM INTEGRITY	ASSOCIATE COMMISSIONER FOR PROGRAM INTEGRITY.
OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	OFFICE OF ACQUISITION AND GRANTS	ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS. DEPUTY ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS.
	OFFICE OF BUDGET	ASSOCIATE COMMISSIONER FOR BUDGET. DEPUTY ASSOCIATE COMMISSIONER FOR BUDGET.
	OFFICE OF FINANCIAL POLICY AND OPERATIONS.	DEPUTY ASSOCIATE COMMISSIONER FINANCIAL POLICY AND OPERATIONS. ASSOCIATE COMMISSIONER, OFFICE OF FINANCE POLICY AND OPERATIONS.
OFFICE OF HUMAN RESOURCES	OFFICE OF CIVIL RIGHTS AND EQUAL OPPORTUNITY.	DEPUTY ASSOCIATE COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY. ASSOCIATE COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY.
	OFFICE OF LABOR—MANAGEMENT AND EMPLOYEE RELATIONS.	DEPUTY ASSOCIATE COMMISSIONER FOR LABOR–MANAGEMENT AND EMPLOYEE RELATIONS. ASSOCIATE COMMISSIONER FOR LABOR—MANAGEMENT AND EMPLOYEE RELATIONS.
	OFFICE OF PERSONNEL	ASSOCIATE COMMISSIONER FOR PERSONNEL. DEPUTY ASSOCIATE COMMISSIONER FOR PERSONNEL.
OFFICE OF OPERATIONS	OFFICE OF DISABILITY DETERMINATIONS	DEPUTY ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS. ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS.
OFFICE OF SYSTEMS	OFFICE OF INFORMATION SECURITY	ASSOCIATE COMMISSIONER FOR INFORMATION SECURITY.
	OFFICE OF INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT.	DEPUTY ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT. ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT.

Agency name	Organization name	Position title
	OFFICE OF SYSTEMS OPERATIONS AND HARDWARE ENGINEERING.	DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (END USER).
		DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (OPERATIONS).
		ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING.
		DEPUTY ASSOCIATE COMMISSIONER FOR SYSTEMS OPERATIONS AND HARDWARE ENGINEERING (INFRASTRUCTURE).
OFFICE OF THE GENERAL COUNSEL	OFFICE OF GENERAL LAW	ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
	OFFICE OF PRIVACY AND DISCLOSURE	EXECUTIVE DIRECTOR FOR PRIVACY AND DISCLOSURE.
	OFFICE OF PROGRAM LAW	DEPUTY ASSOCIATE GENERAL COUNSEL FOR PROGRAM LAW.
SOCIAL SECURITY ADMINISTRATION	OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT.	DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT.
		ASSISTANT DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT.
	OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	ASSISTANT DEPUTY COMMISSIONER FOR BUDGET, FINANCE, AND MANAGEMENT.
	OFFICE OF HEARINGS OPERATIONS	ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS (MISSION SUPPORT).
		DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS.
		ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS (MISSION OPERATIONS).
		ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS.
	OFFICE OF THE CHIEF ACTUARY	CHIEF ACTUARY.
		DEPUTY CHIEF ACTUARY.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
		DEPUTY GENERAL COUNSEL (GENERAL LAW).
		DEPUTY GENERAL COUNSEL (PROGRAM LAW).
SOCIAL SECURITY ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL		
SOCIAL SECURITY ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	CHIEF OF STAFF.
		SPECIAL ADVISOR TO THE INSPECTOR GENERAL.
		SENIOR ADVISOR TO THE INSPECTOR GENERAL (LE).
		DEPUTY INSPECTOR GENERAL.
	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL AND INFORMATION TECHNOLOGY SYSTEMS AND OPERATIONS AUDITS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS AND EVALUATIONS.
	OFFICE OF COUNSEL FOR INVESTIGATIONS AND ENFORCEMENT.	COUNSEL FOR INVESTIGATIONS AND ENFORCEMENT.
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.

Agency name	Organization name	Position title
	OFFICE OF INVESTIGATIONS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (WESTERN FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (EASTERN FIELD OPERATIONS).
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (WESTERN FIELD OPERATIONS).
	OFFICE OF RESOURCE MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR RESOURCE MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR RESOURCE MANAGEMENT.
DEPARTMENT OF STATE		
OFFICE OF THE DEPUTY SECRETARY	OFFICE OF UNITED STATES FOREIGN ASSISTANCE.	MANAGING DIRECTOR.
OFFICE OF THE SECRETARY	BUREAU OF INTELLIGENCE AND RESEARCH.	OFFICE DIRECTOR.
	OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	ASSOCIATE DEAN.
		DEPUTY DIRECTOR.
		OMBUDSMAN.
	OFFICE OF THE UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS.	PRINCIPAL DEPUTY COORDINATOR.
		DEPUTY COORDINATOR FOR POLICY, PLANS, AND OPERATIONS.
OFFICE OF THE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY AFFAIRS.	BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE.	DIRECTOR, OFFICE OF STRATEGIC NEGOTIATIONS AND IMPLEMENTATION.
	BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.	DEPUTY ASSISTANT SECRETARY.
		OFFICE DIRECTOR (2).
	BUREAU OF POLITICAL—MILITARY AFFAIRS.	DEPUTY ASSISTANT SECRETARY.
OFFICE OF THE UNDER SECRETARY FOR CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS.	BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.	DEPUTY ASSISTANT SECRETARY.
OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	BUREAU OF ADMINISTRATION	PROCUREMENT EXECUTIVE.
	BUREAU OF DIPLOMATIC SECURITY	SENIOR COORDINATOR.
	BUREAU OF GLOBAL TALENT MANAGEMENT.	HUMAN RESOURCES OFFICER.
		OFFICE DIRECTOR.
	BUREAU OF OVERSEAS BUILDINGS OPERATIONS.	COMPTROLLER.
DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL		
	DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS.
		CHIEF OF STAFF.
DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR ENTERPRISE RISK MANAGEMENT.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MIDDLE EAST REGIONAL OFFICE.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY GENERAL COUNSEL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		GENERAL COUNSEL TO THE INSPECTOR GENERAL.

