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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM18–9–003; Order No. 2222–B]

Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Final rule.

SUMMARY: In this order, the Federal Energy Regulatory Commission (Commission) addresses arguments raised on rehearing, sets aside in part and clarifies in part Order No. 2222–A.

DATES: This rule will become effective August 27, 2021.

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I. Introduction

1. On September 17, 2020, the Federal Energy Regulatory Commission (Commission) issued its final rule (final rule or Order No. 2222) adopting reforms to remove barriers to the participation of distributed energy resource [1] aggregations in the Regional Transmission Organization (RTO) and Independent System Operator (ISO) markets (RTO/ISO markets).[2] Specifically, the Commission found that existing RTO/ISO market rules are unjust and unreasonable in light of barriers that they present to the participation of distributed energy resource aggregations in RTO/ISO markets, which reduce competition and

[1] Order No. 2222 amended the Commission's regulations to define a distributed energy resource as any resource located on the distribution system, any subsystem thereof or behind a customer meter. *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Order No. 2222, 85 FR 67094 (Oct. 1, 2020), 172 FERC ¶ 61,247, at P 1 n.1 (2020), *corrected,* 85 FR 68450 (Oct. 29, 2020), *order on reh'g,* Order No. 2222–A, 86 FR 16511 (Mar. 24, 2011), 174 FERC ¶ 61,197 (2021); 18 CFR 35.28(b)(10). These resources may include, but are not limited to, resources that are in front of and behind the customer meter, electric storage resources, intermittent generation, distributed generation, demand response, energy efficiency, thermal storage, and electric vehicles and their supply equipment. Order No. 2222, 172 FERC ¶ 61,247 at PP 1 n.1, 114.

[2] For purposes of Order No. 2222, the Commission defined RTO/ISO markets as the capacity, energy, and ancillary services markets operated by the RTOs and ISOs. Order No. 2222, 172 FERC ¶ 61,247 at P 1 n.2; *see also* 18 CFR 35.28(b)(11).

fail to ensure just and reasonable rates.[3] To help ensure that RTO/ISO markets produce just and reasonable rates, pursuant to the Commission's legal authority under Federal Power Act (FPA) section 206,[4] the Commission, in Order No. 2222, modified § 35.28 [5] of the Commission's regulations to require each RTO/ISO to revise its tariff to ensure that its market rules facilitate the participation of distributed energy resource aggregations.[6]

2. More specifically, Order No. 2222 requires each RTO/ISO to revise its tariff to establish distributed energy resource aggregators as a type of market participant that can register distributed energy resource aggregations under one or more participation models in the RTO/ISO tariff that accommodate the physical and operational characteristics of each distributed energy resource aggregation.[7]

3. On March 18, 2021, the Commission issued Order No. 2222–A, which addressed arguments raised on rehearing, set aside in part, and clarified in part the Commission's determinations in Order No. 2222. While the Commission largely affirmed its findings in Order No. 2222, the Commission set aside the finding that the participation of demand response in distributed energy resource aggregations is subject to the opt-out and opt-in requirements of Order Nos. 719 and 719–A.[8] The Commission stated that if a distributed energy resource aggregation is composed solely of resources that participate as demand response resources, then the Order No. 719 opt-out would apply to that aggregation, but if a distributed energy resource aggregation contains any resources that participate as another type of distributed energy resource, then the Order No. 719 opt-out would not apply to that aggregation.[9] In addition, as relevant here, the Commission provided clarification regarding restrictions to avoid double counting of services.[10]

4. On April 19, 2021, the Edison Electric Institute (EEI); the Louisiana Public Service Commission and the Mississippi Public Service Commission (together, the Southern Regulators); the National Association of Regulatory Utility Commissioners (NARUC); the North Carolina Utilities Commission (the North Carolina Commission); and the MISO Transmission Owners [11] filed timely requests for rehearing of Order No. 2222–A. On April 19, 2021, Advanced Energy Economy and Advanced Energy Management Alliance (together, AEE/AEMA) filed a request for clarification, or in the alternative, rehearing of Order No. 2222–A. On April 19, 2021, Voltus, Inc. (Voltus) filed a request for clarification of Order No. 2222–A. On April 30, 2021, the Midcontinent Independent System Operator, Inc. (MISO) filed an answer in response to the rehearing requests. On May 4, 2021, ISO New England Inc. (ISO–NE) filed an answer to AEE/AEMA's request. On May 14, 2021, AEE/AEMA filed an answer in response to ISO–NE's answer. On May 28, 2021, AEE/AEMA filed an answer in response to the requests for rehearing and MISO's answer.[12]

5. Pursuant to *Allegheny Defense Project* v. *FERC,*[13] the rehearing requests filed in this proceeding may be deemed denied by operation of law. However, as permitted by section 313(a) of the FPA,[14] we modify the discussion in Order No. 2222–A and set aside the decision, in part, and clarify in part, as discussed below.[15]

6. Specifically, we set aside the decision in Order No. 2222–A to decline to extend the opt-out and opt-in requirements of Order Nos. 719 and 719–A to demand response resources participating in heterogeneous distributed energy resource aggregations. We also provide further clarification regarding appropriate restrictions to avoid double counting of services and the compensation of demand response resources that participate in heterogeneous distributed energy resource aggregations, as discussed further below.

II. Discussion

A. Order No. 719 Demand Response Opt-Out

7. In Order No. 2222, the Commission stated that the final rule does not affect the ability of relevant electric retail regulatory authorities (RERRA) to prohibit retail customers' demand response from being bid into RTO/ISO markets by aggregators pursuant to Order No. 719.[16] The Commission also stated that, because the definition of a distributed energy resource includes demand response resources, an aggregator of demand response could participate as a distributed energy resource aggregator, but that the final rule does not affect existing demand response rules.[17] The Commission further found that the participation of demand response in distributed energy resource aggregations is subject to the opt-out and opt-in requirements of Order Nos. 719 and 719–A.[18] The Commission therefore clarified that if the RERRA for a demand response resource has either chosen to opt out or has not opted in, then the demand response resource may not participate in a distributed energy resource aggregation.

8. In Order No. 2222–A, the Commission set aside in part the Commission's conclusion that the participation of demand response in distributed energy resource aggregations is subject to the opt-out and opt-in requirements of Order Nos. 719 and

[3] Order No. 2222, 172 FERC ¶ 61,247 at P 1.

[4] 16 U.S.C. 824e.

[5] 18 CFR 35.28.

[6] Order No. 2222, 172 FERC ¶ 61,247 at P 1.

[7] *Id.* P 6.

[8] Order No. 2222–A, 174 FERC ¶ 61,197 at P 22; *see Wholesale Competition in Regions with Organized Electric Markets,* Order No. 719, 73 FR 64100 (Oct. 28, 2008), 125 FERC ¶ 61,071, at P 155 (2008), *order on reh'g,* Order No. 719–A, 74 FR 37776 (July 29, 2009), 128 FERC ¶ 61,059, *order on reh'g,* Order No. 719–B, 129 FERC ¶ 61,252 (2009).

[9] Order No. 2222–A, 174 FERC ¶ 61,197 at PP 22–23.

[10] *Id.* PP 63–64.

[11] The MISO Transmission Owners consist of Ameren Services Company, as agent for Union Electric Company d/b/a Ameren Missouri, Ameren Illinois Company d/b/a Ameren Illinois and Ameren Transmission Company of Illinois; Big Rivers Electric Corporation; Central Minnesota Municipal Power Agency; City Water, Light & Power (Springfield, IL); Cleco Power LLC; Cooperative Energy; Dairyland Power Cooperative; Duke Energy Business Services, LLC for Duke Energy Indiana, LLC; East Texas Electric Cooperative; Entergy Arkansas, LLC; Entergy Louisiana, LLC; Entergy Mississippi, LLC; Entergy New Orleans, LLC; Entergy Texas, Inc; Great River Energy; GridLiance Heartland LLC; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; Lafayette Utilities System; MidAmerican Energy Company; Minnesota Power (and its subsidiary Superior Water, L&P); Missouri River Energy Services; Montana-Dakota Utilities Co.; Northern Indiana Public Service Company LLC; Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Electric Company; Otter Tail Power Company; Prairie Power, Inc.; Illinois Power Cooperative; Southern Indiana Gas & Electric Company (d/b/a Vectren Energy Delivery of Indiana); Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.

[12] Rule 713(d)(1) of the Commission's Rules of Practice and Procedure, 18 CFR 385.713(d)(1), prohibits an answer to a request for rehearing. Accordingly, we reject ISO–NE's, MISO's, and AEE/AEMA's answers.

[13] 964 F.3d 1 (D.C. Cir. 2020) (en banc).

[14] 16 U.S.C. 825*l*(a) (''Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this chapter.'').

[15] *Allegheny Def. Project,* 964 F.3d at 16–17.

[16] Order No. 2222, 172 FERC ¶ 61,247 at P 59 (citing 18 CFR 35.28(g)(1)(iii)).

[17] *Id.* P 118.

[18] *Id.* P 145.

719–A.[19] The Commission stated that, upon reconsideration, it declined to extend this opt-out to demand response resources that participate in heterogeneous distributed energy resource aggregations—*i.e.,* distributed energy resource aggregations that are made up of different types of resources including demand response.[20] The Commission found that heterogeneous distributed energy resource aggregations that include demand response resources do not fall squarely within the Order No. 719 opt-out, as set forth in the Commission's regulations, because they are not solely aggregations of retail customers.[21] The Commission stated that the Order No. 719 opt-out will continue to apply to aggregations made up *solely* of resources that participate as demand response resources, consistent with the Commission's regulations.[22]

9. The Commission found that extending the Order No. 719 opt-out to demand response resources in heterogeneous distributed energy resource aggregations would undermine the potential of Order No. 2222 to break down barriers to competition, which would interfere with the Commission's responsibility to ensure that wholesale rates are just and reasonable.[23] Specifically, the Commission concluded that extending the Order No. 719 opt-out to demand response resources that seek to participate in heterogeneous distributed energy resource aggregations would undermine the ability of aggregations to take advantage of the different resources' operational attributes and complementary capabilities.[24] The Commission stated that ensuring that demand response resources can combine with other forms of distributed energy resources has the potential to increase both the number and the variety of distributed energy resource aggregations.[25] The Commission explained that, in addition to enhancing competition, diversity in distributed energy resource aggregations facilitates these non-traditional resources' ability to provide a wide range of services in RTO/ISO markets.[26] The Commission stated that applying the Order No. 719 opt-out to aggregations that contain a combination of demand response and other types of distributed energy resources could prevent distributed energy resource aggregators from incorporating the complementary capabilities of existing and future demand response technologies. The Commission also found that precluding demand response from participating in heterogeneous distributed energy resource aggregations would undermine the Commission's goal of ''ensur[ing] a technology-neutral approach to distributed energy resource aggregations, which will ensure that more resources are able to participate in such aggregations, thereby helping to enhance competition and ensure just and reasonable rates.'' [27]

10. The Commission stated that it did not propose to overturn the Order No. 719 opt-out in this rulemaking and, to the extent that parties asked the Commission to do so on rehearing, it found that such requests were out of scope.[28] The Commission also clarified that the small utility opt-in adopted in Order No. 2222 still applies to all distributed energy resource aggregations, including those containing demand response resources.

a. Requests for Rehearing

i. Jurisdiction

11. Some petitioners argue that the Commission's opt-out finding in Order No. 2222–A violated the Commission's jurisdiction under the FPA or usurped state authority.[29] The Southern Regulators argue that the Commission failed to properly balance the jurisdictional limitations of the FPA with the states' exclusive jurisdiction over retail issues in its decision to exercise authority over retail demand response.[30]

12. The Southern Regulators argue that the Commission contravened *EPSA* because, in their view, the Supreme Court concluded that it is precisely a state's right to opt out of participation by retail customers in an RTO demand response wholesale market that ensures the balance of federal and state power under the FPA.[31] The Southern Regulators argue that *EPSA* requires a careful balancing of the interests of the states and those of the Commission in order to determine whether the Commission has and/or should exercise jurisdiction under the FPA. The Southern Regulators argue that in Order No. 2222–A the Commission disregarded the concept of cooperative federalism upon which the Court relied to reach its decision, a concept fundamental to the balance of overlapping jurisdiction under the FPA.[32] The Southern Regulators argue that the Court concluded that, when it comes to retail customer participation in wholesale markets, states have the last word.[33] The Southern Regulators argue that the Commission's historic practice in areas where federal and state jurisdiction overlap has been to recognize that balance, as it did in Order No. 1000.[34] The Southern Regulators argue that Order No. 2222–A offers no discussion of or replacement for the state opt-out authority that would evidence the Commission's ''compliance with § 824(b)'s allocation of federal and state authority.'' [35]

13. The North Carolina Commission similarly argues that the Commission did not account for the long-standing authority of the states and the traditional, cooperative roles played by federal and state regulators in promoting adequate, reliable, safe, clean, and affordable electric services.[36] The North Carolina Commission argues that the cooperative federalism inherent in the FPA and the regulation of wholesale and retail electric service requires a role for both federal and state regulators.[37] The North Carolina Commission maintains that the Commission's action does not encourage utility participation in an RTO/ISO or encourage a state commission to allow a utility's RTO/ISO participation.[38]

14. NARUC argues that, by eliminating the opt-out for demand response resources in heterogeneous aggregations, the Commission usurped authority from states that used the Order

[19] Order No. 2222–A, 174 FERC ¶ 61,197 at P 22.

[20] *Id.* PP 22–23.

[21] *Id.* P 23 (citing 18 CFR 35.28(g)(1)(iii); 18 CFR 35.28(b)(10), (g)(12); Order No. 2222, 172 FERC ¶ 61,247 at P 114); *id.* P 28 (concluding that if a distributed energy resource aggregator aggregates only demand response resources, it is materially indistinct from the aggregations of retail customers subject to the Order No. 719 opt-out).

[22] *Id.* P 22 (emphasis in original).

[23] *Id.* P 23 (citing Order No. 2222, 172 FERC ¶ 61,247 at PP 1, 3, 142; *Nat'l Ass'n of Regul. Util. Comm'rs* v. *FERC,* 964 F.3d 1177, 1189 (D.C. Cir. 2020) (*NARUC*)).

[24] *Id.* P 24.

[25] *Id.* P 25.

[26] *Id.* P 26 (citing Order No. 2222, 172 FERC ¶ 61,247 at P 141).

[27] *Id.* P 27 (quoting Order No. 2222, 172 FERC ¶ 61,247 at P 26).

[28] *Id.* P 28.

[29] NARUC Request for Rehearing at 3, 5; Southern Regulators Request for Rehearing at 12.

[30] Southern Regulators Request for Rehearing at 12.

[31] *Id.* at 13 (citing *FERC* v. *EPSA,* 136 S. Ct. 760, 779–80 (2016) (*EPSA*)).

[32] *Id.* at 12.

[33] *Id.* at 14 (citing *EPSA,* 136 S. Ct. at 780).

[34] *Id.* at 13–14 (citing *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities,* Order No. 1000, 76 FR 49842 (Aug. 11, 2011), 136 FERC ¶ 61,051, at PP 225–27, 287 (2011), *order on reh'g,* Order No. 1000–A, 77 FR 32184 (May 31, 2012), 139 FERC ¶ 61,132, at P 392, *order on reh'g and clarification,* Order No. 1000–B, 77 FR 64890 (Oct. 24, 2012), 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth.* v. *FERC,* 762 F.3d 41 (D.C. Cir. 2014)).

[35] *Id.* at 15 (quoting *EPSA,* 136 S. Ct. at 780).

[36] North Carolina Commission Request for Rehearing at 10.

[37] *Id.* at 11.

[38] *Id.* at 10.

No. 719 opt-out and built a legal framework for that regulatory scheme.[39] NARUC argues that Order No. 2222–A allows a demand response resource to disregard the judgment of state regulators by joining a third-party aggregation with other types of resources.[40] In addition, NARUC argues, the order allows third-party aggregators of demand response resources to add a solitary unit of a different type of distributed energy resource to its aggregations to circumvent state law.

15. NARUC disputes the Commission's position that ''[b]ecause the terms of wholesale market participation are a matter under exclusive Commission jurisdiction, today's order does not infringe upon or otherwise diminish state authority.'' [41] NARUC argues that the Commission's action in Order No. 2222–A is unlike the Commission's decisions in Order Nos. 841 and 2222 because there were no state regulations already in place.[42] NARUC explains that there was no need *prior* to Order No. 841 for states to prohibit storage resources on the distribution system or behind the meter from participating in wholesale markets because that was not possible before the order.[43] NARUC points out that the challenge to Order No. 841 in *NARUC* was a facial challenge and argues that *NARUC* does not address as-applied challenges.[44] NARUC explains that *prior* to Order No. 2222–A, some states had regulations that applied to demand response aggregations on the distribution system or behind the meter because Order No. 719 permitted such participation in the wholesale markets.[45] NARUC argues that Order No. 2222–A takes away this authority over demand response resources.[46]

ii. Adequate Notice

16. Multiple petitioners argue that the Commission violated the Administrative Procedure Act (APA) by effectively eliminating the Order No. 719 opt-out without providing adequate notice and without soliciting comments and evidence from RERRAs that have adopted and relied upon that opt-out.[47] The Southern Regulators and NARUC argue that the procedurally proper method to modify the opt-out is in the proceeding in Docket No. RM21–14–000 that was noticed for this purpose.[48] The Southern Regulators argue that nothing in the Notice of Proposed Rulemaking in Docket No. RM16–23–000 [49] indicated an effort or intent by the Commission to reconsider the Order No. 719 opt-out.[50]

17. The Southern Regulators argue that they were prejudiced by the Commission's failure to provide notice that the Order No. 719 opt-out was at risk in Docket No. RM18–9.[51] The Southern Regulators and the North Carolina Commission explain that they have provisions restricting aggregators of retail customers in their respective jurisdictions.[52] The Southern Regulators maintain that, because the NOPR offered no hint that the opt-out was in jeopardy, they had no reason to oppose elimination of the opt-out in the rulemaking docket or actively participate in the other portions of the rulemaking affecting demand response resources.

18. In addition, NARUC and the Southern Regulators argue that eliminating the Order No. 719 opt-out for demand response resources in heterogeneous aggregations is outside the scope of Order No. 2222.[53]

iii. Reasoned Decision-Making

19. Several petitioners argue that the Commission acted arbitrarily and capriciously by departing from its policy in Order Nos. 719 and 719–A in Order. No. 2222–A without acknowledgment, an adequate explanation, or an examination of the policy considerations in support of the opt-out.[54] The MISO Transmission Owners further argue that the Commission did not adequately address how it will enforce the policy of avoiding unduly burdening states and retail regulators or why the policy considerations are no longer relevant.[55] The Southern Regulators contend that the Commission's reasons for eliminating the opt-out in Order No. 2222–A were present at the time Order No. 719 was issued, and that the Commission has not explained why those reasons now require elimination of the opt-out.[56]

20. Next, several petitioners claim that the Commission failed to acknowledge the states' role in overseeing demand response activities within their borders.[57] The MISO Transmission Owners assert that the Commission failed to consider the effect that limiting the opt-out will have on states' ability to control consumer costs, and the Southern Regulators argue that the Commission's opt-out decision unreasonably restricts the ability of states to protect retail customers.[58]

21. Next, some petitioners argue that the Commission relies on a false distinction between heterogeneous and homogeneous distributed energy resource aggregations to justify eliminating state opt-out authority.[59]

22. NARUC challenges the Commission's finding that ''heterogeneous distributed energy resource aggregations that include demand response resources do not fall squarely within the Order No. 719 opt-out, as set forth in our regulations because they are not solely aggregations of retail customers,'' because the definition of ''aggregator of retail customers'' that the Commission relies upon does not say that the aggregations are exclusively retail loads, just ''mostly.'' [60] NARUC argues that the Commission acted capriciously by changing the treatment of demand response resources on the distribution system and behind the meter without further evidence of the types of load involved or inquiry into the experience of states that have employed the opt-out.[61]

23. Some petitioners also object to the Commission's characterization of demand response resources in declining to extend the opt-out to heterogeneous distributed energy resource aggregations. The Southern Regulators criticize the Commission's reliance on the ability of distributed energy resources to take advantage of operating attributes and complementary

[39] NARUC Request for Rehearing at 3, 5.

[40] *Id.* at 6.

[41] *Id.* (quoting Order No. 2222–A, 174 FERC ¶ 61,197 at P 12 n.36).

[42] *Id.* at 5.

[43] *Id.* at 6.

[44] *Id.* (citing *NARUC,* 964 F.3d at 1188–89).

[45] *Id.* at 6–7 (emphasis in original).

[46] *Id.* at 7.

[47] Southern Regulators Request for Rehearing at 10; EEI Request for Rehearing at 4; North Carolina Commission Request for Rehearing at 8–9.

[48] Southern Regulators Request for Rehearing at 10; NARUC Request for Rehearing at 8.

[49] *Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators,* 81 FR 86522 (Nov. 30, 2016), 157 FERC ¶ 61,121 (2016) (NOPR).

[50] Southern Regulators Request for Rehearing at 10.

[51] *Id.* at 11.

[52] Southern Regulators Request for Rehearing at 11; North Carolina Commission Request for Rehearing at 2–3.

[53] NARUC Request for Rehearing at 8; Southern Regulators Request for Rehearing at 7.

[54] *See, e.g.,* MISO Transmission Owners Rehearing Request at 6; NARUC Rehearing Request at 8; North Carolina Commission Rehearing Request at 5; Southern Regulators Rehearing Request at 9.

[55] MISO Transmission Owners Rehearing Request at 8–9, 11.

[56] Southern Regulators Rehearing Request at 8–9.

[57] *See, e.g.,* MISO Transmission Owners Rehearing Request at 9–10 (citing *EPSA,* 136 S. Ct. at 779).

[58] MISO Transmission Owners Rehearing Request at 9–10; Southern Regulators Rehearing Request at 15.

[59] *E.g.,* Southern Regulators Rehearing Request at 19.

[60] NARUC Rehearing Request at 7 (quoting Order No. 2222–A, 174 FERC ¶ 61,197 at P 23).

[61] *Id.* at 8.

capabilities.[62] The MISO Transmission Owners argue that, in allowing demand response resources to participate through a heterogeneous aggregation, the Commission did not distinguish between injection and non-injection resources, as it previously did when maintaining the opt-out in Order Nos. 841 and 2222.[63]

24. Several petitioners further argue that the Commission's decision is arbitrary and capricious because it would allow distributed energy resource aggregations comprised primarily of demand response resources to evade state regulations.[64]

25. Finally, EEI argues that it was arbitrary and capricious for the Commission to remove the opt-out without allowing an opportunity for public comment in Docket No. RM21–14–000, where the Commission has opened a far-reaching inquiry about removing the demand response opt-out from its regulations.[65] EEI and the MISO Transmission Owners argue that the Commission has effectively undermined that inquiry in Docket No. RM21–14–000.[66]

b. Commission Determination

26. Upon reviewing the requests for rehearing, we set aside our prior decision not to extend the Order No. 719 opt-out to demand response resources that participate in heterogeneous distributed energy resource aggregations. As discussed below, we find that these issues are better addressed in Docket No. RM21–14–000.[67]

27. As an initial matter, we disagree with the arguments on rehearing that the Commission's interpretation of the Order No. 719 opt-out in Order No. 2222–A would have exceeded the Commission's jurisdiction under the FPA. The Southern Regulators rely on *EPSA* to argue that the Commission failed to properly balance the jurisdictional limitations of the FPA. We disagree. *EPSA* held that the Commission's regulation of demand response participation in wholesale markets is a practice that directly affects wholesale rates.[68] Further, the Court also held that the Commission's regulation of demand response resources does not regulate retail sales in violation of FPA section 201(b).[69] As the D.C. Circuit explained in *NARUC,* the Court in *EPSA* ''did not condition its holdings on the existence of an opt-out.'' [70] Accordingly, we continue to conclude that the Commission was not legally required either to grant the opt-out in Order No. 719 or to extend that opt-out in this proceeding.[71]

28. Nonetheless, we acknowledge that, in implementing the opt-out in Order No. 719, a number of states broadly prohibited demand response participation in RTO/ISO markets,[72] and that those states—and other entities affected by the opt-out—may not have anticipated that this proceeding would call into question those broad prohibitions. Given the importance of these issues, which affect both federal and state regulatory interests,[73] we believe that the better course is to provide them full consideration through the Notice of Inquiry (NOI) issued contemporaneously with Order No. 2222–A. The record under development in that proceeding bears on many of those federal and state interests and will provide an opportunity for all interested views to be heard and considered by the Commission.[74] Specifically, the NOI

[62] Southern Regulators Rehearing Request at 20 (citing Order No. 2222–A, 174 FERC ¶ 61,197 at P 24).

[63] MISO Transmission Owners Rehearing Request at 7 (citing Order No. 841–A, 167 FERC ¶ 61,154 at P 53).

[64] EEI Rehearing Request at 4; MISO Transmission Owners Rehearing Request at 6 n.13; North Carolina Commission Rehearing Request at 7–8.

[65] EEI Rehearing Request at 1–2; MISO Transmission Owners Rehearing Request at 11.

[66] EEI Rehearing Request at 4; MISO Transmission Owners Rehearing Request at 8.

[67] The Commission has broad discretion in how to manage its proceedings. *See Vt. Yankee Nuclear Power Corp.* v. *Natural Res. Def. Council, Inc.,* 435 U.S. 519, 524–25 (1978) (recognizing that agencies have broad discretion over the formulation of their procedures); *S.C. Pub. Serv. Auth.* v. *FERC,* 762 F.3d 41, 81 (D.C. Cir. 2014) (affirming the Commission's discretion in how to manage the proceedings before it); *Tenn. Gas Pipeline Co.* v. *FERC,* 972 F.2d 376, 381 (D.C. Cir. 1992) (''The agency is entitled to make reasonable decisions about when and in what type of proceeding it will deal with an actual problem.'') (citing *Mobil Oil Expl. & Producing Se. Inc.* v. *United Distrib. Cos.,* 498 U.S. 211, 230 (1991) (''An agency enjoys broad discretion in determining how best to handle related, yet discrete, issues in terms of procedures . . . .'')).

[68] *EPSA,* 136 S. Ct. at 774 (referring to the Commission's jurisdiction under FPA sections 205 and 206 to regulate practices affecting jurisdictional rates); *see also* Order No. 2222, 172 FERC ¶ 61,247 at P 41 (discussing *EPSA*'s application to this proceeding).

[69] *EPSA,* 136 S. Ct. at 784; *see also* Order No. 2222, 172 FERC ¶ 61,247 at P 41.

[70] *NARUC,* 964 F.3d at 1189–90; *see Elec. Storage Participation in Mkts. Operated by Reg'l Transmission Orgs. and Indep. Sys. Operators,* Order No. 841, 83 FR 9580 (Mar. 6, 2018), 162 FERC ¶ 61,127 (2018), *order on reh'g and clarification,* Order No. 841–A, 84 FR 23902 (May 23, 2019), 167 FERC ¶ 61,154, at P 40 (2019), *aff'd sub nom. NARUC,* 964 F.3d 1177 (explaining that the Court in *EPSA* described how its ''analysis of FERC's regulatory authority proceeds'' without referring to an opt-out, and explaining that, when the Court stated that it viewed the opt-out merely as the ''finishing blow'' to EPSA's already losing arguments that the Commission ''aimed to obliterate [states'] regulatory authority or override their pricing policies,'' that statement was not a determinative part of its analysis) (quoting *EPSA,* 136 S. Ct. at 773, 779).

[71] *See* Order No. 2222, 172 FERC ¶ 61,247 at P 59 (explaining that the Commission was not obligated to provide an opt-out in Order No. 719 but did so as an exercise of its discretion); *see also NARUC,* 964 F.3d at 1187 (''[B]ecause FERC has the exclusive authority to determine who may participate in the wholesale markets, the Supremacy Clause . . . requires that [s]tates not interfere.'').

[72] *See, e.g.,* North Carolina Commission Request for Rehearing at 2–3 (quoting 2010 North Carolina Commission decision ordering that ''under North Carolina law and its traditional regulatory structure, Dominion's retail customers cannot participate in PJM's wholesale markets through its demand response programs individually or through aggregation by a third party not regulated by the Commission''); Southern Regulators Request for Rehearing at 11 n.33 (citing *Notice of Intent of Entergy Mississippi, LLC to Change Rates by Filing Market Valued Demand Response Rider,* 2019 WL 5212152, at *1 (Miss. Pub. Serv. Comm'n Sept. 10, 2019) (''The Commission further finds that [Market Valued Demand Response] Schedule MVDR–1 is the only vehicle through which end-use retail customers and/or [aggregators of retail customers] will be permitted to participate as DR resources in the MISO wholesale market. Entergy Mississippi will be the sole Market Participant [ ] in MISO for all DR resources provided by Participants in [Entergy Mississippi's] service territory.'')).

[73] *Compare* Order No. 2222–A, 174 FERC ¶ 61,197 (Christie, Comm'r, dissenting at P 6) (''Providing such flexibility to the states and other RERRAs [to fully opt-out] would allow them to manage the deployment of behind-the-meter [distributed energy resources] in ways necessary to meet their own unique challenges.''); NARUC Request for Rehearing at 6–7 (arguing that the Commission in Order No. 2222–A took away the authority of those states that had regulations that applied to wholesale market participation of demand response aggregations on the distribution system or behind the meter); *with* Order No. 2222–A, 174 FERC ¶ 61,197 at P 23 (''find[ing] that extending the Order No. 719 opt-out to demand response resources in heterogeneous distributed energy resource aggregations would undermine the potential of Order No. 2222 to break down barriers to competition'').

[74] For example, the Commission in the NOI asked: ''What are the potential benefits of removing the [Order No. 719 opt-out], including any benefits not considered by the Commission in Order Nos. 719 and 719–A, *and considering any changed circumstances that may be relevant*?'' *Participation of Aggregators of Retail Demand Response Customers in Markets Operated by Regional Transmission Organizations and Independent System Operators,* 86 FR 15933 (Mar. 25, 2021), 174 FERC ¶ 61,198, at P 24 (2021) (question five) (emphasis added); *see id.* P 25 (question 9) (''To what extent has the [Order No. 719 opt-out] prevented interference with the operation of existing retail demand response programs, or avoided placing an undue burden on state and local retail regulatory entities, as noted in Order No. 719?''); *id.* P 24 (question 6) (''What are the potential benefits of creating more consistency between the participation models for [aggregators of retail customers] and distributed energy resource aggregators by removing the [Order No. 719 opt-out]? In light of market participation opportunities for energy efficiency resources, electric storage resources, and distributed energy resource aggregations, would eliminating the [Order No. 719 opt-out] established in Order Nos. 719 and 719–A enhance clarity for market participants and prevent disputes regarding the eligibility of resource aggregations to participate in wholesale markets?''); *id.* (question 8) (''Is there any other evidence to suggest that RTO/ISO market rules reflecting the

Continued

states that the Commission is ''exploring whether to revise the Commission's regulations to remove the [Order No. 719 opt-out], recognizing that the Commission, when it established the [Order No. 719 opt-out], balanced the interests and concerns of state and local regulatory authorities with the Commission's goal of removing barriers to demand response resource participation in RTO/ISO markets. Circumstances may have changed in the years since the issuance of Order Nos. 719 and 719–A, such that the balance reflected in those orders adopting the [Order No. 719 opt-out] may have shifted and the RTO/ISO market rules reflecting the [Order No. 719 opt-out] may no longer be just and reasonable.'' [75] To ensure an adequate opportunity for interested entities to comment on the Order No. 719 opt-out in light of our decision to set aside Order No. 2222–A in part, concurrently with this decision, the Commission is issuing a notice extending the comment periods in Docket No. RM21–14–000.[76]

29. Because we set aside our prior decision in Order No. 2222–A to not extend the Order No. 719 opt-out to demand response resources that participate in heterogeneous distributed energy resource aggregations, we find that, as the Commission stated in Order No. 2222, ''the participation of demand response in distributed energy resource aggregations is subject to the opt-out and opt-in requirements of Order Nos. 719 and 719–A. Therefore, if the relevant electric retail regulatory authority where a demand response resource is located has either chosen to opt out or has not opted in [pursuant to Order Nos. 719 and 719–A], then the demand response resource may not participate in a distributed energy resource aggregation.'' [77]

B. Definition of Demand Response for Purposes of Applying the Order No. 719 Opt-Out to Heterogeneous Distributed Energy Resource Aggregations

30. Order No. 2222 requires each RTO/ISO to revise its tariff to allow market participation by heterogeneous distributed energy resource aggregations.[78] The Commission found that requiring each RTO/ISO to allow heterogeneous aggregations will further enhance competition in RTO/ISO markets by ensuring that complementary resources, including those with different physical and operational characteristics, can meet qualification and performance requirements such as minimum run times, which will help ensure that these markets produce just and reasonable rates.

31. In Order No. 2222–A, for purposes of applying the opt-out, the Commission clarified the definition of heterogeneous aggregations as ''those that are made up of different types of resources including demand response as opposed to those made up solely of demand response.'' [79] The Commission found that ''[t]he opt-out will continue to apply to aggregations made up *solely* of resources that participate as demand response resources, consistent with [its] regulations'' (*i.e.,* consistent with the opt-out requirements of Order No. 719). The Commission clarified that, ''if an individual distributed energy resource can be configured to engage in either demand response or injection of energy onto the grid to make wholesale sales (*e.g.,* a behind-the-meter generator), it may choose to participate in the wholesale markets by reducing a customer's metered load on the grid from the customer's expected consumption (*i.e.,* as a demand response resource subject to Order No. 719) or it may choose to participate by injecting energy onto the grid to make wholesale sales (*i.e.,* as a different type of distributed energy resource).'' [80] The Commission stated that, ''if a distributed energy resource aggregation is composed solely of resources that participate as demand response resources, then the Order No. 719 opt-out would apply to that aggregation.'' But, the Commission stated, ''if a distributed energy resource aggregation contains any resources that participate as another type of distributed energy resource, then the Order No. 719 opt-out would not apply to that aggregation.''

a. Request for Clarification

32. Voltus requests clarification that demand response paired with a behind-the-meter distributed energy resource constitutes a heterogeneous distributed energy resource aggregation not subject to the Order No. 719 opt-out.[81] Voltus argues that the Commission stated that resources ''made up solely of demand response'' are subject to the opt-out. Voltus maintains that the Commission could have easily stated that demand response paired with behind-the-meter distributed energy resources to reduce load is a demand response resource subject to the opt-out, but it did not draw this distinction.[82]

33. Voltus argues that clarification is necessary because paragraph 29 of Order No. 2222–A has caused MISO to propose that an aggregation of demand response using behind-the-meter generation and/or storage to reduce load would be subject to the Order No. 719 opt-out.[83] Voltus argues that this conclusion is based on an overly broad reading of a single paragraph, which draws no distinction regarding whether a distributed energy resource acts to reduce load. Voltus maintains that it would be needlessly complicated if a resource could evade the opt-out because it is configured to inject but never actually does.[84]

34. Voltus argues that classifying demand response paired with behind-the-meter resources as a heterogeneous aggregation is consistent with AEE/AEMA's request for clarification that a behind-the-meter distributed energy resource used to serve onsite load should be paid at the locational marginal price (LMP), as required by Order No. 745. Voltus argues that LMP payments are proper because Order No. 2222–A did not change Order No. 745's payment structure for resources that reduce load to the bulk power system.[85]

b. Commission Determination

35. Because we set aside the Commission's decision in Order No. 2222–A to decline to extend the Order No. 719 opt-out to heterogeneous distributed energy resource aggregations, we find that Voltus's request for clarification is largely moot.

36. Nevertheless, with respect to potential confusion underlying Voltus's request for clarification, we note that the Commission has stated previously that load reductions in demand response programs can be facilitated by a variety of technologies and still constitute demand response.[86] Thus, we clarify

[Order No. 719 opt-out] are no longer just and reasonable?'').

[75] *Id.* P 21.

[76] Notice of Extension of Time for Filing Initial and Reply Comments, *Participation of Aggregators of Retail Demand Response Customers in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Docket No. RM21–14–000 (June 17, 2021) (extending time to and including July 23, 2021 to file initial comments, and to and including August 23, 2021 to file reply comments).

[77] Order No. 2222, 172 FERC ¶ 61,247 at P 145.

[78] *Id.* P 142.

[79] Order No. 2222–A, 174 FERC ¶ 61,197 at P 22.

[80] *Id.* P 29.

[81] Voltus Request for Clarification at 1, 4.

[82] *Id.* at 5.

[83] *Id.* at 1, 4, 5.

[84] *Id.* at 5.

[85] *Id.* at 6.

[86] *See, e.g., Demand Response Supporters* v. *N.Y. Indep. Sys. Operator, Inc.,* 155 FERC ¶ 61,151, at P 13 (2016) (''[A] reduction in metered load on the grid, even a reduction facilitated by behind-the-meter generation, is still a reduction and thus is appropriately considered demand response as defined in section 35.28(d)(4).''); *Demand Response Compensation in Organized Wholesale Energy Markets,* Order No. 745, 76 FR 16658 (Mar. 24,

that a behind-the-meter resource that is solely used to facilitate demand response, *i.e.,* deployed solely to reduce customer load from expected consumption, would itself be considered a demand response resource.[87]

C. Double Counting and Compensation for Behind-the-Meter Distributed Energy Resources That Reduce Load

37. In Order No. 2222, the Commission clarified that the requirements in Order No. 745 would apply to demand response resources participating in heterogeneous aggregations.[88] The Commission also stated that ''this final rule does not affect existing demand response rules.'' [89] In Order No. 2222–A, the Commission stated that ensuring that demand response resources can combine with other forms of distributed energy resources has the potential to increase both the number and the variety of distributed energy resource aggregations, thereby enhancing competition and furthering its mandate to ensure that Commission-jurisdictional rates are just and reasonable.[90]

38. With respect to double counting, the Commission in Order No. 2222 required each RTO/ISO to include any appropriate restrictions on distributed energy resource participation in RTO/ISO markets through distributed energy resource aggregations, if narrowly designed to avoid counting more than once the services provided by distributed energy resources in RTO/ISO markets.[91] The Commission stated that, for instance, if a distributed energy resource is offered into an RTO/ISO market and is not added back to a utility's or other load serving entity's load profile, then that resource will be double counted as both load reduction and a supply resource.[92] In Order No. 2222–A, the Commission clarified that, when the Commission stated that ''if a distributed energy resource is offered into an RTO/ISO market and is not added back to a utility's or other load serving entity's load profile, then that resource will be double counted as both load reduction and a supply resource,'' [93] the Commission was indicating that, for planning purposes, double counting of services would occur if the same distributed energy resource reduces the amount of a service that an RTO/ISO procures on a forward-looking basis in a certain time period while also acting as a provider of that same service in that same delivery period.

a. Request for Clarification or Rehearing

39. AEE/AEMA seek clarification—or, in the alternative, rehearing—that behind-the-meter distributed energy resources used to serve onsite load, therefore reducing power consumption from the bulk power system, should be compensated at full locational marginal price (LMP) in compliance with Order No. 745 with no need to eliminate retail savings generated by the distributed energy resource, and that payment of full LMP to behind-the-meter distributed energy resources does not constitute double counting.[94] AEE/AEMA ask the Commission to confirm that double counting does not occur when a distributed energy resource participating in an aggregation is compensated for acting as a provider of a service, whether procured on a forward-looking basis or in real-time, and reduces an end-use customer's load on the bulk power system, resulting in retail savings.[95]

40. AEE/AEMA maintain that the Supreme Court in *EPSA* held that the Commission has authority to authorize RTOs/ISOs to pay demand response resources full LMP.[96] AEE/AEMA contend that the Commission has clarified that payment of full LMP to demand response resources does not constitute double counting—regardless of the existence of behind-the-meter distributed energy resources or other manner of load reduction to the bulk power system.[97] AEE/AEMA argue that the principles of Order No. 745 apply to all reductions in load from the perspective of the bulk power system, regardless of the method or methods used to achieve that reduction, even though Order No. 2222 defined demand response resources more narrowly as reductions to usage by a customer.[98]

41. AEE/AEMA state that their members are encountering continued confusion in ongoing RTO/ISO stakeholder processes regarding the double counting restrictions in Order No. 2222, specifically regarding compensation for wholesale market services provided by aggregations.[99] AEE/AEMA argue that, absent clarification, RTO/ISO compliance submissions may not fully comply with Order Nos. 745 and 2222–A and may result in significant stakeholder discussions that could delay implementation of new participation rules and deployment of distributed energy resources.[100] AEE/AEMA assert that Order No. 2222 proposals that pay demand response resources less than full LMP would not enhance competition or ensure just and reasonable rates.[101]

b. Commission Determination

42. We grant, in part, AEE/AEMA's request for clarification. As an initial matter, we disagree with AEE/AEMA's claim that Order No. 2222 modified the definition of demand response. In Order Nos. 745 and 2222, the Commission cited to the same definition of demand response contained in the Commission's regulations.[102] Further, we disagree with AEE/AEMA's suggestion that *all* reductions in load from the perspective of the bulk power system should be compensated consistent with Order No. 745. Only those reductions that meet the definition of demand response in the Commission's regulations and are used to reduce customer load from a validly established baseline pursuant to Order Nos. 745 and 745–A must be compensated consistent with those orders.[103]

43. We clarify that payment of full LMP in the energy market to behind-the-

2011), 134 FERC ¶ 61,187, *order on reh'g and clarification,* Order No. 745–A, 137 FERC ¶ 61,215, at P 66 (2011), *reh'g denied,* Order No. 745–B, 138 FERC ¶ 61,148 (2012), *vacated sub nom. Elec. Power Supply Ass'n* v. *FERC,* 753 F.3d 216 (D.C. Cir. 2014), *rev'd & remanded sub nom. EPSA,* 136 S. Ct. 760 (''[T]he manner in which a customer is able to produce such a load reduction from its validly established baseline (whether by shifting production, using internal generation, consuming less electricity, or other means) does not change the effect or value of the reduction to the wholesale grid.'').

[87] *See* 18 CFR 35.28(b)(4).

[88] Order No. 2222, 172 FERC ¶ 61,247 at P 145. In Order No. 2222, the Commission stated that ''[d]emand response means a reduction in the consumption of electric energy by customers from their expected consumption in response to an increase in the price of electric energy or to incentive payments designed to induce lower consumption of electric energy.'' *Id.* P 2 n.8 (citing 18 CFR 35.28(b)(4)).

[89] *Id.* P 118.

[90] Order No. 2222–A, 174 FERC ¶ 61,197 at P 25 (citing 16 U.S.C. 824e).

[91] Order No. 2222, 172 FERC ¶ 61,247 at PP 160–161.

[92] *Id.* P 161.

[93] Order No. 2222–A, 174 FERC ¶ 61,197 at P 63 (citing Order No. 2222, 172 FERC ¶ 61,247 at P 161).

[94] AEE/AEMA Request for Clarification at 2–3, 5–6.

[95] *Id.* at 2, 5.

[96] *Id.* at 3–4 (citing *EPSA,* 136 S. Ct. 760).

[97] *Id.* at 4 (citing Order No. 745, 134 FERC ¶ 61,187 at PP 64, 66).

[98] *Id.* at 5 (citing Order No. 745–A, 137 FERC ¶ 61,215 at P 66; Order No. 2222, 172 FERC ¶ 61,247 at P 2 n.8).

[99] *Id.* at 2, 6.

[100] *Id.* at 6.

[101] *Id.*

[102] Order No. 745, 134 FERC ¶ 61,187 at P 2 n.2; Order No. 2222, 172 FERC ¶ 61,247 at P 2 n.8 (citing 18 CFR 35.28(b)(4)) (''Demand response means a reduction in the consumption of electric energy by customers from their expected consumption in response to an increase in the price of electric energy or to incentive payments designed to induce lower consumption of electric energy.'').

[103] *See supra* P 36.

meter distributed energy resources participating as demand response resources in distributed energy resource aggregations does not constitute double counting, so long as the requirements of Order No. 745, including the net benefits test, are satisfied.[104] Order No. 2222 provided that the requirements of Order No. 745 apply to demand response resources participating in heterogeneous aggregations.[105] In Order No. 745, the Commission found that when a demand response resource is participating in an RTO/ISO market and dispatch of that demand response resource is cost-effective as determined by the net benefits test, that demand response resource must be compensated in the energy market at the LMP.[106] Accordingly, in circumstances in which the net benefits test is satisfied, paying LMP to behind-the-meter distributed energy resources participating as demand response resources in distributed energy resource aggregations, without reflecting the savings load realized from not having to purchase electricity, does not reflect a double payment.[107] We will evaluate, on compliance, any proposed distributed energy resource aggregation compensation rules regarding demand response for consistency with the requirements of Order No. 745. However, with respect to compensation issues beyond the scope of Order No. 745, such as if a behind-the-meter resource participates as another type of distributed energy resource, we will not prejudge RTO/ISO proposals but rather evaluate them on compliance.

