

# Rules and Regulations

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

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

## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2611

RIN 3209-AA61

#### Removal of U.S. Office of Government Ethics Guidance Documents Regulations

**AGENCY:** Office of Government Ethics.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to Executive Order 13992, the U.S. Office of Government Ethics (OGE) is removing its regulations that detail the processes for the issuance of, modifications to, and petitions regarding guidance documents, as defined by Executive Order 13891.

**DATES:** This final rule is effective May 11, 2021.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Lightfoot, Assistant Counsel, or Margaret Dylus-Yukins, Assistant Counsel; Telephone: 202-482-9300.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

As required by Executive Order 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents” (October 9, 2019), OGE issued 5 CFR part 2611 on August 20, 2020. 85 FR 51301 (August 20, 2020). 5 CFR part 2611 set forth processes and procedures for OGE’s issuance of guidance documents as defined by Executive Order 13891. Also pursuant to Executive Order 13891, OGE established and maintained a Guidance Portal on its website, which provided links to all guidance documents in effect and issued by OGE. 85 FR 45638 (July 29, 2020). Notably, all of OGE’s guidance documents are already posted elsewhere on the OGE website.

Executive Order 13992, “Revocation of Certain Executive Orders Concerning Federal Regulation” (January 20, 2021), revoked Executive Order 13891 and five other executive orders. Executive Order 13992 also directed agencies to

“promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing” the revoked executive orders.

In accordance with Executive Order 13992, OGE is removing 5 CFR part 2611 in its entirety. OGE will retain a copy of the regulation. The **Federal Register** issuance at 85 FR 51301, which includes the full text of the regulation, will remain on OGE’s website. OGE will also remove the Guidance Portal from its website; however, the documents from the Guidance Portal will continue to be available elsewhere on OGE’s website.

##### II. Matters of Regulatory Procedure

###### *Administrative Procedure Act*

Pursuant to 5 U.S.C. 553(b)(3)(A), as Director of the Office of Government Ethics, the notice and comment procedures are being waived because these amendments concern matters of agency organization, procedure and practice.

###### *Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

###### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 5, subchapter II), this final rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

###### *Executive Order 13563 and Executive Order 12866*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including 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. In promulgating this rulemaking, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in Executive Orders 12866 and 13563. The rule is not a significant regulatory action for the purposes of Executive Order 12866.

###### *Executive Order 12988*

As Director of the Office of Government Ethics, I have reviewed this rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

##### List of Subjects in 5 CFR Part 2611

Administrative practice and procedure, Guidance documents, Significant guidance documents.

Approved: May 6, 2021.

##### Emory Rounds,

Director, U.S. Office of Government Ethics.

For the reasons set forth in the preamble, and under the authority of 5 U.S.C. app. 101–505 (Ethics in Government Act of 1978), the U.S. Office of Government Ethics amends 5 CFR chapter XVI by removing part 2611.

[FR Doc. 2021–09954 Filed 5–10–21; 8:45 am]

**BILLING CODE 6345–03–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 77

#### Federal Aviation Administration Policy: Review of Solar Energy System Projects on Federally-Obligated Airports

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notificaton of policy.

**SUMMARY:** This document establishes FAA policy for proposals by sponsors of federally-obligated airports to construct solar energy systems on airport property. FAA is publishing this policy because it is in the public interest to enhance safety by analyzing ocular impact of proposed solar energy systems on airport traffic control tower personnel. The policy applies to proposed on-airport solar energy systems at federally-obligated towered

airports. This policy replaces the Interim Policy published on October 23, 2013.

**DATES:** The effective date of this policy is May 11, 2021.

**ADDRESSES:** You can obtain an electronic copy of this Policy and all other documents in this docket using the internet by:

- (1) Searching the Federal eRulemaking portal (<http://www.faa.gov/regulations/search>);
- (2) Visiting FAA's Regulations and Policies web page at ([http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies)); or
- (3) Accessing the Government Printing Office's web page at (<http://www.gpoaccess.gov>).

You can also obtain a copy by sending a request to FAA, Airport Planning and Environmental Division, 800 Independence Ave. SW, Washington, DC 20591, or by calling (202) 267-3263. Make sure to identify the docket number, document number or amendment number of this proceeding.

**FOR FURTHER POLICY INFORMATION**

**CONTACT:** Mike Hines, Manager, Airport Planning and Environmental Division, APP-400, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, telephone (202) 267-8772; email: [Michael.Hines@faa.gov](mailto:Michael.Hines@faa.gov).

**SUPPLEMENTARY INFORMATION:** Authority for the Policy: This policy is published under the authority described in Title 49 of the United States Code, subtitle VII, part B, Chapter 471, Section 47122(a).

**Background**

In October 2013, FAA issued an interim policy for proposals by sponsors of federally-obligated airports to construct solar energy systems on airport property. 78 FR 63276, October 23, 2013.