Agency name	Organization name	Position title
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
TRADE AND DEVELOPMENT AGENCY		
	TRADE AND DEVELOPMENT AGENCY	DIRECTOR OF MANAGEMENT OPERATIONS.
OFFICE OF THE DIRECTOR	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE DIRECTOR	DEPUTY DIRECTOR.
DEPARTMENT OF TRANSPORTATION		
ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF THE SENIOR PROCUREMENT EXECUTIVE.	SENIOR PROCUREMENT EXECUTIVE.
ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.	OFFICE OF BUDGET AND PROGRAM PERFORMANCE.	DIRECTOR OFFICE OF BUDGET AND PROGRAM PERFORMANCE.
ASSISTANT SECRETARY FOR TRANSPORTATION POLICY.	OFFICE OF SAFETY, ENERGY AND ENVIRONMENT.	DIRECTOR, OFFICE OF POLICY.
ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT AND PROGRAM DELIVERY.	OFFICE OF ENFORCEMENT AND COMPLIANCE.	DIRECTOR, OFFICE OF ENFORCEMENT AND COMPLIANCE.
ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAM DEVELOPMENT.	OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS.	DIRECTOR, OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS.
ASSOCIATE ADMINISTRATOR FOR RESEARCH AND REGISTRATION.	OFFICE OF LICENSING AND SAFETY INFORMATION.	DIRECTOR, OFFICE FOR LICENSING AND SAFETY INFORMATION.
FEDERAL HIGHWAY ADMINISTRATION	ASSOCIATE ADMINISTRATOR FOR PLANNING, ENVIRONMENT AND REALTY.	DIRECTOR, OFFICE OF REAL ESTATE SERVICES.
	ASSOCIATE ADMINISTRATOR FOR SAFETY.	ASSOCIATE ADMINISTRATOR FOR SAFETY.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR.	EXECUTIVE DIRECTOR.
		CHIEF INNOVATION OFFICER.
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.	ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS.	REGIONAL FIELD ADMINISTRATOR, SOUTHERN REGION.
		REGIONAL FIELD ADMINISTRATOR, MIDWEST REGION.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR.	CHIEF FINANCIAL OFFICER.
		SENIOR ADVISOR.
		ASSISTANT ADMINISTRATOR/CHIEF SAFETY OFFICER.
FEDERAL RAILROAD ADMINISTRATION	ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY..	ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY/CHIEF SAFETY OFFICER.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR.	EXECUTIVE DIRECTOR.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
IMMEDIATE OFFICE OF THE ADMINISTRATOR.	OFFICE OF THE CHIEF FINANCIAL OFFICER..	
	DEPUTY CHIEF FINANCIAL OFFICER AND CHIEF BUDGET OFFICER..	
	CHIEF FINANCIAL OFFICER.	
	DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT..	
MARITIME ADMINISTRATION	ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.	DEPUTY ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.
		ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.
	ASSOCIATE ADMINISTRATOR FOR STRATEGIC SEALIFT.	DEPUTY ASSOCIATE ADMINISTRATOR FOR MARITIME EDUCATION AND TRAINING.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR FEDERAL SEALIFT.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR.	EXECUTIVE SECRETARY, COMMITTEE ON MARINE TRANSPORTATION SYSTEMS.
		EXECUTIVE DIRECTOR.
	OFFICE OF THE CHIEF COUNSEL	DEPUTY CHIEF COUNSEL.
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.
		DIRECTOR, OFFICE OF VEHICLE SAFETY COMPLIANCE.
		DIRECTOR, OFFICE OF DEFECTS INVESTIGATION.

Agency name	Organization name	Position title
	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY..	
	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY..	
	IMMEDIATE OFFICE OF THE ADMINISTRATOR.	EXECUTIVE DIRECTOR.
	OFFICE OF THE CHIEF COUNSEL	DEPUTY CHIEF COUNSEL.
OFFICE OF THE SECRETARY	ASSISTANT SECRETARY FOR ADMINISTRATION.	DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.
	ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.	DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.
		OFFICE OF THE SECRETARY CHIEF FINANCIAL OFFICER.
	NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU).	EXECUTIVE DIRECTOR, NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU).
	OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.	DIRECTOR, OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.
		DEPUTY DIRECTOR.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF INFORMATION SECURITY OFFICER.
		CHIEF TECHNOLOGY OFFICER.
	OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.	EXECUTIVE DIRECTOR FOR THE OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.
	SECRETARY	SENIOR ADVISOR FOR STRATEGIC COMMUNICATIONS.
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.	IMMEDIATE OFFICE OF THE ADMINISTRATOR.	EXECUTIVE DIRECTOR.
	OFFICE OF CHIEF SAFETY OFFICER	ASSISTANT ADMINISTRATOR AND CHIEF SAFETY OFFICER.
	OFFICE OF HAZARDOUS MATERIALS SAFETY.	ASSOCIATE ADMINISTRATOR FOR HAZARDOUS MATERIALS SAFETY.
	OFFICE OF PIPELINE SAFETY	DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS.
		ASSOCIATE ADMINISTRATOR FOR PIPELINE SAFETY.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
SURFACE TRANSPORTATION BOARD	OFFICE OF PUBLIC ASSISTANCE, GOVERNMENTAL AFFAIRS AND COMPLIANCE.	DIRECTOR OF PUBLIC ASSISTANCE, GOVERNMENTAL AFFAIRS AND COMPLIANCE.
DEPARTMENT OF TRANSPORTATION OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF INSPECTOR GENERAL IMMEDIATE OFFICE.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS.	ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS.
	OFFICE OF CHIEF COUNSEL	CHIEF COUNSEL.
	OFFICE OF DEPUTY INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS.	ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.	ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.

Agency name	Organization name	Position title
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AUDITS.	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS.	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	OFFICE OF DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
DEPARTMENT OF THE TREASURY		
ASSISTANT SECRETARY (TAX POLICY)	ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.	
	ASSISTANT ADMINISTRATOR, HEADQUARTER OPERATIONS..	
	ASSISTANT ADMINISTRATOR, MANAGEMENT/CHIEF FINANCIAL OFFICER..	
	DEPUTY ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU..	
		ASSISTANT ADMINISTRATOR, FIELD OPERATIONS
		ASSISTANT ADMINISTRATOR, PERMITTING AND TAXATION
		ASSISTANT ADMINISTRATOR INFORMATION RESOURCES/CHIEF INFORMATION OFFICER
		ASSISTANT ADMINISTRATOR, EXTERNAL AFFAIRS/CHIEF OF STAFF
		ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
DEPARTMENT OF THE TREASURY	ASSISTANT SECRETARY (TAX POLICY)	DIRECTOR, ECONOMIC MODELING AND COMPUTER APPLICATIONS.
	ASSISTANT SECRETARY FOR MANAGEMENT.	DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF PROCUREMENT.
		CHIEF DIVERSITY AND INCLUSION OFFICER.
	GENERAL COUNSEL	CHIEF COUNSEL, FINANCIAL CRIMES ENFORCEMENT NETWORK.
	INTERNAL REVENUE SERVICE	DIRECTOR FIELD OPERATIONS (SOUTH CENTRAL), WESTERN COMPLIANCE.
		DIRECTOR FIELD OPERATIONS, FOREIGN PAYMENTS PRACTICE.
		FIELD DIRECTOR, SUBMISSION PROCESSING—FRESNO.
		DIRECTOR, COLLECTION—CAMPUS.
		DIRECTOR, INTERNATIONAL OPERATIONS.
		DIRECTOR FIELD OPERATIONS (WEST), WESTERN COMPLIANCE.
		AREA DIRECTOR, FIELD ASSISTANCE.
		CHIEF OF STAFF.
		DIRECTOR, MEDIA AND PUBLICATIONS (WASHINGTON, DC).
		DIRECTOR, HUMAN RESOURCES.
		PROJECT DIRECTOR.
		DIRECTOR, STRATEGY AND FINANCE.
		DIRECTOR, EXAMINATION—CAMPUS.
		FIELD DIRECTOR, SUBMISSION PROCESSING—OGDEN.
		DIRECTOR, COLLECTION SOUTHWEST.
		CHIEF, AGENCY–WIDE SHARED SERVICES.
		DIRECTOR OF FIELD OPERATIONS-WESTERN AREA, CRIMINAL INVESTIGATION.
		DIRECTOR, MICROSOFT INITIATIVES PROGRAM.