44. With respect to the participation of demand response resources in distributed energy resource aggregations, we clarify that, if an individual distributed energy resource is a behind-the-meter generator, it may participate within a distributed energy resource aggregation as a demand response resource or as a different type of distributed energy resource. If the distributed energy resource participates as demand response, the requirements in Order No. 745 would apply, and the RTOs/ISOs are required to allow that distributed energy resource to aggregate with other types of distributed energy resources in a heterogeneous distributed energy resource aggregation.[108] If the behind-the-meter resource participates as another type of distributed energy resource (*i.e.,* not as a demand response resource), the requirements in Order No. 745 would not apply.

45. We reiterate, however, that we will evaluate each RTO's/ISO's ''proposal submitted on compliance to determine whether it meets the goals of this final rule to allow distributed energy resources to provide all services that they are technically capable of providing through aggregation,'' [109] and accordingly, whether it appropriately compensates distributed energy resources for providing such services.

III. Information Collection Statement

46. The burden estimates have not changed from the final rule.

IV. Regulatory Flexibility Act

47. The Regulatory Flexibility Act of 1980 (RFA) [110] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Pursuant to section 605(b) of the RFA, we still conclude that this rule will not have a significant economic impact on a substantial number of small entities.

V. Document Availability

48. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

49. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

50. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202)–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

VI. Effective Date and Congressional Notification

51. This rule is effective August 27, 2021.

By the Commission.

Commissioner Chatterjee is concurring with a separate statement attached.

Commissioner Danly is concurring with a separate statement attached.

Commissioner Christie is concurring in part and dissenting in part with a separate statement attached.

Issued: June 17, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

Department of Energy

Federal Energy Regulatory Commission

Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators

Docket No. RM18–9–003

CHATTERJEE, Commissioner, *concurring:*

1. I concur with today's order because it continues to find that the Commission was under no legal obligation to provide the Order No. 719 opt-out.[1]

2. I write separately to reiterate and emphasize my support for eliminating the Order No. 719 opt-out, which has for years prevented demand response resources in many states from participating in our wholesale markets. The outdated Order No. 719 opt-out cannot be reconciled with the competitive principles underpinning Order No. 2222 and the Commission's statutory responsibility to ensure rates subject to the Commission's jurisdiction are just and reasonable and not unduly discriminatory or preferential.[2] There is no reasonable explanation as to why the Commission should maintain the Order No. 719 opt-out and treat demand response resources differently from all other distributed energy resources.

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[104] *See* Order No. 2222, 172 FERC ¶ 61,247 at P 145.

[105] *Id.*

[106] Order No. 745–A, 137 FERC ¶ 61,215 at P 64 (citing Order No. 745, 134 FERC ¶ 61,187 at P 61).

[107] *See id.*

[108] *See* Order No. 2222, 172 FERC ¶ 61,247 at P 142 (requiring RTOs/ISOs to allow heterogeneous DER aggregations); *id.* P 145 (clarifying that the requirements in Order No. 745 apply to demand response resources participating in heterogeneous aggregations).

[109] Order No. 2222, 172 FERC ¶ 61,247 at P 130.

[110] 5 U.S.C. 601–612.

[1] *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Order No. 2222–B, 175 FERC ¶ 61,227 at P 27 (2021). *See* Order No. 2222, 172 FERC ¶ 61,247 at P 59 (explaining that the Commission was not obligated to provide an opt-out in Order No. 719 but did so as an exercise of its discretion); *see also NARUC,* 964 F.3d at 1187 (''[B]ecause FERC has the exclusive authority to determine who may participate in the wholesale markets, the Supremacy Clause . . . requires that [s]tates not interfere.'').

[2] 16 U.S.C. 824e.

Accordingly, to ensure consumers can realize the full benefits of Order No. 2222 and the wholesale market services demand response resources can provide, I urge the Commission to press forward to eliminate the Order No. 719 opt-out once and for all.

For these reasons, I respectfully concur.

Neil Chatterjee,

Commissioner.

Department of Energy

Federal Energy Regulatory Commission

Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators

Docket No. RM18–9–003

DANLY, Commissioner, *concurring:*

1. I agree with the Commission's order today granting rehearing to extend the states' existing rights to opt-out of wholesale demand response programs [1] including demand response resources that participate in ''heterogeneous distributed energy resource aggregations.'' [2] In other words, states can choose to prohibit demand response resources within their boundaries from participating in multi-state, wholesale distributed energy resource programs. This order represents the correct division of authority between state and federal jurisdiction.

2. I write separately to highlight that even if the Commission is correct that it has jurisdiction over distributed energy resource aggregations—including those ''aggregations'' comprised of a single resource [3]—the Commission still should have chosen not to exercise such jurisdiction in Order No. 2222.[4] This order on rehearing returns authority over demand response resources—which often are included in distributed energy resource aggregations—to the states, letting the states choose whether demand response resources can participate in wholesale distributed energy resource aggregations. This correctly preserves the traditional allocation of authority between the individual states and the federal government.

For these reasons, I respectfully concur.

James P. Danly,

Commissioner.

Department of Energy

Federal Energy Regulatory Commission

Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators

Docket No. RM18–9–003

CHRISTIE, Commissioner, *concurring in part and dissenting in part:*

1. I concur with the first sentence of Paragraph 26 and other provisions of the order which set ''aside our prior decision [in Order No. 2222–A] not to extend the Order No. 719 opt-out to demand response resources that participate in heterogeneous distributed energy resource aggregations . . . .'' [1]

2. As the second sentence in Paragraph 26 and other provisions in today's order indicate, however, there is no decision affirmatively to preserve those Order No. 719 opt-out provisions; [2] on the contrary, the prospect of ultimately removing even these opt-out provisions is very much alive as a result of the NOI proceeding in Docket No. RM21–14–000.[3]

3. Beyond the parts of this order that restore, at least temporarily, those opt-out provisions, I dissent from the remainder of the order, because I would have voted against Order No. 2222 had I been a member of the Commission at that time and I did vote against Order No. 2222–A. As I said in my dissent to the latter:

Today the majority . . . sides against the consumers who for years to come will almost surely pay billions of dollars for grid expenditures likely to be rate-based in the name of ''Order 2222 compliance.''

. . .

Sadly, instead of making the states, municipal and public-power authorities and electric co-operatives truly equal partners in managing the timing and conditions of deployment of behind-the-meter DERs in ways that are sensitive to local needs and challenges—both *technical* and *economic*—today's order denies them any meaningful control by prohibiting any opt-out or opt-in options except in relatively tiny circumstances. This order—and its predecessor—intentionally seize from the states and other authorities their historic authority to balance the competing interests of deploying new technologies while maintaining grid reliability *and* protecting consumers from unaffordable costs . . . .[4]

4. To ameliorate at least some of the damaging effects caused by Order Nos. 2222 and 2222–A, I would authorize states and other RERRAs the right to exercise an opt-out from the requirements of those orders, if not permanently then at least for some period of years to enable them better to prepare for the impacts on retail customers and distribution grids they now face.

For these reasons, I respectfully concur in part and dissent in part.

Mark C. Christie,

Commissioner.

[FR Doc. 2021–13442 Filed 6–25–21; 8:45 am]

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[1] *See Wholesale Competition in Regions with Organized Electric Markets,* Order No. 719, 125 FERC ¶ 61,071, at P 155 (2008), *order on reh'g,* Order No. 719–A, 128 FERC ¶ 61,059, *order on reh'g,* Order No. 719–B, 129 FERC ¶ 61,252 (2009).

[2] *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators,* 175 FERC ¶ 61,227, at P 26 (2021) (Order).

[3] *See Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators,* Order No. 2222, 85 FR 67,094 (Oct. 21, 2020), 172 FERC ¶ 61,247, at P 1 n.1 (2020), *corrected,* 85 FR 68,450 (Oct. 29, 2020), *order on reh'g,* Order No. 2222–A, 174 FERC ¶ 61,197 (2021) (Danly, Comm'r, *dissenting*) (discussing single resource ''aggregations''); 18 CFR 35.28(b)(10) (2020).

[4] *See* Order, 175 FERC ¶ 61,227 at P 27 (discussing case law on jurisdiction).

[1] *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Order No. 2222, 85 FR 67094 (Oct. 1, 2020), 172 FERC ¶ 61,247 (2020), *corrected,* 85 FR 68450 (Oct. 29, 2020), *order on reh'g,* Order No. 2222–A, 174 FERC 61,197 (2021), *order on reh'g and clarification,* Order No. 2222–B, 175 FERC ¶ 61,227, at P 26 (2021).

[2] Order No. 2222–B at P 26.

[3] *Participation of Aggregators of Retail Demand Response Customers in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Notice of Inquiry, 174 FERC ¶ 61,198 (2021) (NOI); *see also* Order No. 2222–B at P 28.

[4] Order No. 2222–A (Christie, Comm'r, dissenting at PP 1, 3 (emphasis in original) (footnotes omitted) (available at *https://www.ferc.gov/news-events/news/item-e-1-commissioner-mark-c-christie-dissent-regarding-participation-distributed*)).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1300, 1301, and 1304

[Docket No. DEA–459]

RIN 1117–AB43

Registration Requirements for Narcotic Treatment Programs With Mobile Components

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is publishing this final rule to revise existing regulations for narcotic treatment programs (NTPs) to allow the operation of a mobile

component associated with a DEA-registered NTP to be considered a coincident activity permitted under the NTP's registration. Based on these revisions, NTP registrants that operate or wish to operate mobile components (in the State in which the registrant is registered) to dispense narcotic drugs in schedules II–V at remote location(s) for the purpose of maintenance or detoxification treatment do not need a separate registration for such mobile component. This final rule waives the requirement of a separate registration at each principal place of business or professional practice where controlled substances are dispensed for those NTPs with mobile components that fully comply with the requirements of this rule. These revisions to the regulations are intended to make maintenance or detoxification treatments more widely available, while ensuring that safeguards are in place to reduce the likelihood of diversion.

DATES: This final rule is effective July 28, 2021.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, Diversion Control Division; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 776–2265.

SUPPLEMENTARY INFORMATION:

Legal Authority and Background

The Controlled Substances Act (CSA) generally provides, with certain exceptions, that all persons who are required to register under the Act must obtain a separate registration ''at each principal place of business or professional practice'' where such persons manufacture, distribute, or dispense a controlled substance. 21 U.S.C. 822(e)(1). However, the CSA authorizes the Attorney General to issue regulations waiving the requirement of registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety. 21 U.S.C. 822(d). The Attorney General has delegated this authority to the Administrator of the Drug Enforcement Administration (Administrator of DEA or Administrator). Pursuant to this authority, DEA is hereby finalizing a regulation that would waive the requirement of a separate registration for narcotic treatment programs (NTPs) that utilize mobile components under certain conditions. Specifically, under this final rule, an NTP is permitted to dispense narcotic drugs in schedules II–V from a mobile component at location(s) remote from, but within the same State as, the NTP's registered location, for the purpose of maintenance or detoxification treatment. Under this final rule, the NTP does not need to obtain a separate DEA registration for dispensing from the mobile component at a separate location as long as it complies with the requirements of the final rule. Such remote dispensing from an NTP's mobile component is deemed under the final rule to be a coincident activity permitted under the NTP's registration. In the interest of helping to alleviate the ongoing opioid epidemic in the United States, the Acting Administrator of DEA (Acting Administrator) finds that this waiver of registration is consistent with the public health and safety.

The final rule also contains additional requirements specified in the proposed rule to reduce the likelihood of diversion. Certain aspects of these additional requirements, which were raised by the commenters, are addressed below in the discussion of the comments. In addition, a section-by-section analysis of the final rule is provided following the discussion of the comments.

Notice of Proposed Rulemaking

On February 26, 2020, DEA published a notice of proposed rulemaking (NPRM) in the **Federal Register**, which provided an opportunity for comment on the proposed rule. 85 FR 11008. The comment period closed on April 27, 2020. Through this final rule, DEA is responding to these comments and finalizing the proposed rule with certain modifications discussed below.

Discussion of Comments

DEA received a total of 114 comments on the NPRM, copies of which are available online at *www.regulations.gov.* The commenters included: Researchers, practitioners, universities, non-profit organizations, addiction treatment programs, State and city boards of behavioral health and human services, associations, manufacturers, a law enforcement office, and other individual or anonymous commenters. DEA thanks all commenters for their thoughtful questions and suggestions, and appreciates their input during the rulemaking process.

One comment was a general statement of support for the rule, with no discussion of the proposed regulatory changes. Some commenters sought clarification of certain provisions in the proposed rule or recommended additional changes. The majority of commenters expressed support for various provisions in the proposed rule. That said, some commenters offered only partial support for the rule, agreeing with its general purpose but disagreeing with particular provisions; some of these commenters offered suggestions and proposed amendments to the rule that they thought would help DEA achieve its purpose. Three comments were outside of the scope of the rule. One comment—a general complaint about the government's COVID–19 response, unrelated to DEA—was outside the scope of the rulemaking and will therefore not be addressed. Another commenter suggested lengthening the five-year term for nurse anesthetists to treat patients with substance use disorder, which is a matter beyond the scope of this rule and will not be addressed. A third commenter suggested future rule changes DEA should consider to reduce patient access burdens, including: Reducing adherence requirements for take-home dosing, allowing community pharmacies to dispense methadone treatment, and allowing physicians outside of NTPs to prescribe methadone treatment for patients with opioid use disorders (OUDs). These issues are outside the scope of the rule and will not be addressed.

After a review of the comments, DEA noted that there were thirteen main issues that commenters raised, and many commenters raised multiple issues in their comments. Each issue is summarized below, along with DEA's responses. DEA has also summarized the remainder of the comments that did not fit into one of the thirteen main issues.

Expanding the Rule's Scope Beyond Mobile NTPs

Comment: One commenter recommended that the scope of the proposed rule be expanded to allow mobile components to carry controlled substances used for sedation (general anesthesia). The commenter stated that many specialty doctors (such as oral surgeons) work in multiple locations each week and are required to obtain separate permits (*i.e.,* separate DEA registrations) for each office in which they operate, and as such, cannot fill in for another doctor in the case of an emergency.

DEA Response: DEA understands that many specialty doctors (such as oral surgeons) may work in multiple locations each week and are therefore required under 21 U.S.C. 822(e)(1) and 21 CFR 1301.12(a) to obtain separate registrations for each office in which they operate, and as such are unable to fill in for another doctor in the case of an emergency.

This CSA requirement of separate registrations for each principal place of business or professional practice where the practitioner dispenses controlled substances allows DEA to monitor the dispensing of controlled substances. This requirement thereby reduces the potential for diversion of those substances. Accordingly, the CSA only authorizes the Administrator (by delegation from the Attorney General) to issue regulations waiving this requirement if he finds doing so to be consistent with the public health and safety. 21 U.S.C. 822(d).

As explained in the NPRM and above, DEA has concluded that allowing NTPs to operate mobile NTPs under the conditions specified in this rule is consistent with the public health and safety. *See* NPRM, 85 FR 11008, 11010. This conclusion, however, only extends to mobile NTP components used for maintenance and detoxification treatment; any other use is beyond the scope of this rule.

In this rulemaking, DEA has not considered whether waiving the separate registration requirement in any other circumstances would be consistent with the public health and safety, because such a determination was not necessary for this rulemaking. It is, in other words, beyond the scope of this rule. This final rule, therefore, does not change the requirement for separate registrations at each principal place of business or professional practice for any other registrants (including specialty doctors) that dispense controlled substances. To the degree interested parties believe that the separate registration requirement should be waived in other circumstances, they may petition DEA to do so by regulation.

Setting a Mileage Limit for Mobile NTP Dispensing

Comments: One commenter suggested that the proposed rule clarify the radius outside of the ''dispensary'' (*i.e.,* the NTP's registered location) within which the ''dispenser'' (*i.e.,* the mobile NTP) can deliver. Another commenter was concerned that the proposed rule suggested a mileage limit which might not be realistic, especially when applied to larger States. The commenter stated that there may be value in allowing each individual State to set and adjust the mileage limit that would be most appropriate for mobile NTPs operating in their State. Several other commenters (discussed in more detail below) suggested that DEA allow mobile NTPs to operate within a 200-mile radius of the NTP's registered location, even if that radius included areas in neighboring states.

DEA Response: DEA will not define an exact distance that the mobile component can travel from its registered location. As further explained below, DEA has concluded that mobile NTPs must be required to return to their registered locations upon the completion of their operations each day and that such a requirement can be met while still increasing access to maintenance or detoxification treatment in rural and underserved areas. A specified mileage limit, however, is not necessary to ensure that mobile NTPs will return to their registered locations daily. NTPs are better positioned than DEA to determine how far from their registered location the mobile components can travel while still allowing adequate time to return to their registered location at the end of the day, especially given that this distance is likely to vary between different geographic regions given differences in roads, traffic, and other conditions.

Mobile Components Crossing State Lines

Comments: Several organizations, practitioners, and non-profit organizations; a university policy think tank and researcher; and members of the general public were opposed to the proposed rule's requirement that mobile NTP components only operate in the same State as their registered NTP location. Multiple commenters voiced concern that this requirement would hinder the effectiveness of the proposed rule in providing services to underserved communities. One commenter noted that for many rural communities, the closest NTP may be across state lines. Five commenters cited studies that provided statistics on the number of NTP patients that traveled across state lines to access services, and calculated the mean driving distance to a methadone clinic in five rural states. These studies noted that many of these patients lived in areas that have been hit hardest by the opioid epidemic, and would benefit greatly from mobile medication delivery. Another commenter provided a citation to an article that showed the ineffectiveness of limiting mobile NTPs to intrastate in rural and underserved communities. These commenters urged DEA to allow NTPs located in one State to provide services to underserved areas in neighboring States. Commenters suggested that one way of allowing the mobile components to cross State lines would be to authorize an NTP's mobile component to operate across State lines so long as it remains within a 200-mile radius of the NTP's registered location, which would increase access to remote areas that otherwise might remain underserved. Commenters went on to say that as long as the NTP abided by the applicable State laws and secured approval from local DEA field offices, the mobile component should be allowed to cross State lines. Finally, one commenter suggested making requirements based on distance and population, and creating regulations built on collaboration. The commenter stated this approach would allow an NTP with mobile capabilities in one state to collaborate with an NTP that seeks to provide those services in a different state if the two NTPs share a patient base within a certain geographic area.

Another commenter expressed concern that NTPs would choose to only operate within their own State if (1) State methadone authorities hesitated to license a mobile component with a registered location in another State, or (2) States placed more onerous licensing processes on mobile components from another State. The commenter suggested that DEA should not prohibit this at the Federal level. The commenter further suggested that if States are willing to approve mobile components that are based in another State to promote access for their own citizens, DEA should defer to the States and permit mobile NTPs to operate in a different State than that of the NTP's registered location if the provider can obtain the requisite license from the State methadone authority.

Finally, one organization and an anonymous commenter supported the requirement that a mobile NTP only operate in the same State in which the NTP is registered with DEA. The organization noted that State regulations can vary greatly, and the organization was aware of the immediate regulatory crisis that would exist if DEA promulgated Federal regulations around mobile NTPs that permitted the mobile NTPs to dispense controlled substances in States in which they are not registered. The organization expressed concern that any potential for conflict within the treatment delivery system could put patient care in jeopardy and foster confusion that may fuel additional stigma against an already overly stigmatized medical treatment. The organization also noted that mobile NTPs are governed by State regulations in addition to the Federal regulations promulgated by DEA and the Substance Abuse and Mental Health Services Administration (SAMHSA). The organization further noted that operating a mobile NTP across State lines would call into question which

State has oversight and how the originating State could enforce their rules on a mobile NTP that is not located within their borders. The anonymous commenter also supported limiting the mobile NTP to the same State in which the NTP is registered, stating the restriction would prevent the mobile NTP from breaking the laws of the surrounding states it would be operating in, which might be different than the laws of the State in which the NTP is registered.

DEA Response: DEA appreciates the concerns raised by commenters that the proposed requirement that mobile NTPs only operate in the same State as their associated NTP's registered location may hinder the effectiveness of the rule in providing services to underserved communities. The intent of the rule is to increase access to these rural and underserved communities, while ensuring that certain recordkeeping and security requirements are met to prevent the diversion of controlled substances.

As stated in the preamble to the proposed rule, however, the CSA and DEA regulations have always required, with limited exceptions, practitioners to have separate registrations in each State in which they dispense controlled substances. *See* NPRM, 85 FR 11008, 11010. A practitioner, including an NTP, must maintain a DEA registration in each State in which it dispenses controlled substances because DEA registrations are based on State licenses to dispense controlled substances. *See, e.g.,* Clarification of Registration Requirements for Individual Practitioners, 71 FR 69478, 69478 (Dec. 1, 2006). DEA relies on State licensing bodies to determine that NTPs are qualified to dispense controlled substances for detoxification and maintenance purposes. State authority to conduct these activities only confers rights and privileges within the issuing State; consequently, a DEA registration based on a State license cannot authorize controlled substance dispensing outside of the State. This aspect of the CSA and DEA regulations also helps to ensure that each State retains the primary authority to regulate the practice of medicine within its borders. Therefore, DEA can only authorize an NTP and, as a coincident activity, its mobile component, to dispense controlled substances in the same State in which its brick-and-mortar NTP is registered with DEA to dispense controlled substances. Restricting a mobile NTP to a 200-mile radius of the DEA-registered site would not address this requirement, as the State authority to operate an NTP is limited to the borders of the State, regardless of distance.

DEA also cannot authorize NTPs to avoid this requirement by allowing a single mobile NTP to partner with multiple NTPs with registered locations in different States. This rule authorizes a registered NTP to operate a mobile component away from its registered location as a coincident activity of its DEA registration, which, as stated above, is predicated on state authorization. Moreover, this arrangement is critical to ensuring that a registered NTP maintains effective security and recordkeeping oversight of its mobile NTP operations to safeguard against diversion of the mobile NTP's controlled substances. Allowing multiple registered NTPs to share the same mobile component would diminish any individual location's perceived authority and responsibility for the controlled substances contained on the mobile NTP. For example, it would complicate the NTP's task of reconciling the dispensing logs from both the mobile component and the NTP's registered location to ensure that only the NTP's enrolled patients are receiving controlled substances. Furthermore, the task of recording (and investigators' task of tracing) the movement of controlled substances received at the NTP's registered location and transferred to the mobile NTP components would also be complicated. Thus, as reflected in the rule, DEA has concluded that each mobile NTP component may only operate under the DEA registration of a single NTP location—and may only operate in the State in which that registered NTP is licensed.

Comment: One commenter noted that although the proposed rule limited mobile components to the same State as the existing registration, it did not enumerate explicit measures for physically monitoring unauthorized out-of-State dispensations. The commenter stated that a lack of monitoring requirements in the proposed rule seemingly undermined effective DEA enforcement of its standards, thus enabling unauthorized medical practice to go undetected, and, accordingly, impeding States' rights to authorize practitioners.

DEA Response: The risk of a mobile NTP engaging in unauthorized out-of-State dispensing is not appreciably greater than any other practitioner engaging in such dispensing. Thus, DEA has concluded that the various regulatory requirements and monitoring activities that DEA uses to combat unauthorized dispensing in general should be adequate to combat any unauthorized dispensing by mobile NTPs. Moreover, this final rule already provides for certain measures designed to enhance DEA's ability to monitor the activities of mobile NTPs, such as the requirement that NTPs notify their local DEA office before using a mobile component to dispense controlled substances.

Mobile Components Facilitate Expanded Access in Rural Areas

Comments: A majority of commenters voiced support for the proposed rule saying that it would expand access to treatment for those who needed it. Multiple commenters stated that the proposed regulation was a step in the right direction because it reversed outdated regulations that have inhibited access to treatment. Several commenters stated that the proposed rule would greatly improve health outcomes for people with substance use disorder living in both rural and urban areas. These commenters noted that rural or geographically remote areas that were lacking in opioid replacement medication services faced a treatment gap because of issues like poverty, lack of access to care, and premature deaths; these mobile components could bridge these gaps, and allow more individuals to have access to treatment programs, which would help improve the odds of long-term recovery. Other commenters mentioned that the use of these mobile components could have positive outcomes outside of treatment for OUD, stating they could help with human immunodeficiency virus prevention, overdoses, and relapses. Other commenters also noted how the mobile components would allow many underrepresented groups like those suffering from mobility issues, mental health issues, incarceration, and homelessness to access treatment. Several commenters also stated that these mobile components, while expanding access, would reduce costs because there would not be as great of a need to build more brick-and-mortar NTPs.

Two associations, one representing NTPs and the other representing the interests of individuals in medication-assisted treatment (MAT), noted a potential funding source available through the U.S. Department of Agriculture (USDA). Both associations mentioned that the funding is available to assist NTPs with the purchase of mobile vans, if the NTPs meet USDA criteria in serving rural communities as defined by a population of 50,000 or less. Both associations also stated that they would advise NTPs to actively pursue this funding, working in

coordination with State opioid treatment authorities as well as SAMHSA and DEA, once the proposed rule had been finalized.

Several commenters also pointed out the advantages of allowing practitioners to dispense controlled substances at multiple locations, as the rule would facilitate. One commenter provided her personal experiences that she currently can only treat patients with opioid addiction at the DEA-registered location, where the injectable buprenorphine is delivered. The commenter believed that allowing providers to have more than one location is essential for good health care, because this would greatly increase access and treatment options for those suffering from opioid addiction.

Finally, several commenters mentioned how the current COVID–19 public health emergency would have negative effects on individuals who were suffering from OUD, because of State-mandated stay-at-home orders, social distancing requirements, and severe limitations on some of the transportation options on which these individuals rely. Commenters further noted that these negative consequences of the public health emergency could cause increases in isolation and an inability to reach treatment clinics, which could result in an increase in overdoses or even deaths. These commenters said that the use of mobile components would ensure that these individuals would be able to continue treatment.

DEA Response: As stated in the NPRM, DEA concluded that waiving the requirement for separate registration for mobile NTPs is consistent with the public health and safety, as it will increase access to treatment for those suffering from OUD in rural and underserved communities. *See* NPRM, 85 FR 11008, 11011. DEA re-affirms that position in the final rule. Specifically, DEA will waive the requirement of separate registration only for an NTP operating a mobile component at location(s) remote from, but within the same State as, the NTP's registered location for the purpose of maintenance or detoxification treatment.

The intent of the rule is to ensure that there is greater access to treatment for those who are suffering from OUD, and who are unable to access treatment because of rural or geographic limitations, mobility issues, etc. Furthermore, DEA has no objection to NTPs seeking grants or funding from government programs, or partnering with other organizations in order to defray the costs of purchasing and outfitting a mobile component. Regarding the COVID–19 public health emergency, this is an unprecedented event that has resulted in many agencies and organizations changing the way they operate. As a result of the public health emergency, DEA has worked closely with SAMHSA to provide guidance and support to opioid treatment programs to ensure that any individual who relies on MAT is able to continue treatment without disruption. It is DEA's hope that these mobile NTPs will be able to ensure greater access in in the future, especially when public health emergencies like this arise.

The Mobile Component Returning to Its Registered Location on a Daily Basis

Comments: Multiple commenters expressed concern regarding the requirement in proposed 21 CFR 1301.72(e) to return the mobile component and the controlled substances on board to the NTP's registered location daily. One commenter asserted that the daily return trip to prevent diversion is unnecessary since the mobile NTPs would be required to keep a record of all controlled substances removed from the safe on any given day. Several other commenters were concerned that the proposal would reduce the effectiveness of the mobile NTPs. Two commenters specifically stated this requirement would significantly limit the geographical reach of the mobile component. Multiple commenters argued that travel times could negatively affect the amount of time the component could operate, as many of the communities being served by mobile NTPs were far from the nearest DEA-registered NTP location. In fact, some commenters contended that many of these communities were hundreds of miles, with some specifying 100 to 200 miles and some simply stating over one hundred miles, from the NTP's registered location. One commenter further stated that the time required to travel such large distances could deter NTPs from offering regular services in the most remote areas. The commenter indicated that there are communities with significant rates of OUD located as far as 195 miles from the nearest NTP, which would require the mobile component to travel six hours round trip daily to reach these communities. The commenter recommended that DEA allow NTPs to enter into DEA-approved agreements with local or State law enforcement entities closer to the remote service area to secure the controlled substances in their facility while the mobile NTP is not in operation. The commenter stated that DEA already requires controlled substances in the possession of law enforcement be stored in a manner consistent with DEA's standard procedures for storing illicit controlled substances, and referenced DEA's disposal final rule regulation at 21 CFR 1317.35(c) (Collection by law enforcement).[1] Accordingly, the commenter pointed out that, if a law enforcement entity in closer proximity to the mobile component's service area than the NTP's registered location has secure storage procedures that meet DEA standards, the medications could be stored at this location for easier day-to-day access.

Another commenter expressed concerns that the security requirements DEA proposed were administratively burdensome, and specifically mentioned the requirement that the mobile component return to the NTP's registered location on a daily basis. The commenter stated that this requirement would increase the amount of time spent traveling, which would result in additional wear and tear on the vehicles and less time to work with patients who need care and rely on the mobile component. The commenter thus indicated that this requirement would detract from the increased access to treatment and reduced costs of expanded access that this regulation aims to achieve.

Likewise, a number of commenters also noted that requiring the mobile components to return to the NTP's registered location every day would be costly when factoring in staff time, travel costs, and the wear and tear on the vehicles. Several commenters postulated that these expenses could easily rival the cost of opening a new brick-and-mortar NTP. Two commenters estimated the cost for a mobile NTP, with at least one nurse and one medical assistant, traveling 100 miles round trip, six times per week for a year, as approaching $62,000. Both commenters stated this this amount could be more expensive than renting space for a new registered NTP location in some areas. Several commenters suggested that this requirement might hinder the effectiveness of the rule, particularly in rural areas, due to the extra costs and travel time associated with traveling back and forth daily. One commenter further stated that although DEA asserted that the proposed rule would benefit rural areas, this assertion was incorrect due to the scarcity of registered NTP locations near rural areas, and the costs that would be incurred if a mobile NTP attempted to

[1] 79 FR 53520 (Sept. 9, 2014).

travel to a rural area each day from an urban area.

Many commenters suggested that DEA allow these mobile components to stay in the field for longer periods of time. The commenters indicated that costs would be reduced significantly and there would be more time for providing care to patients, thus making the mobile components more effective, if the components were allowed to return to the registered location less frequently. The majority of commenters proposed only requiring the mobile NTPs to return to the registered location once a week, while another commenter suggested a 72-hour turnaround time, and another commenter simply requested that the mobile NTP be allowed to remain in the field for ''multiple days.'' One of the commenters who suggested returning once a week, alternatively recommended the mobile NTPs not be required to return more frequently than every other day. Another commenter stated that DEA should not specify when the mobile component must return or, as an alternative, suggested that DEA should consider increasing the intervals between returns and only requiring weekly returns.

Most commenters believed that requiring the mobile components to return to the registered location less frequently would increase access to treatment while still maintaining appropriate safeguards against potential theft and diversion. Indeed, several commenters asserted that these longer turnaround times were feasible given that DEA was proposing to apply existing security protocols to mobile components. One commenter similarly stated that the security measures required by the proposed rule were adequate to prevent diversion while the mobile component is in the field. However, one commenter suggested that if the mobile components are allowed to stay in the field for longer periods of time, additional security measures should be taken. The commenter suggested requiring an armed guard outside the mobile component or requiring the mobile component to be locked in a secure, fenced-in location.

Finally, one commenter stated that in the absence of evidence of abuse, DEA should not require the mobile component to return to the registered NTP location daily or store the controlled substances in the registered location at the end of each day. The commenter stated that the proposed rule includes multiple safety measures and procedures that are adequate to protect controlled substances, which the commenter felt acted as a significant check against theft and diversion. The commenter further contended that it is not clear that moving the mobile component back to the registered location and removing the controlled substances daily decreases the risk of diversion. Furthermore, the commenter asserted that DEA does not provide evidence or reasoning to explain how these requirements reduce the risk of diversion. The commenter insisted that pending the development of better information regarding the risks of diversion, DEA should not specify when the mobile component must return to the NTP's registered location.

DEA Response: DEA appreciates commenters' concerns over the proposed requirement that the mobile component and the controlled substances it carries return to the NTP's registered location daily. As stated before, the intent of the rule is to ensure that more individuals have access to treatment despite geographical limitations. The need to ensure that individuals in these remote locations can access the care that they need has to be balanced against security and recordkeeping requirements to ensure that the controlled substances on board the mobile component are not diverted for illicit use.

Several concerns drive DEA's conclusion that, upon the completion of their daily operations, mobile NTPs generally must return to their registered locations and secure all controlled substances within their registered location.

The first and most important concern is the danger associated with controlled substances that mobile NTPs will be carrying, should those substances be diverted. Of course, mobile NTPs will primarily be storing and distributing methadone, and methadone is an extremely dangerous drug if abused. More specifically, methadone is a potent schedule II opioid with a relatively long elimination half-life of 8–59 hours with an average of 24 hours depending on the individual.[2] As such, methadone can accumulate in an individual's body if taken more frequently than prescribed or in doses that exceed an individual's tolerance for the medication.[3] Methadone has been associated with adverse events and opioid overdose deaths in those lacking experience with the drug as well as in experienced users who overuse the drug or combine it with other illicit drugs or with other prescribed medications that have adverse drug-drug interactions with methadone.[4]

Methadone is also a demonstrated diversion risk.[5] It has significant street value, and its misuse and abuse has been documented.[6] And mobile NTPs, especially if they were allowed to remain away from their registered locations for multiple days, are likely to be carrying methadone in substantial quantities, enough to be of great street value and to impose a significant risk to an entire community should a fully stocked mobile NTP have its methadone diverted.[7]

So long as methadone remains in a mobile component, it is at an elevated risk of theft both because the mobile conveyance itself could be stolen, and because security measures in a mobile NTP will generally be less robust than those at the NTP's registered location. This risk is manageable when the mobile NTP is in operation and thus secured by staff to guard against theft. However, the risk becomes unwieldy—especially given that dangers posed by such quantities of methadone—when the mobile NTP is not in use and is unattended, generally at night, and the likelihood of theft is greater. Thus, by requiring NTPs to secure their controlled substances within their registered NTP location after operation each day, DEA decreases the risk that those controlled substances will be stolen—and thereby decreases the risk

[2] Substance Abuse and Mental Health Services Administration, Medications for Opioid Use Disorder. Treatment Improvement Protocol (TIP) Series 63, Publication No. PEP20–02–01–006, Rockville, MD: Substance Abuse and Mental Health Services Administration (2020).

[3] Roxane Laboratories, Dolophine hydrochloride package insert, *Fda.gov/media/76020/download* (accessed May 10, 2021).

[4] Food and Drug Administration, Public health advisory: Methadone use for pain control may result in death and life-threatening changes in breathing and heartbeat, Silver Spring, MD: U.S. Department of Health and Human Services, 2006, *https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm12346.htm* (accessed May 10, 2021); Modesto-Lowe V, Brooks D, Petry N., Methadone deaths: Risk factors in pain and addicted populations, J Gen Intern Med 25: 305–309 (2010); Madden ME, Shapiro SL, The methadone epidemic: Methadone-related deaths on the rise in Vermont, Am J Forensic Med Pathol. 32(2): 131–135, 2011.

[5] McCance-Katz EF. The National Survey on Drug Use and Health: 2019. Slide 14. *SAMHSA.gov/data/release/2019-national-survey-on-drug-use-and-health-nsduh-releases* (accessed May 10, 2021).

[6] National Drug Intelligence Center. Methadone diversion, abuse and misuse: Deaths increasing at alarming rate. *Justice.gov/archive/ndic/pubs25/25930/index.htm#Diversion* (2007) (accessed May 10, 2021); Wright N, D'Agnone O, Krajci P, et al. Addressing misuse and diversion of opioid substitution medication: Guidance based on systematic evidence review and real-world experience. J Public Health. 38 (3): e368–e374, 2016.

[7] For example, an average dose range for an individual on methadone maintenance is 60–120 mg daily, which would be multiplied by the number of individuals for whom the mobile NTP conveyance carries doses. *See* SAMSHA TIP 63, *supra* note 2.

that the communities served by mobile NTPs will be harmed by diverted methadone.

Requiring the mobile NTP and its controlled substances to return to the registered location of the NTP also reduces the likelihood that controlled substances will be lost or mishandled. Requiring an NTP's mobile component to return nightly better enables the NTP to monitor its mobile component's dispensing, and thus become more readily aware of any problems—such as the ''double-dipping'' discussed below (under Recordkeeping Requirements for Mobile Components)—or other discrepancies that may signal that the mobile NTP's controlled substances are being diverted or otherwise improperly dispensed.[8] For similar reasons, DEA will not allow NTPs to enter into agreements with local or State law enforcement entities closer to the remote service area to secure the controlled substances in their facility while the mobile NTP is not in operation. Even assuming that these law enforcement entities are equipped to securely store the controlled substances, the regular transfer of these substances back and forth between mobile NTPs and the law enforcement entities would inhibit the NTP's (and ultimately DEA's) ability to monitor the controlled substances and unnecessarily create opportunities for the substances to be stolen, mislaid, or otherwise mishandled.

Additionally, allowing mobile NTPs to remain in operation for multiple days without returning to their registered locations not only presents an elevated risk of diversion, there are alternative options that make it generally unnecessary. For example, nothing in this rule impacts the ability of an NTP to register at an additional physical location. Thus, if an NTP wishes to treat patients with methadone at a remote correctional facility or similar rural location, that NTP could simply register a physical location in the area to which to return its mobile component and where to secure its controlled substances. Indeed, a correctional facility can itself register with DEA as an NTP. While some correctional facilities have obtained an NTP registration, DEA wishes to emphasize this option for those who may be unaware of it. Moreover, many OUD patients may be successfully treated with alternative medications such as buprenorphine or naltrexone. Buprenorphine is a schedule III narcotic drug approved by the U.S. Food and Drug Administration (FDA) for the treatment of OUD, and, as such, may be dispensed for such purpose without the dispenser being registered as an NTP.[9] Naltrexone is a non-controlled substance and, as such, may be dispensed without a DEA registration. Accordingly, OUD treatment involving the use of either buprenorphine or naltrexone does not require the use of a mobile NTP.

In sum, DEA has concluded, for the reasons stated above, that it is necessary and appropriate to maintain in the final rule the requirement that a mobile NTP return to its registered location each day. However, in view of the comments DEA received on this issue, DEA wishes to emphasize that it has decided to add to the text of the final rule a provision that expressly allows NTPs to apply for an exception to this requirement. The process for applying for such an exception will be as set forth in 21 CFR 1307.03, which allows any person to apply for an exception to any provision of the DEA regulations. As with all applications for an exception to any provision of the regulations submitted pursuant to section 1307.03, each application for an exception to the requirement that a mobile NTP return each day will be evaluated by DEA on a case-by-case basis in determining whether the applicant has demonstrated exceptional circumstances that warrant a waiver of the regulation. In making this determination, DEA will consider the applicant's security and recordkeeping as well as other factors relevant to determining whether effective controls against diversion will be maintained. DEA is revising 21 CFR 1301.72(e) (from that proposed in the NPRM) to reflect this change to the regulatory text.

In addition, DEA will continue to evaluate the risk of diversion that might result from eliminating, in some circumstances, the requirement that a mobile NTP return to its registered location each day. DEA will closely monitor applications seeking an exception to that requirement. One year after this rule is finalized, DEA will review whether additional rulemaking is necessary to improve access to treatment via mobile NTPs. In conducting its review, DEA will consult with the Department of Health and Human Services (HHS) and the Office of National Drug Control Policy (ONDCP). If the volume and nature of such applications and an evaluation of the associated risk of diversion warrant it, DEA will further amend the regulations to allow mobile NTPs to be excepted from this requirement—without having to apply for an exception—under certain specified circumstances. If DEA determines that such additional amendment to the regulations is warranted, it will initiate a separate rulemaking proceeding to do so in accordance with the Administrative Procedure Act (APA).

Security Requirements for Mobile Components

Comments: Several commenters addressed the security requirements that were detailed in the proposed rule. Two commenters, who recommended a 72-hour return instead of the proposed same day return requirement for mobile NTPs (see discussion above), suggested that the final rule add additional security requirements during this 72-hour time frame. The commenters suggested either utilizing armed security guards outside the mobile component, or locking the mobile component in a secure fenced-in location and using, possibly, unarmed (rather than armed) security guards. One commenter believed such security measures would not present any additional diversion issues and noted that DEA acknowledged thefts from mobile NTPs in the past had not been an issue.

One commenter pointed out the known criminal activity risks associated with having controlled substances on site, such as theft, and noted that ''brick-and-mortar'' NTPs often protect their employees and patients through various security measures. The commenter provided two examples of these measures: (1) A panic button that, when activated, triggers law enforcement to immediately respond, and (2) the local law enforcement knows the existence and whereabouts of an NTP and, therefore, can respond quickly and efficiently to an emergency. In contrast, the commenter stated that the proposed rule fails to mention whether mobile NTPs must take any explicit security measures to protect their employees and patients, including installing panic buttons, or making local law enforcement aware of the mobile NTPs' exact locations at any given moment, including during travel. The commenter

[8] DEA appreciates commenters' suggestions that the risk of theft or diversion of controlled substances left in a mobile NTP overnight could be mitigated by increasing the security requirements for mobile NTPs. While such measures could reduce the danger of theft or diversion somewhat, they would not suffice to overcome the inherent enhanced dangers of leaving controlled substances in an unmanned conveyance overnight at an unregistered location. And such enhanced security measures would do nothing to address the reduction in the registered NTP's ability to monitor the mobile component's dispensing that would result if mobile NTPs were not required to return to their registered NTP location nightly.

[9] The CSA requirements governing the dispensing of buprenorphine are set forth in 21 U.S.C. 823(g)(2).

requested that the final rule more fully address how mobile NTPs will implement such security measures to improve the safety of their employees and patients.

DEA Response: DEA appreciates the concerns expressed regarding the security requirements for mobile NTPs. DEA regulations have always required that all registrants maintain effective security to guard against theft and diversion of controlled substances. *See, e.g.,* 21 CFR 1301.71(a). The need for such security applies equally to mobile NTPs. Thus, under this final rule, the security requirements of 21 CFR 1301.72(e) and 1301.74(j)–(n) apply to the mobile components of NTPs to ensure this need for security is met.

Of course, under certain circumstances, mobile NTPs may need additional security measures beyond those specifically required by DEA regulations to effectively protect against theft or diversion of controlled substances. Because the need for such measures is circumstance-specific, DEA is not including them in the final rule, but rather will rely on local DEA personnel, NTPs themselves, and any other relevant laws and regulations to determine what additional measures, if any, are necessary. In particular, DEA will leave the decision on whether armed or unarmed security personnel will be utilized by the mobile component while it is away from its registered location to the NTP, as there are many factors that should be considered when making this decision. For example, the NTP may want to consider the location to which the mobile components will be traveling, the cost of security personnel, and whether or not these security personnel would fit in to any standard operating procedures used by the NTP. Thus, DEA will not mandate that armed or unarmed security personnel be utilized by these mobile components.

The proposed rule stated in proposed 21 CFR 1301.72(e) that the mobile component must be returned to the registered location on a daily basis. *See* NPRM, 85 FR 11008, 11011, 11019. DEA appreciates that some registered NTP locations might not have enough room to park the mobile component overnight; therefore parking the mobile component in a secure fenced-in location would be permissible, as long as all DEA security requirements are met, the controlled substances are removed from the mobile component at the end of the day, and the local DEA office is notified of the location where the mobile component will be parked overnight.

For similar reasons, DEA will leave the decision on what safety measures the NTP would like to take to ensure the safety of the mobile component's staff and patients to the NTP and any relevant government bodies outside of DEA. There are many factors like the location of the NTP, the number of patients it treats, cost, etc., which would affect the NTP's decision when deciding which safety measures would ensure patient and staff safety. Aside from DEA security requirements, there are other Federal, State, local, and tribal laws these NTPs must take into consideration when making their decision. Thus, because the appropriate safety measures for a mobile NTP will vary based on circumstances and legal requirements, DEA will not attempt to specify additional safety requirements for NTPs as part of this rule. If such requirements are necessary, other Federal, State, local, and tribal authorities can create them.

Comment: One commenter stated that the proposed rule was silent on what would happen to the medication if the mobile NTP breaks down, and recommended that DEA include a requirement for a standard operation procedure or contingency plan if the vehicle breaks down while en route to the communities where services are provided remotely, and if the mobile NTP is out of service for an extended period due to repairs. The commenter suggested that at a minimum, the standard operating procedure needs to include plans for dosing patients in the following circumstances: (1) If the mobile NTP breaks down while en route to the community, and (2) when the mobile NTP is out of service for an extended period due to repairs. The commenter expressed concern that if these plans are not in place, patients may encounter barriers to receiving their medication in an alternative manner (*e.g.,* transportation and costs to reach a registered NTP location, waivers by NTP for patients to have ''take home'' privileges for the medication) and be put at increased risk for overdose. The commenter also noted possible limitations in the responsiveness of a mobile NTP's security system, reliant on Wi-Fi capability, when the mobile NTP has weak or no access to Wi-Fi while in rural communities and is not near the registered NTP location.