There is continued interest in installing solar photovoltaic (PV) and solar hot water (SHW) systems on airports. While solar PV or SHW systems (henceforth referred to as solar energy systems) are designed to absorb solar energy to maximize electrical energy production or the heating of water, in certain situations the glass surfaces of the solar energy systems can reflect sunlight and produce glint (a momentary flash of bright light) and glare (a continuous source of bright light). FAA has learned that glint and glare from solar energy systems could result in an ocular impact to airport traffic control tower (ATCT) personnel working in the tower cab, and compromise the safety of the air transportation system. FAA is issuing

this policy pursuant to its authority under title 14 of the Code of Federal Regulations (CFR), part 77, with the intent to ensure the safety of the development of solar energy systems on airport property by eliminating the potential for ocular impact to the ATCT cab from these systems. FAA established a cross-organizational working group in 2012 to establish a standard for measuring glint and glare, and clear thresholds for when glint and glare would impact aviation safety. This resulted in FAA's 2013 Interim Policy on Review of Solar Energy Systems at Federally-Obligated Airports, referenced above.

The Interim Policy required federally-obligated airports to conduct an ocular analysis of potential glint and glare effects to pilots on final approach and ATCT cabs before construction begins. The policy also included a standard for measuring ocular impact and a recommended tool for measuring ocular impact.

FAA received 20 comments on the Interim Policy. The majority of comments were from persons who are involved with the solar energy industry. FAA also received comments from the Airport Consultants Council (ACC) on behalf of its membership. The comments were largely focused on requirements in the interim policy that FAA is not carrying forward to this updated policy.

**Developments Since Interim Policy**

The Interim Policy stated that "FAA expects to continue to update these policies and procedures as part of an iterative process as new information and technologies become available." This is in keeping with FAA's obligation under 49 U.S.C. 47122(a) to continually incorporate new information on safety considerations, and update policies and procedures as appropriate. In keeping with these statements, FAA reviewed the comments received on the Interim Policy and continued to collect additional information on ocular impacts of proposed solar energy systems.

Initially, FAA believed that solar energy systems could introduce a novel glint and glare effect to pilots on final approach. FAA has subsequently concluded that in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience from water bodies, glass-façade buildings, parking lots, and similar features. However, FAA has continued to receive reports of potential glint and glare from on-airport solar energy systems on personnel working in

ATCT cabs. Therefore, FAA has determined the scope of agency policy should be focused on the impact of on-airport solar energy systems to federally-obligated towered airports, specifically the airport's ATCT cab.

The policy in this document updates and replaces the previous policy by encouraging airport sponsors to conduct an ocular analysis of potential impacts to ATCT cabs prior to submittal of a Notice of Proposed Construction or Alteration Form 7460-1 (hereinafter Form 7460-1). Airport sponsors are no longer required to submit the results of an ocular analysis to FAA. Instead, to demonstrate compliance with 14 CFR 77.5(c), FAA will rely on the submittal of Form 7460-1 in which the sponsor confirms that it has analyzed the potential for glint and glare and determined there is no potential for ocular impact to the airport's ATCT cab. This process will enable FAA to evaluate the solar energy system project, with assurance that the system will not impact the ATCT cab.

FAA is also withdrawing the recommended tool for ocular impact, the Solar Glare Hazard Analysis Tool (SGHAT). The Interim Policy mandated the use of SGHAT, developed independently by Sandia National Laboratories. The tool is no longer available to all users at no cost. There are several glint/glare analysis tools available to airport sponsors on the open market, but FAA is not requiring or endorsing a specific tool for assessing ocular impact. In addition, FAA acknowledges that in some cases a tool may not be required to support a sponsor's statement that a proposed solar energy system will not impact an ATCT cab. The primary example is a proposed on-airport solar energy system that is not visible from an ATCT cab because it is blocked by another structure.

This policy does not apply to:

1. Solar energy systems on airports that do not have an ATCT,
2. Airports that are not federally-obligated, or
3. Solar energy systems not located on airport property.

Though this policy does not apply to proponents of solar energy systems located off airport property, they are encouraged to consider ocular impact for proposed systems in proximity to airports with ATCTs. In these cases, solar energy system proponents should coordinate with the local airport sponsor.

### FAA Policy: Review of Solar Energy System Projects on Federally-Obligated Airports

The following sets forth FAA's policy for analyzing ocular impact and the obligations of an Airport Sponsor when a solar energy system is proposed for development on a federally-obligated airport with an ATCT.

It is in the public interest to enhance safety by analyzing ocular impact of proposed solar energy systems at federally-obligated towered airports. The policy applies to any proposed solar energy system on a federally-obligated towered airport.