Agency name	Organization name	Position title
		NATIONAL DIRECTOR LEGISLATIVE AFFAIRS.
		DIRECTOR, ENTERPRISE ARCHITECTURE.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT.
		DIRECTOR, REFUNDABLE CREDITS EXAMINATION OPERATIONS.
		DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY/MODERNIZATION.
		DIRECTOR, E–FILE SERVICES.
		DEPUTY CHIEF PROCUREMENT OFFICER.
		DIRECTOR, KNOWLEDGE DEVELOPMENT AND APPLICATION.
		SPECIAL AGENT IN CHARGE, CRIMINAL INVESTIGATION.
		PROJECT DIRECTOR.
		DIRECTOR, OPERATIONS POLICY AND SUPPORT.
		DIRECTOR, FACILITIES MANAGEMENT AND SEC SERVICES.
		DIRECTOR, WORKLIFE, BENEFITS AND PERFORMANCE.
		DIRECTOR, SECURITY OPERATIONS AND STANDARDS.
		DIRECTOR, COLLECTION—HEADQUARTERS.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR CYBERSECURITY.
		DIRECTOR, EXAMINATION SOUTHWEST AREA.
		DIRECTOR, COLLECTION APPEALS.
		DIRECTOR, DEMAND MANAGEMENT AND PROJECT GOVERNANCE.
		PROJECT DIRECTOR.
		DIRECTOR, COLLECTION—QUALITY AND TECHNICAL SUPPORT.
		DIRECTOR, COLLECTION.
		SPECIAL ASSISTANT.
		DIRECTOR, DATA MANAGEMENT DIVISION.
		DIRECTOR, CROSS BORDER ACTIVITIES.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT.
		SENIOR ADVISOR AND TECHNOLOGY ADVISOR.
		DIRECTOR, SPECIALIZED EXAMINATION PROGRAMS AND REFERRALS.
		PROJECT DIRECTOR FOR DEPUTY COMMISSIONER SERVICES AND ENFORCEMENT.
		DIRECTOR, MODERNIZATION, DEVELOPMENT AND DELIVERY.
		DIRECTOR, DATA MANAGEMENT SERVICES AND SUPPORT.
		DIRECTOR, SERVICEWIDE OPERATIONS.
		DIRECTOR, ENTERPRISE ACTIVITIES.
		ASSISTANT DEPUTY COMMISSIONER FOR SERVICES AND ENFORCEMENT.
		DIRECTOR, COLLECTION AREA—GULF STATE.
		DIRECTOR, COLLECTION—CENTRAL.
		DIRECTOR, EXAMINATION—CENTRAL.
		DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DIRECTOR, COLLECTION—SPECIAL.
		DIRECTOR, REFUNDABLE CREDITS POLICY AND PROGRAM MANAGEMENT.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR USER AND NETWORK SERVICES.
		SPECIAL AGENT IN CHARGE, CRIMINAL INVESTIGATION.

Agency name	Organization name	Position title
		DIRECTOR, SOLUTION ENGINEERING.
		DIRECTOR, MAINFRAME SUPPORT AND SERVICES.
		SPECIAL ASSISTANT TO THE CHIEF, APPEALS.
		DIRECTOR, AFFORDABLE CARE ACT.
		DIRECTOR, CAMPUS COLLECTION FRESNO.
		IRS IDENTITY ASSURANCE EXECUTIVE.
		DEPUTY DIRECTOR, SUBMISSION PROCESSING.
		SUBMISSION PROCESSING FIELD DIRECTOR.
		DIRECTOR, OPERATIONS SUPPORT.
		ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE INFORMATION TECHNOLOGY PROGRAM MANAGEMENT.
		SENIOR DIRECTOR FOR OPERATIONS, AFFORDABLE CARE ACT.
		DIRECTOR, INFRASTRUCTURE SERVICES.
		DIRECTOR, UNIFIED COMMUNICATIONS.
		ACIO, AFFORDABLE CARE ACT PMO.
		DIRECTOR, ENTERPRISE NETWORKS OPERATIONS.
		DIRECTOR, ONLINE SERVICES.
		DEPUTY COMMISSIONER, WAGE AND INVESTMENTS.
		DIRECTOR, TECHNOLOGY SOLUTIONS.
		DEPUTY DIRECTOR, RETURN INTEGRITY AND CORRESPONDENCE SERVICES.
		DIRECTOR, SERVICE DELIVERY MANAGEMENT.
		COMPLIANCE SERVICES FIELD DIRECTOR.
		DIRECTOR, CAMPUS OPERATIONS.
		DIRECTOR, IMPLEMENTATION AND TESTING.
		DIRECTOR, BUSINESS PLANNING AND RISK MANAGEMENT.
		EXECUTIVE DIRECTOR, BUSINESS MODERNIZATION.
		DIRECTOR, COLLECTION STRATEGY AND ORGANIZATION.
		DIRECTOR OF FIELD OPERATIONS, HEAVY MANUFACTURING AND PHARMACEUTICALS, SOUTHEAST..
		DIRECTOR, FIELD OPERATIONS, ENGINEERING.
		COUNSELOR TO THE COMMISSIONER OF INTERNAL REVENUE SERVICES.
		ASSISTANT DEPUTY COMMISSIONER COMPLIANCE INTEGRATION.
		DIRECTOR, ADVANCED PRICING AND MUTUAL AGREEMENT.
		DIRECTOR, RETURN INTEGRITY AND COMPLIANCE SERVICES.
		DIRECTOR, CYBERSECURITY POLICY AND PROGRAMS.
		DIRECTOR, FIELD OPERATIONS, RETAIL FOOD, PHARMACEUTICALS, AND HEALTHCARE—WEST.
		DIRECTOR, CONTACT CENTER SUPPORT DIVISION.
		EXECUTIVE DIRECTOR, INVESTIGATIVE AND ENFORCEMENT OPERATIONS.
		DIRECTOR, EXAMINATION AREA—NORTH ATLANTIC.
		DIRECTOR, STRATEGIC SUPPLIER MANAGEMENT.
		DIRECTOR, DATA DELIVERY SERVICES.
		PROJECT DIRECTOR.
		DIRECTOR, COMPLIANCE STRATEGY AND POLICY.

Agency name	Organization name	Position title
		DIRECTOR, STRATEGY, RESEARCH AND PROGRAM PLANNING.
		DIRECTOR, PRIVACY AND INFORMATION PROTECTION.
		DIRECTOR, NETWORK ENGINEERING.
		DEPUTY DIRECTOR, SUBMISSION PROCESSING.
		DIRECTOR, EXAMINATION—SPECIALITY TAX.
		DEPUTY ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.
		DIRECTOR, CUSTOMER SERVICE AND STAKEHOLDERS.
		DIRECTOR, TAX FORMS AND PUBLICATIONS.
		ASSISTANT DEPUTY COMMISSIONER GOVERNMENT ENTITIES AND SHARED SERVICES.
		DIRECTOR, CASE AND OPERATIONS SUPPORT.
		DEPUTY DIRECTOR, RETURN PREPARER OFFICE.
		ACCOUNTS MANAGEMENT FIELD DIRECTOR.
		DIRECTOR, FILING AND PREMIUM TAX CREDIT.
		ASSISTANT DEPUTY COMMISSIONER (INTERNATIONAL).
		DIRECTOR, EMERGING PROGRAMS AND INITIATIVES.
		DIRECTOR, FIELD OPERATIONS, NATURAL RESOURCES AND CONSTRUCTION—WEST.
		DIRECTOR, CAMPUS COMPLIANCE OPERATIONS.
		DIRECTOR, PRODUCT MANAGEMENT.
		DIRECTOR, FIELD OPERATIONS, RETAILERS, FOOD, TRANSPORTATION AND HEALTHCARE—EAST.
		DIRECTOR, REFUND CRIMES.
		AREA DIRECTOR, STAKEHOLDER PARTNERSHIP, EDUCATION, AND COMMUNICATION.
		DIRECTOR, EXAMINATION FIELD.
		DEPUTY COMMISSIONER, OPERATIONS SUPPORT.
		DIRECTOR, OPERATIONS SERVICE SUPPORT.
		DEPUTY DIRECTOR, STRATEGY AND FINANCE.
		DIRECTOR, RETURN PREPARER OFFICE.
		DIRECTOR, EXAMINATION AREA MIDWEST.
		DIRECTOR, FINANCIAL MANAGEMENT SERVICES.
		AREA DIRECTOR, FIELD ASSISTANCE.
		DIRECTOR, EXAMINATION AREA.
		DIRECTOR, CUSTOMER SERVICE.
		DIRECTOR, APPEALS POLICY AND VALUATION.
		ASSOCIATE CHIEF INFORMATION OFFICER, STRATEGY AND PLANNING.
		DIRECTOR, BUSINESS SYSTEMS PLANNING.
		DEPUTY CHIEF OF STAFF.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE OPERATIONS.
		DIRECTOR, COLLECTION POLICY.
		DEPUTY DIRECTOR, SUBMISSION PROCESSING.
		DEPUTY DIVISION COUNSEL #2 (OPERATIONS)/SMALL BUSINESS AND SELF EMPLOYED.