DEA Response: DEA has concluded that it is unnecessary for this rule to require NTPs to create a contingency plan for dosing patients served by the mobile NTP if the mobile NTP breaks down or is placed out of service. NTPs may well decide that such plans are appropriate, and other laws, regulations, or governing bodies may require them. The requirements DEA is imposing in this rule, however, are appropriately focused on DEA's duty under the CSA to protect against the diversion of controlled substances. Thus, DEA is requiring a contingency plan for safeguarding the mobile NTP's controlled substances if it breaks down. In the proposed rule, DEA stated that if the mobile component was disabled for any reason (mechanical failure, accident, fire, etc.), the registrant would be required to have a protocol in place to ensure that the controlled substances on the conveyance are secure and accounted for. DEA went on to state that if the conveyance is taken to an automotive repair shop, all controlled substances would need to be removed and secured at the registered location. However, other than those security requirements, DEA will not specify what should be included in the NTP's standard operating procedures, or what plans NTPs should implement regarding dosing patients while the mobile component is out of service. Such matters are beyond the scope of this rule, and properly within the judgment of the NTP and any relevant regulatory bodies outside of DEA.

Comment: Another commenter noted that the proposed amendment to DEA regulations at 21 CFR 1301.74(l) would provide DEA discretion to require additional security measures for mobile NTPs based on certain factors. The commenter acknowledged that DEA currently has this discretion for NTPs but could not locate any DEA guidance on how DEA utilizes the listed factors to determine if an NTP applying for registration warrants additional security measures. The commenter stated that this proposed provision similarly did not provide any information regarding how DEA would use these factors to evaluate security measures for mobile components, nor did DEA provide a single example of the security measures it might require for such a component if the factors were relevant.

As a result, the commenter believed this provision to not be clear or transparent and could lead to DEA field offices unevenly or arbitrarily applying the regulations. The commenter further stated that a registered NTP considering starting a mobile NTP would likely have to reach out to the local DEA field office early in the planning phase which could result in delays getting the mobile component up and running. Therefore, the commenter recommended that DEA not finalize this proposed provision, or at the very minimum, that DEA provide clarity in the final rule preamble regarding the factors and additional security measures.

Another commenter noted that current regulations provide DEA discretion to prescribe security requirements to the NTP based on certain factors. However, this commenter stated that it would seem practically impossible for DEA to fully exercise its discretion under 21 CFR 1301.73(l) and effectively set security standards for mobile components, given the changing locations of mobile components when contrasted with registered NTP locations.

DEA Response: Under the final rule, DEA will review the security systems used on these mobile components and make a determination on which security systems meet DEA requirements on a case-by-case basis before approving the operation of a mobile NTP. DEA appreciates the concern that such case-by-case evaluation of mobile NTPs' security systems may lead to delays and differences in enforcement between local DEA offices. As it is DEA's intent to ensure that there are no delays or unfairness in getting mobile components up and running, DEA will endeavor to prevent such problems from occurring.

DEA, however, cannot forego case-by-case determinations, even if they inevitably bring some risk of delay or enforcement discrepancies. As discussed above, although this final rule and DEA regulations more broadly articulate basic security requirements, they cannot account for all security situations. Some situations may require additional security measures for a mobile NTP to be able to adequately guard against loss through theft or other forms of diversion. Attempting to account for all such scenarios in advance through regulation is ineffective and may impose unnecessary restrictions on other mobile NTPs. DEA can best ensure that mobile NTPs provide adequate security by enabling local DEA offices to conduct case-by-case evaluations as appropriate. That said, DEA is slightly modifying the proposed regulatory language describing how these case-by-case evaluations are conducted in this final rule to clarify that DEA, not any other entity, applies the factors.

DEA has concluded that mobile NTPs' changing locations will not compromise its ability to make such assessments. DEA already evaluates the security arrangements provided by a wide range of registrants under many different circumstances. Although mobile NTPs do present some unique challenges, DEA is confident that it can work with mobile NTPs to ensure that they operate securely.

Comment: Finally, one commenter stated that DEA's security requirements in 21 CFR 1301.72 through 1301.76 are extremely outdated and currently put all registered NTPs, as well all DEA registrants, at high risk for diversion, and that this risk would extend to mobile NTPs. In particular, this commenter claimed that, in today's environment, the controls outlined in 21 CFR 1301.75(a) and (b) are inconsistent with those in 21 CFR 1301.71(a), and stated that securing controlled substances consistent with DEA's non-practitioner requirements in 21 CFR 1301.72(a) can potentially reduce crime by 75–85 percent. This commenter encouraged DEA to strengthen and enhance the schedule I–V physical security requirements for all registrants consistent with 21 CFR 1301.72(a), by utilizing currently available market technologies.

DEA Response: DEA appreciates this comment suggesting in general terms that it broadly update the security requirements of its regulations to better reflect currently available security technologies. DEA recognizes that technologies change, but has concluded that the security regulations in this rule adequately protect against theft and diversion in the use of mobile NTPs given current technologies. The sort of broader changes to DEA security regulations suggested by the commenter are beyond the scope of this rule.

Recordkeeping Requirements for Mobile Components

Comments: One commenter stated that they did not see a reason why all of the records mobile components would be required to keep could not be electronically logged in on a daily basis, while still being in compliance with the proposed amendment to 21 CFR part 1304. Another commenter noted that the proposed rule allows mobile NTPs to maintain electronic dispensing logs; however, the mobile NTP would still need to print out a hard copy of such log daily with the dispenser of each dose initialing each relevant entry. The commenter advocated for allowing these dispensers to use digital signatures in these logs because the processes for digital signatures are readily available and widely used, and using digital signatures would reduce unnecessary paperwork for physicians. In addition, the commenter stated that DEA should not require pre-approval of the mobile NTP's electronic recordkeeping system for the dispensing log because this could create unnecessary delays in the transition to electronic recordkeeping. Further, if DEA permits digital signatures in the final rule, the commenter requested that DEA clarify that DEA's approval of an electronic recordkeeping system for a registered NTP location will be sufficient for the mobile component.

DEA Response: DEA recognizes the concerns expressed by commenters regarding the use of electronic dispensing logs. In the proposed rule, DEA proposed an alternative to maintaining a paper dispensing log, stating that an NTP or its mobile component may also use an automated/computerized data processing system for the storage and retrieval of the program's dispensing records, if a number of conditions were met. The requirement that the NTP or its mobile component print a hard copy of each day's dispensing log, which is then initialed appropriately by each person who dispensed medication to the program's patients, is one of the conditions that must be met. This requirement, along with the others specified in section 1304.24(b)(1), is based on recommendations in the Narcotic Treatment Programs Best Practice Guideline (April 2000).[10] Furthermore, DEA emphasizes that the rule is not adding additional recordkeeping requirements to NTPs. The rule is instead simply applying already-existing recordkeeping requirements of 21 CFR part 1304 to mobile NTPs, as well as providing NTPs and their mobile components the option of using a computerized data processing system, instead of a paper dispensing log. DEA believes the recordkeeping requirements in this rule are necessary to ensure accountability and prevent diversion. Thus, DEA generally agrees that electronic logging of dispensing records is appropriate. These electronic records, however, will still have to be logged on a daily basis, and must comply with the requirements in 21 CFR part 1304. Finally, requiring the NTP employee who dispensed the medication to review and initial the hard copy of the dispensing log at the end of each day is important for maintaining accurate records and ensuring accountability.

DEA also notes the commenter's concerns about the requirement that

[10] The Narcotic Treatment Programs Best Practices Guideline, developed by DEA in collaboration with the American Methadone Treatment Association (now the American Association for the Treatment of Opioid Dependence), provided assistance in understanding the provisions of the CSA and in the implementation of the regulations as they apply to dosage reconciliation practices in NTPs. DEA rescinded the guideline after publication of the NPRM, but the recommendations it contained continue to represent best practices for NTP operation.

DEA must pre-approve any electronic recordkeeping system used in lieu of a paper dispensing log. Prior to granting a registration to an NTP and its mobile component, under § 1301.13(e)(4) of this rule, the local DEA field office must evaluate all of the mobile components' procedures and processes to determine if they provide effective controls against diversion. If the electronic recordkeeping system meets all of the recordkeeping and security requirements under the CSA, DEA will approve the system; this will be done on a case-by-case basis. If a registered NTP has an electronic recordkeeping system that is approved by DEA, this does not necessarily mean the same system will be as useful on the mobile component; this is why the electronic recordkeeping system on the mobile component must be evaluated separately.

Comment: One commenter expressed concern that under the proposed rule, it appeared that patients could engage in ''double-dipping'' by receiving treatment at a mobile NTP in the morning, and then at a registered NTP location later in the day, for example. The commenter stated that under the proposed revisions to 21 CFR 1304.24 there is a requirement that NTPs must maintain records of patient information including the dosage consumed, but no requirement that the records be maintained in real-time, potentially allowing such ''double-dipping'' to occur before an NTP could compare dispensing logs and discover it. Therefore, to decrease the likelihood of patient overdoses, the commenter recommended that the final rule require all mobile NTPs to record doses in real time.

DEA Response: NTPs have protocols in place to ensure that their patients cannot engage in ''double-dipping'' by receiving treatment at a mobile component in the morning, and then at a registered NTP location later in the day; the use of paper or electronic logs should not have a major impact on these protocols. Moreover, regardless of whether NTPs have such a protocol in place, ordinary diligence by NTPs, including periodic comparisons between the dispensing logs of a mobile NTP and its registered NTP, should readily reveal any individuals who are engaged in such ''double-dipping'' and enable NTPs to take steps to prevent them from doing so in the future. Although the use of ''real-time'' electronic dispensing logs might allow an NTP to uncover such ''double-dipping'' more quickly, DEA has concluded that requiring the use of technology could be burdensome and is not necessary to prevent ''double-dipping'' from becoming a significant source of diversion or significant risk of overdose among patients. Thus, DEA has concluded that NTPs should generally be capable of guarding against ''double-dipping'' without further regulation. Every NTP has protocols in place to ensure that their patients receive the correct dose, and to ensure that the records containing this information are correct and up-to-date. As stated earlier, DEA has concluded that the use of technology could be burdensome, which goes against the purpose of this rulemaking. For these reasons, DEA will not require all mobile components to record doses in real time; however, if a mobile NTP chooses to do so, that would be permitted.

Advantages of Serving Multiple Locations

Comments: One commenter stated that the proposed rule was ambiguous on whether the mobile component could park at a location, dispense medication, and then move to another location or locations for further dispensing. The commenter suggested that DEA revise the proposed rule to explicitly allow mobile treatment components to serve multiple locations in a single day, because this would enable opioid treatment providers to help patients residing in skilled nursing/long term nursing facilities to receive their medication for opioid use disorder. The commenter did not provide any specific information on how this would help.

DEA Response: DEA will leave the decision of whether a mobile component serves multiple locations in a single day to the NTP. For a mobile component in a more urban area, multiple stops might be more feasible, in comparison to a mobile component that would be serving a more remote area. As long as these mobile components follow all applicable Federal, State, local, and tribal laws, DEA will permit the mobile component to serve multiple locations. Although the proposed rule was not intended to limit mobile NTPs to serving a single location, DEA recognizes that references in the proposed regulatory text to mobile NTPs serving ''a location'' or ''a dispensing location'' in proposed 21 CFR 1300.01(b) and 1301.72(e) may have been confusing. Thus, in this final rule, DEA has revised these sections to clarify that a mobile NTP may serve multiple remote locations.

The Use of Past/Current Mobile Components

Comments: Several commenters noted that mobile components have not only been used in the past, but some States are currently using them, and they have had a positive impact on the communities they operate in. One commenter stated that Minnesota benefited from a mobile methadone unit that operated approximately 15 years ago, because it increased compliance with dosing and provided services to geographically remote patients, allowing for better supervision, and faster stabilization of both dose and behavior. Another commenter said many NTPs already operate mobile components and these revisions will allow more flexibility, allowing even more NTPs to provide treatment via mobile components. A commenter who worked at a treatment program mentioned that their organization operated a mobile Suboxone program, and stated that it benefitted the community because the number of overdoses had been greatly reduced, and larger numbers of people were able to initiate treatment who would not otherwise have been able to without such access.

Finally, two commenters mentioned the use of mobile components in emergency situations, such as during Hurricanes Katrina and Sandy. One of these commenters mentioned how mobile methadone components are an important part of the broad continuum of care for individuals with OUD, and stated these mobile components provided essential treatment services during Hurricane Katrina. However, the other commenter noted that mobile components had been largely unavailable to providers responding to emergency situations. That commenter mentioned that during Hurricane Sandy in 2012, affected NTPs employed strategies such as alternative transportation, take-home dosing, and guest dosing at nearby programs (*i.e.,* temporary dosing at another NTP) to ensure continued access to treatment, and stated that these actions had varying degrees of execution and success. The commenter went on to say that mobile NTPs were considered as an option for reaching patients when facilities were destroyed, but one unit was being repaired at the time and the other was not able to operate because there was not a functioning registered NTP location to store the methadone.

DEA Response: DEA appreciates the information provided by the commenters. As stated previously, the intent of this rule is to ensure that there is greater access to treatment for those who are suffering from OUD, and are unable to access treatment because of rural or geographic limitations, mobility issues, etc. The revised regulations will allow NTPs the option to use mobile

components during emergency situations such as those described by the two commenters, as long as all applicable, Federal, State, local, and tribal laws are followed when operating these mobile components. As discussed in the NPRM, prior to this rule, DEA only authorized mobile NTPs on an ad hoc basis and had placed a moratorium on new authorizations in 2007. *See* 85 FR 11008, 11009. This rule will allow the use of mobile NTPs to be expanded more extensively, more consistently, and with greater protections against theft and diversion than was possible before.

The Costs and Benefits Associated With Mobile Components

Comments: Many commenters believed that this proposed rule would give providers a lower cost option for reaching patients where it may not be otherwise financially feasible to establish a new registered NTP location. Several commenters stated that the proposed rule would reduce the costs for NTPs wanting to expand their geographic reach and increase the treatment they are able to provide. Several commenters pointed to benefits that would result from the use of these mobile components that might not be quantifiable. Multiple commenters stated that the proposed rule would save many lives, as well as improve the health and well-being of patients receiving treatment, and allow these patients to live productive and satisfying lives. One commenter mentioned that the use of mobile NTPs could start saving thousands of lives and decrease illicit opioid use.

Other commenters mentioned the savings that would be realized by allowing the mobile components to register only once. One commenter estimated savings between $1,270,670 and $1,482,272 would be possible over five years ''simply because operating out of the mobile unit would allow more treatments to be dispensed and operating over multiple locations would bring in more revenue.'' However, the commenter did not explain the basis for this estimate.

Conversely, one State behavioral health agency expressed general concerns about the startup costs associated with operating a mobile component, and stated that some NTPs may find this expense to be a barrier to establishing a mobile component. The commenter further indicated that as a result, some NTPs may desire to partner with agencies who already own well-equipped mobile components. The commenter recommended that DEA explicitly indicate whether it will allow a registered NTP to partner with an organization who owns a mobile NTP (*e.g.,* hospital or health center).

As discussed in detail above, many commenters were opposed to requiring the mobile component to return to the NTP's registered location on a daily basis; the costs of the daily round trips were chief among the issues raised when voicing their concerns. These commenters generally believed that the costs associated with traveling to and from the communities served by mobile NTPs (*e.g.,* staff time, travel costs, wear and tear on vehicles, etc.) could easily rival the cost of opening a new registered NTP location, especially when the communities are 100 to 200 miles away, as noted by some commenters. Two commenters gave an example of a mobile NTP with at least one nurse and one medical assistant traveling 100 miles round trip six times per week for a year and estimated the yearly cost, based on the proposed rule's estimated per mile operating cost, would be close to $62,000. Similarly, another commenter remarked that in the summary and benefits section of the proposed rule's preamble, the mileage used to estimate operating costs for a mobile NTP, no more than 5,000 miles per year (100 miles per week), was rather low, especially for rural areas in some States.

Three commenters also detailed other expenses that might result from operating the mobile component. One commenter stated that while the proposed rule provided potential safeguards addressing security, theft, and misuse, the rule did not discuss in its cost-benefit analysis the intangible costs associated with detecting any violation of either operating the mobile component as a treatment center or any of the rule's other prohibitions. However, the commenter did not detail any specific cost numbers for these intangible costs. One commenter expressed concerns that the costs associated with paying an entire team of healthcare professionals for their travel time would likely be expensive and possibly even cost prohibitive, particularly if mobile NTPs will provide the same interdisciplinary services offered at registered NTP locations. This commenter further stated that the proposed rule failed to address these costs. Another commenter also mentioned the small, extra expense of hiring security personnel to protect the mobile NTP, which the commenter recommended if the regulations would no longer require the mobile NTPs to return to the DEA-registered location at the end of each day.

Finally, a commenter expressed great appreciation that the proposed rule's economic analysis qualitatively described benefits and cost-savings that cannot be quantified, including reduced health care costs, criminal justice costs, and lost productivity costs that will be reduced as a result of increased access to treatment. However, the commenter stated that this analysis omitted other important unquantifiable benefits, such as improved quality of life and improved dignity for patients who can access treatment. The commenter stated that the major benefit of this proposed rule is its expected effect on the cost to treat each patient with OUD and the number of patients who have access to such treatment (*i.e.,* a decrease in costs and an increase in patients), noting that this will improve the quality of life and dignity for patients who can access this critical treatment. Therefore, the commenter suggested that DEA should revise its economic analysis and acknowledge these benefits in the final rule. In addition, this commenter stated that DEA should clarify in the final rule that the benefit-cost analysis framework applied in the proposed rule shows that a reduction in the marginal cost of treating patients for OUD could expand output, which would be a social benefit. The commenter explained that the analysis conducted by DEA in the proposed rule assumes that NTPs are currently incurring costs to expand treatment access by opening additional registered NTP locations. However, the commenter further noted that if DEA's assumption is not true, and NTPs are not currently incurring costs to expand registered NTP locations, then under this rule, NTPs might actually incur more costs, the costs associated with operating a mobile NTP.

DEA Response: DEA appreciates the support from commenters agreeing with the agency's assessment that this rule will provide a less costly avenue for NTP's to expand operations and treat more patients compared with opening a new registered NTP location. As stated earlier, the intent of the proposed rule is to ensure that treatment is made more widely available to those who need it. Although not readily quantifiable, saving lives, preventing overdoses, and ensuring patients receiving treatment are able to live productive lives help further the purpose in the proposed and final rule. Regarding one commenter's view that DEA has not accounted for a potential increase in costs to the agency related to monitoring the security and recordkeeping of mobile components, DEA anticipates that its field offices will conduct any necessary security reviews

as a part of their routine NTP inspection workload, thus there will be no additional costs to DEA.

DEA's estimation of operating costs for a mobile NTP represents the average costs for an NTP choosing to operate a mobile component. As one commenter noted, in certain rural locations throughout the United States, these operating costs may be higher than the average costs presented in the regulatory analysis because NTPs may choose to travel further distances on a more frequent basis in order to reach patients in particularly remote areas. These operating costs may even surpass the costs associated with opening another registered location. Delivering treatment to patients in very remote locations will always carry higher transaction costs than delivering treatment to patients in readily accessible locations such as urban or suburban centers. Absent this rule, however, treating patients in these remote areas would likely require opening not just one more registered location, but many. DEA is confident that the operating costs of a single mobile NTP servicing a wide geographic area will always be less than those of multiple additional registered NTP locations that would be required to treat the patients dispersed throughout the same area.

Additionally, DEA recognizes that some mobile components may indeed travel greater distances than the 100 miles per week estimated in the proposed rule. However, DEA considers this mileage estimate to be a reasonable average of the weekly distance any particular mobile component might travel to treat patients, especially when factoring in mobile components that will operate in more densely-packed urban and suburban settings. As another commenter noted, operating a mobile component may also result in higher cost savings than what is presented in the regulatory analysis due to the possible increased volume of patients treated by a mobile component. Again, DEA's analysis represents average cost savings when comparing the operation of a mobile NTP with a registered location, and therefore, this is factored into the agency's conclusions below.

Regarding one commenter's challenge that the labor costs for the healthcare professionals needed to staff a mobile component would likely be prohibitive, DEA assumes that the labor required to provide MAT services are the same in a mobile component and a registered NTP setting. Therefore, any particular NTP would incur those labor costs when choosing to expand operations, whether via starting a mobile component or opening an additional registered NTP location.

DEA agrees with the commenter stating that this rule is likely to result in an increase in quality of life and personal dignity for previously untreated patients who are able to receive care from a mobile NTP. DEA believes that these benefits are already discussed in the regulatory analysis below, and no further expansion is necessary.

DEA also agrees with the commenter's summation that the framework for the analysis presented in the regulatory impact analysis of this rule is a marginal cost framework, *i.e.,* a comparison of the incremental costs incurred by NTPs choosing to expand operations under the baseline regulatory environment vs. under the rule's regulatory environment. DEA does not see any benefit to the public in explaining this fact further in the regulatory impact analysis.

The Ability of the Mobile Component To Operate as an Emergency Medical Services Vehicle or Hospital

Comments: Several commenters noted that DEA did not address the specific services the mobile component could and could not provide to those individuals who utilize it. Many of these commenters also provided suggestions for the services they believed the mobile components should provide. One commenter suggested that DEA allow the mobile component to operate as an emergency medical services (EMS) vehicle or a hospital. The commenter stated that by not allowing the vehicles to operate as an EMS vehicle (*e.g.,* to transport patients) or a hospital, there was a risk to the communities being served by the mobile component, because many of the rural areas might not have local hospitals or only have access to hospitals that are overcrowded and underfunded. The commenter also noted that some community members utilizing the mobile component may mistakenly assume that the mobile component is able to treat overdose victims or try to seek emergency treatment at a mobile component instead of an EMS vehicle or a hospital.

One commenter suggested that DEA revise the proposed amendment, 21 CFR 1301.13(4)(ii), to state explicitly that mobile NTPs are allowed to conduct the necessary medical and psychosocial services required to induct and maintain MAT/medications for opioid use disorder (MOUD); to utilize a Qualified Service Organization Agreement (QSOA) with an entity or entities that can provide these services; and to provide counseling services electronically (*e.g.,* telehealth) by qualified providers. The commenter also mentioned that allowing these services, which would have to be consistent with applicable State and Federal law, would decrease the risk of discontinuity of care, which could cause the patient to relapse and/overdose.

Another commenter noted that the proposed rule did not include guidance on ancillary requirements for NTP patients such as toxicology and serology, and stated that the NTP registrant should be required to indicate whether physical examinations, toxicology testing, and serology testing would be conducted in the mobile NTP or at the registered NTP location. The commenter also asked if the mobile NTP could conduct these services, and if not, recommended that the rule include clear guidance as to where these services could be provided or if these services could be conducted in coordination with a partner, like a hospital.

Finally, another commenter suggested that the final rule should expressly state that services such as infectious disease screenings and harm reduction interventions are available in mobile NTPs just as they are at the registered NTP locations. As these mobile NTP components are to operate as ''coincident,'' or equivalent, to the registered NTP location, the commenter suggested, a mobile NTP should provide most or all of the same supplemental services that are logistically possible. The commenter stated further that the exclusion of such language could be interpreted as prohibiting these critical public health interventions that are essential to addressing disparate rates of sexually transmitted and other infectious diseases among persons with substance use disorder, especially those who inject drugs.

DEA Response: DEA appreciates commenters' concerns about those individuals in rural communities being served by the mobile component not having local hospitals or access to hospitals that are overcrowded or underfunded. However, as stated in the NPRM, the mobile components will not be configured in a way to allow them to serve as an EMS vehicle or hospital, and will not have the necessary equipment or supplies on board to function as such. *See* NPRM, 85 FR 11008, 11010.

In the preamble of the proposed rule, DEA stated it was proposing to waive the requirement of a separate registration for NTPs that utilize mobile components, and that specifically, an NTP would be permitted to dispense narcotic drugs in schedules II–V at location(s) remote from, but within the

same State as, the NTP's registered location, for the purpose of maintenance or detoxification treatment. *See* NPRM, 85 FR 11008, 11009. DEA did not include guidance on ancillary requirements for NTP patients such as toxicology and serology, infectious disease screenings, and harm reduction interventions, because if and how such services are provided is outside the scope of DEA's authority. Although nothing in the rule prohibits a mobile NTP from providing such services, (if they can be provided in a manner consistent with the rule and other laws), it is similarly outside the scope of DEA's authority to explicitly permit mobile NTPs to conduct the medical and psychosocial services required to induct and maintain MAT/MOUD, to utilize a QSOA with an entity or entities that can provide these services, and to provide counseling services electronically by qualified providers. Further, the registered NTP should decide whether its mobile component will offer these services based on the needs of the community they are servicing, staffing, financial impact to the NTP, etc. As long as the NTP follows all applicable, Federal, State, local, and tribal laws, DEA knows of no reason, at this time, why these activities would be prohibited.

The Mobile Component Servicing Correctional Facilities

Comments: Approximately 20 commenters addressed the benefits of mobile components servicing incarcerated individuals with OUD. All of these commenters asserted that this rule would help in the treatment of incarcerated individuals. Commenters posited that the proposed revisions might allow NTPs to bring their mobile components to correctional facilities, as these facilities might have logistical difficulties arranging the transport of inmates to NTPs. One commenter recommended that DEA collaborate with NTPs and other Federal agencies to maximize opportunities to increase the use of mobile methadone to increase treatment access for these vulnerable populations. Several commenters similarly suggested that NTPs partner with law enforcement and State opioid treatment authorities to expand access to the services provided by the mobile component to correctional facilities. An organization representing individuals in medication-assisted recovery from OUD declared that it would encourage its members to advocate for the use of mobile components in these facilities with their State opioid treatment authorities and local law enforcement agencies.

Some commenters noted that existing mobile NTPs have proven to be helpful in providing treatment for incarcerated individuals; however, no specific examples were provided. Another commenter, a non-profit organization, gave an example where mobile NTPs in Atlantic County, New Jersey provide medication (methadone, buprenorphine, and naltrexone) and counseling to inmates onsite, and link those being released from correctional facilities to community-based NTPs. The non-profit also stated that one NTP that shared that its mobile NTP had treated more than 1,000 inmates in more than two years, and that these inmates subsequently had a lower recidivism rate compared to the general correctional facility population. Other commenters cited studies that showed how access to MAT services would decrease the rates of recidivism and post-release mortality as patients successfully transition from the correctional environment into an outpatient treatment setting. Two commenters both referenced data from a study in Rhode Island; the commenters reported that the data showed that offering MAT during incarceration and upon release resulted in a 60 percent decrease in overdose mortality among people who were recently incarcerated. One of the commenters described the study as ''recent,'' but neither provided a specific citation for the study.

Finally, a pharmaceutical manufacturer sought clarity for itself, and its treatment provider customers, on whether NTPs operating a mobile component as described in the proposed rule would be allowed to regularly use the mobile component to transport and provide NTP services, including methadone treatment, to inmates housed in correctional facilities. The manufacturer believed the plain language of the proposed rule's legal authority, as well as the proposed changes to 21 CFR 1301.13(e)(4), authorize a properly registered NTP operating a mobile component to dispense narcotic drugs for addiction treatment to inmates at a correctional facility.

DEA Response: As stated before, the intent of this rule is to increase access to maintenance or detoxification treatment to those individuals who need it. As many of the commenters indicated, incarcerated individuals are a group who would greatly benefit from mobile NTPs servicing correctional facilities. The current use of mobile components by some NTPs in states such as New Jersey and Rhode Island, coupled with research presented by several commenters demonstrating lower recidivism rates as a result of treatment received while incarcerated, show that these mobile components are beneficial. Therefore, to avoid any possible confusion, in this final rule, DEA is adding an additional provision to 21 CFR 1301.13(e)(4) to clarify that NTPs may operate mobile components at correctional facilities where otherwise permitted by law. DEA would like to remind NTP registrants that they must follow all applicable, Federal, State, local, and tribal laws when operating these mobile components at correctional facilities.

Promulgation of Telemedicine Special Registration Regulation and Related Issues

Comments: Several commenters expressed concerns regarding the status of the telemedicine special registration that Congress mandated DEA implement by October 2019 in the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act), Public Law 115–271, sec. 3232, 132 Stat. 3894, 3950 (2018). One commenter mentioned that while this proposed rule was a step in the right direction, it falls short of the special registration for telemedicine, which would help more people who struggle to find access to buprenorphine providers. One commenter similarly noted that the proposed rule was an important step in expanding access to care for those with OUDs; this commenter, along with the others, also urged DEA to promulgate regulations implementing the telemedicine special registration as quickly as possible.

DEA Response: Although these comments regarding telemedicine special registration are beyond the scope of this rule, DEA understands commenters' frustration with the delay. DEA intends to promulgate regulations for the telemedicine special registration in the near future.

Comment: One commenter suggested that the definition of mobile NTPs be expanded to include mobile internet-based health applications.

DEA Response: In this final rule, DEA will not expand the definition of mobile NTPs to include mobile internet health-based applications. The dispensing of controlled substances through internet applications raises risks and other issues quite different than those raised by dispensing through a mobile conveyance. Thus, such internet dispensing is beyond the scope of this rule, but will be considered in the context of the aforementioned special telemedicine registration rulemaking.

Other Comments

Comments: One commenter discussed how some State treatment agencies have already experienced staffing shortages or may in the future, and how it is also possible for an agency to suffer full closure due to the COVID–19 public health emergency. The commenter stated that both the lack of treatment facilities and staffing shortages would negatively impact an agency's ability to admit clients into treatment, and that this will become more apparent due to the predicted increase in admissions following the public health emergency. Another commenter mentioned that DEA, SAMHSA, State regulators, and NTPs have taken steps to ensure continued access to treatment by changing dosing schedules to limit face-to-face contact, facilitating access to telehealth, and allowing home delivery of medications for OUD treatment to quarantined patients to prevent the spread of COVID–19. Finally, one commenter stated that due to the ongoing public health crisis, DEA should follow a tiered approach and immediately begin approving mobile components while devoting resources to finalizing this rule. The commenter further stated that DEA used its authority granted by 21 U.S.C. 822(d) to approve mobile components on an ad hoc basis prior to 2007, and thus there is no legal constraint on DEA to finalize this rule before beginning to approve mobile components on an ad hoc basis.

Several commenters expressed concern that SAMHSA's current requirement of daily dosing at the initiation of methadone treatment would limit the reach of newly operationalized mobile components to just one region/one community, given that a mobile component would have to repeatedly return to the same location(s) each day to provide daily methadone doses to newly initiated patients. To expand access to treatment, the commenters urged DEA to work with SAMHSA to revise regulations restricting take-home medications. Four commenters also suggested that DEA should work with SAMHSA to allow NTP providers to prescribe medications to be filled at community pharmacies and to allow non-NTP providers to prescribe methadone.

DEA Response: DEA has worked closely with SAMHSA during the COVID–19 public health emergency to provide guidance and support to NTPs to ensure that any individual who relies on MAT is able to continue treatment without disruption. It is DEA's intent that mobile NTP components will be able to help agencies facing lack of treatment facilities and staffing shortages resulting from COVID–19 or any other public health or environmental emergency that impacts NTP access. DEA will continue to work with SAMHSA and its other partners after this public health emergency has ended to ensure that those suffering from OUD face fewer barriers to treatment.

DEA is using its discretion to approve mobile components under the authority granted to it by the CSA. 21 U.S.C. 822(d). Any NTP that wishes to use a mobile component for maintenance or detoxification treatment will be able to start the approval process once the final rule has been published to ensure that all interested NTPs would be subject to the same requirements.

Comments: Two commenters noted that the proposed rule does not reference mobile NTPs' need to adhere to Health Insurance Portability and Accountability Act (HIPAA)/privacy requirements. These commenters assumed that these same requirements applied to mobile NTPs but advised DEA to clarify this matter in the final rule to prevent misinterpretation. One of these commenters advised DEA to include a reference to ''best practice'' standards as defined by SAMHSA in *TIP 63: Medications for Opioid Use Disorder.*[11] The commenter also recommended that DEA work closely with SAMHSA to develop a companion document to accompany the new requirements related to the administration of an NTP.

DEA Response: Regarding the commenters seeking clarity regarding HIPAA/privacy requirements for the mobile NTPs, DEA proposed requiring the records of the mobile components to be stored at the registered location of the NTP in a manner that meets all applicable security and confidentiality requirements. *See* NPRM, 85 FR 11008, 11010–12 (proposed 21 CFR 1304.24(b)). These same requirements will apply in the final rule. NTPs already have protocols in place to protect patient information to ensure that they are in compliance with all Federal, State, local, or tribal requirements; the final rule is supplementary to these existing protocols. NTPs also have protocols and procedures in place to ensure that they are in compliance with all Federal, State, local, and tribal laws dealing with patient care, and best practices; therefore, DEA will not include a reference to ''best practice'' standards as defined by SAMHSA in *TIP 63: Medications for Opioid Use Disorder.* In sum, DEA does not anticipate any significant differences in how NTPs protect the privacy of patients served by registered NTPs and those served by their mobile components.

Comment: One commenter noted that it is also important to be clear that adding new mobile components does not imply that treatment standards would be different or less stringent than those of registered NTPs. The commenter suggested that in order to ensure high quality treatment, the rule provide additional information about clinical requirements and the States' role in that area, leaving less room for problems as new mobile NTPs become operational. Two commenters also noted that the proposed rule focused exclusively on the operational aspects of administering a methadone clinic, but did not address any counseling activities that are required for NTPs. One commenter stated that DEA should extend the regulations to require mobile components to have minimum treatment standards and use a multifaceted approach (*e.g.,* counseling, recovery network, mandatory number of treatment visits per month for each patient).

One commenter recommended that the rule acknowledges that States may have additional requirements for NTPs beyond the Federal regulations. The commenter also inquired if all requirements that apply to a registered NTP location apply to a mobile component. The commenter expressed concern that without explicit guidance, it could lead to a misinterpretation of NTP requirements. The commenter also recommended adding language to the proposed regulation to clarify the expectation that a mobile NTP will provide services beyond the administration of the medication, such as counseling.

DEA Response: Under the rule, mobile NTPs are part of their DEA-registered NTP locations: Their dispensing of controlled substances through their mobile components is now a coincident activity allowed under their NTP's DEA registration. Thus, except where otherwise provided for by this rule or other laws or regulations, mobile NTPs are subject to the same standards as the NTPs of which they are a part.

DEA's NTP regulations seek to minimize diversion or abuse of the controlled substances dispensed by NTPs, but DEA does not establish broader treatment standards for NTPs. Thus, to the degree commenters wish

[11] Substance Abuse and Mental Health Services Administration. (2020). Treatment Improvement Protocol (TIP) 63: Medications for Opioid Use Disorder (HHS Publication No. PEP20–02–01–006). *https://store.samhsa.gov/SMA18-5063FULLDOC* (last accessed: 9/2/2020).

the government to clarify treatment standards specific to the mobile components of NTPs, they should contact the government entities that establish and enforce those standards.

Comment: One commenter stated that in the final rule DEA should consider clarifying that the ability of mobile vans to convey injectable and implantable buprenorphine products that are administered to patients will not be restricted. The commenter also requested that DEA consider clarifying in the final rule's preamble section ''the role of 'Hospital/Clinic' as 'non-practitioner' registrants to provide buprenorphine products for the treatment of [OUD] in accordance with 21 CFR 1301.28.''

DEA Response: The purpose of this rule is to waive the requirement of a separate registration for NTPs that utilize mobile components and to allow an NTP to dispense narcotic drugs in schedules II–V at location(s) remote from, but within the same State as, the NTP's registered location, for the purpose of maintenance or detoxification treatment. The registered NTP, not DEA, should decide which narcotic drugs should be dispensed to its patients, both at the registered location and on the mobile component, in accordance with each individual patient's medical needs as determined by a medical professional authorized to make such a determination. Nothing in this final rule prevents a mobile NTP from providing the same treatment as would be available at the registered NTP location, as long as the mobile NTPs follow all applicable Federal, State, local, and tribal laws.

DEA regulations in 21 CFR 1301.28 include provisions for exemption from separate registration requirements for individual practitioners dispensing or prescribing schedule III–V narcotic controlled drugs approved by FDA for maintenance or detoxification treatment provided they meet certain conditions, including being a ''qualifying physician'' or ''qualifying other practitioner,'' as defined in 21 U.S.C. 823(g)(2)(G)(ii) or (g)(2)(G)(iv), respectively. Thus, the request to clarify the role of Hospital/Clinic in accordance with 21 CFR 1301.28 is beyond the scope of this final rule.

Comment: Another commenter noted that the proposed rule does not include guidance on parking guidelines for the mobile component, and suggested that the NTP should be required to establish a standard operating procedure or obtain linkage agreements with organizations (*e.g.,* hospitals or programs operating needle exchange programs) where the vehicle will be parked. The commenter stated the linkage agreements must include the mobile component's days/date and hours of operation, and that without these agreements, there may be complaints and issues for local law enforcement agencies or community leaders.

DEA Response: Regarding the commenter's parking concerns for the mobile NTP, DEA appreciates the potential issues; however, DEA will not provide any guidance in this final rule. The NTP is responsible for establishing a protocol for parking, and to determine the appropriate organizations that might assist with parking. What constitutes an appropriate parking location for a mobile NTP will vary significantly from area to area based on local conditions and laws. Dictating what must be included in any agreements is thus outside the scope of this rulemaking and will not be addressed. DEA would like to remind NTP registrants of their obligations under any applicable Federal, State, or local laws when it comes to operating these mobile components.

Comment: One commenter suggested that DEA not require NTPs to get pre-approval from the local DEA field office before operating a mobile component; rather, DEA should only require registered NTPs to notify the local DEA field office that they will begin operating a mobile component. The commenter stated that this will prevent a situation where a registered NTP seeking to expand access with a mobile component will be required to wait for approval, missing out on critical days and weeks that could be spent providing access to patients. The commenter argued that other conditions in the proposed rule, combined with DEA's regular inspections, are sufficient to ensure diversion is not occurring at mobile components, especially since the NTPs that are already registered will be familiar with DEA diversion regulations and capable of complying with the conditions for mobile components. The commenter also suggested that in the preamble to the final rule, DEA should commit to conducting a retrospective review and collecting data to assess the impact of the rule on treatment accessibility and the risk of diversion. The commenter stated that if this final rule succeeds at expanding treatment for opioid use disorder to patients while simultaneously minimizing diversion risks, DEA should further expand the program.

DEA Response: DEA will not change the requirement that NTPs obtain pre-approval from the local DEA field office before operating a mobile component. DEA appreciates the commenters' concern about how possible delays in the approval process could have negative effects on those individuals who need access to treatment. Pre-approval from the local DEA field office is part of the registration process for the mobile component; without it, the NTP will not be permitted to operate the mobile component under the requirements set forth by this final rule.

DEA continually reviews the programs that fall under its regulatory authority; if it determines that adjustments are required to ensure compliance or to ensure that the rule's effect is more successful, the appropriate action will be taken.

Section-by-Section Analysis of the Final Rule

DEA is finalizing the proposed rule with certain modifications to 21 CFR 1300.01, 1301.13, and 1301.72. In brief, this rule slightly revises the mobile NTP definition at § 1300.01(b) from that proposed. The definition is revised to clarify that it is the operation of the mobile NTP (*i.e.,* administering maintenance and/or detoxification treatment from the mobile component) that is the coincident activity, not the vehicle itself. The application fee in § 1301.13(e)(1)(vii), in the table, is revised to reflect the new registration fee schedule that became effective on October 1, 2020.[12]

Also, this rule revises the proposed new § 1301.13(e)(4) by adding a third subparagraph (iii) to clarify that a mobile NTP may operate at a location or locations, including correctional facilities, away from, but within the same State as, the NTP's registered location. Previously, the proposed rule was silent as to correctional facilities. Relatedly, in several places, references in the proposed rule to the remote ''location'' where the mobile NTP operates are replaced with references to the mobile NTP's ''location or locations'' to clarify that a mobile NTP can operate at more than one remote location under appropriate circumstances.

This rule revises the proposed new § 1301.72(e) to allow the mobile component to be parked at the registered location or any secure, fenced-in area when the mobile component is not in use. Prior to parking the conveyance at a secure, fenced-in location, all controlled substances must be removed from the conveyance and returned to the registered location and, the local DEA office must be notified of the location of

[12] 85 FR 44710 (July 24, 2020).

the secure, fenced-in area. The proposed new paragraph did not previously address this security condition.

This final rule does not change the proposed new requirement in § 1301.72(e), that upon completion of the operation of the mobile NTP on a given day, the conveyance must be immediately returned to the registered location, and all controlled substances must be removed from the conveyance and secured within the registered location. However, this rule adds a provision in § 1301.72(e) that expressly allows NTPs to apply for an exception to this requirement, following the process set forth in 21 CFR 1307.03, which allows any person to apply for an exception to any provision of the DEA regulations. In addition, the revised § 1301.72(e) specifically provides that the application must include certain other information, and that DEA will evaluate each application on a case-by-case basis to determine whether the applicant has demonstrated exceptional circumstances that warrant a waiver of the daily return requirement.

Finally, this rule makes a variety of minor changes in capitalization, abbreviation, word choice, and grammar throughout the regulatory text, but these are not intended as substantive revisions. For example, whereas the proposed text used both ''narcotic treatment program'' and ''NTP,'' the revised text more consistently uses ''NTP'' throughout. Similarly, proposed new § 1301.74(j) and (l) referred to an NTP ''physician,'' whereas the revised text uses the more general term ''practitioner.''

Below are summaries of provisions contained in the final rule.

Part 1300: Definitions

In section 1300.01, DEA adds a definition for a mobile NTP. This definition reflects that a mobile NTP is an NTP operating from a motor vehicle that serves as a mobile component of the NTP. As such, a mobile NTP engages in maintenance and/or detoxification treatment with narcotic drugs in schedules II–V, at a location or locations remote from, but within the same State as, the registered NTP, and operates under the registration of the NTP. Because the mobile NTP definition references a motor vehicle, DEA also separately defines ''motor vehicle'' as a vehicle propelled under its own motive power and lawfully used on public streets, roads, or highways with more than three wheels in contact with the ground; a motor vehicle does not include a trailer in this context. Therefore, a trailer could not serve as a mobile NTP.

Part 1301: Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances

DEA regulations have always required that all registrants maintain effective security to guard against theft and diversion of controlled substances. *See* 21 CFR 1301.71–77. The need for such security applies equally in the mobile NTP context. Thus, this final rule contains provisions (described below) that require NTPs to secure controlled substances while operating a mobile component away from the registered location.

In this final rule, DEA revises section 1301.13 to make operating a mobile component of an NTP a coincident activity of an existing NTP registration, provided the NTP has obtained prior approval from the local DEA office. DEA intends to reduce the regulatory burden on NTPs by waiving the separate DEA registration requirement, as discussed above, and allowing them to operate a mobile component of an NTP in the same State as the registered NTP, under its existing registration. As a result, the mobile component of a registered NTP will not have to apply for a separate registration, as its operation is considered coincident activity. In addition, DEA specifies in the regulations that the records generated during the operations of a mobile component of an NTP shall be maintained at the NTP's registered location, rather than requiring such records to be stored in the mobile component. Section 1301.13 is also revised to explicitly state that registered NTPs may operate mobile components at correctional facilities where otherwise permitted by law.

DEA revises section 1301.72 to ensure controlled substances in a mobile component of an NTP are protected against theft and diversion. To achieve this end, the security requirements under 21 CFR 1301.72(a)(1) and 21 CFR 1301.72(d) apply to the mobile component of an NTP. The storage area for controlled substances in a mobile component of an NTP must not be accessible from outside the vehicle. The requirement to secure the controlled substances in a securely locked safe in the conveyance will assist in adequately securing the controlled substances. Since small quantities of controlled substances will be present in the mobile component, DEA is requiring that the safe used by these mobile components have safeguards against forced entry, lock manipulation, and radiological attacks. The safe must also be bolted or cemented to the floor or wall in such a way that it cannot be readily moved. DEA is also requiring that the safe be equipped with an alarm system that transmits a signal directly to a central protection company or a local or State police agency which has a legal duty to respond, or a 24-hour control station operated by the registrant, or such other protection as the Administrator may approve if there is an attempted unauthorized entry into the safe.