#### Standard for Analyzing Ocular Impact

For federally-obligated towered airports, the airport sponsor will revise an Airport Layout Plan to depict proposed solar installations of any size that are not co-located with an existing structure and require a new footprint (as required by 49 U.S.C. 47107(a)(16)(A)). The airport sponsor will also file a Notice of Proposed Construction or Alteration Form 7460-1 (as required by 14 CFR 77.9). To demonstrate compliance with 14 CFR 77.5(c), FAA will rely on the airport sponsor to include a statement in its completed Form 7460-1 that the proposed solar project will not result in ocular (*i.e.* glint or glare) impacts to the airport's ATCT cab. The airport sponsor is encouraged to conduct an ocular analysis of potential impacts to ATCT cabs prior to the submittal of its Form 7460-1. If the 7460-1 evaluation results in a "no objection" finding, FAA will include the following statement in the aeronautical study determination:

FAA relies on the airport sponsor's statement in the submitted Form 7460-1 that it has proposed a project that will not create ocular (*i.e.*, glint or glare) impacts to personnel in the airport's airport traffic control tower. If impacts to the airport traffic control tower are discovered after construction, the Sponsor must mitigate those impacts at its own expense. The Sponsor remains subject to a compliance action under 14 CFR part 16 for failing to mitigate ocular impacts that interfere with aviation safety.

#### Tools To Assess Ocular Impact

FAA encourages airport sponsors of federally-obligated towered airports to conduct a sufficient analysis to support their assertion that a proposed solar energy system will not result in ocular impacts. There are several tools available on the open market to airport sponsors that can analyze potential glint and glare to an ATCT cab. For proposed systems that will clearly not impact ATCT cabs (*e.g.*, on-airport solar energy

systems that are blocked from the ATCT cab's view by another structure), the use of such tools may not be necessary to support the assertion that a proposed solar energy system will not result in ocular impacts. FAA suggests that airport sponsors with questions about conducting this analysis contact their local FAA Airports District Office (or Regional Office for those Regions without District Offices) during the early stages of a solar energy system siting process. Regional and Airports District Offices are available to provide assistance with this process.

#### Integration of This Policy Statement Into FAA Orders and Publications

FAA will incorporate this policy into applicable FAA Orders and publications, such as Advisory Circulars, as they are updated. The agency will also continually review this policy in the interest of aviation safety. FAA reserves the right to update this policy if the agency collects or receives additional information on glint and glare from on-airport solar energy systems. The FAA will incorporate any updates into applicable FAA Orders and publications.

This policy does not have the force and effect of law and is not meant to bind the public in any way, it is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Issued in Washington, DC.

**Robert John Craven,**

*Director, Airport Planning and Programming.*

[FR Doc. 2021-09862 Filed 5-10-21; 8:45 am]

**BILLING CODE 4910-13-P**

### SECURITIES AND EXCHANGE COMMISSION

#### 17 CFR Parts 232, 239, 249, 269 and 274

[Release Nos. 33-10935; 34-91352; 39-2538, IC-34226]

#### Adoption of Updated EDGAR Filer Manual, Form ID Amendments

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (the "Commission") is adopting amendments to Volumes I and II of the Electronic Data Gathering, Analysis, and Retrieval system ("EDGAR") Filer Manual ("EDGAR Filer Manual" or "Filer Manual"), a related form, and related rules. The amendments result in a more uniform

and secure process for EDGAR access by requiring certain applicants that already have an EDGAR Central Index Key (or CIK) account number, but do not have EDGAR access codes, to submit the related form and an authenticating document to obtain access to EDGAR. The related form has also been amended to update its instructions and cross-references to Volume I of the Filer Manual. The revisions to Volume II reflect additional updates to the EDGAR system.

#### **DATES:**

*Effective date:* May 11, 2021.

*Incorporation by reference:* The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of May 11, 2021.

*Compliance date:* The applicable compliance date is discussed in Section VII.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding the amendments to Volume I of the Filer Manual, Form ID, and related rules, please contact Rosemary Filou, Chief Counsel, or Monica Lilly, Senior Special Counsel, in the EDGAR Business Office at 202-551-3900. For questions concerning the changes to the submission form types for Forms N-NMFP and N-CEN, please contact Heather Fernandez in the Division of Investment Management at (202) 551-6708. For questions concerning changes to the submission form types for Form C, please contact Christian Windsor, Senior Special Counsel, in the Division of Corporation Finance at (202) 551-3419. For questions concerning the XBRL submissions, please contact the Office of Structured Disclosure in the Division of Economic and Risk Analysis at (202) 551-5494.

**SUPPLEMENTARY INFORMATION:** We are adopting an updated EDGAR Filer Manual, Volume I: "General Information," Version 37 (March 2021) and Volume II: "EDGAR Filing," Version 57 (March 2021); amendments to 17 CFR 232.10 and 17 CFR 232.301 ("Rule 301"); and amendments to Form ID (17 CFR 239.63, 17 CFR 249.446, 17 CFR 269.7, and 17 CFR 274.402). The updated Filer Manual volumes are incorporated by reference into the Code of Federal Regulations.

#### **I. Background**

The Filer Manual contains technical specifications needed for filers to make submissions on EDGAR. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of