Agency name	Organization name	Position title
		DEPUTY COMMISSIONER (DOMESTIC), LARGE BUSINESS AND INTERNATIONAL.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE OPERATIONS.
		DIRECTOR, REPORTING COMPLIANCE.
		SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATION.
		DIRECTOR, FIELD OPERATIONS EAST.
		DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS.
		ASSOCIATE CHIEF INFORMATION OFFICER, CYBERSECURITY.
		DIRECTOR, OFFICE OF PRIVACY, INFORMATION PROTECTION AND DATA SECURITY.
		DIRECTOR, PASS–THROUGH ENTITIES.
		PROGRAM MANAGER.
		DIRECTOR, SUBMISSION PROCESSING.
		DIRECTOR, INTERNAL MANAGEMENT.
		DIRECTOR, CORPORATE DATA.
		DIRECTOR, ENTERPRISE SYSTEMS TESTING.
		DIRECTOR, EXAMINATION MIDWEST AREA.
		SPECIAL AGENT IN CHARGE.
		DIRECTOR, WHISTLEBLOWER OFFICE.
		SUBMISSION PROCESSING FIELD DIRECTOR.
		PROJECT DIRECTOR, ENTERPRISE PROGRAM MANAGEMENT.
		ACCOUNTS MANAGEMENT FIELD DIRECTOR.
		DIRECTOR, EXAMINATION—GULF STATES.
		DIRECTOR, EMPLOYEE PLANS, RULINGS, AND AGREEMENTS.
		DIRECTOR, EXAMINATION HEADQUARTERS.
		DIRECTOR, JOINT OPERATIONS CENTER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE..
		DIRECTOR, COLLECTION—FIELD.
		DIRECTOR, COLLECTION—ATLANTA.
		DIRECTOR, COLLECTION—ANDOVER.
		DIRECTOR, EXAMINATION AREA.
		DIRECTOR, EXAMINATION—OGDEN.
		DIRECTOR, EXAMINATION SOUTHWEST AREA.
		SPECIAL AGENT IN CHARGE.
		DEPUTY COMMISSIONER, SMALL BUSINESS/SELF–EMPLOYED.
		PROJECT DIRECTOR.
		DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATIONS.
		CHIEF FINANCIAL OFFICER, INTERNAL REVENUE SERVICE.
		CHIEF, CRIMINAL INVESTIGATION.
		DIRECTOR, RESEARCH AND ORGANIZATIONAL.
		DIRECTOR, ENTERPRISE TECHNOLOGY IMPLEMENTATION.
		AREA DIRECTOR, FIELD ASSISTANCE—ATLANTA
		DIRECTOR OF FIELD OPERATIONS.
		CHIEF, COMMUNICATIONS AND LIAISON.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, ACCOUNTS MANAGEMENT, WAGE AND INVESTMENT.
		DIRECTOR, DATA SOLUTIONS.
		COMMISSIONER, SMALL BUSINESS AND SELF EMPLOYED.

Agency name	Organization name	Position title
		COMMISSIONER, LARGE AND MID–SIZED BUSINESS DIVISION.
		CHIEF INFORMATION OFFICER.
		CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE.
		DEPUTY DIRECTOR, ENTERPRISE COMPUTING CENTER.
		DEPUTY CHIEF, CRIMINAL INVESTIGATION.
		INDUSTRY DIRECTOR—FINANCIAL SERVICES—LARGE AND MID–SIZE BUSINESS.
		DIRECTOR, BUSINESS SYSTEMS PLANNING—LARGE AND MID–SIZE BUSINESS.
		DEPUTY CHIEF, APPEALS.
		DEPUTY DIVISION COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES.
		EXECUTIVE DIRECTOR, CASE ADVOCACY INTAKE AND TECHNICAL SUPPORT.
		EXECUTIVE DIRECTOR, OFFICE OF EQUITY, DIVERSITY, AND INCLUSION.
		DEPUTY DIRECTOR, FACILITIES MANAGEMENT AND SECURITY SERVICES.
		CHIEF, APPEALS.
		CHIEF RISK OFFICER AND SENIOR ADVISOR.
		DIRECTOR, ADVANCE PRICING AND MUTUAL AGREEMENT.
		ACCOUNTS MANAGEMENT FIELD DIRECTOR—ANDOVER.
		DIRECTOR, CUSTOMER ACCOUNT SERVICES—WAGE AND INVESTMENT.
		DIRECTOR, COMMUNICATION, ASSISTANCE, RESEARCH AND EDUCATION..
		DIRECTOR, FIELD ASSISTANCE—WAGE AND INVESTMENT.
		DIRECTOR, RESEARCH, APPLIED ANALYTICS AND STATISTICS.
		DEPUTY NATIONAL TAXPAYER ADVOCATE.
		COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES DIVISION.
		DIRECTOR, EXEMPT ORGANIZATIONS.
		COMMISSIONER, WAGE AND INVESTMENT.
		DIRECTOR, OPERATIONS SUPPORT.
		DIRECTOR, EMPLOYEE PLANS.
		DIRECTOR, ENTERPRISE CASE MANAGEMENT.
		PROJECT DIRECTOR.
		DIRECTOR, INTERNET DEVELOPMENT SERVICES.
		DIRECTOR, SERVER SUPPORT AND SERVICES.
		DIRECTOR, PROCUREMENT.
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR INTERNAL FINANCIAL MANAGEMENT—NATIONAL HEADQUARTERS.
		DIRECTOR, IDENTITY THEFT VICTIM ASSISTANCE.
		DIRECTOR, STATISTICS OF INCOME.
	SECRETARY OF THE TREASURY	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	UNITED STATES MINT	CHIEF ADMINISTRATIVE OFFICER.
		ASSOCIATE DIRECTOR FOR MANUFACTURING.
		DIRECTOR, OFFICE OF COIN STUDIES.
		ASSOCIATE DIRECTOR FOR SALES AND MARKETING.
		ASSOCIATE DIRECTOR, ENVIRONMENT, SAFETY AND HEALTH.
		PLANT MANAGER, PHILADELPHIA.