Upon completion of the operation of the mobile NTP on a given day, the conveyance will need to immediately return to the registered location, and all controlled substances removed from the conveyance and secured within the registered location. After the controlled substances have been removed, the conveyance may be parked until its next use at the registered location or any secure, fenced-in area, once the local DEA office has been notified of the location of this secure, fenced-in area. If the mobile component is disabled for any reason (mechanical failure, accident, fire, etc.), the registrant will be required to have a protocol in place to ensure that the controlled substances on the conveyance are secure and accounted for. If the conveyance is taken to an automotive repair shop, all controlled substances will need to be removed and secured at the registered location.

NTPs will not be required to obtain a separate registration for conveyances (mobile components) utilized by the registrant to transport controlled substances away from registered locations for dispensing within the same State at unregistered locations. Vehicles must possess valid county/city and State information (*e.g.,* a vehicle information number (VIN) or license plate number) on file at the NTP's registered location. NTPs are also required to provide State and local licensing and registration documentation to DEA at the time of inspection and prior to transporting controlled substances away from their registered location.

Regarding the requirement for the mobile NTP to return daily to the registered location, and to store its controlled substances at the registered location, DEA revises 21 CFR 1301.72(e) to expressly allow the NTP to apply for an exception to this requirement, following the process set forth in 21 CFR 1307.03. In addition, the revised § 1301.72(e) specifically provides that the application must include the proposed alternate return period, enhanced security measures, and any other factors the applicant wishes the Administrator to consider. DEA will evaluate each application on a case-by-case basis to determine whether the

applicant has demonstrated exceptional circumstances that warrant a waiver of the daily return requirement. DEA will consider the applicant's security and recordkeeping as well as other factors relevant to determining whether effective controls against diversion will be maintained.

DEA revises 21 CFR 1301.74 to include mobile components of DEA-registered NTPs, since the existing regulations do not contain such a provision. As described in the revisions to section 1301.74, personnel who are authorized to dispense controlled substances for narcotic treatment must ensure proper security measures and patient dosage. For example, DEA is now requiring that persons enrolled in any NTP, including those who receive treatment at a mobile NTP, wait in an area that is physically separated from the narcotic storage and dispensing area by a physical entrance such as a door or other entryway.

Mobile NTPs may only be stocked with narcotic drugs in schedules II–V from the registered NTP location. Personnel designated to transfer narcotic drugs in schedules II–V from the registered location to mobile NTPs are not able to: Receive narcotic drugs in schedules II–V from other mobile NTPs or any other entity; deliver narcotic drugs in schedules II–V to other mobile NTPs or any other entity; or conduct reverse distribution of controlled substances on a mobile NTP. Any controlled substances being transported to the registered NTP location for disposal from the dispensing location(s) of the mobile component shall be secured and disposed of in compliance with 21 CFR part 1317 and all other applicable Federal, State, tribal, and local laws and regulations.

Finally, the physical security controls of mobile components will need to be implemented by the NTP pursuant to 21 CFR 1301.72 and 1301.74. In the event of a security breach in which controlled substances are lost or stolen, the registrant must determine the significance of the loss and comply with the theft and significant loss reporting requirements in 21 CFR 1301.74(c).

Part 1304: Records and Reports of Registrants

Under the final rule, the recordkeeping requirements of 21 CFR part 1304 apply to mobile components of NTPs. DEA revises sections 1304.04 and 1304.24 to include mobile components. As with registered NTP locations, the records of the mobile components will be stored at the registered location of the NTP in a manner that meets all applicable security and confidentiality requirements, and must be readily retrievable.

21 CFR 1304.24(b) requires that an NTP maintain the records, required by 21 CFR 1304.24(a), in a dispensing log at the registered location. It is understood that this log is in paper form. As an alternative to maintaining a paper dispensing log, DEA is permitting an NTP or its mobile component to also use an automated/computerized data processing system for the storage and retrieval of its dispensing records, if a number of conditions are met: The automated system maintains the same information required in 21 CFR 1304.24(a) for paper records; the automated system has the capability of producing a hard copy printout of the program's dispensing records; the NTP or its mobile component prints a hard copy of each daily dispensing log, which is then initialed appropriately by each practitioner who dispensed medication to the NTP's patients; and the automated system is approved by DEA.

The NTP's computer software program must be capable of producing accurate summary dispensing reports for the registered NTP location and its mobile component, for any time-frame selected by DEA personnel during an investigation. Further, if summary reports are maintained in hard copy form, they should be stored in a systematically organized file at the registered location of the NTP. Additionally, a back-up of all computer generated records of dispensing by the NTP and its mobile component is required to be maintained off-site.

Finally, NTPs are required to retain all records for the registered NTP location as well as any mobile components for two years from the date of execution. This time period is the same period as that required by 21 CFR 1304.04(a). However, because some States require that records be retained for longer than two years, the NTP should contact its State opioid treatment authority for information about State requirements.

Regulatory Analyses

Summary of Costs and Benefits

DEA examined each of the provisions of the final rule to estimate its economic impact. DEA's analytic approach focuses on comparing the costs and/or cost-savings of a ''no action'' baseline regulatory environment with the costs and/or cost-savings of the regulatory environment that would result from the promulgation of this final rule. This is the standard analytic framework codified in the Office of Management and Budget (OMB) Circular A–4, published on September 17, 2003. This final rule is an enabling rule designed to expand access to MAT offered by NTPs in underserved communities. Previously, DEA had only authorized mobile NTPs on an ad hoc basis, and had placed a moratorium on further such authorizations in 2007. Thus, DEA compared the costs of delivering MAT services in a baseline regulatory environment, in which no new mobile NTPs are authorized, to the costs of delivering an equivalent level of MAT services in the final rule's regulatory environment, in which a registered NTP may begin to operate a mobile component as a coincident activity, if authorized by DEA. This analysis, detailed below, finds that this final rule will result in a cost savings for DEA-registered NTPs in the form of reduced startup, labor, and operating costs of MAT services delivered via a mobile component. DEA also recognizes that this final rule is likely to result in benefits in the form of economic burden reductions (healthcare costs, criminal justice costs, and lost productivity costs) as access to treatment for underserved communities is expected to expand. However, DEA does not have a basis to estimate the totality of this benefit with any accuracy since data on the number of patients treated via existing mobile components are not available. Thus, while these benefits are not quantified, DEA expects that this final rule will result in a net benefit to society.

MAT has been shown to be an effective opioid treatment option—a 2014 meta-analysis concluded that MAT has significantly increased treatment retention and decreased illicit opioid use.[13] While SAMHSA estimated that 2 million Americans have an OUD involving medications, and another 526,000 had an OUD involving heroin, in 2018, only 19.7 percent of Americans with an OUD received any specialty treatment.[14] A review of private insurance data collected from 2010 to 2014 found that, following an opioid-related hospitalization, fewer than 11 percent of covered patients received

[13] Thomas CP, Fullerton CA, Kim M, et al. Medication-Assisted Treatment with Buprenorphine: Assessing the Evidence. Psychiatry Serv. 2014; 65(2):158–170. doi:10.1176/appi.ps.201300256.

[14] Substance Abuse and Mental Health Services Administration. (2019). Key substance use and mental health indicators in the United States: Results from the 2018 National Survey on Drug Use and Health (HHS Publication No. PEP19–5068, NSDUH Series H–54). Rockville, MD: Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration.

MAT in combination with psychosocial services. An additional 6 percent received MAT without psychosocial services, and 43 percent received psychosocial services only.[15] As of 2016, over 90 percent of NTPs were located in urban areas, forcing rural patients to travel great distances to receive their doses of medication.[16] According to research published in 2014, some rural patients reported that the burden of traveling daily to receive their medication effectively prevents them from working,[17] further increasing the risk that they will discontinue treatment.[18]

Without this rule permitting registered NTPs to operate mobile components as coincident activity, an NTP wishing to provide MAT services to patient populations with little or no access to an NTP would be required to register and open another NTP location in the underserved geographic area. The many fixed capital and operating expenses associated with the startup and ongoing operation of a new facility discourage providers from doing this. For example, registrants would be required to obtain another NTP registration at $296 per year and incur the cost of renting additional office space, and ensuring that the new location meets DEA requirements, that it is appropriately licensed by the State, and that it is accredited by an accrediting organization approved by SAMHSA. Additionally, opening a new location would entail additional staffing and facilities costs. Under the final rule's regulatory provisions, registrants are able to operate a mobile component as a coincident activity of their existing registered location, foregoing the expenses of opening and operating a new registered location, in favor of the comparatively lower cost of operating a mobile component.

DEA believes it is reasonable to assume that in any given geographic region, the fixed capital expenses of opening a new registered location (most significantly office rent) will always exceed the capital expenses of operating a mobile component (most significantly the purchase price of a conveyance to be converted to a mobile NTP). These major capital expenses are discussed and compared in detail in the following paragraph; however, it is important to first set boundaries for this analysis by discussing what costs will not be included and why. DEA assumes that two significant expenses are the same for both activities, and therefore, are excluded from the analysis: The labor required to dispense narcotic drugs in schedules II–V, and the cost to outfit an NTP office or mobile conveyance with sufficient medical and office equipment. Labor costs are considered to be equal for both activities as the final rule does not change the requirements for the personnel that are authorized to dispense controlled substances. Whether an NTP expands via a new registered location or a mobile component, DEA assumes that the registrant would need to expand the quantity and type of labor required to dispense narcotic drugs in schedules II–V, at the same rate for both. However, it is likely that registered locations would be required to employ a medical administrative assistant to handle records management, billing, and reception; functions that a mobile component of an existing NTP would outsource to the labor provided by the associated registered NTP. DEA assumes that a new registered NTP location requires one medical assistant, and calculates the total annual compensation for this medical assistant to be $48,994.[19]

DEA also recognizes that there are startup costs that will be the same for both activities. This includes the purchase of medical equipment and basic office supplies, and the installation of an alarm system compliant with 21 CFR 1301.72(a)(iii). Such startup costs are accordingly also omitted from this analysis. Whether MAT services are being rendered via a mobile NTP or the traditional office environment, the same type and quantity of labor, medical equipment, and security equipment is assumed necessary to deliver the same amount of treatment while adhering to DEA regulations.

According to the National Association of Realtors, the average annual price per square foot for office space throughout the United States was $46 in the first quarter of 2017 (the most recent year in which this figure was updated).[20] Based on DEA's knowledge of registrant operations, NTPs require a minimum of 1,000 square feet of office space, which equates to a conservative estimate of yearly rent for NTPs of $46,000. Assuming the NTP agrees to a five-year lease, the present value of the cost of five years of office rent is $188,609.08 at a 7 percent discount rate and $210,666.53 at a 3 percent discount rate. In comparison, commercial vehicles suitable for service as a mobile NTP range in price from $30,000 to $40,000.[21] Furthermore, the final rule does not require an NTP to obtain a separate registration for the mobile component at a cost of $296 per year, which is a cost that a new registered NTP location would incur. The present value of registration costs per registrant over a five-year period is $1,213.66 at a 7 percent discount rate and $1,355.59 at a 3 percent discount rate.

There are also several operating expenses that are unique to a mobile component that should be factored into this analysis. The first is the cost of the narcotic safe and associated installation costs. DEA recognizes that while both a mobile component and a traditional NTP office require a safe, the confined space of a mobile component likely requires some amount of customization in the installation process in order to meet the requirements of 21 CFR 1301.72(a)(1). To account for this unique installation cost, DEA doubled the highest quoted price of the safe[22] and attributed that full amount to the

[15] Ali, M. M., Mutter, R. (2016). The CBHSQ Report: Patients Who Are Privately Insured Receive Limited Follow-up Services After Opioid-Related Hospitalizations. Rockville, MD: Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality. Retrieved by ONDCP on August 18, 2017 at *http://www.samhsa.gov/data/sites/default/files/report_2117/ShortReport-2117.pdf.*

[16] Leonardson J, Gale JA. Distribution of Substance Abuse Treatment Facilities Across the Rural—Urban Continuum. 2016. *https://muskie.usm.maine.edu/Publications/rural/pb35bSubstAbuseTreatmentFacilities.pdf.*

[17] Sigmon SC. Access to Treatment for Opioid Dependence in Rural America: Challenges and Future Directions. JAMA Psychiatry. 2014; 71(4):359–360. doi:10.1001/jamapsychiatry.2013.4450.

[18] Leonardson J, Gale JA. Distribution of Substance Abuse Treatment Facilities Across the Rural—Urban Continuum. 2016. *https://muskie.usm.maine.edu/Publications/rural/pb35bSubstAbuseTreatmentFacilities.pdf.*

[19] The total annual cost of compensation is based on the median annual wage for Occupation Code 31–9092 Medical Assistants ($33,610). May 2018 National Occupational Employment and Wage Estimates, United States, Bureau of Labor Statistics, *https://www.bls.gov/oes/current/oes_nat.htm#31-9092* (last visited November 11, 2019). Average benefits for employees in private industry is 31.4% of total compensation. Employer Costs for Employee Compensation—June, 2019, Bureau of Labor Statistics, *https://www.bls.gov/news.release/pdf/ecec.pdf* (last visited November 11, 2019). The 31.4% of total compensation equates to 45.8% (31.4%/68.6%) load on wages and salaries. $33,610 × (1 + 0.4577) = $48,994.17.

[20] ''2017 Q1 Commercial Real Estate Market Survey.'' *www.nar.realtor,* 2017, *www.nar.realtor/research-and-statistics/research-reports/commercial-real-estate-market-survey/2017-q1-commercial-real-estate-market-survey.*

[21] Price range gathered by searching *commercialtrucktrader.com* for class 1, 2, and 3 light duty box trucks and class 4, 5, and 6 medium duty box trucks. These vehicle classes were used based on DEA's knowledge of the types of vehicles currently used by NTP registrants for mobile components.

[22] Quotes for safes meeting DEA's regulatory specifications were sourced online from three leading manufacturers: *Healthcare Logistics, Medicus Health* and *Harloff.* The highest price quoted was $899.00. Doubling the price to account for installation yields a total cost of $1,798.00.

mobile component, while attributing only the purchase price of the safe to the cost of a stationary NTP. The second set of costs unique to the operation of a mobile component are maintenance and transportation expenses such as fuel, repair, insurance, permits, licenses, tires, tolls, and driver wages and benefits. The American Transportation Research Institute estimates that the average marginal cost per mile of operating a straight truck in 2016 (the most recent year in which this figure was updated) was $1.63. This figure is inclusive of all previously listed expenses.[23] Based on DEA's knowledge of the operations of existing mobile NTPs, DEA estimates that a mobile NTP operating under the final rule will travel an average of 5,000 miles per year (roughly 100 miles per week). This equates to an annual transportation and maintenance expense of $8,150.00 per year.[24]

Comparing the present value of the costs associated with operating a mobile NTP over a five-year period with the present value of the costs associated with opening an additional NTP location over a five-year period yields a net present value of cost savings between $319,069 (at a 7 percent discount rate) and $359,369 (at a 3 percent discount rate) for the operation of a mobile NTP. The comparison of costs between the baseline and proposed regulatory environment are summarized in the tables below:

BASELINE REGULATORY ENVIRONMENT—TOTAL COSTS FOR ADDITIONAL NTP LOCATIONS *

Office rent per year	$46,000.00				
Cost of safe[25]	899.00				
Labor Cost	48,994.00				
Registration fee	296.00				
NPV 3%	Year 1	Year 2	Year 3	Year 4	Year 5
$437,274	$96,189.00	$95,290.00	$95,290.00	$95,290.00	$95,290.00
NPV 7%	Year 1	Year 2	Year 3	Year 4	Year 5
$391,549	$96,189.00	$95,290.00	$95,290.00	$95,290.00	$95,290.00

* All figures rounded to the nearest whole dollar.

FINAL RULE'S REGULATORY ENVIRONMENT—TOTAL MOBILE NTP COSTS *

Vehicle purchase price	$40,000.00				
Cost to install DEA compliant safe	1,798.00				
Maintenance cost per year	8,150.00				
NPV 3%	Year 1	Year 2	Year 3	Year 4	Year 5
$77,905	$49,948.00	$8,150.00	$8,150.00	$8,150.00	$8,150.00
NPV 7%	Year 1	Year 2	Year 3	Year 4	Year 5
$72,480	$49,948.00	$8,150.00	$8,150.00	$8,150.00	$8,150.00

* All figures rounded to the nearest whole dollar.

DEA does not have a systematic method for estimating how many NTP registrants that are currently deterred or prevented from opening additional NTP locations due to costs might take advantage of this enabling rule to begin operating a mobile NTP. DEA also recognizes that, because of their fixed locations, registered NTPs are more limited in their geographic service area than a mobile NTP would be. DEA conservatively estimates, however, that this number would at least equal the number of NTP registrants that operated mobile components at some point in the previous five years under ad hoc agreements with DEA field offices. There have been nineteen such NTP registrants, and there are currently eight with mobile components still in operation. Therefore, DEA considers it a reasonable assumption that at least eleven additional NTP registrants will begin operating a mobile NTP after this final rule is published, bringing the total number of mobile NTPs to at least the previous total of nineteen. This yields a total cost savings for all of those NTPs over a five-year period of $3,509,759[26] (at a 7 percent discount rate) to $3,953,059[27] (at a 3 percent discount rate).

For the reasons outlined in the comparative analysis discussed above, DEA concludes that moving from the baseline regulatory environment to the regulatory environment of the final rule results in a cost reduction for NTP registrants that wish to expand their services to new geographic areas, and will spur an increase in the number of mobile NTPs. Therefore, this final rule is a deregulatory action that will result in a net cost savings between $3,509,759 and $3,953,059.

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

This final rule was developed in accordance with the principles of Executive Orders (E.O.) 12866 and 13563. E.O. 12866 directs agencies to

[23] Hooper, Alan, and Dan Murray. An Analysis of the Operational Costs of Trucking: 2017 Update. ATRI, American Transportation Research Institute, 2017, *atri-online.org/wp-content/uploads/2017/10/ATRI-Operational-Costs-of-Trucking-2017-10-2017.pdf.*

[24] $1.63 per mile × 5,000 miles per year = $8,150.

[25] The cost of a safe is a one-time expense incurred in the first year of operation.

[26] The final rule's regulatory environment yields a five-year cost savings (discounted at 7%) of $318,855 over the current regulatory environment. $319,069 × 11 = $3,509,759.

[27] The final rule's regulatory environment yields a five-year cost savings (discounted at 3%) of $359,131 over the current regulatory environment. $359,369 × 11 = $3,953,059.

assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review established in E.O. 12866. DEA expects that this final rule will not have an annual effect on the economy of $100 million or more in at least one year and therefore is not an economically significant regulatory action. DEA examined each of the provisions of the final rule to estimate its economic impact, comparing the costs and/or cost-savings of a ''no action'' baseline regulatory environment with the costs and/or cost-savings of the regulatory environment that will result from this final rule. This final rule is an enabling rule designed to expand the supply of MAT providers, and DEA currently has only authorized mobile NTPs on an ad hoc basis, with a present moratorium on further such authorizations. Thus, DEA compared the costs of delivering MAT services in a baseline regulatory environment in which no new mobile NTPs are authorized, to the costs of delivering an equivalent level of MAT services in the final rule's regulatory environment in which a registered NTP may begin to operate a mobile component as a coincident activity, subject to the provisions of this final rule. DEA's analysis, summarized in the preceding section, finds that this final rule will result in a net cost-savings between $3,509,759 and $3,953,059, and is therefore below the $100 million threshold.

For a number of years, DEA has allowed registered NTPs to utilize mobile components as part of their programs through special arrangements with local DEA field offices. The use of these mobile components was in response to the opioid epidemic that is currently affecting the nation. With the number of deaths attributed to overdoses increasing, the demand for access to medication-assisted treatment increased. In many areas, this has resulted in long wait lists and high service fees for services provided by NTPs. Alternative guidelines and methods were sought to increase accessibility to treatment for people with substance use disorder, including OUD, especially in rural areas or areas where NTPs are not accessible, or to allow those who have health conditions that prevent them from traveling long distances to receive maintenance or detoxification treatment. Mobile components associated with the registered NTP were seen as an alternative because they increased accessibility to treatment in the areas that needed it.

This final rule builds on the existing experience and provides additional flexibility for NTPs in operating mobile components, subject to regulatory restrictions put into place to prevent the diversion of controlled substances. DEA is revising 21 CFR 1301.13 to make operating a mobile component of an NTP a coincident activity of an existing NTP registration, and this provision will reduce the regulatory burden on NTPs by waiving the separate DEA registration requirement. These mobile NTPs are required to maintain effective security to guard against theft and diversion of controlled substances in accordance with 21 CFR 1301.72. The mobile NTPs are also subject to the recordkeeping requirements in 21 CFR 1304.04 and 1304.24. Many of the current mobile NTPs are already following these regulatory requirements. This final rule ensures that these regulatory requirements can be enforced consistently over any current or future NTP wishing to operate a mobile NTP.

Thus, this final rule will enable any NTP registered with DEA to engage in an activity that was previously authorized through special arrangements with DEA field offices. Furthermore, DEA's purpose for allowing registered NTPs to operate a mobile component as a coincident activity is to expand the availability of MAT in accordance with the priorities outlined in the President's Commission on Combating Drug Addiction and The Opioid Crisis, published on November 1, 2017.

While the findings of the regulatory impact analysis of this final rule support the conclusion that this rulemaking is not economically significant, the Office of Information and Regulatory Affairs (OIRA) has nonetheless determined that the final rule is a ''significant regulatory action'' under E.O. 12866, section 3(f). Accordingly, this rule has been reviewed by OIRA.

Executive Order 12988, Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13132, Federalism

This final rule does not have federalism implications warranting the application of E.O. 13132. The final rule does 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.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This final rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects 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.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA), DEA evaluated the impact of this final rule on small entities. DEA's evaluation of economic impact by size category indicates that the final rule will not have a significant economic impact on a substantial number of these small entities.

The RFA requires agencies to analyze options for regulatory relief of small entities unless it can certify that the rule will not have a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. DEA evaluated the impact of this rule on small entities and discussions of its findings are below.

Description and Estimate of the Number of Small Entities

To determine the final rule's effect on small entities, DEA must first calculate the total number of affected entities. To do this, DEA must determine the total number of NTP entities in the United States, as those are the entities that are able to take advantage of this enabling rule.

DEA begins with the number of relevant DEA registrations—that is, NTP registrations. The number of NTP entities differs from the number of NTP registrations, however, because NTP entities often hold more than one DEA registration, such as where a registrant handles controlled substances at multiple locations, requiring the entity to hold registrations for each of these locations. DEA does not, in the general course of business, collect or otherwise maintain information regarding associated or parent organizations holding multiple registrations. Therefore, to derive the total number of NTP entities from the number of NTP

registrations, DEA needs to develop a relationship, or ratio, between the total number of NTP registrations and the number of entities possessing those registrations.

To do so, DEA first determined the North American Industry Classification System (NAICS)[28] classification codes that most closely represent the affected business activity—namely, NTP activity. The business activity and its corresponding representative NAICS codes are listed in the table below.

BUSINESS ACTIVITY AND REPRESENTATIVE NAICS CODES

Business activity	NAICS codes
Narcotic Treatment Program	622210—Psychiatric and Substance Abuse Hospitals. 621420—Outpatient Mental Health and Substance Abuse Centers.

DEA then gathered economic data for those codes using the U.S. Census Bureau, Statistics of U.S. Businesses (SUSB). Specifically, DEA used the SUSB data to determine the number of ''firms'' and the number of ''establishments'' in the United States that correspond to each relevant NAICS code. (For the purposes of this analysis, the term ''firm'' as defined in the SUSB is used interchangeably with ''entity'' as defined in the RFA.) From this, DEA calculated a firm-to-establishment ratio—*i.e.,* the average number of organizations for each establishment engaged in these activities. DEA calculated this ratio to be 0.56, as listed in the table below. In other words, each organization engaged in activities covered by these NAICS codes operated, on average, slightly fewer than two establishments.

FIRM-TO-ESTABLISHMENT RATIO BY NAICS CODE

NAICS code	Number of firms	Number of establishments	Firm to establishment ratio
Total Narcotic Treatment Program	6,919	12,449	0.56
622210—Psychiatric and Substance Abuse Hospitals	396	623	.64
621420—Outpatient Mental Health and Substance Abuse Centers	6,523	11,826	.55

Source: SUSB.[29] (Accessed 9/8/2020).

Because an entity generally must obtain a separate registration ''at each principal place of business or professional practice'' where it manufactures, distributes, or dispenses a controlled substance, *see* 21 U.S.C. 822(e)(1), the number of NTP establishments should be roughly equivalent to the number of DEA registrations for NTPs. Thus, DEA applied the calculated firm-to-establishment ratio of 0.56 to the 1,832 NTP registrations in DEA's database to estimate the number of NTP entities, resulting in an estimate of 1,026 NTP entities in the United States. The table below summarizes this calculation.

NUMBER OF ENTITIES BY BUSINESS ACTIVITY

Business activity	NAICS code	Number of registrations/ establishment	Entity to establishment ratio	Number of entities
Narcotic Treatment Program	622210 621420	1,832	0.56	1,026
Grand Total	.....	1,832	.....	1,026

Thus, based on these calculations, DEA estimates that 1,026 entities could currently operate a mobile NTP, including the eight NTP entities that currently operate mobile NTP components. Of these, DEA estimates that at least an additional eleven entities will choose to operate a mobile NTP as a coincident activity in response to the final rule, matching the previous total of nineteen mobile NTPs that were in operation over the previous five years. Because the final rule is an enabling rule and thus does not affect entities that choose not to change their behavior in response to it, only NTP entities that choose to establish mobile NTP units will be affected by the rule. Therefore, DEA estimates that 1.07 percent (11 of 1,026) of total NTP entities in the United States will be affected by this final rule.

To estimate the number of NTP entities that are small entities for RFA purposes, DEA used a process similar to that used to estimate the total number of NTP entities. As described above,

[28] The North American Industry Classification System (NAICS) is the standard used by the Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *https://www.census.gov/eos/www/naics/* (last accessed: September 1, 2020).

[29] Data for NAICS codes related to NTPs are based on the 2017 SUSB Annual Datasets by Establishment Industry, last revised on July 16, 2020. SUSB annual or static data includes: Number of firms, number of establishments, employment, and annual payroll for most U.S. business establishments. The data are tabulated by geographic area, industry, and employment size of the enterprise. The industry classification is based on 2012 NAICS codes.

U.S. Small Business Administration (SBA) [30] size standards—based on the number of employees or annual receipts, depending on the industry—determine what constitutes a ''small entity'' under the RFA. The SBA has established these size standards for business activities corresponding to each NAICS code. The SBA size standards for each of the NAICS codes that best correspond to NTPs are listed below: Firms below this SBA size standard (based on annual receipts for these codes) are small firms—and thus small entities under the RFA.

SBA SIZE STANDARDS

NAICS codes	Description	Size standards ($ million in annual receipts)	Size standards (number of employees)
622210	Psychiatric and Substance Abuse Hospitals	41.5	
621420	Outpatient Mental Health and Substance Abuse Centers	16.5	

Source: SBA, August 19, 2019. (Accessed 9/8/20120).

DEA used SUSB data to estimate the number of small firms for each of these NAICS codes. In 2012, the last year for which the SUSB has published the necessary receipts data,[31] 180 of 411 (43.78%) firms within code 622210 fell below the SBA size standard and thus were small firms.[32] 4,369 of 4,987 (87.61 percent) firms within code 621420 fell below the standard. DEA assumes that these percentages of small firms for each code have remained constant in recent years. DEA then applied these percentages to the updated totals found in the 2017 SUSB Annual Datasets by Establishment Industry, resulting in approximately 173 firms (43.78 percent of the total 396) within code 622210 and 5,714 firms (87.61 percent of the total 6,523) within code 621420 classified as small firms. Combining these values indicates that, for these codes, 5,887 of 6,919 firms, or 85.1 percent, are small firms. Thus, since these are the NAICS codes that most closely correspond to NTP entities, DEA estimates that 85.1 percent of NTP entities are small firms. As described above, DEA has concluded that there are roughly 1,026 total NTP entities in the United States. Accordingly, DEA estimates that 873 (85.1 percent) of the total 1,026 NTP entities are small entities. The analysis is summarized in the table below.

SUMMARY OF REGISTRATION, ESTABLISHMENT, ENTITY, AND SMALL ENTITY

Business activity	Number of registrations/ establishments	Entity to establishment ratio	Number of entities	Percent small entities	Number of small entities
Narcotic Treatment Program	1,832	0.56	1,026	85.1	873
Percent Small Entity					85.1%

In consultation with the SBA's Office of Advocacy, DEA has adopted the SBA standard that the amount of small entities affected by a final rule is ''substantial'' if 30% or more of the relevant group of small entities will be affected by the rule. As described in the Summary of Costs and Benefits section, this final rule is an enabling rule and a deregulatory action resulting in a total cost savings of at least $3,509,759 over a five-year period. The final rule allows NTP registrants another option for expanding the reach of their services, if they so choose, without requiring that current or future NTP registrants change their business practices or incur any costs. DEA estimates that only an additional eleven entities will choose to operate a mobile NTP as a coincident activity in response to the final rule. Because the final rule is an enabling rule and thus does not affect entities that do not change their behavior in response to it, only these 11 NTP entities and the 8 NTPs currently operating units under ad hoc agreements are affected by the rule. Therefore, DEA estimates that 1.85 percent (19 of 1,026) of total NTP entities in the United States are affected by this final rule. DEA estimates that 11 NTPs not already operating a mobile NTP (or 1.07 percent of all NTPs) will choose to operate a mobile NTP. DEA has no reason to conclude that the percentage of small NTP entities that begin operating mobile components in response to the rule will differ from the percentage of total NTPs (11 of 1,026, or 1.07 percent), especially since most NTP entities are small. Thus, DEA estimates that 1.07 percent (9 of the 873 [33]) of small NTP entities will choose to begin operating a mobile NTP as a coincident activity in response to the rule.

Estimating Impact on Small Entities

The nine affected small entities are estimated to realize the same cost savings as other affected entities, as calculated above: Between $319,069 (at a 7 percent discount rate) and $359,369 (at a 3 percent discount rate) per entity over a five-year period. DEA generally considers impacts that are greater than 3% of yearly revenue to be a ''significant economic impact'' on an entity, and recognizes that this amount of cost savings rises above that threshold for those small entities.

[30] The SBA is an independent agency of the Federal Government to aid, counsel, assist, and protect the interests of small business concerns, to preserve free competitive enterprise, and to maintain and strengthen the overall economy of the nation. *https://www.sba.gov/about-sba* (last accessed: 9/8/2020).

[31] SUSB receipts data are available only for Economic Census years (years ending in 2 and 7). Thus, DEA used SUSB data from 2012, the most recent available annual receipt data.

[32] SUSB data gives the number of firms for each NAICS code within a series of ranges of annual receipts. Thus, to determine the number of firms falling below the SBA size standard, DEA added together the number of firms in each range falling completely below the SBA standard. Because the SBA size standard for code 622210 falls within the middle of a range, DEA's calculations may slightly underestimate the number of small firms for this code.

[33] $0.0107 \times 873 = 9.3411$. Rounding down to the nearest whole number yields 9.

However, since the percentage of affected small entities is less than 30 percent (1.07 percent), this final rule does not impact a substantial number of small entities. Therefore, this final rule does not rise to the level of certification as economically significant.

The table below summarizes the analysis.

SUMMARY OF ANALYSIS

Business activity	Estimated number of small entities (Establishments)	Estimated number of affected small entities	Percentage of small entities affected	Economic impact of compliance
Narcotic Treatment Program ..	873	9	1.07% (Not Substantial)	Not significant.

DEA examined the economic impact of the final rule for each affected industry for various size ranges. Based on the analysis above, and because of these facts, DEA certifies this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined that this action will not result in any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any 1 year. Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action will not impose new recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. Although the final rule revises certain recordkeeping and reporting provisions to explicitly apply them to mobile NTPs, these provisions already apply to NTPs in general and thus do not impose any new collection of information requirement.

Congressional Review Act

This final rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. This final rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. Accordingly, this final rule is not subject to the reporting requirements under the CRA.

List of Subjects

21 CFR Part 1300

Chemicals, traffic control.

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Security measures.

21 CFR Part 1304

Drug traffic control, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, DEA amends 21 CFR parts 1300, 1301, and 1304 as follows:

PART 1300—DEFINITIONS

■ 1. The authority citation for part 1300 continues to read as follows:

Authority: 21 U.S.C. 802, 821, 822, 829, 871(b), 951, 958(f).

■ 2. In § 1300.01(b), add in alphabetical order the definitions of ''Mobile Narcotic Treatment Program'' and ''Motor vehicle'' to read as follows:

§ 1300.01 Definitions relating to controlled substances.

* * * * *

(b) * * *

Mobile Narcotic Treatment Program means a narcotic treatment program (NTP) operating from a motor vehicle, as defined in this section, that serves as a mobile component (conveyance) and is operating under the registration of the NTP, and engages in maintenance and/or detoxification treatment with narcotic drugs in schedules II–V, at a location or locations remote from, but within the same State as, its registered location. Operating a mobile NTP is a coincident activity of an existing NTP, as listed in § 1301.13(e) of this chapter.

Motor vehicle means a vehicle propelled under its own motive power and lawfully used on public streets, roads, or highways with more than three wheels in contact with the ground. This term does not include a trailer.

* * * * *

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

■ 3. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 831, 871(b), 875, 877, 886a, 951, 952, 956, 957, 958, 965 unless otherwise noted.

■ 4. In § 1301.13, revise paragraph (e)(1)(vii), and add paragraph (e)(4) to read as follows:

§ 1301.13 Application for registration; time for application; expiration date; registration for independent activities; application forms, fees, contents and signature; coincident activities.

* * * * *

(e) * * *

(1) * * *

(vii) Narcotic Treatment Program (including compounder).	Narcotic Drugs in Schedules II–V.	New–363 ..... Renewal–363a	296	1	May operate one or more mobile narcotic treatment programs as defined under § 1300.01(b), provided approval has been obtained under § 1301.13(e)(4).

* * * * *

(4) For any narcotic treatment program (NTP) intending to operate a mobile NTP, the registrant must notify the local DEA office, in writing, of its intent to do so, and the NTP must receive explicit written approval from the local DEA office prior to operating the mobile NTP. The mobile NTP may only operate in the same State in which the NTP is registered.

(i) Registrants are not required to obtain a separate registration for conveyances (mobile components) utilized by the registrant to transport controlled substances away from registered locations for dispensing at unregistered locations as part of a mobile NTP. Vehicles must possess valid county/city and State information (*e.g.,* a vehicle information number (license plate number) on file at the registered location of the NTP. Registrants are also required to provide proper city/county and State licensing and registration to DEA at the time of inspection, and prior to transporting controlled substances away from their registered location.

(ii) A mobile NTP is not permitted to reverse distribute, share, or transfer controlled substances from one mobile component to another mobile component while deployed away from the registered location. NTPs with mobile components are not allowed to modify their registrations to authorize their mobile components to act as collectors under 21 CFR 1301.51 and 1317.40. Mobile components of NTPs may not function as hospitals, long-term care facilities, or emergency medical service vehicles, and will not transport patients.

(iii) A mobile NTP may operate at any remote location or locations within the same State as its registered location, including correctional facilities, so long as doing so is otherwise consistent with applicable Federal, State, tribal, and local laws and regulations, and so long as the local DEA office, when notified pursuant to this section, does not otherwise direct.

* * * * *

■ 5. In § 1301.72, revise the section heading and add paragraph (e) to read as follows:

§ 1301.72 Physical security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs; mobile narcotic treatment programs; storage areas.

* * * * *

(e) *Mobile Narcotic Treatment Programs.* (1) For any conveyance operated as a mobile narcotic treatment program (NTP), a safe must be installed and used to store narcotic drugs in schedules II–V for the purpose of maintenance or detoxification treatment, when not located at the registrant's registered location. The safe must conform to the requirements set forth in paragraph (a)(1) of this section. The mobile component must also be equipped with an alarm system that conforms to the requirements set forth in paragraph (a)(1)(iii) of this section. The storage area of the mobile component must conform to the accessibility requirements in paragraph (d) of this section. The storage area for controlled substances in a mobile component of an NTP must not be accessible from outside of the vehicle. Personnel transporting the controlled substances on behalf of the mobile NTP are required to retain control over all controlled substances when transferring them between the registered location and the conveyance, while en route to and from the dispensing location or locations, and when dispensing at the dispensing location or locations. At all other times during transportation, all controlled substances must be properly secured in the safe. Upon completion of the operation of the mobile NTP on a given day, the conveyance must be immediately returned to the registered location, and all controlled substances must be removed from the conveyance and secured within the registered location. After the conveyance has returned to the registered location and the controlled substances have been removed, the conveyance may be parked until its next use at the registered location or any secure, fenced-in area, once the local DEA office has been notified of the location of this secure, fenced-in area. All NTPs with mobile components shall be required to establish a standard operating procedure to ensure, if the mobile component becomes inoperable (mechanical failure, accidents, fire, etc.), that all controlled substances on the inoperable conveyance are accounted for, removed from the inoperable conveyance, and secured at the registered location.

(2) With regard to the requirement of paragraph (e)(1) of this section, that upon completion of the operation of the mobile NTP on a given day, the conveyance must be immediately returned to the registered location, and all controlled substances must be removed from the conveyance and secured within the registered location, an NTP may apply for an exception to this requirement as provided in this paragraph. The application for such an exception must be submitted in accordance with § 1307.03 of this chapter and must include the proposed alternate return period, enhanced security measures, and any other factors the applicant wishes the Administrator to consider. The Administrator may grant such an exception in his discretion and will evaluate each application on a case-by-case basis in determining whether the applicant has demonstrated exceptional circumstances that warrant the exception. In making this determination, the Administrator will consider the applicant's security and recordkeeping as well as any other factors he deems relevant to determining whether effective controls against diversion will be maintained.

■ 6. In § 1301.74:

■ a. Revise the section heading;

■ b. Revise paragraphs (j) through (l);

■ c. Redesignate paragraph (m) as paragraph (o); and

■ d. Add new paragraphs (m) and (n).

The revisions and additions read as follows:

§ 1301.74 Other security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs; mobile narcotic treatment programs.

* * * * *

(j) Persons enrolled in any narcotic treatment program (NTP), including those receiving treatment at a mobile NTP, will be required to wait in an area that is physically separated from the narcotic storage and dispensing area by a physical entrance such as a door or other entryway. Patients must wait outside of a mobile NTP component if that conveyance does not have seating or a reception area that is separated from the narcotic storage and dispensing area. This requirement will be enforced by the program practitioner and NTP employees.

(k) All NTPs, including mobile NTPs, must comply with standards established by the Secretary of Health and Human Services (after consultation with the Administration) respecting the quantities of narcotic drugs which may be provided to persons enrolled in a NTP or mobile NTP for unsupervised use (*e.g.,* take home or non-directly observed therapy).

(l) DEA may exercise discretion regarding the degree of security required in NTPs, including mobile NTPs, based on such factors as the location of a program, the number of patients enrolled in a program, and the number of practitioners, staff members, and security guards. Personnel that are authorized to dispense controlled substances for narcotic treatment must ensure proper security measures and patient dosage. Similarly, DEA will consider such factors when evaluating existing security or requiring new security at a narcotic treatment program or mobile NTP.

(m) Any controlled substances being transported for disposal from the dispensing location of a mobile NTP shall be secured and disposed of in compliance with part 1317, and all other applicable Federal, State, tribal, and local laws and regulations.

(n) A conveyance used as part of a mobile NTP may only be supplied with narcotic drugs by the registered NTP that operates such conveyance. Persons permitted to dispense controlled substances to mobile NTPs shall not:

(1) Receive controlled substances from other mobile NTPs or any other entity;

(2) Deliver controlled substances to other mobile NTPs or any other entity; or

(3) Conduct reverse distribution of controlled substances on a mobile NTP.

* * * * *

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

■ 7. The authority citation for part 1304 continues to read as follows:

Authority: 21 U.S.C. 821, 827, 831, 871(b), 958(e)–(g), and 965, unless otherwise noted.

§ 1304.04 [Amended]

■ 8. In § 1304.04, amend paragraph (f) introductory text by adding ''mobile narcotic treatment program,'' after ''exporter''.

■ 9. In § 1304.24, revise the section heading and paragraphs (a) and (b) to read as follows:

§ 1304.24 Records for maintenance treatment programs, mobile narcotic treatment programs, and detoxification treatment programs.

(a) Each person registered or authorized (by § 1301.22 of this chapter) to maintain and/or detoxify controlled substance users in a narcotic treatment program (NTP), including a mobile NTP, shall maintain records with the following information for each narcotic controlled substance:

(1) Name of substance;

(2) Strength of substance;

(3) Dosage form;

(4) Date dispensed;

(5) Adequate identification of patient (consumer);

(6) Amount consumed;

(7) Amount and dosage form taken home by patient; and

(8) Dispenser's initials.

(b) The records required by paragraph (a) of this section will be maintained in a dispensing log at the NTP site, or in the case of a mobile NTP, at the registered site of the NTP, and will be maintained in compliance with § 1304.22 without reference to § 1304.03.

(1) As an alternative to maintaining a paper dispensing log, an NTP or its mobile component may also use an automated/computerized data processing system for the storage and retrieval of the program's dispensing records, if the following conditions are met:

(i) The automated system maintains the information required in paragraph (a);

(ii) The automated system has the capability of producing a hard copy printout of the program's dispensing records;

(iii) The NTP or its mobile component prints a hard copy of each day's dispensing log, which is then initialed appropriately by each person who dispensed medication to the program's patients;

(iv) The automated system is approved by DEA;

(v) The NTP or its mobile component maintains an off-site back-up of all computer generated program information; and

(vi) The automated system is capable of producing accurate summary reports for both the registered site of the NTP and any mobile component, for any time-frame selected by DEA personnel during an investigation. If these summary reports are maintained in hard copy form, they must be kept in a systematically organized file located at the registered site of the NTP.

(2) The NTP must retain all records for the NTP as well as any mobile component two years from the date of execution, in accordance with § 1304.04(a). However, if the State in which the NTP is located requires that records be retained longer than two years, the NTP should contact its State opioid treatment authority for information about State requirements.

* * * * *

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–13519 Filed 6–25–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 45

[Docket ID: DOD–2021–OS–0047]

RIN 0790–AL22

Medical Malpractice Claims by Members of the Uniformed Services; Correction

AGENCY: Department of Defense (DoD) Office of General Counsel, DoD.

ACTION: Interim final rule; correction.

SUMMARY: The Department of Defense is correcting an interim final rule that appeared in the **Federal Register** on June 17, 2021. The interim final rule implements requirements of the National Defense Authorization Act (NDAA) for Fiscal Year 2020 permitting members of the uniformed services or their authorized representatives to file claims for personal injury or death caused by a Department of Defense (DoD) health care providers in certain military medical treatment facilities. Because Federal courts do not have jurisdiction to consider these claims, DoD is issued this rule to provide uniform standards and procedures for considering and processing these actions.

DATES: This correction is effective on July 19, 2021.

FOR FURTHER INFORMATION CONTACT: Patricia Toppings, 571–372–0485.

SUPPLEMENTARY INFORMATION: In FR Doc. 2021–12815, appearing at 86 FR 32194–32215 in the **Federal Register** on Thursday, June 17, 2021, the following correction is made:

§ 45.11 [Corrected]

■ 1. On page 32213, in the third column, line 47 from the top, in § 45.11, the second paragraph (g)(5) and paragraphs (g)(6) and (7) that follow are redesignated as (g)(6) through (8).

Dated: June 22, 2021.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–13632 Filed 6–25–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2020–0694]

RIN 1625–AA09

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Madeira Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the Welch Causeway (SR 699) Bridge, Gulf Intracoastal Waterway mile 122.8, at Madeira Beach, Florida. This change will place the drawbridge on a daily operating schedule to alleviate vehicle congestion due to on demand bridge openings and balance the needs of all modes of transportation due to the

economic growth in the vicinity of the bridge.

DATES: This rule is effective July 28, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov.* Type USCG–2020–0694 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Clark W. Sanford, U.S. Coast Guard, Sector Saint Petersburg Waterways Management Division; telephone 727–824–7506, email *Clark.W.Sanford@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
FL Florida
TD Test Deviation
FDOT Florida Department of Transportation

II. Background Information and Regulatory History

On December 18, 2020 the Coast Guard published a Test Deviation entitled Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Madeira Beach, FL in the **Federal Register** (85 FR 82355). The TD invited comments on the proposed rule change. One comment was received during the test period which was addressed in the NPRM.

On April 30, 2021, the Coast Guard published a Notice of Proposed Rulemaking, with a request for comments, entitled ''Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Madeira Beach, FL'' in the **Federal Register** (85 FR 22911). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this regulatory change. During the comment period that ended May 15, 2021, we received one comment and that comment is addressed in Section IV of this Final Rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The City of Madeira Beach, Florida has requested the current operating schedule be modified due to the increased economic growth and vehicle traffic in the area, as well as a school located in close proximity to the bridge. The bridge owner, Florida Department of Transportation (FDOT), is in support of the proposed changes.

The Welch Causeway (SR 699) Bridge across the Gulf Intracoastal Waterway, mile 122.8, at Madeira Beach, Florida is a double-leaf bascule bridge with a 25 foot vertical clearance at mean high water in the closed position and an 89 foot horizontal clearance between fenders. The normal operating schedule for the bridge is found in 33 CFR 117.287(h). Navigation on the waterway is commercial and recreational.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard is changing the operating schedule that governs the Welch Causeway (SR 699) Bridge, mile 122.8 at Madeira Beach, Florida. The bridge currently operates on demand, and will continue to open on demand with the following exception; from 7 a.m. to 7 p.m. daily, except Federal holidays, the draw need only open on the hour and half hour.

One comment was received. The commenter felt the bridge should remain on demand, not limit when vessels can pass and that better vehicle traffic control would solve any traffic congestion. Due to the increase in vehicle traffic, the Coast Guard has determined that placing the bridge on a schedule will alleviate some congestion while still meeting the reasonable needs of navigation. Additionally, vessels able to pass beneath the bridge without an opening may do so at any time.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protesters.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 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. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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. The Coast Guard received zero comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the 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 listed in the **FOR FURTHER INFORMATION CONTACT** section.

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). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 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.

E. 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 $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.287 by revising paragraph (h) to read as follows:

§ 117.287 Gulf Intracoastal Waterway

* * * * *

(h) The draw of the Welch Causeway (SR 699) Bridge, Gulf Intracoastal Waterway mile 122.8, at Madeira Beach, Florida, shall open on signal; except that, from 7 a.m. to 7 p.m. daily, except Federal holidays, the draw need only open on the hour and half hour.

Dated: June 21, 2021.

Eric C. Jones,

Rear Admiral, U.S. Coast Guard, Commander Seventh Coast Guard District.

[FR Doc. 2021–13700 Filed 6–25–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0453]

Safety Zones; Annual Fireworks Displays Within the Captain of the Port Sector Puget Sound Area of Responsibility

AGENCY: Coast Guard, DHS.

ACTION: Notification of non-enforcement of regulation.

SUMMARY: The Coast Guard will not enforce the Safety Zone for the Seattle Seafair Firework Display in Lake Washington, Seattle, WA in July 2021. The Captain of the Port Sector Puget Sound has determined that enforcement of this regulation is not necessary because Seafair the event was cancelled.

DATES: The Coast Guard does not plan to enforce the Safety Zone for the Seattle Seafair Firework Display in Lake Washington in 33 CFR 165.1332 in July 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of non-enforcement, call or email Lieutenant Peter McAndrew, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard normally enforces the safety zone for the Seattle Seafair Firework Display in Lake Washington, Seattle, WA found in 33 CFR 165.1332 annually during the month of July. This year, the event organizers cancelled Seafair. Therefore, the Coast Guard does not plan to enforce the safety zone for the Seattle Seafair Firework Display in Lake Washington, Seattle, WA found in 33 CFR 165.1332, in July 2021.

In addition to this notification of non-enforcement in the **Federal Register**, if the situation changes and the Captain of the Port Sector Puget Sound (COTP) determines that the regulated area needs to be enforced, the COTP will issue a Broadcast Notice to Mariners and provide actual notice of enforcement to any persons in the regulated area.

Dated: June 21, 2021.

P.M. Hilbert,

Captain, U.S. Coast Guard, Captain of the Port Sector Puget Sound.

[FR Doc. 2021–13722 Filed 6–25–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0452]

Seafair Air Show Performance, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notification of non-enforcement of regulation.

SUMMARY: The Coast Guard will not enforce the safety zone for the Seafair Air Show Performance in Lake Washington, Seattle, WA in July and August 2021. The Captain of the Port Sector Puget Sound has determined enforcement of this regulation is not necessary because this event is cancelled.

DATES: The Coast Guard does not plan to enforce regulations in 33 CFR 165.1319 in July and August 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of non-enforcement, call or email Lieutenant Peter McAndrew,

Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard normally enforces the safety zone in 33 CFR 165.1319 for the Seattle Seafair Air Show Performance held in Lake Washington, Seattle, WA. This event is typically held annually during last week of July and the first 2 weeks of August. This year, the event organizers cancelled Seafair. Therefore, the Coast Guard does not plan to enforce the safety zone in 33 CFR 165.1319 in July or August 2021.

In addition to this notification of non-enforcement in the **Federal Register**, if the situation changes and the Captain of the Port Sector Puget Sound (COTP) determines that the regulated area needs to be enforced, the COTP will issue a Broadcast Notice to Mariners and provide actual notice of enforcement to any persons in the regulated area.

Dated: June 21, 2021.

P.M. Hilbert,

Captain, U.S. Coast Guard, Captain of the Port Sector Puget Sound.

[FR Doc. 2021–13721 Filed 6–25–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0457]

RIN 1625–AA00

Safety Zone; Upper Potomac River, Washington, DC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Upper Potomac River. The safety zone is needed to protect personnel, vessels, and the marine environment on these navigable waters at Washington, DC, on July 4, 2021, (with alternate date of July 5, 2021) from potential hazards during a fireworks display to commemorate the July 4th holiday. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Maryland-National Capital Region or a designated representative.

DATES: This rule is effective from 8 p.m. on July 4, 2021, through 11 p.m. on July 5, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0457 in the ''SEARCH'' box and click ''SEARCH.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ron Houck, Sector Maryland—National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that it is impracticable and contrary to the public interest to publish an NPRM because we must take immediate action to establish this safety zone by July 4, 2021, to respond to potential safety hazards associated with the the fireworks display. Potential safety hazards include the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. Event planners did not notify the Coast Guard of the event until June 17, 2021.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port, Maryland—National Capital Region (COTP) has determined that potential hazards associated with the fireworks to be used in this July 4, 2021, display will be a safety concern for anyone near these fireworks discharge sites. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8 p.m. on July 4, 2021, to 11 p.m. on July 5, 2021. The safety zone will cover all navigable waters of the Upper Potomac River, including the Tidal Basin, encompassed by a line connecting the following points: Beginning at the shoreline of West Potomac Park at position latitude 38°53′04.2″ N, longitude 077°02′52.7″ W, thence southwest to latitude 38°52′57.1″ N, longitude 077°02′59.9″ W, thence southeast to the northern extent of the George Mason Bridge at latitude 38°52′36.9″ N, longitude 077°02′29.0″ W, thence northeast along the bridge to the shoreline at latitude 38°52′44.1″ N, longitude 077°02′21.8″ W, thence west and north along the shoreline to latitude 38°52′55.6″ N, longitude 077°02′15.0″ W, thence northwest across the Tidal Basin to the shoreline at latitude 38°53′11.3″ N, longitude 077°02′27.9″ W, thence south and west along the shoreline to and terminating at the point of origin located in Washington, DC. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters before, during, and after the scheduled 9:09 to 9:20 p.m. fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 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. This rule has not been designated a ''significant regulatory action'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the

Office of Management and Budget (OMB).

This regulatory action determination is based on the location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which will impact a small designated area of the Upper Potomac River for 3 hours during the evening when vessel traffic is normally low. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 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.

E. 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 $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 3 hours that will prohibit entry within a portion of the Upper Potomac River, including the Tidal Basin. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A 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.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0457 to read as follows:

§ 165.T05–0457 Safety Zone; Upper Potomac River, Washington, DC.

(a) *Location.* The following area is a safety zone: All navigable waters of the Upper Potomac River, including the Tidal Basin, encompassed by a line connecting the following points: Beginning at the shoreline of West Potomac Park at position latitude 38°53′04.2″ N, longitude 077°02′52.7″ W, thence southwest to latitude 38°52′57.1″ N, longitude 077°02′59.9″ W, thence southeast to the northern extent of the George Mason Bridge at latitude 38°52′36.9″ N, longitude 077°02′29.0″ W, thence northeast along the bridge to the shoreline at latitude 38°52′44.1″ N, longitude 077°02′21.8″ W, thence west and north along the shoreline to latitude 38°52′55.6″ N, longitude 077°02′15.0″ W, thence northwest across the Tidal Basin to the shoreline at latitude 38°53′11.3″ N, longitude 077°02′27.9″ W, thence south and west along the shoreline to and terminating at the point of origin, located in Washington, DC. These coordinates are based on datum NAD 1983.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Maryland—National Capital Region.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland—National Capital Region to assist in enforcing the safety zone described in paragraph (a) of this section.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 8 p.m. to 11 p.m. on July 4, 2021, or if necessary due to inclement weather on July 4, 2021, from 8 p.m. to 11 p.m. on July 5, 2021.

Dated: June 22, 2021.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Maryland—National Capital Region.

[FR Doc. 2021–13727 Filed 6–25–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0515; FRL–10021–90]

1-Aminocyclopropane-1-Carboxylic Acid (1–ACC); Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the plant growth regulator 1-aminocyclopropane-1-carboxylic acid (1–ACC) in or on apples and stone fruit when used in accordance with good agricultural practices. Valent BioSciences, LLC., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance for residues of the plant growth regulator 1-aminocyclopropane-1-carboxylic acid (1–ACC) in or on apples and stone fruit when used in accordance with good agricultural practices. This regulation eliminates the need to establish a maximum permissible level for residues of 1-aminocyclopropane-1-carboxylic acid (1–ACC).

DATES: This regulation is effective June 28, 2021. Objections and requests for hearings must be received on or before August 27, 2021 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0515, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

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. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0515 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before August 27, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0515, 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 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*.

II. Background and Statutory Findings

In the **Federal Register** of December 23, 2020 (85 FR 83880) (FRL–10017–71), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 9F8781) by Valent BioSciences, LLC, 870 Technology Way, Libertyville, IL 60048. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the plant growth regulator 1-aminocyclopropane-1-carboxylic Acid (1–ACC) in or on apple and stone fruit when used in accordance of good agricultural practices. That document referenced a summary of the petition prepared by the petitioner Valent BioSciences, LLC., which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider ''available information concerning the cumulative effects of a particular pesticide's residues'' and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability, and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

1–ACC is a naturally occurring non-protein amino acid found in all plants. It acts as a plant growth regulator (PGR), precursing ethylene, a plant hormone regulating a wide variety of vegetative and developmental processes. The only conversion of 1–ACC for residues will most likely be into ethylene, which would not be measurable as ethylene is a quickly dissipating gas. Ethylene has been reviewed by EPA and is exempt from tolerance (40 CFR 180.1016).

As a biochemical pesticide, 1–ACC is intended for use on apples and stone fruits for fruit thinning and enhanced return bloom and is foliarly applied with calibrated spray equipment (*i.e.* orchard air blast sprayer). 1–ACC's mode of action is as a signaling molecule in plants to regulate fruit ripening, thinning, and enhanced return bloom. No direct application to food is expected as applications are made pre-fruiting, but it is possible that some trace amounts of the active ingredient may be taken up into the plant.

With regard to the overall toxicological profile of the active ingredient 1–ACC, the active ingredient is of minimal toxicity through the acute oral, acute dermal and acute inhalation routes of exposure. The active ingredient is only mildly irritating to the eye and the skin; and it is not a dermal sensitizer. With regard to the subchronic toxicity, developmental toxicity, reproductive toxicity and mutagenicity data requirements for the active ingredient 1–ACC, all data requirements were satisfied by guideline studies. There were no adverse subchronic effects for any oral or dermal routes of exposure. The active ingredient was determined to be non-mutagenic, and no adverse effects were identified relative to either developmental toxicity or reproductive toxicity. Based on this toxicological profile, EPA did not identify any toxicological endpoints of concern for assessing risk for this chemical.

Additionally, humans have a history of safe natural exposure to 1–ACC as it is present in all fruits and vegetables and, therefore, is a regular part of the human diet. With specific regard to human oral toxicity, the Agency notes that the human digestive system has evolved to accommodate 1–ACC in its digestive processes.

As part of its qualitative risk assessment for 1–ACC, the Agency also considered the potential for exposure to residues of 1–ACC, including dietary and non-occupational exposures. EPA concludes that dietary (food and drinking water) exposures are likely to be negligible, due to the short half-life and biodegradable nature of the pesticide. It is noted that dietary exposures to the residues of 1–ACC are not anticipated to exceed the naturally occurring background levels as exogenously applied 1–ACC is highly biodegradable. It has a half-life of less than 8.5 days on the plant and is even more biodegradable in aqueous soil conditions. No residential uses have been proposed.

Based on 1–ACC's low toxicity, anticipated minimal dietary exposure, and history of safe consumption in foods, no risks of concern have been identified from aggregate exposure to 1–ACC. Similarly, no risks of concern were identified for cumulative exposures to 1–ACC since no common mechanism of toxicity was identified for either 1–ACC or its metabolites. Therefore, based on the lack of toxicity and expected negligible exposures, EPA has determined that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to 1–ACC.

A full explanation of the data upon which EPA relied and its risk assessment based on those data can be found within the November 16, 2020, document entitled ''Federal Food, Drug, and Cosmetic Act (FFDCA) Considerations for 1-aminocyclopropane-1-carboxylic acid (ACC).'' This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

IV. Determination of Safety for U.S. Population, Infants and Children

Based on the Agency's assessment, EPA concludes that there is reasonable

certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of 1–ACC. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. Based on the reliable data indicating lack of toxicity, including threshold effects, that supports EPA's determination to conduct a qualitative assessment, EPA has concluded that the additional margin of safety is not necessary to protect infants and children.

V. Other Considerations

Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation. However, the analytical methods Ultra High-Performance Liquid Chromatography-Tandem Mass Spectrometry is available to EPA for the detection and measurement of the pesticide residues

VI. Conclusions

Therefore, an exemption is established for residues of 1-aminocyclopropane-1-carboxylic acid (1–ACC) in or on apple and stone fruit when used in accordance to good agricultural practices.

VII. Statutory and Executive Order Reviews

This action establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this 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 publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 26, 2021.

Edward Messina,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Revise § 180.711 to read as follows:

§ 180.711 1-Aminocyclopropane-1-carboxylic Acid (1–ACC); Exemption from the Requirement of a Tolerance.

An exemption from the requirement of a tolerance is established for 1-aminocyclopropane-1-carboxylic acid (1–ACC) in or on apple and stone fruit when applied in accordance with good agricultural practices.

[FR Doc. 2021–13681 Filed 6–25–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2020–0508; FRL–10024–75–OLEM]

Texas: Approval of State Coal Combustion Residuals Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final approval.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA), the Environmental Protection Agency (EPA) is approving the Texas Commission on Environmental Quality's partial State Coal Combustion Residuals (CCR) Permit Program, which will now operate in lieu of the Federal CCR program, with the exception of certain provisions for which the State did not seek approval. EPA has determined that the Texas partial CCR permit program meets the standard for approval under RCRA. Facilities operating under the State's program requirements and resulting permit provisions are also subject to EPA's information gathering and inspection and enforcement authorities under RCRA and other applicable statutory and regulatory provisions.

DATES: The final approval of the Texas partial CCR Permit Program is effective on July 28, 2021.

FOR FURTHER INFORMATION CONTACT: Michelle Long, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC 5304P, Washington, DC 20460; telephone number: (703) 347–8953; email address: *Long.Michelle@epa.gov*. For more information on this notice please visit *https://www.epa.gov/coalash*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2020–0508. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

2. *Electronic Access.* You may access this **Federal Register** document electronically from the Government Printing Office under the **Federal Register** listings at *https://www.govinfo.gov/app/collection/fr*.

I. General Information

A. Overview of Final Approval

EPA is approving, in part, the Texas CCR permit program, pursuant to RCRA section 4005(d)(1)(B). 42 U.S.C. 6945(d)(1)(B). The Texas CCR permit program authorizes the Texas Commission on Environmental Quality (''TCEQ'' or the ''commission'') to enforce state regulations related to CCR activities as well as to handle permit applications and to enforce permit violations. The Texas CCR permit program will operate in lieu of the Federal CCR program, (40 CFR part 257, subpart D) with the exception of the provisions for which the state did not seek approval, as further explained in Unit III.B. of this document. For the state provisions for which the state did not seek EPA approval, the corresponding Federal requirements will continue to apply directly to facilities, and therefore facilities must comply with both the Federal requirements and the state requirements.

The fact that Texas is receiving partial program approval does not mean the state must subsequently apply for a full program approval. However, Texas could choose to revise its CCR permit program at some point in the future and to apply for another partial or full program approval (as appropriate) based on its revisions at that time. EPA retains its inspection and enforcement authorities under RCRA sections 3007 and 3008, 42 U.S.C. 6927 and 6928, in the case of both partial and full program approvals. *See* 42 U.S.C. 6945(d)(4)(A), (B).

EPA also engaged federally-recognized tribes within the State of Texas in consultation and coordination regarding the program authorizations for the TCEQ. EPA established opportunities for formal as well as informal discussion throughout the consultation period, beginning with an initial conference call on October 19, 2020. Tribal consultation was conducted in accordance with the EPA policy on Consultation and Coordination with Indian Tribes (*https://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf*).

B. Background

CCR are generated from the combustion of coal, including solid fuels classified as anthracite, bituminous coal, subbituminous coal, and lignite, for the purpose of generating steam to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR, commonly known as coal ash, include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be sent offsite for disposal or beneficial use, or disposed of in on-site landfills or surface impoundments.

On April 17, 2015, EPA published a final rule, creating 40 CFR part 257, subpart D, that established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302) (''Federal CCR regulations'' or ''2015 CCR rule''). The rule created a self-implementing program which regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR units, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. The Federal CCR regulations do not apply to ''beneficial use'' of CCR, as that term is defined in 40 CFR 257.53.

On August 5, 2016, EPA published a direct final rule (81 FR 51802), responding to an order issued by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *Utility Solid Waste Activities Group, et al.* v. *EPA,* No. 15–1219 (D.C. Cir. 2015). The direct final rule removed certain provisions of the federal CCR regulations at 40 CFR 257.100(b), (c), and (d) related to the ''early closure'' of inactive CCR surface impoundments by April 17, 2018, that had been vacated by the D.C. Circuit's June 14, 2016, order.[1] The direct final rule extended the deadlines for owners and operators of inactive CCR surface impoundments who had taken advantage of the ''early closure'' provisions of 40 CFR 257.100 to bring the units into compliance with the Federal CCR regulations' substantive requirements, but did not otherwise amend the federal CCR regulations or impose new requirements on those units.

On July 30, 2018, EPA published a final rule, *Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One),* which finalized additional revisions to the Federal CCR regulations (83 FR 36435). Specifically, EPA amended the CCR regulations to: (1) Provide states with approved CCR permit programs under the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act or EPA, when EPA is the permitting authority, the ability to use alternative performance standards; (2) revise the groundwater protection standards for four constituents in Appendix IV to 40 CFR part 257 for which maximum contaminant levels (MCLs) under the Safe Drinking Water Act have not been established; and (3) provide additional time to facilities, triggered by 40 CFR 257.101(a)(1) and (b)(1)(i), to cease receiving waste and initiate closure.

On August 28, 2020, EPA published a final rule *Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; A Holistic Approach to Closure Part A: Deadline To Initiate Closure* (85 FR 53516) (''Part A Final Rule''). The rule revises portions of the Federal CCR regulations to (1) accurately reflect the D.C. Circuit's *Util. Solid Waste Activities Group* v. *Envtl. Protec. Agency,* 901 F.3d 414 (D.C. 2018) (''*USWAG* decision'' or ''*USWAG*''), which vacated and remanded to EPA the provisions at 40 CFR 257.101(a), 257.71(a)(1)(i) and 257.50(e); (2) address the October 31, 2020 deadline and

[1] The D.C. Circuit's June 14, 2016, order also vacated the phrase ''not to exceed a height of 6 inches above the slope of the dike'' within 40 CFR 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), and 257.74(d)(1)(iv). EPA proposed slope protection requirements in its Phase One Proposed Rule (83 FR 11584, March 15, 2018) but has not yet finalized such requirements.

finalize a new deadline of April 11, 2021 in 40 CFR 257.101(a) and (b)(1)(i), by which CCR surface impoundments must cease receipt of waste in light of the 2018 *USWAG* decision and the 2019 *Waterkeeper* decision (See *Waterkeeper Alliance Inc.* v. *EPA,* No. 18–1289 (D.C. Cir. 2019)); (3) finalize alternative closure provisions at 40 CFR 257.103 in order to allow facilities to request additional time to develop alternative capacity to manage their waste streams (both CCR and/or non-CCR) to achieve cease receipt of waste and initiate closure of their CCR surface impoundments; and (4) finalize two of the proposed amendments from the August 14, 2019 rule (84 FR 40353): The addition of an executive summary to the annual groundwater monitoring and corrective action reports under 40 CFR 257.90(e); and amend the requirements for posting to the publicly accessible CCR internet sites under 40 CFR 257.107.

C. Statutory Authority

EPA is issuing this action pursuant to sections 4005(d) and 7004(b)(1) of RCRA. *See* 42 U.S.C. 6945(d) and 6974(b)(1). Section 2301 of the 2016 WIIN Act amended section 4005 of RCRA, creating a new subsection (d) that establishes a Federal permitting program similar to those under RCRA subtitle C and other environmental statutes. *See* 42 U.S.C. 6945(d).

Under RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), states seeking approval must submit to the Administrator ''in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State.'' EPA shall approve a state permit program if the Administrator determines that the state program will require each CCR unit located in the state to achieve compliance with either: (1) The Federal CCR requirements at 40 CFR part 257, subpart D; or (2) other state criteria that the Administrator, after consultation with the state, determines to be ''at least as protective as'' the Federal requirements. *See* 42 U.S.C. 6945(d)(1)(B). The Administrator must make a final determination, after providing for public notice and an opportunity for public comment, within 180 days of receiving a state's complete submittal of the information in RCRA section 4005(d)(1)(A). *See* 42 U.S.C. 6945(d)(1)(B). EPA may approve a state CCR permit program in whole or in part. *Id.* Once approved, the state permit program operates in lieu of the requirements. *See* 42 U.S.C. 6945(d)(1)(A). In a state with a partial program, only the state requirements that have been approved operate in lieu of the Federal requirements, and facilities remain responsible for compliance with all remaining requirements in 40 CFR part 257, subpart D.

RCRA section 7004(b) applies to all RCRA programs, directing that ''public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.'' 42 U.S.C. 6974(b)(1).

Once a program is approved, the Administrator must review the approved state CCR permit program not less frequently than every 12 years, as well as no later than three years after a revision to an applicable section of 40 CFR part 257, subpart D or one year after any unauthorized significant release from a CCR unit located in the state. EPA also must review an approved program at the request of another state alleging that the soil, groundwater, or surface water of the requesting state is or is likely to be adversely affected by a release from a CCR unit in the approved state. *See* 42 U.S.C. 6945(d)(1)(D)(i)(I) through (IV).

In a state with an approved state CCR permit program, EPA may commence administrative or judicial enforcement actions under section 3008 of RCRA, 42 U.S.C. 6928, if the state requests assistance or if EPA determines that an EPA enforcement action is likely to be necessary to ensure that a CCR unit is operating in accordance with the criteria of the state's permit program. *See* 42 U.S.C. 6945(d)(4). EPA can enforce any Federal requirements that remain in effect (*i.e.,* those for which there is no corresponding approved state provision). EPA may also exercise its inspection and information gathering authorities under section 3007 of RCRA, 42 U.S.C. 6927.

II. The Texas Application

On September 11, 2020, the TCEQ submitted its state CCR permit program application to EPA Region 6 requesting approval of the State's partial CCR permit program. After receiving comments from EPA, Texas provided revisions to its Program Description on November 9, 2020, and November 23, 2020.[2] The Texas application package documents included (1) State statutes and regulations, (2) the Attorney General Statement, and (3) a Program Description which provides details about the State's CCR permit program, including (a) the State agency with the authority for the CCR permit program; (b) scope and coverage of the program, (c) TCEQ responsibilities; (d) structure and processes of TCEQ to implement the CCR program; (e) applications, public notice, hearing, and appeal procedures for CCR registrations; (f) technical requirements for the CCR program; (g) a list of CCR facilities in Texas; and (h) a description of State resources to implement the CCR program.

Throughout this document, EPA interchangeably uses the Texas terms of ''registration'' and ''permit'' and ''Program Description'' to mean the ''Narrative'' document as described in the *Coal Combustion Residuals State Permit Program Guidance Document; Interim Final* (82 FR 38685, August 15, 2017) (the ''Guidance Document'').

III. EPA Analysis of the Texas Application

As discussed in Unit I.C. of this document, RCRA section 4005(d) requires EPA to evaluate two components of a CCR state permit program to determine whether it meets the standard for approval. RCRA section 4005(d)(1)(A) directs the state to provide evidence of a state permit program, in such form as EPA may determine. In turn, RCRA section 4005(d)(1)(B) directs EPA to approve the state program based upon a determination that the program ''requires each coal combustion residuals unit located in the State to achieve compliance with the applicable [Federal or state] criteria.'' In other words, the statute directs EPA to determine that the state has sufficient authority to require compliance from all CCR units located within the state. See also, 42 U.S.C. 6945(d)(1)(D)(ii)(I). To make this determination EPA evaluates the state's authority to issue permits and impose conditions in those permits, as well as the state's authority for compliance monitoring and enforcement.

EPA also determines during this portion of the review whether the state permit program contains procedures consistent with the directive in RCRA

[2] The revised narrative (Program Description), dated November 23, 2020, shall be substituted for the original program description, dated September 2, 2020, and first revision of the program description from November 9, 2020. Other substitutions include Attachment IV—Facility Unit Summary and CCR Units Map, Replacement of Attachment II with Attachment II—30 TAC Chapter 352, and the Texas Water Code- Chapter 26. All other documents submitted as part of the original September 11, 2020 application remain unchanged and are available in the docket for this action.

section 7004(b). RCRA section 7004(b) applies to all RCRA programs, directing that ''public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.'' 42 U.S.C. 6974(b)(1). To make this determination EPA evaluates the state provisions governing the procedures for issuing permits and for intervention in civil enforcement proceedings.

Although 40 CFR part 239 applies to the approval of State Municipal Solid Waste Landfill (MSWLF) programs under RCRA section 4005(c)(1) rather than EPA's evaluation of CCR permit programs under RCRA section 4005(d), the specific criteria outlined in 40 CFR part 239 provide a helpful framework to examine the relevant aspects of a state's permit program. In addition, states are familiar with these criteria as a consequence of the MSWLF program (all states have MSWLF programs that have been approved pursuant to these regulations) and the regulations are generally regarded as protective and appropriate.

Consequently, EPA relied on the four categories of criteria outlined in 40 CFR part 239 as guidelines to evaluate an adequate permit program: permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings.

Second, EPA is to evaluate the adequacy of the technical criteria that will be included in each permit, to determine whether they are the same as the Federal criteria, or to the extent they differ, whether the modified criteria are ''at least as protective as'' the Federal requirements. *See* 42 U.S.C. 6945(d)(1)(B). Only if both components meet the statutory requirements may EPA approve the program. *See* 42 U.S.C. 6945(d)(1).

On that basis, EPA conducted an analysis of the Texas CCR permit program as described in its State CCR Permit Program Application, including a thorough analysis of the Texas CCR regulations and their adoption by reference of portions of 40 CFR part 257, subpart D. As noted, Texas has requested approval of its partial CCR permit program.

Based on this analysis, EPA has determined that the portions of the Texas CCR permit program that have been submitted for approval meet the standard in sections 4005(d)(1)(A) and (B) of RCRA. The Texas CCR permit program includes all the elements of an adequate CCR state permit program as discussed in more detail in Unit III.A. It also contains all of the technical criteria in 40 CFR part 257, subpart D, except for the provisions specifically discussed in Unit III.B. Consequently, EPA approves the Texas CCR permit program ''in part.'' 42 U.S.C. 6945(d)(1)(B). EPA's analysis and findings are discussed in greater detail in Unit III.B and in the Technical Support Document, which is available in the docket supporting this Action.

A. Adequacy of the Texas Registration Program

RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), requires a state seeking program approval to submit to EPA an application with ''in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under state law for regulation by the state of coal combustion residuals units that are located in the State.'' Although the statute directs EPA to establish the form of such evidence, the statute does not require EPA to promulgate regulations governing the process or standard for determining the adequacy of such state programs. EPA, therefore, developed the Guidance Document (82 FR 38685, August 15, 2017). The Guidance Document provides recommendations on a process and standards that states may choose to use to apply for EPA approval of its CCR permit programs, based on the standards in RCRA section 4005(d), existing regulations at 40 CFR part 239, and the Agency's experience in reviewing and approving state programs.

EPA evaluated the Texas CCR permit program using the process, statutory and regulatory standards discussed in the Units II.C and IV.A. EPA's findings are summarized below and provided in more detail in the Technical Support Document located in the docket supporting this preliminary determination. RCRA section 7004(b) applies to all RCRA programs, directing that ''public participation in the development, revision, implementation, and enforcement of any . . . program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.'' 42 U.S.C. 6974(b)(1). In general, EPA considers that a state CCR permit program would meet the RCRA section 7004(b)(1) directive regarding public participation if the state program is consistent with the 40 CFR part 239 provisions. Although 40 CFR part 239 applies to approval of state MSWLF programs under RCRA 4005(c)(1), rather than EPA's evaluation of CCR permit programs under RCRA 4005(d), 40 CFR part 239 provides a helpful framework to more broadly examine the various aspects of the Texas CCR permit program. States are familiar with these criteria through the MSWLF permit program (all states with approved MSWLF permit programs have been approved pursuant to these regulations) and the regulations are generally regarded as protective and appropriate.

To complete its evaluation process, EPA relied on information contained in the Texas Application, as well as all materials submitted during the public comment period and at the public hearing. A summary of EPA's findings is provided in this Unit, organized by the program elements identified in the 40 CFR part 239 regulations and EPA's Guidance Document.

1. Guidelines for Permitting

It is EPA's judgment that an adequate state CCR permit program will ensure that: (1) Existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other state criteria; (2) the state has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements; and (3) the state has the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257, subpart D or such other state criteria that have been determined and approved by the Administrator to be at least as protective as 40 CFR part 257, subpart D.

EPA determined that the Texas approach to CCR registration applications and approvals is adequate. At Title 30 of the Texas Administrative Code (TAC) sections 352.101 through 352.141, Texas has State-specific provisions imposing requirements for CCR registration, registration characteristics and conditions, registration duration, registration amendments, and the issuance and transfer of registrations. 30 TAC section 352.101 specifically requires registration for the management or disposal of CCR in an existing landfill, in an existing or inactive surface impoundment, and for a new or lateral expansion of a landfill or surface impoundment. Such registrations are subject to the state's standard permit characteristics and conditions established in 30 TAC Chapter 305, Subchapter F (See 30 TAC section 352.111). Under 30 TAC section 352.121, a registration may be issued for the active life of the unit, as well as any post-closure care period, as needed; however, the registration may be revoked or amended at any time that the

owner or operator fails to meet the minimum standards of the CCR regulations, or for any other good cause.

Texas also requires that a change in a term, condition or provision of a registration requires an amendment pursuant to 30 TAC section 352.131. An application requesting an amendment is processed as a major amendment or a minor amendment in accordance with 30 TAC section 305.62. At 30 TAC section 305.62(c)(1), Texas describes a major amendment as ''an amendment that changes a substantive term, provision, requirement, or a limiting parameter of a permit.'' At 30 TAC section 305.62(c)(2), Texas describes a minor amendment as ''an amendment to improve or maintain the permitted quality or method of disposal of waste, . . .'' and which includes any other change ''that will not cause or relax a standard or criterion which may result in a potential deterioration of quality of water in the state.'' Under 30 TAC section 305.62(d), the executive director may initiate a major amendment or a minor amendment if good cause exists.

The Texas provision at 30 TAC section 352.141 prohibits the transfer of a registration from one person to another without complying with provisions of 30 TAC section 305.64 relating to the transfer of permits. Under 30 TAC section 305.64, the registrant or the transferee must submit an application to the executive director at least 30 days before the proposed transfer date and receive approval of the application from the commission before the registration can be transferred. The Texas regulations provide that a registration cannot be transferred from one facility to another. The specific CCR registration application requirements are established in 30 TAC sections 352.201 through 352.311 where Texas has State-specific provisions addressing CCR registration application contents and information requirements. Under 30 TAC sections 352.241 through 352.301, Texas requires sufficient information to ensure that all the 40 CFR part 257, subpart D technical requirements will be followed. Specifically, a registration application shall include sufficient information and reports to: (1) Characterize the geology and hydrogeology at the facility; (2) demonstrate compliance with location restrictions; (3) demonstrate compliance with design criteria; (4) demonstrate compliance with operating criteria; (5) demonstrate compliance with applicable groundwater monitoring and corrective action requirements; and (6) demonstrate compliance with applicable closure and post-closure requirements. The provision at 30 TAC section 352.311 requires the owner or operator to keep records of data used to complete the application and any supplemental information or material throughout the term of the registration.

At 30 TAC sections 352.401 through 352.481, Texas adopted State-specific provisions addressing procedures for registration application deficiencies, public notifications, and registration decisions by the executive director. As part of the State's evaluation of the completeness of a registration application, 30 TAC section 352.401 requires the executive director to notify an applicant of any additional information or application materials required to complete the application by transmitting a notice of deficiency (NOD) to the applicant. The NOD specifies a deadline for the NOD response of up to 60 days from the executive director's transmittal of the NOD. If the executive director does not receive an adequate and timely response to a notice of deficiency by the response deadline, the executive director may return the incomplete application to the applicant (30 TAC section 352.421).

EPA determined that the Texas approach to CCR registration applications and approvals is adequate, and that this aspect of the Texas CCR permit program meets the standard for program approval.

2. Guidelines for Public Participation

Based on RCRA section 7004, 42 U.S.C. 6974, it is EPA's judgment that an adequate state CCR permit program will ensure that: (1) Documents for permit determinations are made available for public review and comment; (2) final determinations on permit applications are made known to the public; and (3) public comments on permit determinations are considered. Texas has adopted public participation opportunities for the CCR program that can provide an inclusive dialogue, allowing interested parties to talk openly and frankly about issues within the CCR program and search for mutually agreeable solutions to differences. An overview of the Texas public participation provisions is provided below.

a. Public Participation in the CCR Registration Application Process

Under 30 TAC section 39.418, the TCEQ requires that no later than 30 days after the executive director declares an application to be complete, the applicant must publish a Notice of Receipt of Application and Intent to Obtain Permit in a newspaper of largest circulation in the county in which the facility is located, or, if a newspaper is not published in the county, the notice must be published in any newspaper of general circulation in the county in which the facility is located or proposed to be located. Registration applications are also made available to the public on the applicant's publicly accessible CCR internet site. Under 30 TAC section 352.461(a)(1), the applicant is also required to make a copy of the application available for review and copying at a public place in the county in which the facility is located. Upon completion of the application review, the TCEQ publishes a public notice of the TCEQ's receipt of the registration application, the executive director's initial decision on the application, and provides an opportunity for public comments or for the public to request a public meeting in accordance with the procedures contained in 30 TAC sections 39.503(c), 39.405(f) and 39.405(h).

30 TAC section 352.471 gives the executive director the authority to prepare a draft registration upon a preliminary determination that an application for a new registration or a major amendment of a registration meets the regulatory requirements for issuance of a registration. When the executive director has prepared a draft registration, copies of it are also made available to the public, along with a technical summary. The technical summary provides information regarding the application, staff review, and agency contacts available to assist members of the public in answering questions about the application. In addition, the commission records are open to the public for review subject to statutory privileges and claims of confidentiality consistent with the Texas Public Information Act. See Texas Government Code Annotated, Chapter 552 and 30 TAC 1.5.

b. Public Notice

30 TAC section 352.461 subjects all public notices to the requirements in (1) 30 TAC section 39.405 (relating to General Notice Provisions); (2) 30 TAC section 39.407 (relating to Mailing Lists); (3) 30 TAC section 39.409 (relating to Deadline for Public Comment, and for Requests for Reconsideration, Contested Case Hearing, or Notice and Comment Hearing); (4) 30 TAC section 39.411 (relating to Text of Public Notice); (5) 30 TAC section 39.413 (relating to Mailed Notice); and (6) 30 TAC section 39.420 (relating to Transmittal of the Executive Director's Response to Comments and Decision). 30 TAC section 352.431(c) requires that the text of the public notices on the application include the

internet address required by 30 TAC section 352.1321 for the publicly accessible website for that facility. Under 30 TAC sections 39.503(c) and 39.405(f), Texas applicants must publish the notice in the newspaper of largest general circulation that is published in the county in which the facility is located or is proposed to be located. In certain instances, Texas applicants may be required to publish notice in a language other than English in a newspaper predominately published in that alternative language. In certain circumstances, Texas requires that notices are mailed to select individuals such as adjacent landowners, State and local government officials, and anyone who asks to be included in the mailing list, among others. In addition to the 30 TAC section 352.431(c) requirements, the provision at 30 TAC section 352.441 requires that a revised notice be published if changes to an application constitute a major amendment under 30 TAC section 352.131 (relating to Amendments) after notice of receipt of application has been mailed and published.

c. Public Comments and Response to Comments

Texas requires a minimum of a 30-day public comment period for CCR registration applications pursuant to 30 TAC section 352.431(d). Pursuant to 30 TAC section 352.431(e), the executive director shall consider all public comments received before the close of the public comment period. 30 TAC section 352.461(c) requires the executive director to prepare a response to all timely, relevant and material, or significant public comment. The executive director's response and decision are sent to the mailing list, including all commenters, as required under 30 TAC section 39.420.

d. Public Meeting

Under 30 TAC section 352.451(a), the owner or operator and the commission may hold a public meeting under 30 TAC section 55.154 for a new CCR registration application or a major amendment to a CCR registration in the county in which the facility is located, based on the criteria of 30 TAC sections 39.503(e), 55.154(c) or 352.961(c), as cited in 30 TAC section 352.461(b). The purpose of a public meeting is to provide information and receive public comment. Under 30 TAC sections 39.503(e)(1) and 55.154(c)(1) through (2), the TCEQ is required to hold a public meeting upon request of a member of the legislature who represents the general area in which the facility is proposed to be located for an application for a new facility or when the executive director determines that there is substantial public interest in the application or proposed facility. 30 TAC section 39.503(e)(3) provides, for example, that a ''substantial public interest'' is demonstrated when a request for a public meeting is filed by a homeowners' or property owners' association formally organized or chartered and having at least ten members located in the general area in which the facility is located or proposed to be located; or a group of ten or more local residents, property owners, or businesses located in the general area in which the facility is located or proposed to be located. Finally, under 30 TAC section 352.961(c), a public meeting must be held on applications for registrations that authorize corrective action and selection of a remedy as provided in 40 CFR 257.96(e). 30 TAC section 352.451(c) requires that a notice of the public meeting must be provided in accordance with the procedures contained in 30 TAC section 39.503(e)(6), including newspaper publication and mailed notice from the chief clerk to persons listed in 30 TAC section 39.413.

e. Challenges to Executive Director's Action on a Registration Application

30 TAC section 352.481 provides that the executive director's action on a CCR application for a new registration or an amendment of a registration is subject to 30 TAC sections 50.139 and 80.272 which provide the public with a right to file a rehearing request for decisions made in administrative hearing and a right to file a motion to overturn the executive director's action on an application decision.

EPA determined that the Texas approach to public participation requirements provides adequate opportunities for public participation in the permitting process sufficient to meet the standard for program approval.

3. Guidelines for Compliance Monitoring Authority

It is EPA's judgment that an adequate permit program should provide the state with the authority to gather information about compliance, perform inspections, and ensure that information it gathers is suitable for enforcement. The TCEQ has compliance monitoring authority under its Texas Health and Safety Code (THSC) and the Texas Water Code (TWC). Specifically, THSC section 361.032 provides the authority for environmental investigators to enter public or private property and conduct inspections or investigate solid waste facilities, including CCR units. In addition, TWC section 5.102 gives the commission the powers to perform any acts specifically authorized by this code, another law, implied by this code, or other law necessary and convenient to the exercise of its jurisdiction, as provided by the laws of the state rules, orders and permits. The TCEQ Enforcement Division maintains compliance schedules and reviews the schedules regularly to determine whether a facility is complying with its schedule. If a facility fails to meet its compliance schedule, the facility is deemed to be in violation of the TWC, the THSC, or TCEQ rules.

EPA determined that these compliance monitoring authorities are adequate, and that this aspect of the Texas CCR permit program meets the standard for program approval.

4. Guidelines for Enforcement Authority

It is EPA's judgment that an adequate state CCR permit program should provide the state with adequate enforcement authority to administer its state CCR permit program, including the authority to: (1) Restrain any person from engaging in activity which may damage human health or the environment, (2) sue to enjoin prohibited activity, and (3) sue to recover civil penalties for prohibited activity.

The TCEQ has adequate enforcement authority for its existing programs under TWC sections 5.512, 7.002, 7.032, 7.051, 7.052, 7.101, 7.103 and 7.105—7.110. Under TWC section 7.002, the state has the authority to initiate an enforcement action to enforce the provisions of the Texas Water Code, the Texas Health and Safety Code within the commission's jurisdiction, and rules adopted under those provisions. Under TWC section 5.512, the TCEQ has specific authority to issue an emergency order concerning an activity of solid waste management under its commission's jurisdiction, even if that activity is not covered by a permit, if it finds that an emergency requiring immediate action to protect the public health and safety exists.

The state also has the authority to sue in a court of competent jurisdiction and may enforce a state rule or a provision of a permit by injunction or other appropriate remedy that may include corrective action (TWC section 7.032). On request of the executive director, the attorney general may initiate a suit in the name of the state for injunctive relief (TWC section 7.032(e)).

The TCEQ may assess administrative penalties and civil penalties for solid waste violations under TWC section 7.051, 7.101, 7.103 and 7.105 through 7.110. Under TWC section 7.052(c) and

(d), the TCEQ may seek administrative penalties of up to $25,000 per day for each violation for solid waste management violations. TWC section 7.105(a) specifically provides authority for the Attorney General to initiate a suit to recover a civil penalty, or for both injunctive relief and a civil penalty. The Attorney General may represent the State in civil judicial actions that may seek penalties from $50 to $25,000 per day for each violation. (TWC section 7.102).

EPA determined that this aspect of the Texas CCR permit program meets the standard for program approval.

5. Intervention in Civil Enforcement Proceedings

Based on section 7004 of RCRA, it is EPA's judgment that an adequate state CCR permit program should provide an opportunity for citizen intervention in civil enforcement proceedings. Specifically, the state must either: (a) Provide for citizen intervention as a matter of right or b) have in place a process to: (1) Provide notice and opportunity for public involvement in civil enforcement actions, (2) investigate and provide responses to citizen complaints about violations, and (3) not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation.

Under TWC sections 7.075, and 7.110, Texas has specific authorities and the TCEQ rules that provide opportunity for public participation in state enforcement proceedings by allowing persons to comment or intervene in certain administrative and civil actions. Notice of the opportunity to comment on the action is published in the Texas Register. Specifically, TWC sections 7.075(a) and 7.110(a) and (b) allow for a 30-day public comment period for administrative enforcement actions and civil enforcement actions. The commission, under TWC section 7.075(b) and the Office of Attorney General under TWC section 7.110(c), must consider any written comments and may withdraw or withhold consent to a proposed order, judgment or other agreement if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the commission's statutes, rules, or permits.

The TCEQ rules also provide at least two other opportunities for public participation in enforcement actions, including: (1) When an agreement is reached in an enforcement action between a respondent and the executive director, by providing public notice in the Texas Register and a 30-day public comment period (30 TAC section 70.10(c)); and (2) by providing opportunity for public comments at commission meetings on enforcement orders, pursuant to the Texas Open Meetings Act under 30 TAC Chapter 10. Texas Water Code sections 5.176 through 5.1773 provides for a public process for submitting and participating in complaints about a matter within the commission's jurisdiction. If a complaint relating to an entity regulated by the commission is filed with the commission, the commission must notify the parties to the complaint at least quarterly of the status of the complaint until the complaint reaches final disposition. Additionally, in accordance with TWC section 5.176 through 5.1765, the commission maintains a public website that contains public education materials informing the public about the commission's complaint policies and procedures, the collection and preservation of citizen collected evidence, and the status of environmental complaints and pending enforcement actions, as well as administrative and judicial orders. Under TWC section 7.110(d), the Office of the Attorney General may not oppose intervention by a person who has standing to intervene as provided by Rule 60, Texas Rules of Civil Procedure.

EPA determined that these authorities provide for an adequate level of citizen involvement in the enforcement process, and that this aspect of the Texas CCR permit program meets the standard for program approval.