Agency name	Organization name	Position title
		ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER).
		ASSOCIATE DIRECTOR FOR FINANCIAL MANAGEMENT/CHIEF FINANCIAL OFFICER.
FISCAL ASSISTANT SECRETARY	BUREAU OF THE FISCAL SERVICE	ASSISTANT COMMISSIONER (SHARED SERVICES).
		DEPUTY ASSISTANT COMMISSIONER FOR PROGRAM SOLUTIONS AND SUPPORT (TREASURY SECURITIES SERVICES).
		ASSISTANT COMMISSIONER (OFFICE OF MANAGEMENT SERVICES).
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT.
		ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER FOR INFRASTRUCTURE AND OPERATIONS (OFFICE OF INFORMATION AND SECURITY SERVICES).
		DEPUTY COMMISSIONER, ACCOUNTING AND SHARED SERVICES.
		DEPUTY COMMISSIONER, FINANCE AND ADMINISTRATION.
		DEPUTY COMMISSIONER, FINANCIAL SERVICES AND OPERATIONS.
		COMMISSIONER, BUREAU OF THE FISCAL SERVICE.
		DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION SERVICES.
		DEPUTY ASSISTANT COMMISSIONER (FISCAL ACCOUNTING OPERATIONS).
		DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, WEST.
		DEPUTY ASSISTANT COMMISSIONER FOR SECURITIES MANAGEMENT (TREASURY SECURITIES SERVICES).
		DEPUTY ASSISTANT COMMISSIONER (WHOLESALE SECURITIES SERVICES).
		ASSISTANT COMMISSIONER, WHOLESALE SECURITIES SERVICES.
		DEPUTY ASSISTANT COMMISSIONER (ACCOUNTING SUPPORT AND OUTREACH).
		SENIOR ADVISOR (SERVICES AND PROGRAMS).
		DEPUTY ASSISTANT COMMISSIONER, COMPLIANCE AND REPORTING GROUP.
		EXECUTIVE DIRECTOR (DO NOT PAY BUSINESS CENTER STAFF).
		DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, EAST.
		DEPUTY ASSISTANT COMMISSIONER (MANAGEMENT).
		ASSISTANT COMMISSIONER, INFORMATION AND SECURITY SERVICES (CHIEF INFORMATION OFFICER).
		DEPUTY ASSISTANT COMMISSIONER (SHARED SERVICES).
		DEPUTY ASSISTANT COMMISSIONER (DATA TRANSPARENCY).
		DEPUTY ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES).
		EXECUTIVE DIRECTOR (KANSAS CITY).
		ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES).
		DEPUTY ASSISTANT COMMISSIONER, DEBT MANAGEMENT SERVICES.
		ASSISTANT COMMISSIONER, DEBT MANAGEMENT SERVICES.
		ASSISTANT COMMISSIONER, PUBLIC DEBT ACCOUNTING.

Agency name	Organization name	Position title
INTERNAL REVENUE SERVICE	INTERNAL REVENUE SERVICE CHIEF COUNSEL.	DIRECTOR, REGIONAL FINANCIAL CENTER (PHILADELPHIA). DIRECTOR, REGIONAL FINANCIAL CENTER (KANSAS CITY) ASSISTANT COMMISSIONER, MANAGEMENT (CHIEF FINANCIAL OFFICER). DIRECTOR, REVENUE COLLECTION GROUP. ASSISTANT COMMISSIONER, FEDERAL FINANCE. EXECUTIVE DIRECTOR, GOVERNMENT SECURITIES REGULATIONS. DIRECTOR, REGIONAL FINANCIAL CENTER (SAN FRANCISCO). DEPUTY ASSOCIATE CHIEF COUNSEL #2 (INCOME TAX AND ACCOUNTING). DEPUTY DIVISION COUNSEL (LARGE AND MID–SIZE BUSINESS). DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION). ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING). DEPUTY DIVISION COUNSEL/DEPUTY ASSISTANT CHIEF COUNSEL (CRIMINAL TAX). ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION). ASSOCIATE CHIEF COUNSEL (CORPORATE). DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT). AREA COUNSEL (LARGE AND MID–SIZE BUSINESS) (AREA 2) (HEAVY MANUFACTURING, CONSTRUCTION AND TRANSPORTATION). AREA COUNSEL (LARGE AND MID–SIZE BUSINESS) (AREA 4) (NATURAL RESOURCES). AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL). DEPUTY DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED). AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—PHILADELPHIA. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—JACKSONVILLE. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—CHICAGO. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED). AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—DENVER. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—LOS ANGELES. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) (AREA 7). DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (CRIMINAL TAX). DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES). AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL) (AREA 1). DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS). DIVISION COUNSEL (WAGE AND INVESTMENT). DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) (LABOR AND PERSONNEL LAW). DEPUTY CHIEF COUNSEL (OPERATIONS). SPECIAL COUNSEL TO THE NATIONAL TAXPAYER ADVOCATE.

Agency name	Organization name	Position title
		DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL TECHNICAL).
		DEPUTY CHIEF COUNSEL (TECHNICAL).
		ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES).
		DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED).
		AREA COUNSEL, LARGE AND MID–SIZE BUSINESS (AREA 3) (FOOD, MASS RETAILERS, AND PHARMACEUTICALS).
		ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT).
		DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS).
		SPECIAL COUNSEL TO THE CHIEF COUNSEL.
		DEPUTY DIVISION COUNSEL AND DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES).
		DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL.
		DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL FIELD SERVICE AND LITIGATION).
		AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED, AREA 9.
		DEPUTY TO THE SPECIAL COUNSEL TO THE CHIEF COUNSEL.
		HEALTHCARE COUNSEL (OFFICE OF HEALTHCARE).
		DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES).
		DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (NATIONAL TAXPAYER ADVOCATE PROGRAM).
		DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION).
		DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION).
		DEPUTY ASSOCIATE CHIEF COUNSEL, (PASSTHROUGHS AND SPECIAL INDUSTRIES).
		ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES).
		DEPUTY ASSOCIATE CHIEF COUNSEL, OPERATIONS AND INTERNATIONAL PROGRAMS.
		DEPUTY DIVISION COUNSEL, INTERNATIONAL (LARGE BUSINESS AND INTERNATIONAL).
		DEPUTY ASSOCIATE CHIEF COUNSEL (CORPORATE).
		ASSOCIATE CHIEF COUNSEL, (INTERNATIONAL).
		DIVISION COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DC.
		NATIONAL STRATEGIC LITIGATION COUNSEL, DIVISION COUNSEL (LARGE BUSINESS AND INTERNATIONAL).
		DEPUTY DIVISION COUNSEL (OPERATIONS), SMALL BUSINESS/SELF EMPLOYED DIVISION.
		DEPUTY ASSOCIATE CHIEF COUNSEL, LITIGATION (INTERNATIONAL).
		DIVISION COUNSEL, LARGE BUSINESS AND INTERNATIONAL.
		ASSOCIATE CHIEF COUNSEL (PASSTHROUGHS AND SPECIAL INDUSTRIES).
		AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED (AREA 1).
		ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS).