B. Adequacy of Technical Criteria

EPA has determined that the technical portions of the Texas CCR permit program that were submitted for approval meet the standard for partial program approval under RCRA section 4005(d)(1)(B)(i), 42 U.S.C. 6945(d)(1)(B)(i). To make this determination, EPA compared the technical requirements in the Texas CCR regulations submitted for approval to their analogs in 40 CFR part 257 to determine whether they differed from the Federal requirements, and if so, whether those differences met the standard in RCRA sections 4005(d)(1)(B)(ii) and (C), 42 U.S.C. 6945(d)(1)(B)(ii) and (C). The Texas CCR regulations are contained in 30 TAC Chapter 352, which in general are identical or analogous to the requirements of 40 CFR part 257, subpart D. At 30 TAC Chapter 352, the TCEQ largely adopted by reference the requirements of 40 CFR part 257, subpart D, and implements procedural requirements for a registration and compliance monitoring program to authorize CCR units subject to the Federal CCR regulations. Specifically, Texas adopted by reference 40 CFR 257.52, 40 CFR 257.53, 40 CFR 257.60 through 257.107, and the 40 CFR part 257 Appendices, as amended through August 5, 2016 (81 FR 51807), and as modified by the *USWAG* decision. Texas did not adopt by reference 40 CFR 257.71, 257.95(h) and 257.101(a). See 30 TAC sections 352.2 and 352.3(a), 30 TAC sections 352.601 through 352.981 and 352.1200 through 352.1431.[3] With these exceptions, the technical requirements are identical to the Federal CCR regulations.

In addition to the technical criteria in 30 TAC Chapter 352, Texas has adopted State-specific registration for CCR units and public participation requirements in 30 TAC sections 352.101 through 352.481; State financial assurance requirements in 30 TAC sections 352.1101 and 352.1111; and for certain activities, Texas has additional requirements for State notifications by owners and operators of CCR units, and State approvals by the executive director employed by the commission.

Specifically, in addition to what is required by 40 CFR part 257, the State CCR regulations contain additional State-specific requirements for the use of licensed professional engineers and geoscientists in 30 TAC section 352.4; use of laboratories accredited and certified by the State in 30 TAC section 352.5; State notifications and approvals for specific CCR activities by owners and operators in 30 TAC sections 352.731(b), 352.741(b), 352.831(b), 352.841(b), 352.902, 352.911(b) and (c), 352.931(b), 352.941(b) through (d), 352.951(c) through (e), 352.981(b) and (c), 352.1221(b) and 352.1241(b) and (c); pre-opening inspection requirements for new and lateral expansions of CCR landfills and surface impoundments in 30 TAC section 352.851; groundwater monitoring and corrective action in 30 TAC sections 352.911(d), 352.951(b) and 352.991; recordkeeping in 30 TAC section 352.1301(b); and posting of information on the publicly accessible website in 30 TAC section 352.1321(c) and (d). The TCEQ is seeking EPA approval of its partial state CCR permit program, pursuant to RCRA section 4005(d). The TCEQ's rules implement the Federal regulations promulgated through August 5, 2016, and as modified by *USWAG.* The TCEQ has not amended state CCR program rules to implement the Part A Final Rule.

[3] A reference crosswalk comparison of 40 CFR part 257, subpart D and 30 TAC Chapter 352 provided by Texas is also available in the docket as Attachment I.

Accordingly, Texas is not seeking approval for the following five provisions of its regulations, which are described in more detail below:

1. 30 TAC section 352.1(b)(2); this state provision is the analog to the Federal exclusion of inactive impoundments at inactive facilities, found at 40 CFR 257.50(e), that was vacated in *USWAG;*

2. The state provision that is the analog to the Federal requirement that multiunit groundwater monitoring systems with unlined CCR surface impoundments must retrofit or close, found at 40 CFR 257.91(d)(2), which is no longer relevant, as all unlined CCR surface impoundments must close;

3. The state provision that is the analog to the Federal requirement that unlined CCR surface impoundments must retrofit or close after an assessment of corrective measures is required, found at 40 CFR 257.95(g)(5), which references a provision that was vacated in *USWAG;*

4. 30 TAC sections 352.711(a)(4) and 352.1211(b); these state provisions relate to the date for unlined surface impoundments to cease receipt of waste. EPA has since revised the Federal regulation and the state has not adopted the Federal revision, found at 40 CFR 257.101(a)(1) or 257.101(b)(1)(i);

5. 30 TAC section 352.1231; this state provision is the analog to the Federal alternative closure requirements of CCR units, found at 40 CFR 257.103. EPA has since revised the Federal regulation and the state has not adopted the Federal revision.

With the exception of the five provisions noted above, EPA determined that the Texas CCR regulations contain all of the technical elements of the Federal CCR regulations, including requirements for location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, recordkeeping, notification and publicly accessible CCR internet site posting requirements. The Texas CCR permit program also contains State-specific language, references, definitions, and State-specific requirements that differ from the Federal CCR regulations, but which EPA has determined to be ''at least as protective as'' the Federal criteria.

The effect of granting approval of a partial program is that the Texas CCR permit program will apply in lieu of the Federal regulations, with the exception of the five provisions for which the State did not seek EPA approval. For those provisions for which the State did not seek EPA approval, the corresponding Federal requirements will continue to apply directly to facilities, and therefore facilities must comply with both the Federal requirements and the state requirements.

EPA has therefore determined that the technical criteria in the Texas partial CCR permit program submitted for approval meet the standard for partial program approval under RCRA section 4005(d)(1)(B), 42 U.S.C. 6945(d)(1)(B).

C. Public Comment Period

EPA announced its proposal to approve, in part, the Texas CCR permit program, and a 60-day public comment period on December 8, 2020 (85 FR 78980). EPA also held a virtual public hearing on February 2, 2021. The public hearing provided interested persons the opportunity to present information, views, or arguments concerning EPA's proposal. Oral comments received during the public hearing are documented in the transcript of the hearing, which, along with the written comments received during the public comment period, is included in the docket for this Action.

D. EPA Responses to Major Comments on the Proposed Determination

EPA received 14 written public comments and 2 comments from the virtual public hearing during the comment period. The major comments received by EPA focused on five primary topics: 1. Lifetime Registrations, 2. Citizen Suit or Civil Intervention Provisions, 3. Partial Program and Texas Adoption of the Federal Regulations, 4. Groundwater Contamination, and 5. Issues with the Federal CCR Regulations. For several of these issues, EPA sent follow-up questions on March 23, 2021, to TCEQ; a copy of the TCEQ responses to the EPA questions [4] and more detailed summary of all comments received and EPA's responses to those comments are provided in the Response to Comments document included in the docket for this Action.

1. Lifetime Registrations

Comment Summary: The Agency received several comments about the Texas program's registration authorization ''for the active life of the unit as well as any post-closure period.'' In sum, commenters said that a ''permit for life'' is inconsistent with the WIIN Act's mandate that state CCR programs ensure that CCR units located therein meet standards ''at least as protective as'' the Federal CCR regulations. Commenters recommended that periodic review be required at least every 5 years by Texas. Commenters also said that permits must include provisions requiring them to be periodically reopened or renewed to incorporate any changes to the state program necessary to ensure that the CCR unit ''continues to achieve compliance'' with standards ''at least as protective as'' those in any revised Federal CCR standards.

Comment Response: EPA disagrees with the assertion that it is unlawful for a registration issued under 30 TAC Chapter 352 to be issued for the active life of the unit including the post closure care period. Permits for life are not prohibited by RCRA or the 40 CFR part 257 regulations. RCRA section 4005(d)(1)(A) provides only that states may create a permitting program or other system of prior approval, that if approved by EPA, would operate in lieu of the Federal CCR regulations. 42 U.S.C. 6975(d)(1)(A). This provision establishes no requirement regarding the length of the permit term. Nor do any of the provisions cited by the commenter establish such a limitation on state programs. Provided the state has the authority to require modifications to the permit, there is no need for the permit to expire to ensure that the unit ''continues to achieve compliance'' with any revised Federal standards. And as discussed below, Texas has the authority to require modifications to the registration, where necessary. Neither do the Federal CCR regulations prohibit permits for the life of a CCR unit. EPA's position is consistent with the recent decision in *Waterkeeper Alliance, Inc.* v. *Wheeler, et al.* in which the U.S. District Court for the District of Columbia held that ''so-called 'permits for life' are acceptable'' under RCRA section 4005(d). No. 18–2230, 2020, WL 1873564, at *11 (D.C. Dist. Apr. 5, 2020). EPA therefore disagrees that this aspect of the Texas program is not at least as protective as the Federal requirements.

Furthermore, permits for the life of a CCR unit remain subject to periodic review by both Texas and EPA. First, 30 TAC section 352.131 (relating to registration amendments) contemplates review of registrations as part of the registration modification or amendment process. Additionally, facility-initiated amendment applications related to administrative, technical and/or operational changes would require a review of the application that may result in revisions to the CCR registration. TCEQ's EPA-approved MSWLF programs provides a helpful example of

[4] See *EPA Follow-up Questions for Texas on the CCR permit program based on public comments, March 23, 2021,* document from April 7, 2021, in the docket for this Action.

how this process may play out in the CCR program. In Texas, MSWLF permits are also issued for the life of the facility and approximately 70% of MSWLF submit a modification or amendment application each year for changes to their permit. Similarly, CCR facilities may seek modifications on a regular basis that would result in revisions to their permit to maintain compliance with the state CCR program. Moreover, public participation is required for major amendments, defined in 30 TAC section 305.62, and a major amendment of a registration is subject to the same opportunities for public participation as an application for a new registration under 30 TAC section 352.431, as discussed in Unit III.A.2 of this document. Examples of major and minor amendments are included in 30 TAC sections 352.131(b) and 305.62(c).

Second, RCRA section 4005(d) requires EPA to periodically review state CCR permit programs or other system of prior approval; RCRA section 4005(d)(1)(D)(i)(I) requires review no less frequently than once every 12 years. Moreover, RCRA section 4005(d)(1)(D)(i)(II) provides that the Administrator shall review a state permit program not later than 3 years after the date on which the EPA revises the regulations for CCR units under 40 CFR part 257, subpart D. As a result, the state would be expected to submit a revised state CCR permit program application for elements of its program that are no longer as protective as the Federal CCR program. If the state fails to submit a revised permit program, the statute provides for EPA to issue a notice of deficiency and potentially to withdraw the program. 42 U.S.C. 6945(d)(1)(D)(ii), (iii). Additionally, RCRA 4005(d)(1)(D)(i)(III), provides that EPA will review a state program ''not later than 1 year after the date of a significant release . . . that was not authorized at the time the release occurred, from a [CCR] unit located in that state.''

2. Citizen Suit or Civil Intervention Provisions

Comment Summary: EPA received several comments about citizen suits or civil intervention provisions related to the Texas CCR registrations. The commenters were not aware of any citizen enforcement mechanisms, contested case or administrative evidentiary hearing under Texas law that would provide legal recourse for citizens affected by violations of the Texas program, including violations of registrations issued pursuant to the program. The commenters explained that because the Texas program substantially reduces the role of the public, and eliminates the role of citizen enforcement, it is less protective than the Federal CCR regulations.

The comments suggest that during the approval process of a specific CCR registration, the public will not be able to present evidence of harm and malpractice as a reason or basis for rejection of a registration application. As a result of the inability to present such evidence, public participation in the registration application process will be severely restricted. Citizens will not be able to offer testimony and supporting evidence to demonstrate the need for more vigorous enforcement within a registration application. In sum, Texas' appears to sidestep or limit the community involvement process.

Furthermore, commenters said making registration applications that are not subject to a contested case or evidentiary administrative hearing conflicts with the General Notice Provisions found at 30 TAC section 352.461, which outlines the requirements for public notices such as mailing lists, established deadline for public comments, and the process for contested case hearings.

Comment Response: EPA disagrees that the Texas CCR permit program does not provide for adequate civil enforcement of CCR regulatory requirements. From the Guidance Document, a state program provides adequate opportunities for civil enforcement when it (a) provides for citizen intervention as a matter of right or (b) has in place a process to (1) provide notice and opportunity for public involvement in civil enforcement actions, (2) investigate and provide responses to citizen complaints about violations, and (3) not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation. As described in Unit III.A.2 through 5, EPA has determined that Texas' program provides those opportunities. Furthermore, EPA disagrees that a State equivalent to the citizen suit provision in RCRA section 7002 is required for program approval because the right to file a RCRA citizen suit pertaining to CCR facilities in Texas is unaffected by EPA's approval. Finally, EPA disagrees that Texas provides limitations on the types of comments the public can submit such that comments regarding harm or malpractice cannot be presented to TCEQ for consideration in evaluating a registration application.

Texas has specific authorities that provide for public participation in state enforcement proceedings. First, Texas' program provides for notice and comment in enforcement actions. TWC sections 7.075(a) and 7.110(a) and (b) require a 30-day public comment period for administrative and civil enforcement actions. Furthermore, Texas must consider any written comments and may withdraw or withhold consent to a proposed order, judgment or other agreement if the comments disclose facts or considerations that indicate that the settlement is inappropriate, improper, inadequate, or inconsistent with the requirements of the commission's statutes, rules, or permits. See TWC sections 7.075(b), and 7.110(c). Texas also allows public comments at commission meetings on enforcement orders, pursuant to the Texas Open Meetings Act under 30 TAC Chapter 10.

Second, TWC section 5.176 through 5.1773 provides a process for investigating and responding to citizen complaints. Citizens have a right to file complaints with TCEQ regarding facility's regulated by TCEQ, and TCEQ must provide the complainant with status updates on the complaint at least quarterly until the complaint reaches final disposition. Additionally, in accordance with TWC section 5.176(b), TCEQ maintains a public website [5] that contains materials informing the public about TCEQ's complaint policies and procedures, the collection and preservation of citizen collected evidence, and the status of environmental complaints and pending enforcement actions, as well as administrative and judicial orders.

Third, Texas has opportunities for citizen intervention in civil procedures. Under TWC section 7.110(d), the Office of the Attorney General may not oppose intervention by a person who has standing to intervene as provided by Rule 60, Texas Rules of Civil Procedure.

In addition to Texas' specific authorities providing for civil enforcement of state CCR regulations, citizens are provided enforcement opportunities under RCRA's citizen suit provisions. Citizen suits are authorized by RCRA section 7002(a). Citizens' ability to file RCRA citizen suits are not affected by RCRA section 4005(d), establishing a process for approving state CCR programs. *See* 42 U.S.C. 6945(d)(7). Likewise, EPA's approval of the Texas CCR permit program does not affect citizens' ability to file RCRA citizen suits. For those reasons, Texas' CCR permit program does not need to include a standalone citizen suit provision as suggested by commenters.

[5] For more information, please visit TCEQ's Make an Environmental Complaint web page, available at. *https://www.tceq.texas.gov/compliance/complaints.*

Finally, EPA disagrees that the Texas CCR permit program severely restricts citizen participation in the registration process by precluding the presentation of evidence with respect to alleged harm or malpractice. As a general matter, Texas' program provides for public notice and comment in the registration process and for major amendments as described in Unit III.A.2.a. More specifically, Texas' regulations pertaining to CCR units or public participation in state environmental permitting decisions do not include limitations on the type of comments the public can submit in response to a registration application. Additionally, TCEQ is required to consider all public comments received and prepare a response to all timely, relevant and material, or significant public comments. 30 TAC sections 352.431(e), 352.461(c). Citizens may also request a public meeting or contested case hearing pertaining to the registration application pursuant to 30 TAC sections 55.201, 55.154, and 352.451(a). Furthermore, citizens also have a right to seek judicial review of TCEQ's final decision on a registration application. A person affected by a final ruling, order, or decision of TCEQ may file a petition for judicial review within 30 days after the effective date of the decision (TWC section 5.351).

3. Partial Program and Texas Adoption of the Federal Regulations

Comment Summary: A few commenters mentioned the fact that Texas is seeking a partial program approval because of revisions in the Federal program but it was unclear to the commenters about what TCEQ adopted, what was excluded from the state program approval, and what the effect of the partial program would be for Texas. Other commenters said that Texas met the necessary criteria for a partial program approval.

Comment Response: EPA has determined that partial program approval is appropriate, in part because Texas' regulations include some provisions that are inconsistent with current federal CCR regulations. Texas's state CCR regulations reflect the Federal CCR program through August 5, 2016; however, the Federal CCR regulations have changed since then as a result of the *USWAG* decision and the Part A Final Rule. As such, Texas submitted to EPA for approval only those aspects of its CCR program that are consistent with current Federal CCR regulations. Consequently, even after EPA's approval of the partial Texas CCR permit program, owners and operators of CCR units in Texas remain responsible for complying with Federal requirements in 40 CFR 257.50(e), 257.91(d)(2), 257.95(g)(5), 257.101(a)(1), 257.101(b), and 257.103.

4. Groundwater Contamination

Comment Summary: Other comments were about general groundwater contamination in Texas that could be due to CCR facilities. Some commenters described the human health and environmental impacts of certain constituents present in groundwater and surface water. Commenters were concerned about closure of CCR units with waste in place, especially if the CCR unit is unlined, near a water body, or if there is groundwater contamination from the CCR unit detected from the groundwater monitoring and corrective action program.

Comment Response: Texas has adopted CCR regulations at 30 TAC Chapter 352 which in general are identical or analogous to the requirements of 40 CFR part 257, subpart D, including groundwater monitoring requirements that adopted the Federal regulations at 40 CFR 257.90 through 257.98 by reference. EPA is not making any determinations regarding the compliance status of individual facilities or CCR units based on the public comment process for this final Action. However, some commenters raised concerns about compliance issues in the broader context of program approval and questioned whether Texas has the ability and inclination to fully implement an approved program. Given that Texas is in the early stages of implementing its new CCR regulations, it is not unexpected that compliance with those regulations across the State may be evolving.

The Texas CCR permit program will require each CCR unit located in the state to achieve compliance with the regulations that are part of their approved program as well as the Federal CCR requirements that were mentioned above that are not being approved as part of the Texas CCR permit program.

5. Issues With the Federal CCR Regulations

Comment Summary: The Agency received a number of questions or concerns saying that the Federal CCR regulations were not adequately protective of human health and the environment and since Texas adopted the Federal regulations by reference, the Texas regulations were also not protective. Most of these questions and concerns related to issues regarding groundwater monitoring and corrective action, closure, and unlined surface impoundments. The commenters suggested these issues were reasons to not approve the Texas CCR permit program.

Comment Response: Comments regarding the Federal CCR regulations at 40 CFR part 257 are beyond the scope of this action. For the issues raised above, TCEQ regulations are identical to the Federal regulations. Therefore, based on RCRA section 4005(d), EPA has determined that the Texas regulations submitted for EPA's approval will ensure that all the CCR units in the state will achieve compliance with the Federal CCR regulations at 40 CFR part 257, subpart D.

IV. Approval of the Texas CCR Permit Program

Upon signature of today's notice, the partial Texas CCR permit program, as described in its Application and Units II and III, is approved. Because this is a partial program approval, only the state requirements that have been approved will operate in lieu of the analogous Federal requirements. Accordingly, owners and operators of CCR units in Texas will remain responsible for compliance with all applicable requirements in 40 CFR part 257 for which Texas did not seek approval listed in Unit III.B. EPA will implement such provisions under the Federal CCR program, until and unless Texas submits a revised CCR permit program application and receives approval for these provisions. A permit, or registration, issued by a state is not a shield for noncompliance with these 40 CFR part 257 provisions. For those CCR units that do not yet have CCR registrations, the Federal regulations at 40 CFR part 257 will remain in effect until such time that TCEQ registrations under its approved CCR permit program are in effect for those units.

RCRA section 4005(d)(1)(D) specifies that EPA will review a state CCR permit program:

- From time to time, as the Administrator determines necessary, but not less frequently than once every 12 years;
- Not later than 3 years after the date on which the Administrator revises the applicable criteria for CCR units under part 257 of title 40, CFR (or successor regulations promulgated pursuant to RCRA sections 1008(a)(3) and 4004(a));
- Not later than 1 year after the date of a significant release (as defined by the Administrator), that was not authorized at the time the release occurred, from a CCR unit located in the state; and
- In request of any other state that asserts that the soil, groundwater, or surface water of the state is or is likely

to be adversely affected by a release or potential release from a CCR unit located in the state for which the program was approved.

RCRA section 4005(d)(4)(B) also provides that in a state with an approved CCR permitting program, the Administrator may commence an administrative or judicial enforcement action under section 3008 if:

- The state requests that the Administrator provide assistance in the performance of an enforcement action; or
- After consideration of any other administrative or judicial enforcement action involving the CCR unit, the Administrator determines that an enforcement action is likely to be necessary to ensure that the CCR unit is operating in accordance with the criteria established under the state's permit program.

V. Action

In accordance with 42 U.S.C. 6945(d), EPA is approving the Texas partial CCR state permit program.

Dated: June 1, 2021

Michael S. Regan,

Administrator.

[FR Doc. 2021–13698 Filed 6–25–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 410, 411, 412, 414, 416, 419, 482, 485, 512

[CMS–1736–FC, 1736–IFC]

RIN 0938–AU12

Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; New Categories for Hospital Outpatient Department Prior Authorization Process; Clinical Laboratory Fee Schedule: Laboratory Date of Service Policy; Overall Hospital Quality Star Rating Methodology; Physician-Owned Hospitals; Notice of Closure of Two Teaching Hospitals and Opportunity To Apply for Available Slots, Radiation Oncology Model; and Reporting Requirements for Hospitals and Critical Access Hospitals (CAHs) To Report COVID–19 Therapeutic Inventory and Usage and To Report Acute Respiratory Illness During the Public Health Emergency (PHE) for Coronavirus Disease 2019 (COVID–19)

Correction

In rule document 2020–26819, beginning on page 85866, in the issue of Tuesday, December 29, 2020, make the following corrections:

1. On page 85866, in the 2nd column, in the **DATES** section, on the 8th line, ''December 4, 2021'' should read ''December 4, 2020''.

2. On page 86261, in the 2nd column, in the 14th and 15th lines, ''December 4, 2021'' should read ''December 4, 2020''.

PART 42 [Corrected]

§ 482.42 [Corrected]

■ 3. On page 86303, in the 3rd column, in instruction 21, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 485.640 [Corrected]

■ 4. On page 86304, in the 1st column, in instruction 23, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 512.205 [Corrected]

■ 5. On the same page, in the 2nd column, in instruction 25, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 512.210 [Corrected]

■ 6. On the same page, in the same column, in instruction 26, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 512.217 [Corrected]

■ 7. On the same page, in the 3rd column, in instruction 27, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 512.220 [Corrected]

■ 8. On the same page, in the same column, in instruction 28, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 512.245 [Corrected]

■ 9. On page 86305, in the 1st column, in instruction 29, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 512.255 [Corrected]

■ 10. On the same page, in the same column, in instruction 30, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

§ 512.285 [Corrected]

■ 11. On the same page, in the 2nd column, in instruction 31, in the 2nd line, ''December 4, 2021'' should read ''December 4, 2020''.

[FR Doc. C1–2020–26819 Filed 6–24–21; 4:15 pm]

BILLING CODE 0099–10–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 13–115; RM 11341; FCC 21–44; FR ID 33506]

Allocation of Spectrum for Non-Federal Space Launch Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) takes steps towards establishing a spectrum allocation and licensing framework that will provide regulatory certainty and improved efficiency and that will promote innovation and investment in the United States commercial space launch industry. Specifically, in the Report and Order, the Commission allocates the 2200–2290 MHz band for space operations on a secondary basis to permit non-federal use in specific portions of this band for purposes of

space launch operations to help meet the increasing demands for space exploration and development.

DATES: Effective July 28, 2021.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nicholas Oros, Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, at (202) 418–0636 or *nicholas.oros@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* ET Docket No. 13–115, FCC 21–44, adopted April 22, 2020, and released April 22, 2020. This document is available by downloading the text from the Commission's website at *https://www.fcc.gov/document/fcc-seeks-make-spectrum-available-commercial-space-launches-0.* When the FCC Headquarters reopens to the public, the full text of this document also will be available for public inspection and copying during regular business hours in the FCC Reference Center, 45 L Street NE, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *FCC504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. Commercial space launch entities are proliferating and are increasingly involved in all aspects of U.S.-based space activities, such as transportation of cargo and people into space, orbital launches to place satellites and other payloads into space, and suborbital launches. There are a growing number of companies offering services to both private entities and government organizations. For example, the National Aeronautics and Space Administration (NASA) has engaged two private companies to take cargo and crew to the International Space Station (ISS), and companies such as Space Exploration Technologies (SpaceX) and Northrop Grumman have completed numerous successful missions to the ISS. SpaceX has recently ferried people to the ISS, and Boeing is developing a spacecraft to do the same. Other companies, such as Virgin Galactic and Blue Origin, intend to take private citizens on suborbital flights. These commercial space launch companies are also actively transporting communications satellites into orbit. SpaceX, for example, has conducted over 100 launches. Several companies, such as Rocket Lab and Astra, are focusing on propelling small satellites into orbit. Bigelow Aerospace plans to deploy a manned space station. To support these commercial space ventures, entities such as the New Mexico Spaceport Authority, the Virginia Commercial Space Flight Authority and the Houston Airport System have established non-Federal spaceports.

2. The Commission adopts a footnote to the Allocation Table for specified frequencies in the 2200–2290 MHz band to support commercial space launches and enable continued growth of a vibrant commercial space industry. This allocation shall be limited to use by space operations for the telemetry and tracking operations of launch vehicles during pre-launch testing and space launch operations.

3. The *NPRM* made two alternative proposals for providing access to this band for launch telemetry use. Under the first proposal, the Commission would add a footnote to the U.S. Table providing primary non-Federal Space Operation service allocations to portions of the 2200–2290 MHz band. This footnote would require successful coordination of the assignment and use of the band for space launch operations with NTIA; restrict non-Federal use of the band to pre-launch testing and launches at Federal ranges; limit non-Federal transmissions to the 2207–2219 MHz, 2270.5–2274.5 MHz, and 2285–2290 MHz portions of the band; and limit non-Federal use of the band to channel bandwidths less than 5 megahertz by launch vehicles. Under a second proposal, the Commission would amend the U.S. Table to add a primary non-Federal Space Operation service allocation to the 2200–2290 MHz band. This allocation would be accompanied by a footnote to the U.S. Table with the same restrictions specified in the footnote proposed in the first alternative. The *NPRM* also asked whether there is sufficient spectrum available to support the growth of the commercial launch industry.

4. The 2200–2290 MHz band is currently allocated on a primary basis to multiple services for Federal use and is widely used. The only permitted non-Federal use of the band is for stations in the space research, space operation, and Earth exploration-satellite services to transmit to NASA's Tracking and Data Relay Satellite System (TDRSS) on a non-interference basis. According to NTIA, the 2200–2290 MHz band is heavily used by the Department of Defense (DoD) and other agencies and these uses are vital for mission-critical systems. NTIA emphasizes that use of the band during commercial launches must be carefully coordinated to protect these Federal operations and suggests that the commercial space launch industry be limited to four frequency segments to facilitate this coordination. Because of the importance of Federal systems in the band, NTIA supports adding a secondary non-Federal space operations allocation to this band instead of the proposed primary allocation. As the private sector began to participate in launch activities, companies needed access to spectrum to facilitate communications associated with launch activities, a need that has continued to increase in recent years. The STA mechanism that the Commission and NTIA have used to provide access to the 2200–2290 MHz band during launches is not ideal to handle the increased volume of commercial space launch activities because applicants are often required to file multiple STAs for a single launch and the STAs expire after six months. STA requests are coordinated with NTIA manually, through email, whereas other non-Federal applications requiring coordination are processed through the Office of Engineering and Technology's Frequency Assignment System (OFACS). In the *NPRM,* the Commission tentatively concluded that creating a non-Federal allocation for this band would be preferable to continuing to issue STAs on a launch-by-launch basis because licenses would better support the forecasted increased number of commercial launches in the future. Accordingly, in the *NPRM* the Commission invited comment on adopting such an allocation, as a first step towards establishing rules that would allow for issuing licenses to commercial launch operators to permit their use of this spectrum band on an interference-protected basis.

5. Although commenters disagreed as to whether a non-Federal allocation is warranted or whether continued reliance on STAs is acceptable, all commenters agreed that access to this band for telemetry during launches is necessary. The Commercial Spaceflight Federation expressed the importance of access to this band on a co-primary basis for launch telemetry and pointed out that allocating spectrum even on a secondary basis can eliminate the unnecessary STA process. A coalition of several space launch providers asserted that they must make one or more requests for STAs for every launch and reentry because no spectrum is currently allocated for these purposes, even on a secondary basis. SpaceX supports the first proposal to add a footnote to the U.S. Table providing a

primary non-Federal allocation with the understanding that such a Table footnote is the legal equivalent of a Table allocation, while the Commercial Spaceflight Federation and XCOR have no preference between the two proposals. Blue Origin prefers adding a non-Federal co-primary allocation to the band. SpaceX states that it will need an additional 4 megahertz of bandwidth beyond what is provided in the proposals to support operations of its heavy lift launch vehicles. Orbital ATK favors adding non-Federal allocations in the band at 2225.5 MHz, 2241.5 MHz, 2259.5 MHz, 2269.5 MHz, and 2288.5 MHz.

6. SpaceX states that the STA process is suboptimal as commercial space launches are occurring more frequently. SpaceX explains that the STA process creates significant business planning challenges due to the lack of certainty regarding approval timing as it relates to the scheduled launch date as well as the inherent uncertainty of non-interference status. Both SpaceX and the Commercial Spaceflight Federation note that applicants have no visibility into the coordination process. According to SpaceX, implementing the proposed allocation will streamline licensing, reduce the amount of required coordination, and provide greater certainty regarding approvals. Orbital Sciences (now Northrop Grumman) endorses the addition of a co-primary allocation to a subset of the frequencies in the relevant band to remedy the STA process shortcomings—notably, that communications can be interrupted at any time and that it takes a significant amount of time to obtain STAs.

7. The Satellite Industry Association, Boeing, and Lockheed Martin argue that a non-Federal allocation in this band is unnecessary and that non-Federal launches currently enjoy *de facto* interference protection because they are coordinated with Federal frequency coordinators. Boeing claims that a non-Federal allocation will not simplify Federal coordination in these bands because non-Federal users will not be empowered to interfere with Federal users except to the extent coordinated with a Federal spectrum coordinator. Boeing suggests that once SpaceX gains experience with the current process, it will realize that the process provides reliable interference-free access to launch spectrum and that the current well-understood and effective system should not be abandoned without a clear, superior alternative. Boeing also suggests that, instead of adding a non-Federal allocation, the Commission could adopt a U.S. Table footnote that provides that non-Federal stations may access the spectrum for launch operations without an allocation under the condition they may not cause harmful interference to Federal stations.

8. The Commission concludes that adopting a non-Federal secondary allocation for this band for use during commercial space launches will help meet the future needs of the growing commercial space industry. Adopting this new allocation is the first step in a process that will allow the Commission to adopt technical and other service rules to govern commercial launch operations which, in turn, will give operators more certainty with respect to spectrum use in these bands during commercial space launches. Access to spectrum under a more predictable, collaborative, and transparent regulatory process is important to the fledgling commercial space launch industry because of the large monetary investment required for each launch. By operating on a regular, licensed basis, commercial space operators will have certainty as to which frequency bands can be used for non-federal space launch operations, which will promote the advance planning and investment necessary for future space launch activities. Although there will be coordination with NTIA prior to each launch, the Commission will continue to work with NTIA to facilitate efforts to streamline the coordination process to further improve certainty with respect to spectrum access. The need for reliable access to launch spectrum is becoming even more important as commercial launch operators shift beyond cargo supply activities into manned space missions. SpaceX recently completed a successful manned mission to the ISS and Boeing is developing a craft to take people to the ISS. The Commission also notes that the current process of obtaining an STA places burdens on launch providers, which must prepare numerous duplicative applications. Significantly, SpaceX and Blue Origin, who have obtained dozens of STAs for spectrum in the 2200–2290 MHz band, favor an allocation in lieu of continued reliance on STAs. As the U.S. commercial space industry continues to expand, the Commission expect the burdens and uncertainties associated with continuing the current STA process would only increase.

9. The Commission is not convinced by the claims of several commenters that there is no need for change because the current STA process provides *de facto* interference protection. While that may be the case today when there are still relatively few launches, there is no guarantee that the current approach is sustainable as the number of commercial launches increases. In 2012, there were only seven Federal Aviation Administration (FAA) licensed commercial launches; in 2020, there were 39 FAA-licensed commercial launches. The Commission expect that number will continue to increase. In addition, use of private spaceports located outside of the established Federal ranges do not fit the existing pattern the Commission has established for issuing STAs. Thus, as the space launch landscape continues to evolve, the current *ad hoc* experimental licensing approach based on uncertain temporary authorizations becomes increasingly risky. The Commission also does not believe it is necessary to delay adopting an allocation for the 2200–2290 MHz band because of the time that has passed since the *NPRM* as several commenters suggest. The *NPRM* clearly raised the issue of whether the Commission should adopt an allocation for this band as a first step toward adopting service rules. The current record, including the comments received in response to the *NPRM* and the more recent *ex parte* filings, along with our experience issuing experimental licenses demonstrate that taking this step is the best course of action. In fact, there is nothing to suggest that the issues commenters have raised regarding the current STA process have changed and our experience over the past eight years only further supports the need for a non-Federal allocation for this band.

10. Adopting a non-Federal Space Operation allocation for the 2200–2290 MHz band will allow us to develop rules that meet the specific needs of the commercial space industry, rather than trying to stretch the experimental rules to meet these unique needs. There are several reasons for this. First, because the dynamics for frequency use during launch activities are now well established, they are no longer considered truly experimental and should be transitioned to a set of permanent rules to bring certainty to the process. Second, because of the nature of experimentation, which often involves transmitters that have not gone through the equipment approval process, the rules governing experimental use do not provide any long term sustainability or interference protection from allocated services. Third, the Commission finds that carving out a specific exemption from our experimental rules to provide interference protection for launch activities—as requested by Boeing, Lockheed Martin, and the Satellite

Industry Association—could create confusion among licensees and is an inferior solution compared to providing an allocation and adopting service rules. Fourth, because the experimental rules are not intended to cover long-term commercial enterprises and STAs are limited by the Communications Act to periods of no more than 180 days, they are not suited to covering multiple launches over time. Thus, the current STA process cannot accommodate multiple launches over extended time periods as requested by Boeing, SpaceX, and Orbital ATK.

11. As advised by NTIA, the Commission is adopting a secondary Space Operation service allocation for the 2200–2290 MHz band rather than the primary allocation proposed in the *NPRM.* Given that the use of this band necessitates close coordination with NTIA, adopting a secondary allocation for this band would accomplish many of the goals the Commission sought to achieve with the proposed primary allocation. With a secondary allocation, the Commission will be able to adopt service rules for use of the band and issue spectrum authorizations for space launch operations. This will reduce the uncertainty of the launch-by-launch STA process and provide well-defined technical rules that licensees can design their equipment to comply with. While individual launches will still need to be coordinated, once the service rules are adopted and applicants will no longer have to apply for STAs for each launch, a streamlined process that will save time and effort on the part of space launch operators, NTIA, and the Commission will be more achievable. The Commission notes that even if it had adopted a primary non-Federal allocation for this band, individual launches would still have needed to be coordinated because of the heavy existing Federal use of the band. Several commenters advocate adoption of a primary allocation claiming that it will lead to streamlined licensing, eliminate repeated licensing work, require less coordination, and provide greater certainty with respect to approvals. The service rules the Commission will be able to adopt under a secondary allocation should be able to provide these benefits to the same extent as rules adopted under a primary allocation. The Commission defers further consideration of adopting a primary allocation for this band to the Further Notice of Proposed Rulemaking (FNPRM) published June 10, 2021 (86 FR 30860).

12. The Commission believes that providing access to the spectrum by adding a footnote to the U.S. Table is a better alternative than establishing an allocation in the U.S. Table for these bands. Adding a footnote instead of establishing an allocation is consistent with existing precedent that an allocation that is lightly used or highly restricted is implemented by using a footnote rather than placing in the U.S. Table. In this case, use of the band will continue to be restricted even as the U.S. commercial space industry continues to grow because of the need to coordinate with the Federal operations in the band. The Commission notes that either a direct table entry or footnote entry will provide future space operations licensees with equivalent status in the band.

13. Hence, the Commission is implementing this secondary non-Federal Space Operation allocation by adding a footnote (US96) to the 2200–2290 MHz band in the U.S. Table. This footnote limits use of the allocation to use during pre-launch testing and during space launch operations; requires coordination with NTIA prior to each launch; and limits non-Federal use to the 2208.5–2213.5 MHz, 2212.5–2217.5 MHz, 2270–2275 MHz, and 2285–2290 MHz portions of the 2200–2290 MHz band. The limitation to use during pre-launch testing and space launches is consistent with NTIA's advisement as well as the proposal in the *NPRM.* Despite this limitation, the current use of the space operation allocation to enable access to TDRSS will continue to be permitted on a non-interference basis under the current allocation. The requirement that the channel assignments be coordinated with NTIA was proposed in the *NPRM* and is necessary because of the existing Federal use of the band.

14. The limitation on non-Federal use of the band to the 2208.5–2213.5 MHz, 2212.5–2217.5 MHz, 2270–2275 MHz, and 2285–2290 MHz portions of the band was requested by NTIA. The *NPRM* proposed that non-Federal use of the band be restricted to a slightly different set of subbands: 2207–2219 MHz, 2270.5–2274.5 MHz, and 2285–2290 MHz. SpaceX has indicated that its recent launches have used a set of frequencies that differ both from what was proposed in the *NPRM* and what is requested by NTIA. Blue Origin states that it has used two frequencies that match NTIA's request and two that are different. Boeing suggests that the Commission avoid identifying discrete portions of the 2200–2290 MHz band as available for non-Federal launches as non-Federal and Federal launch vehicles must be interoperable. The Commission identifies the four portions of the 2200–2290 MHz band for non-Federal use, as specified by NTIA, but proposes in the *FNPRM* that the Commission consider extending the secondary allocation to the full 90 megahertz. The Commission also notes that until service rules are adopted, non-Federal use of even the four subbands will continue to require an STA. The Commission notes that launches precipitated by successful coordination with NTIA have been conducted using this spectrum for many decades. The Commission sees no indication that this legacy of successful coexistence between launch operations and Federal users cannot continue to thrive under the allocation the Commission adopts today.

15. In addition, the Commission will not add developmental testing to the permitted uses of the Space Operations allocation, as requested by SpaceX and the Commercial Spaceflight Federation. As SpaceX admits, developmental testing is relatively infrequent and likely to occur at only a few discrete locations. Such testing can, and should, be conducted under Part 5 experimental licenses.

16. When the Commission proposed allocating the three band segments in the 2200–2290 MHz band for commercial launch operations, the Commission also invited comment on whether the spectrum in those band segments would be sufficient to support the expected growth of the commercial launch industry. In its comments, SpaceX requests that the Commission expand the lower sub-band proposed in the *NPRM* by 4 megahertz to meet the needs of future launches—*i.e.,* establish a 16 megahertz (2205–2221 MHz) band segment. While the Commission is cognizant that as launch technology continues to develop there may be a need for greater amounts of telemetry data which will require wider bandwidths, the Commission declines to expand the band segments available for telemetry beyond those bands specified in the previous two paragraphs. Instead, the Commission believes any need for wider bandwidths can be adequately met on a case-by-case basis using the STA process.

17. Adopting a non-Federal allocation for the 2200–2290 MHz band, however, is only a first step in providing licenses for commercial launch operations. In the *FNPRM,* the Commission proposes non-Federal allocations for three more bands and the Commission seeks comment on appropriate service rules for each band that will enable spectrum sharing between Federal users and commercial space operators. The Commission fully intends that the important Federal operations in these

bands will be protected when introducing a new licensing regime to accommodate existing and future non-Federal launch activities. Until service rules for these bands are adopted, the Commission will continue to accept and process STA applications to approve and authorize commercial space launch activities. A separate STA will continue to be required for each launch and the Commission will coordinate these STAs with NTIA prior to each launch.

18. *Use of spectrum other than 2200–2290 MHz for launch telemetry.* The *NPRM* pointed out that three frequencies in the 2360–2395 MHz band are ''available for both Federal and non-Federal use for telemetry and telecommand of launch and reentry vehicles.'' The *NPRM* sought comment on the use of these and other frequencies as an alternative to the 2200–2290 MHz band for communications during launches. The *NPRM* also noted that the 2360–2395 MHz band is primarily used for aeronautical telemetry and telecommand operations for flight testing of aircraft and missiles and sought comment on whether the current and expected future use of the 2360–2395 MHz band for aeronautical telemetry for flight testing make it unsuitable for communications associated with launch activity. SpaceX, the Aerospace Industries Association, Boeing, the New Mexico Spaceport Authority, and the Commercial Spaceflight Federation assert that the 2360–2395 MHz band is not an appropriate alternative for telemetry because of the additional cost of supporting different frequency bands depending on whether a launch is Federal or non-Federal. Orbital ATK claims that using this band would require the Federal launch ranges to modify their equipment and would require Orbital ATK to replace radios costing millions of dollars. The Aerospace and Flight Test Radio Coordinating Council (AFTRCC) questions whether there is a demand for the frequencies in the 2360–2395 MHz band for launch telemetry, and it notes that the spectrum requirements for flight test in the band have changed dramatically since frequencies in the band were made available for space launch telemetry. The Commercial Spaceflight Federation supports keeping the 2360–2395 MHz band available for space launch telemetry as an alternative to 2200–2290 MHz, rather than as a replacement. Blue Origin views use of the 2360–2395 MHz band as an addition to the 2200–2290 MHz band and states that it would evaluate use of the band for future architectures that require additional transmitters. However, XCOR, which does support adding an allocation to 2200–2290 MHz, strongly encourages use of the 2360–2395 MHz band for commercial launch requirements because it would be able to use the same antenna for the nearby 2312.5 and 2352.5 MHz frequencies that it has been examining for telemetry use. In the *FNPRM,* the Commission seeks comment on the technology development for the 2360–2395 MHz band.

19. The Commission concludes based on the record that other bands are not suitable alternatives to the 2200–2290 MHz band for telemetry to support space launch operations. No commenters supported use of 2360–2395 MHz as a replacement for the 2200–2290 MHz band. The increasing use of the 2200–2290 MHz band for space launch telemetry justifies the allocation the Commission is adopting. Allowing access to the 2200–2290 MHz band for commercial space launches will allow space launch providers to benefit from the economies of scale inherent from using the same radio systems for both Federal agencies and commercial customers. Requiring commercial space launches to use another band, such as 2360–2395 MHz, would require space launch providers to develop separate communications systems for use depending on whether the space launch operation they are conducting is considered a Federal or non-Federal launch. Such an approach would impose considerable burden on the nascent commercial space launch industry, undermining the United States' leadership on space-based services.

20. *No Restriction to use at Federal Ranges.* The *NPRM* proposed restricting the non-Federal Space Operation allocation for the 2200–2290 MHz band to use at Federal ranges. Federal ranges are designated areas over which rocket and missile launches occur. These ranges are typically located over sparsely populated areas or over the ocean, and they have a designated launch site and associated radar tracking facilities. This proposal would limit use of the allocation to Federal launch ranges, such as the eastern range, which extends eastward over the Atlantic Ocean from Cape Canaveral. The *NPRM* stated that this restriction would limit the potential for interference to Federal operations to a few locations, and it asked whether this restriction would unduly limit the growth of the commercial space launch industry.

21. All industry commenters who addressed this issue opposed the restriction to Federal launch ranges. The New Mexico Spaceport Authority is concerned that this restriction may prevent access to spectrum for launches at FAA-licensed commercial launch sites and argues that limiting use of this band to Federal ranges would be inconsistent with the National Space Policy. SpaceX claims to be pursuing a launch site that is not in a Federal range. The New Mexico Spaceport Authority and SpaceX suggest permitting use of the spectrum at both Federal ranges and FAA-licensed launch sites. Blue Origin would not be able to operate its New Shepard launch vehicle in its current configuration with the Federal range limitation, because it launches from a private site in West Texas that is not an FAA-licensed launch site and is not co-located with a Federal range. NTIA has requested that non-Federal use of the 2200–2290 MHz band be limited to use during space launches and pre-launch testing at Federal ranges and FAA-licensed launch sites.

22. The Commission will not restrict the locations where the new non-Federal allocation for the 2200–2290 MHz band may be used. The Commission recognizes that as the commercial space industry continues to develop, launches will likely not be limited to Federal ranges, and, consequently, the Commission does not believe it would be in the public interest to limit future non-Federal space launch operations to Federal ranges. The Commission also will not adopt the alternative suggested by NTIA and some commenters that the Commission limit use of this non-Federal allocation to FAA-licensed launch sites. As the FAA does not require that all launches be conducted at locations where it has issued a launch site license, restricting use of the allocation to launches at FAA-licensed launch sites would prevent some launch providers from obtaining a license for this spectrum band. Regardless of where a launch occurs, the Commission will require coordination with NTIA. However, because of the expense involved in constructing a launch site and the need to conduct launches at remote locations because of safety concerns, the Commission expects the number of locations where launches will occur to remain small. Consequently, our decision should not significantly increase the burden on NTIA and Federal agency coordinators.