Agency name	Organization name	Position title
		DEPUTY ASSOCIATE CHIEF COUNSEL (IT AND A).
UNDER SECRETARY FOR DOMESTIC FINANCE.	ASSISTANT SECRETARY FOR FINANCIAL INSTITUTIONS.	DIRECTOR, FEDERAL INSURANCE OFFICE.
		DEPUTY DIRECTOR, FEDERAL INSURANCE OFFICE.
	FISCAL ASSISTANT SECRETARY	FISCAL ASSISTANT SECRETARY.
		DEPUTY ASSISTANT SECRETARY FOR FISCAL OPERATIONS AND POLICY.
		DEPUTY ASSISTANT SECRETARY, OFFICE OF ACCOUNTING POLICY AND FINANCIAL TRANSPARENCY.
UNDER SECRETARY FOR TERRORISM AND FINANCIAL INTELLIGENCE		
	ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS.	DEPUTY ASSISTANT SECRETARY FOR SECURITY AND COUNTERINTELLIGENCE.
	ASSISTANT SECRETARY FOR TERRORIST FINANCING.	DIRECTOR, EXECUTIVE OFFICE FOR ASSET FORFEITURE.
	FINANCIAL CRIMES ENFORCEMENT NETWORK.	DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK.
		DEPUTY DIRECTOR
		ASSOCIATE DIRECTOR, ENFORCEMENT DIVISION
		ASSOCIATE DIRECTOR, INTELLIGENCE DIVISION
		ASSOCIATE DIRECTOR, MANAGEMENT PROGRAMS DIVISION
		ASSOCIATE DIRECTOR, LIAISON DIVISION
		ASSOCIATE DIRECTOR, TECHNOLOGY SOLUTIONS AND SERVICES DIVISION/ CHIEF INFORMATION OFFICER
		ASSOCIATE DIRECTOR, POLICY DIVISION.
DEPARTMENT OF THE TREASURY OFFICE OF THE INSPECTOR GENERAL		
DEPARTMENT OF THE TREASURY OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDIT	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL SECTOR AUDITS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCE MANAGEMENT AND TRANSPARENCY AUDIT).
		ASSISTANT INSPECTOR GENERAL FOR AUDIT (2).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL MANAGEMENT).
	OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INVESTIGATIONS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM		
	DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	DEPUTY SPECIAL INSPECTOR GENERAL AUDIT.
		ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR AUDIT AND EVALUATION
		ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR INVESTIGATIONS
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT
		DEPUTY SPECIAL INSPECTOR GENERAL
		DEPUTY SPECIAL INSPECTOR GENERAL, INVESTIGATIONS
		GENERAL COUNSEL.
DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL		

Agency name	Organization name	Position title
	DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—FIELD.
		DEPUTY INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, FIELD DIVISIONS
		DEPUTY CHIEF COUNSEL
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, COMPLIANCE AND ENFORCEMENT OPERATIONS
		CHIEF INFORMATION OFFICER
		DEPUTY INSPECTOR GENERAL FOR AUDIT
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT SERVICES AND EXEMPT ORGANIZATIONS
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, SECURITY AND INFORMATION TECHNOLOGY SERVICES
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT, PLANNING AND WORKFORCE DEVELOPMENT
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, RETURNS PROCESSING AND ACCOUNTING SERVICES
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, THREAT, AGENT SAFETY AND SENSITIVE INVESTIGATIONS DIRECTORATE
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, CYBER OPERATIONS AND INVESTIGATIVE SUPPORT DIRECTORATE
		CHIEF COUNSEL
		DEPUTY INSPECTOR GENERAL FOR MISSION SUPPORT AND CHIEF FINANCIAL OFFICER
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—FIELD
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT		
OFFICE OF THE ADMINISTRATOR	BUREAU FOR MANAGEMENT	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER
		CHIEF INFORMATION OFFICER
		DIRECTOR, OFFICE OF MANAGEMENT, POLICY, BUDGET AND PERFORMANCE
		DIRECTOR, OFFICE OF ACQUISITION AND ASSISTANCE
		DEPUTY DIRECTOR, ACCOUNTABILITY, COMPLIANCE, TRANSPARENCY AND SYSTEM SUPPORT.
	OFFICE OF BUDGET AND RESOURCE MANAGEMENT.	DIRECTOR, BUDGET AND RESOURCE MANAGEMENT.
	OFFICE OF HUMAN CAPITAL AND TALENT MANAGEMENT.	CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF SECURITY	DIRECTOR, OFFICE OF SECURITY.
		DEPUTY DIRECTOR, OFFICE OF SECURITY.
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL, ETHICS AND ADMINISTRATION.
		CHIEF INNOVATION COUNSEL.
		DEPUTY GENERAL COUNSEL.
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL		

Agency name	Organization name	Position title
	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (2).
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		COUNSELOR TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
UNITED STATES INTERNATIONAL TRADE COMMISSION		
OFFICE OF OPERATIONS	OFFICE OF ECONOMICS	DIRECTOR OFFICE OF ECONOMICS.
	OFFICE OF INDUSTRIES	DIRECTOR OFFICE OF INDUSTRIES.
	OFFICE OF INVESTIGATIONS	DIRECTOR, OFFICE OF INVESTIGATIONS.
	OFFICE OF TARIFF AFFAIRS AND TRADE AGREEMENTS.	DIRECTOR, OFFICE TARIFF AFFAIRS AND TRADE AGREEMENTS.
	OFFICE OF UNFAIR IMPORT INVESTIGATIONS.	DIRECTOR, OFFICE OF UNFAIR IMPORT INVESTIGATIONS.
UNITED STATES INTERNATIONAL TRADE COMMISSION.	OFFICE OF ADMINISTRATIVE SERVICES	CHIEF ADMINISTRATIVE OFFICER.
	OFFICE OF EXTERNAL RELATIONS	DIRECTOR, OFFICE OF EXTERNAL RELATIONS.
	OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS.
	OFFICE OF THE CHAIRMAN	CHIEF OF STAFF.
	OFFICE OF THE CHIEF FINANCIAL OFFICER.	CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER.	CHIEF INFORMATION OFFICER.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
DEPARTMENT OF VETERANS AFFAIRS		
	DEPARTMENT OF VETERANS AFFAIRS	EXECUTIVE DIRECTOR, IT BUDGET AND FINANCE.
	BOARD OF VETERANS' APPEALS	VICE CHAIRMAN.
		DEPUTY VICE CHAIRMAN (2).
		DEPUTY VICE CHAIRMAN, BOARD OF VETERANS APPEALS.
		DEPUTY VICE CHAIRMAN.
		CHIEF COUNSEL, BOARD OF VETERANS APPEALS.
	NATIONAL CEMETERY ADMINISTRATION	DEPUTY UNDER SECRETARY FOR FINANCE AND PLANNING.
	OFFICE OF ACQUISITION, LOGISTICS AND CONSTRUCTION.	EXECUTIVE DIRECTOR, CONSTRUCTION.
		EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS.
		ASSOCIATE EXECUTIVE DIRECTOR, PROGRAMS AND PLANS.
		ASSOCIATE EXECUTIVE DIRECTOR, STRATEGIC ACQUISITION CENTER.
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES ACQUISITIONS.
		EXECUTIVE DIRECTOR, CONSTRUCTION AND FACILITIES MANAGEMENT.
		ASSOCIATE EXECUTIVE DIRECTOR, PROCUREMENT POLICY, SYSTEMS AND OVERSIGHT.
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES PLANNING.
		ASSOCIATE EXECUTIVE DIRECTOR, TECHNOLOGY ACQUISITION CENTER.
		ASSOCIATE EXECUTIVE DIRECTOR, RESOURCE MANAGEMENT.
		ASSOCIATE EXECUTIVE DIRECTOR, OFFICE OF DESIGN AND CONSTRUCTION.
		ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL HEALTHCARE ACQUISITION.
		ASSOCIATE EXECUTIVE DIRECTOR, ACQUISITION PROGRAM SUPPORT.