23. *420–430 MHz and 5650–5925 MHz Bands.* The *NPRM* also proposed new non-Federal allocations for the 420–430

MHz and 5650–5925 MHz bands. However, in recent *ex parte* submissions, several commercial space launch providers have indicated that they do not use either of these bands for their operations. The Commission has never granted an STA for the 420–430 MHz band for space launches. In the past several years only one operator has obtained STAs for a small number of launches for the 5650–5925 MHz band. Given the limited current use of these bands during space launches, the Commission is not convinced that there is need for new allocations for either band. Instead, the Commission seeks further comment on these proposed allocations in the accompanying *FNPRM* to determine the current need for these allocations.

24. *Non-Federal Launch Definition.* The *NPRM* recognized that there can be confusion when trying to determine whether launch activity spectrum access requires authorization from NTIA or a license from the Commission. Under the Communications Act, the Commission has authority to issue licenses for radio stations except those ''belonging to and operated by the United States.'' The *NPRM* sought comment on how to determine whether a given launch is non-Federal or Federal for licensing purposes. It asked whether factors such as the nature of the payload, the location of the launch, the provider of the launch vehicle, and FAA classification of the launch as commercial should be considered in making this determination.

25. All commenters addressing this issue urge the Commission to consider all launches licensed by the FAA to be non-Federal. SpaceX claims that none of the factors listed in the *NPRM* are conclusive and that relying on FAA licensing provides the most predictable standard. Boeing and the Satellite Industry Association both point out the similarity between language in the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual or Redbook), focusing on who has ''effective control'' of the radio equipment, and the Commercial Space Launch Act's definition of a commercial launch provider, which focuses on who has ''primary control'' of the launch. The Aerospace Industries Association goes further by suggesting that the Commission not require any additional licensing for launches not licensed by the FAA.

26. A threshold issue for deciding whether a Commission license is required is the Communications Act's provision excluding radio stations ''belonging to and operated by the United States'' from the Commission's jurisdiction. If radio equipment used during a launch both belongs to and is operated by the United States Government, no Commission license is necessary. Otherwise, a Commission license is required. While launches that require FAA licensing might be expected to involve operation of non-Federal stations and require a Commission license, our jurisdiction is defined in the Communications Act. The key determination under the Communications Act is whether the radio equipment at issue belongs to and is operated by the United States Government. Consistent with the Communications Act, all radio equipment supporting space launches require a Commission license or authorization prior to transmitting, unless such equipment ''belong[s] to and [is] operated by the United States [Government].''

27. *Orbital Debris Mitigation.* Two commenters addressed the issue of orbital debris mitigation. XCOR maintains that orbital debris mitigation associated with launch and reentry operations is the responsibility of the Secretary of Transportation, and that this responsibility has been delegated to the FAA. SpaceX also encourages the Commission to defer to the FAA regarding orbital debris matters for commercial space transportation activities when it develops service rules following this rulemaking. In light of the Commission's ongoing proceeding regarding orbital debris, the Commission will not address orbital debris mitigation in this proceeding, but any rules adopted in that context may be applicable to space launch operations.

28. *Regulatory Flexibility Analysis.* The Regulatory Flexibility Act of 1980, as amended (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rulemaking* (*NPRM*) released in May 2013. The Commission sought written public comment on the proposals in the *NPRM,* including comments on the IRFA. No comments were filed addressing the IRFA. A Final Regulatory Flexibility Analysis (FRFA) that conforms to the RFA was prepared and included in Appendix B of the *Report and Order*.

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

30. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report & Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

31. Accordingly, *it is ordered* that, pursuant to sections 1, 2, 4(i), 5(c), 301, 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 155(c), 301, 303(c), 303(f), and 303(r), and section 1.411 of the Commission's rules, 47 CFR 1.411, this *Report and Order and Further Notice of Proposed Rulemaking is hereby adopted*.

32. *It is further ordered* that the amendments of Part 2 of the Commission's rules, as set forth in Appendix A, *are adopted,* effective thirty (30) days after publication in the **Federal Register**.

33. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order and Further Notice of Proposed Rulemaking,* including the Final and Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

34. *It is further ordered* that the Commission *shall send* a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Parts 2

Communications equipment, Radio, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications

Commission amends 47 CFR part 2 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Amend § 2.106, the Table of Frequency Allocations, as follows:

■ a. Revise page 37.

■ b. In the list of United States (US) Footnotes, add footnote US96 in numerical order.

The revision and addition read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712–01–P

Table of Frequency Allocations		2110-2483.5 MHz (UHF)			Page 37
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
2110-2120 FIXED MOBILE 5.388A 5.388B SPACE RESEARCH (deep space) (Earth-to-space) 5.388			2110-2120 US252	2110-2120 FIXED MOBILE US252	Public Mobile (22) Wireless Communications (27) Fixed Microwave (101)
2120-2170 FIXED MOBILE 5.388A 5.388B 5.388	2120-2160 FIXED MOBILE 5.388A 5.388B Mobile-satellite (space-to-Earth) 5.388 2160-2170 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth) 5.388 5.389C 5.389E	2120-2170 FIXED MOBILE 5.388A 5.388B 5.388	2120-2200	2120-2180 FIXED MOBILE NG41	
2170-2200 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth) 5.351A 5.388 5.389A 5.389F				2180-2200 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth)	Satellite Communications (25) Wireless Communications (27)
2200-2290 SPACE OPERATION (space-to-Earth) (space-to-space) EARTH EXPLORATION-SATELLITE (space-to-Earth) (space-to-space) FIXED MOBILE 5.391 SPACE RESEARCH (space-to-Earth) (space-to-space) 5.392			2200-2290 SPACE OPERATION (space-to-Earth) (space-to-space) US96 EARTH EXPLORATION-SATELLITE (space-to-Earth) (space-to-space) FIXED (line-of-sight only) MOBILE (line-of-sight only including aeronautical telemetry, but excluding flight testing of manned aircraft) 5.391 SPACE RESEARCH (space-to-Earth) (space-to-space) 5.392 US303	2200-2290 US96 US303	
2290-2300 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (deep space) (space-to-Earth)			2290-2300 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (deep space) (space-to-Earth)	2290-2300 SPACE RESEARCH (deep space) (space-to-Earth)	
2300-2450 FIXED MOBILE 5.384A Amateur Radiolocation	2300-2450 FIXED MOBILE 5.384A RADIOLOCATION Amateur		2300-2305 G122	2300-2305 Amateur	Amateur Radio (97)
			2305-2310 US97 G122	2305-2310 FIXED MOBILE except aeronautical mobile RADIOLOCATION Amateur US97	Wireless Communications (27) Amateur Radio (97)

* * * * *

United States (US) Footnotes

* * * * *

US96 The band 2200–2290 MHz is allocated to the space operation service (space-to-Earth) on a secondary basis for non-Federal use subject to the following conditions. Non-Federal stations shall be:

(a) Restricted to transmissions from the launch vehicle in the sub-bands 2208.5–2213.5 MHz, 2212.5–2217.5 MHz, 2270–2275 MHz, and 2285–2290 MHz (necessary bandwidth shall be contained within these ranges);

(b) Restricted to use for pre-launch testing and space launch operations, except as provided under US303; and

(c) Subject to coordination with NTIA prior to each launch.

* * * * *

[FR Doc. 2021–13685 Filed 6–25–21; 8:45 am]

BILLING CODE 6712–01–C

DEPARTMENT OF STATE

48 CFR Parts 636, 637, and 652

[Public Notice: 10531]

RIN 1400–AE04

Department of State Acquisition Regulation; Safety Requirements

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (DOS) is adopting as final an interim rule amending the Department of State Acquisition Regulation (DOSAR) to provide new guidance prescribing more stringent safety requirements for certain overseas construction and services projects.

DATES: This final rule is effective on June 28, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Tandra Jones, Office of the Procurement Executive, A/OPE, 1735 North Lynn Street, Room 442, Arlington VA 22209. Telephone 703–875–6643.

SUPPLEMENTARY INFORMATION: The Department of State published an Interim Rule, Public Notice 9703, at 82 FR 58351, on December 12, 2017, with a request for comments. The comment period closed February 12, 2018. No comments on the rule were received.

Regulatory Findings

Administrative Procedure Act

In accordance with 5 U.S.C. 553(a)(2), which exempts from the Administrative Procedure Act matters relating to contracts, the Department published this rulemaking as an interim final rule, and provided 60 days for public comment.

Regulatory Flexibility Act

This rulemaking is not a ''rule'' as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); therefore, that Act does not apply to it. However, the Department of State has reviewed this regulation and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. This determination was based on the fact that few of the DOS overseas construction contracts are performed by small business concerns. In FY 2015, only 19 of the 161 DOS overseas construction contractors to which this would apply were small business concerns.

Unfunded Mandates Act of 1995

This final rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 (5 U.S.C. 801 *et seq.*). This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

Executive Orders 12866, 13563 and 13771

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Department has reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders and finds that the benefits of this rule outweigh any costs, which the Department assesses to be minimal. This interim final rule is not subject to the requirements of Executive Order 13771 because this final rule has been determined to be non-significant within the meaning of the Executive Order 12866.

Executive Order 13132

This 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This final rule does not impose or modify any information collections under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The information collection related to this rulemaking has been assigned OMB Control Number 1405–0050.

List of Subjects in 48 CFR Parts 636, 637 and 652

Government procurement.

■ Accordingly, the interim rule amending 48 CFR parts 636, 637 and 652 that was published at 82 FR 58351, on December 12, 2017, is adopted as a final rule without change.

Zachary A. Parker,

Director, U.S. Department of State.

[FR Doc. 2021–13739 Filed 6–25–21; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160426363–7275–02; RTID 0648–XB189]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2020–2021 Commercial Closure for King Mackerel in the Gulf of Mexico Northern Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial king mackerel in the northern zone of the Gulf of Mexico (Gulf) exclusive economic zone (EEZ). NMFS projects that the commercial quota for king mackerel in the northern zone of the Gulf EEZ has been reached. Therefore, NMFS closes the northern zone of the Gulf EEZ to commercial king mackerel fishing on June 28, 2021. This closure is necessary to protect the Gulf king mackerel resource.

DATES: The closure is effective at 12:01 a.m., local time, June 28, 2021, until October 1, 2021.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Gulf includes king mackerel, Spanish mackerel, and cobia in the Gulf and on the east coast of Florida, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils. The FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights described for king mackerel in the Gulf EEZ apply as either round or gutted weight.

The commercial annual catch limit (equal to the commercial quota) for the Gulf migratory group of king mackerel (Gulf king mackerel) is 2.74 million lb (1.24 million kg). Commercial fishing for Gulf king mackerel is divided into multiple zones for management purposes. The commercial quota for Gulf king mackerel in the northern zone is 493,200 lb (223,712 kg) for the current fishing year, October 1, 2020, through September 30, 2021 (50 CFR 622.384(b)(1)(ii)).

The northern zone for Gulf king mackerel is located in the EEZ between a line at 87°31.6′ W longitude, which is a line extending due south of the state boundary of Alabama and Florida, and a line at 26°19.48′ N latitude, which is a line extending due west from the boundary of Lee and Collier Counties in southwest Florida 50 CFR 622.369(a)(1)(ii).

Regulations at 50 CFR 622.388(a)(1)(i) require NMFS to close the commercial sector for Gulf king mackerel in the northern zone when the commercial quota is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined the commercial quota for Gulf king mackerel in the northern zone has been reached. Accordingly, NMFS closes the northern zone to commercial fishing for Gulf king mackerel effective from 12:01 a.m., local time, on June 28, 2021, 2021, through September 30, 2021, the end of the current fishing year.

During the closure, a person on board a vessel that has been issued a valid Federal commercial or charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain the king mackerel in the northern zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(ii) and (a)(2), as long as the recreational sector for Gulf king mackerel in the northern zone is open (50 CFR 622.384(e)(1)).

Also during the closure, Gulf king mackerel from the closed zone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to king mackerel from the closed zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.384(e) and 622.388(a)(1)(i), which were issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and the associated AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Such procedures are also contrary to the public interest because of the need to immediately implement the closure to protect the Gulf king mackerel stock. The capacity of the fishing fleet allows for rapid harvest of the commercial quota and the quota has already been met. Prior notice and opportunity for public comment would require time and could result in additional harvest.

For the aforementioned reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: June 23, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–13761 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140722613–4908–02; RTID 0648–XB185]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; Commercial Closure for Atlantic Spanish Mackerel in the Northern Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial Spanish mackerel in the northern zone of the Atlantic exclusive economic zone (EEZ). NMFS projects that the commercial quota for Spanish mackerel in the northern zone of the Atlantic EEZ will be reached by June 28, 2021. Therefore, NMFS closes the northern zone in the Atlantic EEZ to commercial harvest of Spanish mackerel on June 28, 2021. This closure is necessary to protect the Spanish mackerel resource in the Atlantic.

DATES: This temporary rule is effective at 12:01 a.m., eastern time, on June 28,

2021, until 12:01 a.m., eastern time, on March 1, 2022.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Atlantic includes king mackerel, Spanish mackerel, and cobia on the east coast of Florida, and is managed under the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils. The FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights described for Spanish mackerel in the Atlantic EEZ apply as either round or gutted weight.

The commercial annual catch limit (equal to the commercial quota) for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel) is 3.33 million lb (1.51 million kg). Atlantic Spanish mackerel are divided into northern and southern zones for management purposes. The northern zone commercial quota for Atlantic Spanish mackerel is 662,670 lb (300,582 kg) for the current fishing year, which is March 1, 2021, through February 28, 2022 (50 CFR 622.384(c)(2)(i)).

The northern zone for Atlantic Spanish mackerel extends in Federal waters from New York through North Carolina. The northern boundary of the northern zone extends from an intersection point off New York, Connecticut, and Rhode Island at 41°18′16.249″ N latitude–71°54′28.477″ W longitude, and proceeds southeast to 37°22′32.75″ N latitude and the intersection point with the outward boundary of the EEZ. The southern boundary of the northern zone extends from the North Carolina and South Carolina state border along a line in a direction of 135°34′55″ from true north beginning at 33°51′07.9″ N latitude–78°32′32.6″ W longitude to the intersection point with the outward boundary of the EEZ (50 CFR 622.369(b)(2)). See Figure 2 of appendix G to part 622—Spanish Mackerel for an illustration of the management zones.

Regulations at 50 CFR 622.388(d)(1)(i) require NMFS to close the commercial sector for Atlantic Spanish mackerel in the northern zone when the commercial quota for that zone is reached, or is projected to be reached, by filing such a notification with the Office of the Federal Register. NMFS projects that the commercial quota of 662,670 lb (300,582 kg) for Atlantic Spanish mackerel in the northern zone will be reached by June 28, 2021. Accordingly, the commercial sector for Atlantic Spanish mackerel in the northern zone is closed effective at 12:01 a.m., eastern time, on June 28, 2021, through February 28, 2022, the end of the current fishing year.

During the commercial closure, a person on a vessel that has been issued a valid Federal commercial permit to harvest Atlantic Spanish mackerel may continue to retain this species in the northern zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(iii) and (a)(2), if recreational harvest of Atlantic Spanish mackerel in the northern zone has not been closed (50 CFR 622.384(e)(1)).

Also during the closure, Atlantic Spanish mackerel from the northern zone, including those harvested under the recreational bag and possession limits, may not be purchased or sold. This prohibition does not apply to Atlantic Spanish mackerel from the northern zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.8(b), 622.384(e)(2), and 622.388(d)(1)(i), which were issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and the associated AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Such procedures are also contrary to the public interest because of the need to immediately implement the closure to protect Atlantic Spanish mackerel, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could result in a harvest that exceeds the established commercial quota.

For the aforementioned reasons, the Acting Assistant Administrator for NMFS also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: June 23, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–13759 Filed 6–23–21; 4:15 pm]

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Proposed Rules

Federal Register
Vol. 86, No. 121
Monday, June 28, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Doc. No. AMS–SC–21–0016; SC21–966–1 PR]

Tomatoes Grown in Florida; Reapportionment of Membership

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would adjust the number of member seats apportioned to each district represented on the Florida Tomato Committee (Committee). The Department of Agriculture (USDA) is taking this action based on an amendatory change to the marketing order for tomatoes grown in Florida, which reduced the size of the Committee from 12 members to 10. This action would reduce the member seats in each of the two districts from six members and their alternates to five members and their alternates.

DATES: Comments must be received by July 28, 2021.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal 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 the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Steven W. Kauffman, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or email: *Steven.Kauffman@usda.gov* or *Christian.Nissen@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, or email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement No. 125 and Order No. 966, as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida. Part 966 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers operating within the production area.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866 and 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This proposed rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have tribal implications. AMS has determined this proposed rule is unlikely to have substantial direct effects 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.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule invites comments on changes to the Committee membership as prescribed in the Order. USDA is taking this action as a conforming change following amendments to the Order published in the **Federal Register** on November 16, 2020 (85 FR 72914). The amendments, in part, reduced membership on the Committee from 12 members and their alternates to 10 members and their alternates. This action would reduce the member seats in each of the two districts from six members and their alternates to five members and their alternates, maintaining equitable representation on the Committee from both districts.

Section 966.22 provides for the establishment of membership on the Committee. The ten members and their alternates shall be producers, or officers or employees of a corporate producer, in

the district for which selected and a resident of the production area. Section 966.160 defines the two districts from which producers serve as representatives on the Committee.

Section 966.25 provides the authority for the Committee to recommend, with the approval of the Secretary, reapportionment of members among districts, and the reestablishment of districts within the production area. Section 966.161 apportions Committee membership among the two districts pursuant to § 966.25.

The Committee met on November 1, 2018, and February 27, 2019, to recommend changes to the Order. These recommendations included reducing the Committee size from 12 members to 10; reducing the number of districts in the production area from four districts to two, maintaining that membership on the Committee be divided evenly between the two districts. The reduction to two districts and the reapportionment of Committee membership that provided equal representation of six members in each of those newly formed districts were completed under a separate rulemaking action published in the **Federal Register** on September 26, 2019 (84 FR 50711).

During the Committee's discussion of the amendments and the reduction in Committee size, members indicated they wanted to maintain the equity in membership between the two districts. With the reduction in the Committee size from 12 members and their alternates to 10 members and their alternates, this rule would make a conforming change to the Committee membership as apportioned in § 966.161. This action would reduce the seats in each district from six members and their alternates to five members and their alternates. This would maintain the equitable representation on the Committee and bring the number of apportioned seats in line with the reduced number of members authorized in the Order.

Accordingly, each district would nominate five members and five alternates for a total of 10 members and 10 alternate nominees to serve on the Committee.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 65 producers of Florida tomatoes in the production area and 41 handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $1,000,000 and small agricultural service firms are defined as those whose annual receipts are less than $30,000,000 (13 CFR 121.201).

With an estimated producer price of $14.00 per 25-pound container, the number of Florida tomato producers, and a normal distribution assumed, the average annual producer revenue is above $1,000,000, ($14.00 times 22.3 million containers equals $312,200,000 divided by 65 producers equals $4,803,077 per producer). Thus, the majority of producers of Florida tomatoes may be classified as large entities.

According to industry and Committee data, the average annual price for fresh Florida tomatoes during the 2019–20 season was approximately $19.07 per 25-pound container, and total fresh shipments were 22.3 million containers. Using the average price and shipment information, the number of handlers, and a normal distribution assumed, the majority of handlers have average annual receipts of less than $30,000,000, ($19.07 times 22.3 million containers equals $425,261,000 divided by 41 handlers equals $10,372,220 per handler). Thus, the majority of handlers of Florida tomatoes may be classified as small entities.

This proposed rule would adjust the number of member seats apportioned on the Committee. USDA is taking this action based on an amendatory change to the Order, which reduced the size of the Committee from 12 members to 10. This action would reduce the member seats in each of the two districts from six members and their alternates to five members and their alternates. This change would revise § 966.161 pursuant to the authority in § 966.25.

It is not anticipated that this action would impose any additional costs on the industry. This change is a conforming change and would not establish any new regulatory requirements on handlers. There would be no change in financial costs, reporting, or recordkeeping requirements because of this action.

This action would reduce the apportioned members from six members and their alternates to five members and their alternates in each of the two districts to reflect the recent amendatory action which reduced the size of the Committee. The balance of representation on the Committee would remain the same with member seats divided evenly between the two districts. The effects of this rule would not be disproportionately greater or less for small entities than for larger entities.

Alternatives to reapportionment were discussed and considered by the Committee. However, these alternatives were rejected. The Committee agreed that given the number of producers had decreased, reducing the Committee size would make it more reflective of today's industry. The Committee also wanted to maintain the balance of representation between the two districts. With the amendatory change to the Order, this action is necessary to make the regulations conform to the Order requirements.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements would be necessary because of this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large Florida tomato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Committee's meetings are widely publicized throughout the Florida tomato industry, and all interested persons are invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the November 1, 2018, and February 27, 2019, meetings were open to the public, and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

AMS is committed to complying with the E-Government Act, to promote the

use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is proposed to be amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 966.161 to read as follows:

§ 966.161 Reapportionment of committee membership.

Pursuant to § 966.25, industry membership on the Florida Tomato Committee shall be reapportioned as follows:

(a) District 1—five members and their alternates.

(b) District 2—five members and their alternates.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–13705 Filed 6–25–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0422; Product Identifier 2018–CE–015–AD]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to supersede airworthiness directive (AD) AD 2015–23–03 for Pacific Aerospace Limited Model 750XL airplanes. The NPRM was prompted by mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as fatigue cracks on the fin forward pickup plates. Since issuance of the NPRM, the FAA has determined that the actions required by AD 2015–23–03 address the unsafe condition. Accordingly, the NPRM is withdrawn.

DATES: As of June 28, 2021, the proposed rule, which published in the **Federal Register** on June 18, 2018 (83 FR 28171), is withdrawn.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0422; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to certain Pacific Aerospace Limited Model 750XL airplanes. The NPRM was published in the **Federal Register** on June 18, 2018 (83 FR 28171), and proposed to supersede AD 2015–23–03, Amendment 39–18319 (80 FR 69569, November 10, 2015) (AD 2015–23–03). AD 2015–23–03 requires reducing the torque setting for the fin forward pickup bolt, inspecting the fin forward pickup plates for cracks, and replacing the fin forward pickup plates. The NPRM was based on MCAI originated by the Civil Aviation Authority (CAA) of New Zealand. The MCAI states:

> This [CAA] AD revised to introduce Pacific Aerospace Limited Mandatory Service Bulletin (MSB) PACSB/XL/068 issue 6, dated 8 January 2018. The changes to the SB are limited to minor editorial changes, and the addition of alternate P/N [part number] hi-lok fasteners due to limited availability of the original P/N. There are no changes to the AD applicability or the requirements.

Actions Since the NPRM Was Issued

After issuance of the NPRM, the FAA has determined that the actions required by AD 2015–23–03 address the unsafe condition. The new service information is unchanged except for editorial changes and the addition of alternate hi-lok fasteners. AD 2015–23–03 only requires the procedures in the service information that was incorporated by reference and not the materials. Thus, operators may use the new hi-lok fasteners to comply with AD 2015–23–03 without an alternative method of compliance. Based on the above information, the FAA has determined that AD action is not warranted and the proposal should be withdrawn.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed AD nor a final rule. This action, therefore, is not covered under Executive Order 12866 or the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, which published in the **Federal Register** on June 18, 2018 (83 FR 28171), is withdrawn.

Issued on June 18, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–13482 Filed 6–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0214; Project Identifier 2018–CE–064–AD]

RIN 2120–AA64

Airworthiness Directives; Viking Aircraft Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Viking Air Limited Model DHC–3 airplanes. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as fatigue damage of the wing strut lug fitting components and the fuselage to wing strut attachment (tie-bar). This proposed AD would require determining service life limits for the wing strut fitting on the main spar and for the tie-bar and following instructions for removal and replacement of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 12, 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 Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; phone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com*; website: *https://www.vikingair.com/support/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.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0214; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 287–7329; fax: (516) 794–5531; email: *aziz.ahmed@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–2021–0214; Project Identifier 2018–CE–064–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Aziz Ahmed, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued AD Number CF–2017–29, dated August 24, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for Viking Air Limited Model DHC–3 airplanes. The MCAI states:

> It has been determined that the current maintenance program does not adequately address potential fatigue damage of the wing strut lug fitting components or the fuselage to wing strut attachment (Tie Bar). Affected parts must be replaced before specified air time limits are reached to avoid fatigue cracking of the affected parts. Cracking which is not detected may compromise the structural integrity of the wing or the Tie-Bar.
>
> Fatigue damage occurs more rapidly on aeroplanes that are operated at higher gross weights. For that reason, the corrective actions of this [Transport Canada] AD must be accomplished sooner for aeroplanes that have been certified for operation at higher gross weights.
>
> Fatigue damage also occurs more rapidly on aeroplanes that are operated below 2000 feet above ground level (AGL) over land due to higher and more frequent gust and maneuvering loads. Low level flights over water are not known to produce increased fatigue damage on the DHC–3. For that reason, the corrective actions of this [Transport Canada] AD must be accomplished sooner for aeroplanes that have been operated at low altitudes over land.

This condition, if not addressed, could result in cracking and failure of the structural integrity of the wing or the tie-bar.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0214.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Viking Air Limited DHC–3 Otter Service Bulletin Number V3/0008, Revision NC, dated February 9, 2017. The service information specifies determining service life limits for the wing strut fitting on the main spar and for the tie-bar, and contains instructions for removal and replacement. De Havilland Aircraft of Canada has issued DHC–3 Otter Service Bulletin Number 3/37, Revision B, dated October 8, 1982. The service information specifies instructions for removal and replacement of the Fuselage to Wing Strut Attachment Tie-Bar. 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**.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

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

Differences Between This Proposed AD and the MCAI

The MCAI requires calculating the compliance time by using a formula and estimating the altitudes at which an airplane has operated. The MCAI also instructs operators to assume operations below 2,000 feet AGL when the operating altitude of the airplane is unknown. Because the FAA has no regulatory requirement for owners or operators to record or maintain the operating altitude history of an aircraft, this proposed AD would require calculating the compliance time by assuming all operations occurred below 2,000 feel AGL.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 41 airplanes of U.S. registry.

The FAA also estimates that it would take about 300 work-hours per airplane to replace both the wing strut fitting and the tie-bar. The average labor rate is $85 per work-hour. Required parts would cost about $5,599 per airplane.

Based on these figures, the FAA estimates the cost of the proposed AD on U.S. operators to be $1,275,059 or $31,099 per airplane.

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:

Viking Air Limited: Docket No. FAA–2021–0214; Project Identifier 2018–CE–064–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Viking Air Limited Model DHC–3 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5700, Wings.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as fatigue damage of the wing strut lug fitting components or the fuselage to wing strut attachment (tie-bar). The FAA is issuing this AD to identify and correct potential fatigue damage of the wing strut lug fitting components of the fuselage to wing strut attachment. The unsafe condition, if not addressed, could result in cracking and failure of the structural integrity of the wing or the tie-bar.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (3):

(1) *For all airplanes:* Within 3 months after the effective date of this AD, determine and record the number of equivalent air time hours on each wing and tie-bar by doubling the total hours time-in-service (TIS) accumulated on each part. If the total hours TIS of a tie-bar is unknown or cannot be determined, use the total hours TIS of the wing strut lug fitting on the main spar.

(2) *For airplanes with a maximum certificated gross weight that has never exceeded 8,000 pounds:* Remove from service each left and right hand wing strut fitting and tie-bar by following the Accomplishment Instructions in Viking Air Limited SB V3/0008, Revision NC, dated February 9, 2017, and the Replacement section of the Accomplishment instructions in De Havilland Aircraft of Canada DHC–3 Otter Service Bulletin Number 3/37, Revision B, dated October 8, 1982, at whichever of the following compliance time that occurs later:

(i) Before the part accumulates 40,000 equivalent air time hours, or

(ii) Within 12 months after the effective date of this AD.

(3) *For airplanes with a maximum certificated gross weight that has ever exceeded 8,000 pounds:* Remove from service each left and right hand wing strut fitting and tie-bar by following the Accomplishment Instructions in Viking Air Limited SB V3/0008, Revision NC, dated February 9, 2017, and the Replacement section of the Accomplishment instructions in De Havilland Aircraft of Canada DHC–3 Otter Service Bulletin Number 3/37, Revision B, dated October 8, 1982, at whichever of the following compliance time that occurs later:

(i) Before the part accumulates 32,200 equivalent air time hours, or

(ii) Within 12 months after the effective date of this AD.

(g) Alternative Methods of Compliance (AMOCs)

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

(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.

(h) Related Information

(1) For more information about this AD, contact Aziz Ahmed, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 287–7329; fax: (516) 794–5531; email: *aziz.ahmed@faa.gov.*

(2) Refer to Transport Canada AD Number CF–2017–29, dated August 24, 2017, for more information. You may examine the Transport Canada AD in the AD docket at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0214.

(3) For service information identified in this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; phone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* website: *https://www.vikingair.com/support/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.

Issued on June 21, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–13636 Filed 6–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0513; Project Identifier 2018–SW–116–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) 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 Bell Textron Canada Limited (Bell) Model 429 helicopters. This proposed AD was prompted by reports of tail rotor gearbox assemblies found loose on the gearbox support. This proposed AD would require repetitive torque checks of the tail rotor gearbox attachment hardware, and corrective action if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 12, 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email *productsupport@bellflight.com;* or at *https://www.bellflight.com/support/contact-support.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0513; 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 Transport Canada AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, COS Program Management Section, FAA, Operational Safety Branch, Compliance & Airworthiness Division, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email *Darren.Gassetto@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–2021–0513; Project Identifier 2018–SW–116–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such

marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Darren Gassetto, Aerospace Engineer, COS Program Management Section, FAA, Operational Safety Branch, Compliance & Airworthiness Division, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email *Darren.Gassetto@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–35, dated December 19, 2018 (Canadian AD CF–2018–35), to correct an unsafe condition for Bell Textron Canada Limited Model 429 helicopters. Transport Canada advises that there have been reports of tail rotor gearbox assemblies found loose on the gearbox support. Transport Canada issued Emergency Canadian Airworthiness Directive CF–2018–18, dated July 11, 2018, which corresponds to FAA AD 2018–16–51, Amendment 39–19421 (83 FR 53171, October 22, 2018), to address the immediate safety concern. An ongoing investigation determined that this condition-loose tail rotor gearbox assemblies-could return even after the corrective actions by the previous AD have been completed. This condition, if not addressed, could result in structural damage and possible loss of control of the helicopter.

Accordingly, Canadian AD CF–2018–35 requires repetitive torque checks of the tail rotor gearbox attachment hardware and corrective actions if necessary. The corrective action is doing additional repetitive torque checks at intervals of 10 to 25 hours air time until the torque stabilizes on all the nuts.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bell Alert Service Bulletin 429–18–41, dated July 24, 2018. This service information specifies procedures for repetitive torque checks of the tail rotor gearbox attachment hardware.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described, except as discussed under ''Differences Between this Proposed AD and the Transport Canada AD.''

Differences Between This Proposed AD and the Transport Canada AD

Where Canadian AD CF–2018–35 refers to ''200-hour'' inspections and ''10 to 25 hours air time'' for the torque checks, for this proposed AD use ''time-in-service'' instead.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 98 helicopters 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
Torque check	1 work-hour × $85 per hour = $85	$0	$85	$8,330

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

Action	Labor cost	Parts cost	Cost per product
Repetitive torque check	1 work-hour × $85 per hour = $85, per cycle	$0	$85, per cycle.

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) 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:

Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited): Docket No. FAA–2021–0513; Project Identifier 2018–SW–116–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters, certificated in any category, serial numbers 57001 and subsequent.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6500, Tail Rotor Drive System; and 6520, Tail Rotor Gearbox.

(e) Unsafe Condition

This AD was prompted by reports of tail rotor gearbox assemblies found loose on the gearbox support. The FAA is issuing this AD address tail rotor gearbox assemblies found loose on the gearbox support. The unsafe condition, if not addressed, could result in structural damage and possible loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Within 12 months after the effective date of this AD; or at the next scheduled 200-hours time-in-service (TIS) or 12-month inspection, whichever occurs first, do a torque check of the tail rotor gearbox attachment hardware, in accordance with the Accomplishment Instructions, paragraph 2., of Bell Alert Service Bulletin 429–18–41, dated July 24, 2018. Repeat the torque check thereafter at intervals not to exceed 200 hours TIS or 12 months, whichever occurs first.

(h) Corrective Actions

If, during any torque check required by paragraph (g) of this AD, any tail rotor gearbox attachment moves during any torque check, repeat the torque check specified in paragraph (g) of this AD at intervals no less than 10 hours TIS and not to exceed 25 hours TIS until the torque stabilizes on all the nuts. Stabilization has occurred when, at the next torque check, the value has remained within the specified acceptable limits (160 to 200 inch-pounds (in-lbs) or 19 to 22 newton meters (Nms), inclusive), preventing movement of the gearbox housing. After the torque stabilizes on all the nuts, the repetitive torque checks specified in paragraph (g) of this AD are still required.

(i) Credit for Previous Actions

This paragraph provides credit for the initial torque check required by paragraph (g) of this AD, if that action was done before the effective date of this AD as required by paragraph (f)(2) of AD 2018–16–51, Amendment 39–19421 (83 FR 53171, October 22, 2018).

(j) 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 (k)(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.

(k) Related Information

(1) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, COS Program Management Section, FAA, Operational Safety Branch, Compliance & Airworthiness Division, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email *Darren.Gassetto@faa.gov.*

(2) For service information identified in this AD, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email *productsupport@bellflight.com;* or at *https://www.bellflight.com/support/contact-support.* 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 Transport Canada AD CF–2018–35, dated December 19, 2018. You may view the Transport Canada AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–0513.

Issued on June 21, 2021.

Ross Landes,

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

[FR Doc. 2021–13644 Filed 6–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0424; Airspace Docket No. 21–ACE–13]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Malden, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Malden Regional Airport, (formerly Malden Municipal Airport), Malden, MO. The FAA is proposing this action as a result of an airspace review caused by the decommissioning of the Malden Very High Frequency Omnidirectional Range (VOR) collocated with Tactical Air Navigation (TACAN) (VORTAC) navigation aid as part of the VOR Minimum Operational Network (MON) Program. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) in the area.

DATES: Comments must be received on or before August 12, 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 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0424; Airspace Docket

No. 21–ACE–13, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class E airspace in Malden, MO, to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on 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 (Docket No. FAA–2021–0424 and Airspace Docket No. 21–ACE–13) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons 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–2021–0424; Airspace Docket No. 21–ACE–13.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the 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 the **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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class E airspace extending upward from 700 feet above the surface for Malden Regional Airport, MO, as the Malden VORTAC has been decommissioned and all associated airspace extensions of Class E airspace extending upward from 700 feet above the surface, off the Malden VORTAC have been eliminated. The Class E airspace extending upward from 700 feet above the surface would be amended by increasing the radius to 7.3 miles (previously 6.7 miles). Also the airport's name (formerly Malden Municipal Airport) and geographic coordinates would be updated to coincide with the FAA's data base.

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.

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 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.

Lists 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 Federal Aviation Administration Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE MO E5 Malden, MO [Amend]

Malden Regional Airport, MO
(Lat. 36°35′54″ N, long. 89°59′33″ W)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the Malden Regional Airport.

Issued in College Park, Georgia, on June 22, 2021.

Andreese C. Davis,

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

[FR Doc. 2021–13673 Filed 6–25–21; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2021–0088; FRL–10025–08]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities—June 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: 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 July 28, 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 supports 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.

Amended Tolerances for Non-Inerts

1. *PP* 0E8846. (EPA–HQ–OPP–2020–0417). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by removing established tolerances for the residues of Cyprodinil 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine in or on the raw agricultural commodities: Brassica, head and stem, subgroup 5A at 1.0 parts per million (ppm), Brassica, leafy greens, subgroup 5B at 10.0 ppm; Leaf petioles subgroup 4B at 30 ppm, Leafy greens subgroup 4A at 50 ppm, Lemon at 0.60 ppm, Lime at 0.60 ppm, Longan at 2.0 ppm; Lychee at 2.0 ppm, Spanish lime at 2.0 ppm and Turnip, greens at 10.0 ppm. Contact: RD.

2. *PP* 0E8847. (EPA–HQ–OPP–2020–0419). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by removing established tolerances for the residues of Fludioxonil, [4-(2, 2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile] in or on the raw agricultural commodities: Carrots at 7.0 ppm, Cotton, undelinted seed at 0.05 ppm, Dragon fruit at 1.0 ppm; Leaf petioles subgroup 4B at 15 ppm, Leafy greens subgroup 4A at 30 ppm, Longan at 20 ppm, Lychee at 20 ppm, Melon subgroup 9A at 0.03 ppm, Safflower, seed at 0.01 ppm, Spanish lime at 20 ppm, Sunflower, seed at 0.01 ppm, Vegetable, legume, group 6 at 0.01 ppm, Vegetable, root, except sugar beet, subgroup 1B at 0.75 ppm and Vegetable, tuberous and corm, subgroup 1C at 6.0 ppm. Contact: RD.

3. *PP* 0E8861. (EPA–HQ–OPP–2020–0601). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by removing established tolerances for residues of the sum of fluensulfone, 5-chloro-2-[(3,4,4-trifluoro-3-buten-1-yl)sulfonyl]thiazole and its metabolite, 3,4,4-trifluoro-but-3-ene-1-sulfonic acid, calculated as the stoichiometric equivalent of fluensulfone, in or on the commodities: Brassica, head and stem, subgroup 5A at 1.5 ppm; Brassica, leafy greens, subgroup 5B at 20 ppm; Vegetables, leafy, except Brassica, group 4 at 4 ppm. Contact: RD.

4. *PP* 0E8882. (EPA–HQ–OPP–2021–0153). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by removing established tolerances for residues of novaluron, including its metabolites and degradates, in or on Bean, dry, seed at 0.30 ppm; and Bean, succulent at 0.70 ppm. Contact: RD.

5. *PP* 9E8812. (EPA–HQ–OPP–2020–0054). Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540 requests to amend 40 CFR 180.242 by removing the established tolerances for residues of thiabendazole (2-(4-thiazolyl)benzimidazole), including its metabolites and degradates, in or on the following raw agricultural commodities: Potato, postharvest at 10.0 ppm; Sweet potato (postharvest to sweet potato intended only for use as seed) at 0.05 ppm; Alfalfa, forage at 0.02 ppm; Alfalfa, hay at 0.02 ppm; Radish, tops at 0.02 ppm; Brassica, head and stem, subgroup 5A at 0.02 ppm; Fruit, citrus, group 10, postharvest at 10.0 ppm; Fruit, pome, group 11, postharvest at 5.0 ppm; Vegetable, root (except sugarbeet), subgroup 1B at 0.02 ppm; Carrot, roots, postharvest at 10.0 ppm; and in paragraph (b) Sweet potato at 10 ppm. Contact: RD.

New Tolerance Exemptions for Inerts (Except PIPS)

1. *IN*-11436. (EPA–HQ–OPP–2021–0326). Burdock Group (859 Outer Road, Orlando, FL 32814) on behalf of SCG Solutions, LLC. (1358 South 9th St., DePere, WI 54115) requests to establish an exemption from the requirement of a tolerance for residues of calcium bisulfate when used as an inert ingredient (acidifying/buffering agent) in antimicrobial formulations applied to food-contact surfaces in public eating places, dairy-processing equipment, and food-processing equipment and utensils under 40 CFR 180.940(a), limited to 2,000 parts per million (ppm) in the final formulation. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

2. *IN*-11520. (EPA–HQ–OPP–2021–0338). Exponent, Inc. (1150 Connecticut Ave. NW, Suite 1100, Washington, DC 20036) on behalf of UPL NA Inc. (630 Freedom Business Center, Suite 402, King of Prussia, PA 19406) requests to establish an exemption from the requirement of a tolerance for residues of sodium metabisulfite (CAS No. 7681–57–4) when used as an inert ingredient (oxygen scavenger/antioxidant) in pesticide formulations applied on crops pre-harvest according to 40 CFR part 180.920, at a limit of not more than 0.5% by weight in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

New Tolerance Exemptions for Non-Inerts (Except PIPS)

PP 1F8900. (EPA–HQ–OPP–2021–0269). GreenLight Biosciences, Inc. 200 Boston Ave., Suite 1000, Medford, MA 02155, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the double-stranded RNA insecticide Ledprona (CAS No. 2433753–68–3) in or on all agricultural commodities and food products. The petitioner believes no analytical method is needed given the low toxicity demonstrated in the available toxicological data, that RNA is present in all living organisms as well as routinely consumed as part of human and animal diets with no apparent adverse effects, and the large molecular weight of the active ingredient. Contact: BPPD.

New Tolerances for Non-Inerts

1. *PP* 9E8812. (EPA–HQ–OPP–2020–0054). Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540 requesting, pursuant to section

408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180.242 by establishing tolerances for residues of thiabendazole (2-(4-thiazolyl)benzimidazole), including its metabolites and degradates, in or on the following raw agricultural commodities: Animal feed, nongrass, group 18 at 0.01 parts per million (ppm); Beet, garden, leaves at 0.01 ppm; *Brassica,* leafy greens, subgroup 4–16B at 0.01 ppm; Burdock, edible, leaves at 0.01 ppm; Carrot, leaves at 0.01 ppm; Carrot, roots at 10 ppm; Celeriac, leaves at 0.01 ppm; Chervil, turnip rooted, leaves at 0.01 ppm; Chicory, leaves at 0.01 ppm; Fruit, citrus, group 10–10 at 10 ppm; Fruit, pome, group 11–10 at 10 ppm; Kohlrabi at 0.01 ppm; Radish, oriental, leaves at 0.01 ppm; Rutabaga, leaves at 0.01 ppm; Salsify, black, leaves at 0.01 ppm; Sweet potato, tuber at 3 ppm; Vegetable, *Brassica,* head and stem, group 5–16 at 0.01 ppm; Vegetable, root, except sugar beet, subgroup 1B at 0.01 ppm; Vegetable, tuberous and corm, subgroup 1C, except sweet potato at 10 ppm. The Pesticide Analytical Manual (PAM) Vol. II lists four spectrophotofluorometric methods (Methods I, A, B and C) for determining residues of thiabendazole per se in or on plant commodities, and one spectrophotofluorometric method (Method D) for determining residues of thiabendazole and 5-hydroxythiabendazole in milk. Contact: RD.

2. *PP* 0E8846. (EPA–HQ–OPP–2020–0417). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by establishing tolerances for residues of Cyprodinil 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine in or on the raw agricultural commodities: Brassica, leafy greens, subgroup 4–16B, except watercress at 10 parts per million (ppm), Celtuce at 30 ppm, Fennel, Florence, fresh leaves and stalk at 30 ppm, Kohlrabi at 1 ppm, Leaf petiole vegetable subgroup 22B at 30 ppm, Leafy greens subgroup 4–16A, except parsley, fresh leaves at 50 ppm, Lemon/lime subgroup 10–10B at 0.6 ppm, Sugar apple at 4 ppm, Tropical and subtropical, small fruit, inedible peel, subgroup 24A at 2 ppm and Vegetable, Brassica, head and stem, group 5–16 at 1 ppm. Syngenta Crop Protection has developed and validated analytical methodology for enforcement purposes. This method (Syngenta Crop Protection Method AG–631B) has passed an Agency petition method validation for several commodities and is currently the enforcement method for cyprodinil. Contact: RD.

3. *PP* 0E8847. (EPA–HQ–OPP–2020–0419). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by establishing tolerances for residues of Fludioxonil, [4-(2, 2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile] in or on the raw agricultural commodities: Carrot, roots at 7 parts per million (ppm), Celtuce at 15 ppm, Cottonseed subgroup 20C at 0.05 ppm, Dragon fruit at 20 ppm, Durian at 20 ppm, Fennel, Florence, fresh leaves and stalk at 15 ppm, Jackfruit at 20 ppm, Leaf petiole vegetable subgroup 22B at 15 ppm, Leafy greens subgroup 4–16A at 30 ppm, Mangosteen at 5 ppm, Persimmon, Japanese at 5 ppm, Sunflower subgroup 20B at 0.01 ppm, Tropical and subtropical, small fruit, inedible peel, subgroup 24A at 20 ppm, Vegetable, legume, group 6, except bean, dry and bean, succulent at 0.01 ppm, Vegetable, root, except sugar beet, subgroup 1B, except carrot and ginseng at 0.75 ppm and Vegetable, tuberous and corm, subgroup 1C, except yam, true, tuber at 6 ppm. Syngenta has developed and validated analytical methodology for enforcement purposes. This method (Syngenta Crop Protection Method AG-597B) has passed an Agency petition method validation for several commodities and is currently the enforcement method for fludioxonil. Contact: RD.