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.	DEPUTY ASSISTANT SECRETARY, ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.
		EXECUTIVE DIRECTOR, COMPLIANCE AND OVERSIGHT.
		EXECUTIVE DIRECTOR, INVESTIGATIONS (2).
	OFFICE OF THE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.	EXECUTIVE DIRECTOR, FIELD SECURITY SERVICE.
		EXECUTIVE DIRECTOR, INFORMATION SECURITY POLICY AND STRATEGY.
		DEPUTY CHIEF INFORMATION OFFICER, STRATEGIC SOURCING.
		EXECUTIVE DIRECTOR, ACQUISITION STRATEGY AND CATEGORY MANAGEMENT.
		CHIEF FINANCIAL OFFICER, IT BUDGET AND FINANCE.
		DEPUTY ASSISTANT SECRETARY, CHIEF INFORMATION SECURITY OFFICER.
		EXECUTIVE DIRECTOR, INFRASTRUCTURE OPERATIONS.
		DEPUTY CHIEF INFORMATION OFFICER, QUALITY, PERFORMANCE, AND RISK/CHIEF RISK OFFICER.
		EXECUTIVE DIRECTOR, INFORMATION SECURITY OPERATIONS.
	OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT.	EXECUTIVE DIRECTOR, FINANCIAL SERVICES CENTER, OFFICE OF FINANCE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL BUSINESS OPERATIONS, OFFICE OF FINANCE
		PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT
		EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION OPERATIONS
		DEPUTY ASSISTANT SECRETARY FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION, OFFICE OF FINANCE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION SERVICE SYSTEMS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF BUSINESS OVERSIGHT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, BUDGET OPERATIONS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, PROGRAM BUDGETS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE.
		EXECUTIVE DIRECTOR, DEBT MANAGEMENT CENTER.
		EXECUTIVE DIRECTOR, ASSET ENTERPRISE MANAGEMENT.
		ADAS FOR FINANCIAL PROCESS IMPROVEMENT AND AUDIT READINESS, OFFICE OF FINANCE.
		DEPUTY EXECUTIVE DIRECTOR ASSET ENTERPRISE MANAGEMENT.
		DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE.
		DEPUTY ASSISTANT SECRETARY FOR BUDGET.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL POLICY, OFFICE OF FINANCE.

Agency name	Organization name	Position title
	OFFICE OF THE GENERAL COUNSEL	CHIEF COUNSEL, DISTRICT CONTRACTING.
		CHIEF COUNSEL COLLECTIONS NATIONAL PRACTICE GROUP.
		CHIEF COUNSEL, LOAN GUARANTY.
		CHIEF COUNSEL, INFORMATION LAW GROUP.
		CHIEF COUNSEL COURT OF APPEALS FOR VETERANS CLAIMS LITIGATION GROUP.
		CHIEF COUNSEL, BENEFITS LAW GROUP.
		DEPUTY GENERAL COUNSEL VETERANS PROGRAMS.
		DEPUTY GENERAL COUNSEL, GENERAL LAW.
		ASSISTANT CHIEF COUNSEL, COURT OF APPEALS FOR VETERANS CLAIMS LITIGATION GROUP.
		SENIOR COUNSEL TO THE GENERAL COUNSEL.
		CHIEF COUNSEL, ETHICS LAW GROUP.
		CHIEF COUNSEL, SOUTHEAST DISTRICT-NORTH.
		CHIEF COUNSEL NORTH ATLANTIC DISTRICT NORTH.
		COUNSELOR/ADVISOR.
		CHIEF COUNSEL, PERSONNEL LAW GROUP.
		CHIEF COUNSEL CONTINENTAL DISTRICT—WEST.
		DEPUTY GENERAL COUNSEL, LEGAL OPERATIONS.
		CHIEF COUNSEL (2).
		CHIEF COUNSEL MIDWEST DISTRICT EAST.
		CHIEF COUNSEL MIDWEST DISTRICT WEST.
		CHIEF COUNSEL NORTH ATLANTIC DISTRICT SOUTH.
		CHIEF COUNSEL PACIFIC DISTRICT SOUTH.
		EXECUTIVE DIRECTOR, OFFICE OF ACCOUNTABILITY REVIEW.
		CHIEF COUNSEL REAL PROPERTY LAW GROUP.
		CHIEF COUNSEL, PROCUREMENT LAW GROUP.
		CHIEF COUNSEL HEALTH LAW GROUP.
	OFFICE OF THE SECRETARY AND DEPUTY.	EXECUTIVE DIRECTOR, EMPLOYEE DISCRIMINATION COMPLIANCE.
		EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
		DEPUTY EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
		DEPUTY EXECUTIVE DIRECTOR, ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.
	VETERANS BENEFITS ADMINISTRATION ...	SENIOR ADVISOR, FISCAL STEWARDSHIP.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY EXECUTIVE DIRECTOR FOR POLICY AND PROCEDURES.
		EXECUTIVE DIRECTOR, LOAN GUARANTY SERVICE.
		DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS.
		EXECUTIVE DIRECTOR, PERFORMANCE ANALYSIS AND INTEGRITY.
		CHIEF FINANCIAL OFFICER.

Agency name	Organization name	Position title
	VETERANS HEALTH ADMINISTRATION	EXECUTIVE DIRECTOR, SERVICE AREA (EAST).
		EXECUTIVE DIRECTOR SERVICE AREA (CENTRAL).
		EXECUTIVE DIRECTOR, SERVICE AREA (WEST).
		ASSOCIATE CHIEF FINANCIAL OFFICER, VETERANS HEALTH ADMINISTRATION.
		DEPUTY CHIEF PROCUREMENT OFFICER, VETERANS HEALTH ADMINISTRATION.
		DEPUTY CHIEF FINANCIAL OFFICER VETERANS HEALTH ADMINISTRATION.
		EXECUTIVE DIRECTOR VETERANS CANTEEN SERVICE.
		CHIEF FINANCIAL OFFICER VETERANS HEALTH ADMINISTRATION.
		CHIEF COMPLIANCE AND BUSINESS INTEGRITY OFFICER.
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR MANAGERIAL COST ACCOUNTING.
		ASSOCIATE CHIEF FINANCIAL OFFICER FINANCIAL MANAGEMENT AND ACCOUNTING.
		CHIEF OPERATING OFFICER VETERANS CANTEEN SERVICE.
OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION/OPERATIONS, SECURITY, AND PREPAREDNESS.	OFFICE OF CORPORATE SENIOR EXECUTIVE MANAGEMENT.	EXECUTIVE DIRECTOR.
	OFFICE OF HUMAN RESOURCES MANAGEMENT.	EXECUTIVE DIRECTOR FOR LABOR RELATIONS/WORK LIFE AND BENEFITS.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF RESOLUTION MANAGEMENT ..	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT.
		DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT.
OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT.	OFFICE OF FINANCE	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL REPORTING.
OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS, SECURITY AND PREPAREDNESS.	OFFICE OF OPERATIONS, SECURITY AND PREPAREDNESS.	CHIEF OF POLICE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, EMERGENCY MANAGEMENT AND RESILIENCE.
		EXECUTIVE DIRECTOR FOR SECURITY AND LAW ENFORCEMENT.
		EXECUTIVE DIRECTOR, IDENTITY, CREDENTIAL AND ACCESS MANAGEMENT.
DEPARTMENT OF VETERANS AFFAIRS OFFICE OF THE INSPECTOR GENERAL		
DEPARTMENT OF VETERANS AFFAIRS OFFICE OF THE INSPECTOR GENERAL.	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL.	DEPUTY COUNSELOR TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
		COUNSELOR TO THE INSPECTOR GENERAL.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS) (2).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (HEADQUARTERS MANAGEMENT AND INSPECTIONS).
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.

Agency name	Organization name	Position title
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS)(2).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS OPERATIONS).
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION—CHIEF TECHNOLOGY OFFICER.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS.	ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS.

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Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

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Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, APRIL

17055–17270 1
17271–17492 2
17493–17674 5
17675–17892 6
17893–18170 7
18171–18422 8
18423–18882 9
18883–19126 12
19127–19566 13
19567–19774 14
19775–20022 15
20023–20248 16
20249–20434 19
20435–20614 20
20615–21158 21
21159–21632 22

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10163 17493
10164 17495
10165 17675
10166 17677
10167 17679
10168 17681
10169 17683
10170 17685
10171 17689
10172 17893
10173 18167
10174 18169
10175 18171
10176 19567
10177 19775
10178 20023
10179 20025
10180 20027
10181 20615
10182 20617
10183 20619
10184 21161

Executive Orders:
14022 17895
14023 19569
14024 20249

Administrative Orders:
Notices:
Notice of April 1, 2021 17673
Presidential Determinations: No. 2021–05 of April 16, 2021 21159

5 CFR

831 20435
842 20435
870 17271
875 17271
890 17271
894 17271
2641 17691

6 CFR

Proposed Rules:
37 20320

7 CFR

271 18423
273 18423
930 20253
1205 20255
1752 17274

Proposed Rules:
319 20037
932 18216
985 20038
986 19152
1220 19788

10 CFR

Proposed Rules:
37 18477
429 20075
430 .....18478, 18901, 20044, 20053, 20327
431 20075

12 CFR

262 18173
271 18423
360 18180
702 20258
Ch. X 17699
1003 17692
1005 17693
1006 21163
1010 17694
1022 17695
1024 17897
1026 .....17693, 17697, 17698
1238 18431

Proposed Rules:
209 19152
1006 20334
1024 18840

14 CFR

29 20264
39 .....17275, 17278, 17280, 17283, 17285, 17287, 17290, 17497, 17499, 17502, 17504, 17510, 17512, 17515, 17518, 17521, 17700, 17703, 17706, 17708, 17710, 17899, 17902, 17905, 18180, 18883, 18887, 19127, 19571, 19777, 20029, 20266, 20440, 20442, 20445, 20448, 20451, 20453, 20621, 21181, 21185, 21187
71 .....18432, 18890, 19129, 19780, 20269, 20270, 21187
97 .....17524, 17526, 20271, 20276
302 17292
399 17292
415 20625
417 20625
431 20625
435 20625

Proposed Rules:
39 .....17087, 17322, 17324, 17326, 17329, 17330, 17993, 17995, 17998, 18218, 18218, 18221, 18479, 18482, 18921, 19157, 19160, 20086, 20089, 20091, 20094, 20097, 20336, 20338, 20341, 20459, 20461, 20465, 21228, 21231, 21233, 21238, 21240
71 .....17333, 17553, 17754, 18484, 18485, 18487, 18488, 18490, 20100, 20468, 20469,

21243
73 17555

15 CFR

732 18433
736 18433
744 ....18433, 18437

16 CFR

1231 17296
1640 18440
Proposed Rules:
1640 18491

17 CFR

1 19324
4 19324
41 19324
190 19324
240 18595
242 18595
249 ....17528, 18595
274 17528

18 CFR

35 20627
401 20628
440 20628
Proposed Rules:
35 21246
101 17342

19 CFR

12 17055
Ch. I 21188, 21189
208 ....18183, 19781
361 17058

20 CFR

426 20631
Proposed Rules:
655 17343
656 17343

21 CFR

1 17059
207 17061
510 17061
520 17061
522 17061
524 17061
528 17061
558 17061
821 17065
862 20278
866 20278
880 20278
884 20278
892 20278
1308 20284

22 CFR

62 20286
212 ....18444, 20632

24 CFR

Proposed Rules:
5 17346

25 CFR

Proposed Rules:
15 19585
1187 19162

26 CFR

Proposed Rules:
1 19585
300 21246

27 CFR

Proposed Rules:
9 20102

29 CFR

4908 17066
Proposed Rules:
1910 18924

30 CFR

550 19782
553 19782
1206 20032
1241 20032
Proposed Rules:
943 21246

31 CFR

501 18895
Proposed Rules:
1 19790
1010 17557

33 CFR

100 ....20035, 20632, 20633
117 ....18445, 19574
165 ....17066, 17068, 18447, 18449, 18896, 19784, 20633, 20636
Proposed Rules:
96 17090
100 19169
110 17090
117 ....17096, 18925, 18927, 18929, 20344
165 ....17565, 17755, 18224, 19171, 19599

34 CFR

Ch. II 21195
Ch. III 19135
677 21190
Proposed Rules:
Ch. II 17757, 20348, 20471

36 CFR

230 17302
242 17713

38 CFR

Proposed Rules:
3 17098

39 CFR

113 20287
3040 18451
Proposed Rules:
3030 ....17347, 19173
3050 ....17100, 20351

40 CFR

52 ....17071, 18457, 20289, 21207
62 17543
80 17073
81 19576
180 ....17545, 17907, 17910, 17914, 17917, 19145, 20290
258 18185
1519 19149
Proposed Rules:
52 ....17101, 17106, 17567, 17569, 17762, 19174, 19793, 20353, 20642, 20643, 20645, 21248, 21254
60 19176
63 19176
70 21254
81 ....17762, 18227, 20353
141 17571
152 18232
258 18237
271 17572

42 CFR

100 21209
Proposed Rules:
59 19812
411 19954
412 ....19086, 19480
413 19954
418 19700
484 19700
489 19954

43 CFR

51 19786
Proposed Rules:
30 19585

44 CFR

64 ....17078, 19580

46 CFR

310 21213
Proposed Rules:
71 17090
110 21440
111 21440
112 21440
113 21440
115 17090
176 17090
520 18240

47 CFR

Ch. I 18459, 18898
0 17726
1 ....17920, 18124, 20294, 20456, 21216
2 ....17920, 20456
9 19582
25 17311
27 17920
54 ....17079, 18124, 19532
64 17726
73 ....18898, 20294, 21217
74 21217
Proposed Rules:
0 17575
1 18000
2 20111
15 20111
25 ....20111, 20647
27 ....18000, 20111
54 18932
64 18934
73 ....17110, 17348, 18934, 20648, 21258
101 20111

48 CFR

3001 17312
3002 17312
3003 17312
3004 17312
3005 17312
3006 17312
3007 17312
3009 17312
3010 17312
3011 17312
3012 17312
3013 17312
3015 17312
3016 17312
3017 17312
3018 17312
3019 17312
3022 17312
3023 17312
3024 17312
3025 17312
3027 17312
3028 17312
3030 17312
3031 17312
3032 17312
3033 17312
3034 17312
3035 17312
3036 17312
3037 17312
3042 17312
3046 17312
3047 17312
3052 17312
3053 17312
Proposed Rules:
32 20648
352 20648
532 20359
1532 19833
1552 19833

49 CFR

1 17292
5 17292
7 17292
106 17292
389 17292
553 17292
601 17292
1201 17548
1333 17735
Proposed Rules:
383 21259
384 21259
391 21259

50 CFR

17 ....17956, 18189, 20798
92 20311
100 17713
217 ....17458, 18476
223 21082
224 21082
226 21082
300 20638
622 ....17080, 17318, 17751
648 ....17081, 17551
679 ....17320, 17752, 18476, 20035
Proposed Rules:
17 ....18014, 19184, 19186, 19838
223 ....19863, 20475
224 19863
622 20649
648 17764
679 19207

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 16, 2021

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