4. *PP* 0E8861. (EPA–HQ–OPP–2020–0601). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by establishing tolerances for residues of the sum of fluensulfone, 5-chloro-2-[(3,4,4-trifluoro-3-buten-1-yl)sulfonyl]thiazole and its metabolite, 3,4,4-trifluoro-but-3-ene-1-sulfonic acid, calculated as the stoichiometric equivalent of fluensulfone, in or on the commodities: Beet, sugar, dried pulp at 0.3 parts per million (ppm); Beet, sugar, leaves at 4 ppm; Beet, sugar, molasses at 1.5 ppm; Beet, sugar, roots at 0.2 ppm, Brassica, leafy greens, subgroup 4–16B at 20 ppm; Celtuce at 4 ppm; Fennel, Florence, fresh leaves and stalk at 4 ppm; Kohlrabi at 1.5 ppm; Leafy greens subgroup 4–16A at 4 ppm; Leaf petiole vegetable subgroup 22B at 4 ppm; and Vegetable, Brassica, head and stem, group 5–16 at 1.5 ppm. Adequate analytical methods for determining fluensulfone in/on appropriate raw agricultural commodities and processed commodities have been developed and validated, including LC–MS/MS methods. Contact: RD.

5. *PP* 0E8864. (EPA–HQ–OPP–2020–0691). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by establishing tolerances for residues of the herbicide MCPA ((4-chloro-2-methylphenoxy)acetic acid, both free and conjugated, resulting from the direct application of MCPA or its sodium, dimethylamine salts or its 2-ethylhexyl ester in or on the raw agricultural commodity clover, forage at 0.1 parts per million (ppm), and clover, hay at 0.1 parts per million (ppm). Adequate analytical methods for determining MCPA in/on appropriate raw agricultural commodities and processed commodities have been developed and validated. Contact: RD.

6. *PP 0E8880.* (EPA–HQ–OPP–2021–0356). Syngenta Crop Protection, LLC, P.O. Box 18300, Greenboro, NC 27419, requests to establish a tolerance for residues of the insecticide spiropidion in or on Cucurbit Vegetables (CG9) at 0.8 parts per million (ppm); Fruiting Vegetables (CG8), 1.5 ppm; Soybeans, 3 ppm; Potato (CG 1C), 1.5 ppm; Poultry Meat, 0.01 ppm, Meat Byproducts of Poultry, 0.01 ppm; Fat of Poultry, 0.01 ppm; Eggs. 0.01 ppm; Milk and Milk Byproducts, 0.01 ppm; Meat Byproducts of Cattle, goat, Hogs, Horses and Sheep, 0.3 ppm; Fat of Cattle, Goat, Hogs, Horses and Sheep, 0.04 ppm; Wet Tomato Peel, 3 ppm; Dried Tomato Pomace, 40 ppm; Tomato Paste, 3 ppm; Tomato Puree, 2 ppm; Dried Tomatoes, 15 ppm; Soy Meal, 5 ppm; Soy Flour, 5 ppm; Pollard, 4 ppm; Soy Aspirated Grain Fractions, 6 ppm; Raw Peeled Potatoes, 3 ppm; Baked Potatoes with skin, 3 ppm; Potato Chips/Fries, 2 ppm; Potato Granules/Flakes, 5 ppm; Potato Process Waste, 3 ppm; Dried Potato Pulp, 3 ppm and Potato Protein, 5 ppm. Syngenta Crop Protection, LLC has submitted practical analytical methodology for detecting and measuring levels of Spiropidion in or on raw agricultural commodities. This method is based on crop specific cleanup procedures and determination by liquid chromatography with either UV or MS detections. Analytical method GRM069.02A has been demonstrated to be a reliable and accurate procedure for the determination of SYN546330 and SYN547305 in crops to a limit of quantification of 0.01 mg/kg, using

commercially available laboratory equipment and reagents. Contact: RD.

7. *PP* 0E8882. (EPA–HQ–OPP–2021–0153). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by establishing tolerances for residues of novaluron, including its metabolites and degradates, in or on the following commodities. Compliance with the tolerance levels is to be determined by measuring only novaluron, (N–3-chloro-4-1,1,2-trifluoro-2-(trifluoromethoxy ethoxyphenylaminocarbonyl-2,6-difluorobenzamide), in or on the following raw agricultural commodities: Individual crops of Proposed Crop Subgroup 6–19A: Edible podded bean legume vegetable subgroup including Asparagus bean, edible podded at 0.7 parts per million (ppm), Catjang bean, edible podded at 0.7 ppm, Chinese longbean, edible podded at 0.7 ppm, Cowpea, edible podded at 0.7 ppm, French bean, edible podded at 0.7 ppm, Garden bean, edible podded at 0.7 ppm, Goa bean, edible podded at 0.7 ppm, Green bean, edible podded at 0.7 ppm, Guar bean, edible podded at 0.7 ppm, Jackbean, edible podded at 0.7 ppm, Kidney bean, edible podded at 0.7 ppm, Lablab bean, edible podded at 0.7 ppm, Moth bean, edible podded at 0.7 ppm, Mung bean, edible podded at 0.7 ppm, Navy bean, edible podded at 0.7 ppm, Rice bean, edible podded at 0.7 ppm, Scarlet runner bean, edible podded at 0.7 ppm, Snap bean, edible podded at 0.7 ppm, Sword bean, edible podded at 0.7 ppm, Urd bean, edible podded at 0.7 ppm, Vegetable soybean, edible podded at 0.7 ppm, Velvet bean, edible podded at 0.7 ppm, Wax bean, edible podded at 0.7 ppm, Winged pea, edible podded at 0.7 ppm, Yardlong bean, edible podded at 0.7 ppm; Individual crops of Proposed Crop Subgroup 6–19B: Edible podded pea legume vegetable subgroup including Chickpea, edible podded at 2 ppm, Dwarf pea, edible podded at 2 ppm, Edible podded pea at 2 ppm, Grass-pea, edible podded at 2 ppm, Green pea, edible podded at 2 ppm, Lentil, edible podded at 2 ppm, Pigeon pea, edible podded at 2 ppm, Snap pea, edible podded at 2 ppm, Snow pea, edible podded at 2 ppm, Sugar snap pea, edible podded at 2 ppm; Individual crops of Proposed Crop Subgroup 6–19C: Succulent shelled bean subgroup including Andean lupin, succulent shelled at 0.7 ppm, Blackeyed pea, succulent shelled at 0.7 ppm, Blue lupin, succulent shelled at 0.7 ppm, Broad bean, succulent shelled at 0.7 ppm, Catjang bean, succulent shelled at 0.7 ppm, Cowpea, succulent shelled at 0.7 ppm, Crowder pea, succulent shelled at 0.7 ppm, Goa bean, succulent shelled at 0.7 ppm, Grain lupin, succulent shelled at 0.7 ppm, Jackbean, succulent shelled at 0.7 ppm, Lablab bean, succulent shelled at 0.7 ppm, Lima bean, succulent shelled at 0.7 ppm, Moth bean, succulent shelled at 0.7 ppm, Scarlet runner bean, succulent shelled at 0.7 ppm, Southern pea, succulent shelled at 0.7 ppm, Sweet lupin, succulent shelled at 0.7 ppm, Vegetable soybean, succulent shelled at 0.7 ppm, Velvet bean, succulent shelled at 0.7 ppm, Wax bean, succulent shelled at 0.7 ppm, White lupin, succulent shelled at 0.7 ppm, White sweet lupin, succulent shelled at 0.7 ppm, Yellow lupin, succulent shelled at 0.7 ppm; Individual crops of Proposed Crop Subgroup 6–19D: Succulent shelled pea subgroup including Chickpea, succulent shelled at 0.05 ppm, English pea, succulent shelled at 0.05 ppm, Garden pea, succulent shelled at 0.05 ppm, Green pea, succulent shelled at 0.05 ppm, Lentil, succulent shelled at 0.05 ppm, Pigeon pea, succulent shelled at 0.05 ppm; Individual crops of Proposed Crop Subgroup 6–19E: Dried shelled bean, except soybean, subgroup including Adzuki bean, dry seed at 0.3 ppm, African yam-bean, dry seed at 0.3 ppm, American potato bean, dry seed at 0.3 ppm, Andean lupin, dry seed at 0.3 ppm, Asparagus bean, dry seed at 0.3 ppm, Black bean, dry seed at 0.3 ppm, Blackeyed pea, dry seed at 0.3 ppm, Blue lupin, dry seed at 0.3 ppm, Broad bean, dry seed at 0.3 ppm, Catjang bean, dry seed at 0.3 ppm, Chinese longbean, dry seed at 0.3 ppm, Cowpea, dry seed at 0.3 ppm, Cranberry bean, dry seed at 0.3 ppm, Crowder pea, dry seed at 0.3 ppm, Dry bean, dry seed at 0.3 ppm, Field bean, dry seed at 0.3 ppm, French bean, dry seed at 0.3 ppm, Garden bean, dry seed at 0.3 ppm, Goa bean, dry seed at 0.3 ppm, Grain lupin, dry seed at 0.3 ppm, Great northern bean, dry seed at 0.3 ppm, Green bean, dry seed at 0.3 ppm, Guar bean, dry seed at 0.3 ppm, Horse gram, dry seed at 0.3 ppm, Jackbean, dry seed at 0.3 ppm, Kidney bean, dry seed at 0.3 ppm, Lablab bean, dry seed at 0.3 ppm, Lima bean, dry seed at 0.3 ppm, Morama bean, dry seed at 0.3 ppm, Moth bean, dry seed at 0.3 ppm, Mung bean, dry seed at 0.3 ppm, Navy bean, dry seed at 0.3 ppm, Pink bean, dry seed at 0.3 ppm, Pinto bean, dry seed at 0.3 ppm, Red bean, dry seed at 0.3 ppm, Rice bean, dry seed at 0.3 ppm, Scarlet runner bean, dry seed at 0.3 ppm, Southern pea, dry seed at 0.3 ppm, Sweet lupin, dry seed at 0.3 ppm, Sword bean, dry seed at 0.3 ppm, Tepary bean, dry seed at 0.3 ppm, Urd bean, dry seed at 0.3 ppm, Vegetable soybean, dry seed at 0.3 ppm, Velvet bean, seed, dry seed at 0.3 ppm, White lupin, dry seed at 0.3 ppm, White sweet lupin, dry seed at 0.3 ppm, Winged pea, dry seed at 0.3 ppm, Yardlong bean, dry seed at 0.3 ppm, Yellow bean, dry seed at 0.3 ppm, Yellow lupin, dry seed at 0.3 ppm; Individual crops of Proposed Crop Subgroup 6–19F: Dried shelled pea subgroup including: Chickpea, dry seed at 0.1 ppm, Dry pea, dry seed at 0.1 ppm, Field pea, dry seed at 0.1 ppm, Garden pea, dry seed at 0.1 ppm, Grass-pea, dry seed at 0.1 ppm, Green pea, dry seed at 0.1 ppm, Lentil, dry seed at 0.1 ppm, Pigeon pea, dry seed at 0.1 ppm; and Pea, forage at 15 ppm. Adequate analytical methods for determining novaluron in/on appropriate raw agricultural commodities and processed commodities have been developed and validated. Contact: RD.

8. *PP* 0F8885. (EPA–HQ–OPP–2021–0339). Belchim Crop Protection N.V./S.A. c/o Belchim Crop Protection US Corporation, 2751 Centreville Rd., Suite 100, Wilmington, DE 19808, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide pyridate in or on the raw agricultural commodities lentils at 0.4 parts per million (ppm) and the Rapeseed SubGroup (Crop Subgroup 20A) at 0.015 ppm. The HPLC–MS/MS residue analytical method is used to measure and evaluate the chemical pyridate. Contact: RD.

9. *PP 0E8894.* (EPA–HQ–OPP–2021–0203). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR part 180 by establishing tolerances for residues of Sulfur dioxide, including its metabolite and degradates, in or on Blueberry at 9 ppm. An analytical enforcement method using high performance liquid chromatography with tandem mass spectrometry is available for enforcement of tolerances for sulfites restudies of sulfur dioxide in food. Contact: RD.

10. *PP 9F8795.* (EPA–HQ–OPP–2020–0065). This posting is amending the previous NOF dated April 15, 2020 by announcing commodities that were not included in the previous NOF. E.I. du Pont de Nemours & Company (''DuPont''), Chestnut Run Plaza, 974 Centre Road, Wilmington, DE 19805, requests to establish a tolerance in 40 CFR part 180 for residues of the nematicide, fluazaindolizine in or on Poultry, fat at 0.01 ppm; Poultry, meat at 0.01 ppm; Poultry, meat byproducts

at 0.01 ppm; and Eggs at 0.01 ppm. In addition, DuPont is proposing pursuant to section 408(d) of the Federal Food, Drug and cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish indirect or inadvertent tolerances for residues of fluazaindolizine, including its metabolites and their conjugates, expressed as the stoichiometric equivalent of fluazaindolizine, in or on the following commodity: Grass, forage, fodder and hay, group 17, straw at 0.15 ppm. The LC/MS/MS system operating with an electrospray interface (ESI) operating in both positive and negative polarities is used to measure and evaluate the chemical fluazaindolizine. Contact: RD.

11. *PP 0F8872.* (EPA–HQ–OPP–2021–0355). Makhteshim Agan of North America, Inc. (d/b/a ADAMA), 3120 Highwoods Boulevard, Suite 100, Raleigh, NC 27604, requests to establish a tolerance for residues of the insecticide novaluron in or on Tree nuts, nutmeat (Crop Group 14–12) at 0.07 parts per million (ppm) and, Almond, hulls at 15.0 ppm. The samples were analyzed using a working method very similar to the reference method, ''Magnitude of the Residue on Novaluron in Pome Fruit Raw Agricultural and Processed Commodities'', PTRL Study #991W. Samples were homogenized with dry ice using a Robot Coupe chopper. Ten-gram subsamples were extracted in methanol/water using two rounds of blending with an Omni mixer. The extract was filtered to remove the solids from solution. An aliquot of the extract was evaporated to remove the methanol. Aqueous sodium chloride was added to the remaining aqueous fraction, and the aqueous fraction was extracted three times against ethyl acetate. The ethyl acetate fractions were combined and evaporated just to dryness on a nitrogen evaporator. The sample residue was re-dissolved in ethyl acetate and taken for clean-up on an amino (NH_2) solid phase extraction cartridge. The eluate was evaporated on a nitrogen evaporator and then brought to a known volume with ethyl acetate. The extracts were analyzed using a gas chromatograph with a micro electron capture detector (μECD). Method suitability was evaluated both prior to sample analysis and concurrently with sample analysis. Recoveries were in the range 82–118%. The lowest level of method validation (LLMV) for pea (dry) was approximately 0.05 ppm for novaluron. Contact: RD.

12. *PP 0F8883 and PP 0F8884.* (EPA–HQ–OPP–2016–0013). ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077, requests to establish a tolerance for residues of the insecticide flonicamid in or on Small fruit, vine climbing (except fuzzy kiwifruit) (crop group 13–07F) at 3.0 parts per million (ppm) and to amend the existing tolerance in or on alfalfa, hay at 7.0 ppm. Analytical methodology has been developed to determine the residues of flonicamid and its three major plant metabolites, TFNA, TFNG, and TFNA–AM in various crops. The residue analytical method for the majority of crops includes an initial extraction with acetonitrile (ACN)/deionized (DI) water, followed by a liquid-liquid partition with ethyl acetate. The residue method for wheat straw is similar, except that a C18 solid phase extraction (SPE) is added prior to the liquid-liquid partition. The final sample solution is quantitated using a liquid chromatograph (LC) equipped with a reverse phase column and a triple quadruple mass spectrometer (MS/MS). Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: June 8, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2021–13702 Filed 6–25–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 705

[EPA–HQ–OPPT–2020–0549; FRL–10017–78]

RIN 2070–AK67

TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing reporting and recordkeeping requirements for Per- and Polyfluoroalkyl Substances (PFAS) under the Toxic Substances Control Act (TSCA). In accordance with obligations under TSCA, as amended by the National Defense Authorization Act for Fiscal Year 2020, EPA proposes to require certain persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards. EPA is requesting public comment on all aspects of this proposed rule and has also identified items of particular interest for public input. In addition to fulfilling statutory obligations under TSCA, this document will enable EPA to better characterize the sources and quantities of manufactured PFAS in the United States.

DATES: Comments must be received on or before August 27, 2021. Under the Paperwork Reduction Act, comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before July 28, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0549, using the Federal eRulemaking Portal at *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.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Stephanie Griffin, Data Gathering and Analysis Division (7401M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1463; email address: *griffin.stephanie@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you currently or have previously manufactured (defined by statute at 15 U.S.C. 2602(9) to include import) a chemical substance that is a PFAS between January 1, 2011 and the effective date of the final rule. Note that this rule is limited to manufacturers

(including importers) of PFAS that are covered as a ''chemical substance'' under TSCA section 3(2). This rule does not require reporting on substances that are excluded from the definition of ''chemical substance'' in TSCA section 3(2)(B). Those exclusions include, but are not limited to: Any pesticide (as defined by the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide; any food, food additive, drug, cosmetic, or device, as defined by the Federal Food, Drug, and Cosmetic Act, when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic or device; tobacco or any tobacco product; any source material, special nuclear material, or byproduct material as such terms are defined in the Atomic Energy Act of 1954; and, any article the sale of which is subject to the tax imposed by Section 4181 of the Internal Revenue Code of 1954. Substances which have been manufactured or imported for intended use as any food, food additive, drug, cosmetic, or device, regulated by the Food and Drug Administration, are not chemical substances under TSCA.

The manufacture of PFAS as a byproduct is not exempt for the purpose of this proposed rule. Unlike TSCA section 8(a)(1), which specifically provides an exemption for small manufacturers and processors, TSCA section 8(a)(7) provides no such exemption. Therefore, this proposed rule under TSCA section 8(a)(7) does not exempt small manufacturers from reporting and recordkeeping requirements. See the discussion under Unit II.D. for further discussion of the inclusion of small manufacturers in this proposed rule. The Agency's previous experience with TSCA section 8(a)(1) collections, as well as the Agency's understanding of disposal and other waste management methods involving PFAS, suggests that most respondents affected by this collection activity may be from the following North American Industrial Classification System (NAICS) code categories:

- NAICS 324—Petroleum and Coal Product Manufacturing;
- NAICS 325—Chemical Manufacturing;
- NAICS 326113—Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing;
- NAICS 327910—Abrasive Product Manufacturing;
- NAICS 333999—All Other Miscellaneous General Purpose Machinery Manufacturing;
- NAICS 334511—Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing;
- NAICS 336111—Automobile Manufacturing;
- NAICS 423510—Metal Service Centers and Other Metal Merchant Wholesalers;
- NAICS 424690—Other Chemical and Allied Products Merchant Wholesalers;
- NAICS 447190—Other Gasoline Stations;
- NAICS 551112—Offices of Other Holding Companies;
- NAICS 562—Waste Management and Remediation Services.

Since other entities may also be affected, the Agency has not attempted to describe all the specific entities and corresponding NAICS codes for entities that may be interested in or affected by this action, but rather has provided a guide to help readers determine whether this document applies to them. If you have any questions regarding the applicability of this action to a particular entity, consult the technical contact person listed under **FOR FURTHER INFORMATION CONTACT**.

In addition, please note that any use of the term ''manufacture'' in this document will encompass ''import'' and the term ''manufacturer'' will encompass ''importer.''

B. What is the Agency's authority for taking this action?

EPA is proposing this rule pursuant to its authority in TSCA section 8(a)(7) (15 U.S.C. 2607(a)(7)). The National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92, section 7351) amended TSCA section 8(a) in December 2019, adding section 8(a)(7), titled *PFAS Data.* TSCA section 8(a)(7) requires EPA to promulgate a rule ''requiring each person who has manufactured a chemical substance that is a [PFAS] in any year since January 1, 2011'' to report information described in TSCA section 8(a)(2)(A) through (G). This includes a broad range of information, such as information related to chemical identity and structure, production, use, exposure, disposal, and health and environmental effects.

TSCA section 14 imposes requirements for the assertion, substantiation, and review of information that is claimed as confidential (also known as confidential business information (CBI)).

C. What action is the Agency taking?

EPA is proposing reporting and recordkeeping requirements under TSCA section 8(a)(7) for PFAS manufactured in any year since January 1, 2011. EPA is providing a comment period during which the public will have the opportunity to comment on this proposed action and its proposed requirements. Commenters are encouraged to provide comments and feedback related to the proposed reporting and recordkeeping requirements presented in this Notification of Proposed Rulemaking (NPRM), including the scope of PFAS covered by the rule (see Unit V. for more discussion on specific items for which the Agency is requesting comments). EPA is providing a comment period of 60 days from the publication date of this NPRM.

D. Why is the Agency taking this action?

The Agency is proposing this action pursuant to TSCA section 8(a)(7) to obtain certain information known to or reasonably ascertainable by manufacturers of PFAS. TSCA section 8(a)(7) requires the Agency to publish a final rule not later than January 1, 2023.

E. What are the incremental economic impacts?

EPA has prepared an economic analysis of the potential impacts associated with this proposed rule (Ref. 13). The primary purpose of this proposed rule is the collection of detailed data on PFAS, as required under TSCA section (8)(a)(7). One potential benefit of this action is the information collected may serve as a basis to better understand potential routes of exposure to PFAS and potential human health and environmental impacts of certain PFAS, among other research needs listed in the Agency's PFAS Action Plan.

The industry is expected to incur one-time burdens and costs associated with rule familiarization, form completion, CBI claim substantiation, recordkeeping, and electronic reporting activities. Under the proposed rule, EPA estimates a total industry burden of approximately 122,104 hours, with a cost of approximately $9.8 million. The affected small businesses subject to the proposed rule are expected to incur $1,788,506 in costs for this one-time reporting, with per-firm costs estimated to range from $16,864 to $92,390. The Agency is expected to incur a burden of approximately 7,361 hours and a cost of $948,078. The total social burden and cost are therefore estimated to be approximately 129,465 hours and $10.8 million, respectively (Ref. 13).

F. 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 (see the above

ADDRESSES section for submitting comments either by mail or hand delivery). Clearly mark the part or all of the information that you claim to be CBI. For confidential 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.*

II. Background

A. What is TSCA Section 8(a)?

TSCA section 8(a)(1) authorizes EPA to promulgate rules which require entities, that are not considered small manufacturers or processors, who manufacture, process, or propose to manufacture or process a chemical substance, to maintain such records and submit such reports as the EPA Administrator may reasonably require. Similarly, under those rules, entities who manufacture, process, or propose to manufacture or process a mixture or a chemical substance in small quantities (subject to limitations) must maintain records and submit reports to the extent necessary for the effective enforcement of TSCA.

Under TSCA section 8(a)(2), EPA may require recordkeeping and reporting of the following information:

- The covered common or trade name, chemical identity and molecular structure of each chemical substance or mixture;
- Categories or proposed categories of use for each substance or mixture;
- Total amount of each substance or mixture manufactured or processed, the amounts manufactured or processed for each category of use, and reasonable estimates of the respective proposed amounts;
- Descriptions of byproducts resulting from the manufacture, processing, use, or disposal of each substance or mixture;
- All existing information concerning the environmental and health effects of each substance or mixture;
- The number of individuals exposed, and reasonable estimates on the number of individuals who will be exposed, to each substance or mixture in their places of work and the duration of their exposure, and;
- The manner or method of disposal of each substance or mixture, and any change in such manner or method.

Under TSCA section 8(a)(7), EPA must promulgate a rule to require each person who has manufactured PFAS in any year since 2011 to report the data described in TSCA section 8(a)(2)(A) through (G) to EPA.

B. What are PFAS?

PFAS are synthetic organic compounds that do not occur naturally in the environment. PFAS contain an alkyl carbon on which the hydrogen atoms have been partially or completely replaced by fluorine atoms. The strong carbon-fluorine bonds of PFAS make some of them resistant to degradation and thus highly persistent in the environment (Refs. 1 and 2). Some of these chemicals have been used for decades in a wide variety of consumer and industrial products (Ref. 1). Some PFAS have been detected in wildlife, including higher trophic organisms, indicating that at least some PFAS have the ability to bioaccumulate (Ref. 2). Some PFAS can accumulate in humans and remain in the human body for long periods of time (*e.g.,* months to years) (Refs. 1, 2, and 3). As noted in EPA's PFAS Action Plan (Ref. 1), because of the widespread use of PFAS in commerce and their tendency to persist in the environment, most people in the United States have been exposed to PFAS. As a result, several PFAS have been detected in human blood serum (Refs. 1, 2, 3, and 4).

Under TSCA section 8(b), EPA maintains the TSCA Chemical Substance Inventory (''Inventory''), which contains all existing chemical substances manufactured, processed, or imported in the United States that do not qualify for an exemption or exclusion under TSCA (Ref. 5). EPA has identified 1,346 PFAS on the Inventory as of April 2021, 669 of which are on the active Inventory (*i.e.,* in U.S. commerce). The list of active chemicals includes those known to be in commerce after June 2006.

C. What would be the reporting standard?

EPA is proposing that manufacturers will report information to the extent that the information is known to or reasonably ascertainable by the manufacturer (see TSCA section 8(b)(2)). ''Known to or reasonably ascertainable by'' would be defined to include ''all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.'' This reporting standard would require reporting entities to evaluate their current level of knowledge of their manufactured products (including imports), as well as evaluate whether there is additional information that a reasonable person, similarly situated, would be expected to know, possess, or control. This standard carries with it an exercise of due diligence, and the information-gathering activities that may be necessary for manufacturers to achieve this reporting standard may vary from case-to-case.

This standard would require that submitters conduct a reasonable inquiry within the full scope of their organization (not just the information known to managerial or supervisory employees). This standard may also entail inquiries outside the organization to fill gaps in the submitter's knowledge. Such activities may, though not necessarily, include phone calls or email inquiries to upstream suppliers or downstream users or employees or other agents of the manufacturer, including persons involved in the research and development, import or production, or marketing of the PFAS. Examples of types of information that are considered to be in a manufacturer's possession or control, or that a reasonable person similarly situated might be expected to possess, control, or know include: Files maintained by the manufacturer such as marketing studies, sales reports, or customer surveys; information contained in standard references showing use information or concentrations of chemical substances in mixtures, such as a Safety Data Sheet or a supplier notification; and information from the Chemical Abstracts Service (CAS) or from Dun & Bradstreet (D–U–N–S). This information may also include knowledge gained through discussions, conferences, and technical publications. This definition is identical to the definition of the same term at 40 CFR 704.3. In addition, this is the same reporting standard employed in the TSCA section 8(a) Chemical Data Reporting (CDR) rule (*see* 40 CFR 711.15). EPA has also provided CDR reporting guidance materials on this reporting standard, including hypothetical examples of applying the ''known to or reasonably ascertainable by'' reporting standard in the context of collecting processing and use data for CDR (Ref. 6, pages 45–47). Therefore, EPA anticipates many reporters under this proposed rule will be familiar with this reporting standard, and resources

are available to support those reporters who may not be familiar with the standard. EPA acknowledges that it is possible that an importer, particularly an importer of articles containing PFAS, may not have knowledge that they have imported PFAS and thus not report under this rule, even after they have conducted their due diligence under this reporting standard as described in this paragraph. Such an importer should document its activities to support any claims it might need to make related to due diligence.

In the event that a manufacturer does not have actual data (*e.g.,* measurements or monitoring data) to report to EPA, the manufacturer would be required to make ''reasonable estimates'' of such information. ''Reasonable estimates'' may rely, for example, on approaches such as mass balance calculations, emissions factors, or best engineering judgment.

D. Why are small businesses not excluded from reporting similar to Chemical Data Reporting (CDR) and other section 8(a) reporting?

Unlike TSCA section 8(a)(1), which provides an express exemption for small manufacturers and processors, TSCA section 8(a)(7) specifically states that ''each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance'' shall be subject to the rule. Rather than amend TSCA section 8(a)(1), Congress chose to add an entirely new, standalone subsection to TSCA section 8(a). This indicates an intent for TSCA section 8(a)(7) to constitute separate, freestanding rulemaking authority; therefore, it is not constrained by requirements and provisions in TSCA section 8(a)(1).

However, in carrying out TSCA section 8, EPA shall, to the extent feasible: (A) Not require reporting which is unnecessary or duplicative; (B) Minimize the cost of compliance with TSCA section 8 and the rules issued thereunder on small manufacturers and processors; and (C) Apply any reporting obligations to those persons likely to have information relevant to the effective implementation of this subchapter (TSCA section 8(a)(5)).

E. How will EPA use the information?

TSCA section 8(a)(7) is silent on how the information collected under the TSCA section 8(a)(7) rule is to be used. However, collecting information on PFAS identities, uses, production volumes by category of use, byproducts, environmental and health effects, workers exposure, and disposal supports the Agency's mission in the PFAS Action Plan to identify and better understand these chemicals and to increase scientific research on them.

EPA intends to use information on these chemicals to support assessments of new and existing chemicals under TSCA. For instance, information collected under this proposed rule will help inform future assessments of potential exposure to these PFAS. The Agency would also benefit from receiving all existing information related to human health and environmental effects of such substances, in order to fulfill additional environmental protection mandates beyond the TSCA program. For instance, information on PFAS use, exposure, and effects may be used to inform regulatory activities under the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*), and the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*), while data on PFAS manufacturing sites and disposal methods may support contaminants characterizations conducted to support contaminated site work and solid waste management programs.

Additionally, TSCA section 9(e) requires the EPA Administrator to make information related to exposure or releases available to other EPA offices or federal agencies if such exposures may be prevented or reduced under another law. EPA may share such information collected under this proposed rule as appropriate.

III. Summary of Proposed Reporting and Recordkeeping Requirements

EPA is proposing reporting and recordkeeping requirements for manufacturers of PFAS pursuant to TSCA section 8(a)(7).

A. What chemical substances would be reportable under this rule?

1. *Reportable chemicals substances.* Under TSCA section 8(a)(7), EPA must collect information on chemical substances that are ''perfluoroalkyl or polyfluoroalkyl'' substances or PFAS. EPA has determined that any PFAS that fall within the structural definition, described below, are the PFAS referred to in TSCA section 8(a)(7). For this proposed rule, EPA has identified at least 1,364 chemical substances and mixtures that are PFAS and would potentially be subject to reporting under the final rule, if they have been manufactured in any year since January 1, 2011.

For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit R-(CF2)-C(F)(R′)R″. Both the CF2 and CF moieties are saturated carbons and none of the R groups (R, R′ or R″) can be hydrogen. It should be noted that this structural definition of PFAS is a working definition which has been used by EPA's Office of Pollution Prevention and Toxics when identifying PFAS on the TSCA Inventory. This definition may not be identical to other definitions of PFAS used within EPA and/or other organizations. To assist potential reporters with determining whether certain substances may be covered under this structural definition, EPA has identified specific PFAS covered by this proposed rule. These will be included as non-exhaustive examples in the rule where it is possible to do so without divulging information claimed as CBI. The scope of PFAS examples listed in this proposal includes:

- All PFAS listed as active on the TSCA Inventory. This includes PFAS that are identified by CAS number; confidential chemicals whose generic names contain ''fluor'' and are identified by Accession number; and confidential chemicals whose generic names do not contain ''fluor'', and therefore, are not listed by CASRNs, Accession numbers, or low-volume exemptions (LVE) case numbers (see note on structural diagram examples below).
- All PFAS that are subject to TSCA section 5 (new chemicals) LVE applications per 40 CFR 723.50 that have been granted by EPA. This includes the PFAS that were subject to granted LVE applications that have since been withdrawn by the LVE application submitter. Additional discussion on LVEs is below.

Under TSCA section 5, any person who intends to manufacture a chemical not on the TSCA Inventory must first notify EPA. Typically, this is done by submission of a premanufacture notice (PMN) (Ref. 8). However, for low-volume chemical substances (*i.e.,* chemical substances manufactured at no more than 10,000 kg per year) companies can submit a LVE application to EPA per 40 CFR 723.50. EPA may either grant or deny an LVE submission after review, but LVEs that are granted are not listed on the Inventory, unlike PMN chemical substances. Therefore, EPA is also providing a list of PFAS chemicals for which EPA granted an LVE notice.

LVE submitters may choose to withdraw their granted LVE application. In order to compile a comprehensive dataset as authorized under TSCA section 8(a)(7), EPA is including these

withdrawn LVE submissions in the list of examples subject to this proposed rule if they were submitted since 2011.

- This proposed rule will also include structural diagrams to capture any PFAS whose CAS or Accession numbers could not be divulged due to CBI claims, whose identity is not listed on the TSCA Inventory because it is subject to an LVE, or which is a byproduct not listed on the Inventory and not subject to an LVE, yet meets the structural definition. The list of identified PFAS and structural diagrams can also be found in the docket (Ref. 7). The PFAS included in the list and identified by the structural diagrams are examples of substances that meet this rule's definition of PFAS; it is not a comprehensive list of all substances within this rule's scope.

EPA is providing these examples of PFAS for the purpose of assisting manufacturers in determining whether a chemical substance they have manufactured in any year since 2011 meets this proposed rule's definition of PFAS. Because the Inventory's active designation dates back to June 2006, it is possible for a firm to have manufactured one of these listed PFAS yet not be required to report under this proposed rule, if they have manufactured it only in the period prior to January 1, 2011.

This list was developed as of April 2021. EPA anticipates updating this list prior to promulgating the final rule, both in response to public comment, and as a result of PMNs added to the Inventory and LVEs granted by EPA between April 2021 and the date of publication of the final rule.

For the purposes of this proposed rule, articles containing PFAS, including imported articles containing PFAS (such as articles containing PFAS as part of surface coatings), are included in the scope of reportable chemical substances. TSCA does not define articles, nor does the statute define articles as a category of substances exclusive of chemical substances. EPA therefore considers its ability to regulate chemical substances to encompass authority to regulate articles containing such chemical substances. Additionally, the Agency would benefit from collecting the requested information on PFAS-containing articles (including articles containing PFAS as part of surface coatings) because the information would improve the Agency's knowledge of various products which may contain PFAS, their categories of use, production volumes, and exposure data. Such data are not currently known to EPA. However, EPA acknowledges that some article manufacturers, including article importers, may not have such information known to or reasonably ascertainable by them and may not meet the reporting standard as described in Unit II.C. To this end, information that helps EPA better understand data gaps is useful information for EPA to have. Therefore, articles are within the scope of reportable substances under this proposed rule, though EPA is requesting comments on whether imported articles containing PFAS should be within scope (see Unit IV.1).

2. *Proposed exceptions to reporting for duplicative reporting.* TSCA section 8(a)(5) requires EPA, to the extent feasible when carrying out TSCA section 8, to avoid requiring unnecessary or duplicative reporting. The Agency seeks to avoid collecting data on PFAS that would duplicate information already reported to the Agency. While developing this rule EPA reviewed the data elements submitted under the Chemical Data Reporting Rule and determined that there may be some overlap with the information requested under the proposed rule. EPA is proposing to allow reporting entities to indicate in the reporting tool that they have previously provided such information to EPA through CDR for certain data elements. The Agency has identified the following data elements which the reporter may be able to indicate has already been submitted to EPA:

- Physical state of the chemical or mixture;
- Industrial processing and use type, sector(s), functional category(ies), and percent of production volume for each use;
- Consumer and/or commercial indicator, product category(ies), functional category(ies), percent of production volume for each use, indicator for use in products intended for children, and maximum concentration in the product, and;
- Number of workers reasonably likely to be exposed for each combination of industrial processing or use operation, sector, and function, and the number of commercial workers reasonably likely to be exposed if the PFAS is contained in a commercial product.

If a manufacturer covered under this proposed rule has previously submitted required information to EPA for some years since 2011, but not for all years, EPA is proposing that the manufacturer may indicate in the reporting tool the year(s) for which the manufacturer has already submitted that data to EPA as part of CDR. For instance, CDR reporters are required to submit the total annual domestically manufactured production volume and the total annual imported volume separately, only for the principal reporting year (*e.g.,* 2019 for the 2020 reporting cycle), but reporting only the combined total annual production volume is required for the intervening years. In this case, a reporter under this proposed rule would be able to indicate that the two different production volumes have been previously submitted to EPA for the CDR reporting year(s), but would still need to report for the intervening year(s) not previously submitted under CDR. Additionally, there are some data elements for which CDR reporters may have previously reported information to EPA, although these data elements were only added to the CDR reporting requirements in 2020. Therefore, some manufacturers under this proposed rule may have submitted the following information to CDR for some years covered by this proposed rule, but not all, and would still be required to report this information for the missing year(s):

- Domestically manufactured production volume;
- Imported production volume;
- Volume directly exported; and
- Indicator for imported but never physically at site.

EPA welcomes public comment on concerns related to duplicative reporting (see Unit V.).

B. When would reporting be required?

EPA proposes that persons who have manufactured a PFAS at any time since January 1, 2011, would report to EPA during a six-month submission period, which would begin six months following the effective date of the final rule. Therefore, manufacturers would ultimately have one year following the effective date of the final rule to collect and submit all required information to EPA. EPA believes by providing six months between the effective date of the rule and the start of the submission period, this would allow sufficient time for both the Agency to finalize the reporting tool and for reporters to familiarize themselves with the rule and compile the required information. Since this section 8(a)(7) reporting rule will be collecting similar information as CDR, EPA anticipates many reporters will be familiar with the types of information requested and how to report. The CDR submission period is four months, every four years. Since this proposed rule spans a longer time than the four-year CDR reporting cycle, EPA acknowledges additional time may be needed in the PFAS submission period. EPA believes that six months is adequate time for submissions, in addition to the six-

month period between the effective date and the start of the submission period.

EPA is also asking for public comment on the submission period start date and duration (see Unit V.).

C. What information would be reported?

TSCA section 8(a)(7) specifies that, under the final rule, manufacturers would report on ''information described in subparagraphs (A) through (G) of paragraph (2) [of section 8].'' Therefore, this TSCA section 8(a)(7) rule proposes one-time reporting of the information described in section 8(a)(2)(A) through (G), which includes specific chemical identity, categories of use, production volume, byproducts, environmental and health effects, number of persons exposed and duration of exposure, and disposal.

Specifically, EPA is proposing to request the following information:

1. Chemical name (multiple if mixture), or the generic name(s) if the chemical name(s) is CBI.
2. Chemical ID(s) (CASRN, TSCA Accession Number, or LVE case number).
3. Trade name or common name.
4. Representative molecular structure.
5. Physical form of chemical or mixture.
6. Industrial processing and use:
a. Type of process or use;
b. Sector(s);
c. Functional use category(ies);
d. Percent of production volume for each use.
7. Consumer and commercial use:
a. Indicator for whether this is a consumer and/or commercial product;
b. Product category; functional use category(ies);
c. Percent production volume for each use; maximum concentration in any product;
d. Indicator for use in products intended for children.
8. Production volumes:
a. Domestically manufactured;
b. Imported;
c. Directly exported;
d. Maximum first 12 months production volume;
e. Maximum yearly production volume in any 3 years.
9. Indicator for imported but never physically at site.
10. Indicator for site-limited.
11. Maximum quantity stored on-site at any time.
12. Total volume recycled (on-site).
13. For byproducts produced during the manufacture, processing, use, or disposal of each PFAS:
a. Chemical name(s) or description (if identity is unknown), or the generic name(s) if the byproduct name(s) is CBI;
b. Chemical ID(s) (CASRN, TSCA Accession Number, or LVE case number);
c. Indicator for whether the byproduct(s) production resulted from manufacture, process, use, or disposal; and
d. Indicator for whether the byproduct(s) is released to the environment; if so, volume of byproduct(s) released and to which environmental media.
14. Worker exposure: Description of worker activity(ies) at manufacturing site.
15. Worker exposure at the manufacturing site:
a. Number of workers reasonably likely to be exposed at the manufacturing site, for each worker activity;
b. Maximum duration of exposure for any worker, for each worker activity (both hours per day and days per year).
16. Worker exposure for each industrial process and use:
a. Number of workers reasonably likely to be exposed for each industrial process and use;
b. Maximum duration of exposure for any worker for each industrial process and use (both hours per day and days per year).
17. Worker exposure for each commercial use:
a. Number of workers reasonably likely to be exposed for each commercial use;
b. Maximum duration of exposure for any worker for each commercial use (both hours per day and days per year).
18. Description of disposal process(es), and description of any changes to the disposal process or methods since 2011.
19. Total volume released:
a. Land disposal;
b. Water releases;
c. Air releases.
20. Total volume incinerated (on-site) and incineration temperature.
21. All existing information related to health and environmental effects, using the Organization of Economic Cooperation and Development (OECD) harmonized template relevant to the existing study, as well as full study reports and any other supporting information (for additional information on the use of the OECD harmonized templates, see the discussion in the following section, Unit III.D.).
22. Other data relevant to health and environmental effects (*e.g.,* range-finding studies, preliminary studies, OSHA medical screening or surveillance standards reports, adverse effects reports).

A list of the proposed reporting requirements is available in the docket for public review (Ref. 10).

EPA developed an information reporting platform for CDR (Ref. 9) and intends to modify it for purposes of this proposed rule. Certain information that is requested in the CDR that falls under TSCA section 8(a)(2)(A) through (G) would be required by this proposed rule, such as information on specific chemical identity, categories of use, production volume, byproducts, and number of persons exposed and duration of exposure (see Unit III.A.2. for the discussion on duplicative reporting). In instances where PFAS manufacturers under this proposed rule have already reported the requested information to EPA, they will not be required to re-report. As discussed in Unit III.A.2, EPA is proposing the reporters simply indicate they have already submitted such information to EPA.

Additionally, any person required to report under this proposed rule would supply the information identified in the form to the extent it is known to or reasonably ascertainable by them, or a reasonable estimate when actual data are not available (*i.e.,* known or reasonably ascertainable), as explained in more detail in Unit II.D.

D. What type of environmental and health effects information is the Agency requesting?

EPA is requesting ''all existing information concerning the environmental and health effects'' of the PFAS chemicals covered by this rule. It is intended that ''environmental and health effects information'' be interpreted broadly. This information would include but is not limited to:

- Toxicity information (*e.g.,* in silico, in vitro, animal test results, human data); and
- Other data relevant to environmental and health effects including range-finding studies, preliminary studies, OSHA medical screening or surveillance standards reports, adverse effects reports.

Chemical identity is always part of a health and safety study, and TSCA section 14(b) limits the extent to which health and safety studies and information from studies may be withheld from the public as confidential.

EPA is proposing to require all existing information concerning health and environmental effects be submitted in the format of OECD harmonized templates, where such templates exist for the type of data, in addition to submitting full study reports. OECD

templates are accessible to the public online at *https://www.oecd.org/ehs/templates/harmonised-templates.htm* (Ref. 11). A standardized format such as the OECD templates will improve the efficiency of review and organization of the submitted data. EPA believes that some of the data will already be in the OECD template if the company had already submitted the studies under the European Union's Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) regulation. In addition to the required template format, those subject to this rulemaking must submit any associated full study reports or underlying data as support documents. The full study reports and support documents are necessary for EPA to understand the full context and evaluate the quality of the data, which is necessary for the Agency to review if data were to be used for any future Agency actions.

EPA is requesting comments on what environmental and health effects information should be within the scope of this rule. EPA is also requesting comment on whether any information proposed to be requested is duplicative of information collected by EPA under other federal statutes and, thus, should be excluded. Please identify the information that you believe is duplicative and the statute under which it is submitted.

E. How would information be submitted to EPA?

EPA is proposing to require electronic reporting similar to the requirements established in 2013 for submitting other information under TSCA (see 40 CFR 704.20(e)). EPA is proposing to require submitters to use EPA's CDX, the Agency's electronic reporting portal, for all reporting under this rule. In 2013, EPA finalized a rule to require electronic reporting of certain information submitted to the Agency under TSCA sections 4, 5, 8(a) and 8(d) (Ref. 12, page 72818). The final rule followed two previous rules requiring similar electronic reporting of information submitted to EPA for TSCA CDR and for PMNs. In proposing to require similar electronic reporting under this rule, EPA intends to save time, improve data quality and increase efficiencies for both the submitters and the Agency.

EPA developed the Chemical Information Submission System (CISS) for use in submitting data electronically to the Agency for TSCA sections 4, 5, 6, 8(a), 8(b), 8(d), 8(e), and Title VI. CISS, a web-based reporting tool housed within the CDX environment, provides submitters with user-friendly applications to build and submit data packages to EPA within a secure, encrypted environment. CISS applications provide for the capture of both fielded data as well as the attachment of additional information using a wide variety of file types. Submitted information is rendered into PDF and XML formats, which are provided to submitters in the form of a Copy of Record.

EPA is proposing to require submitters to follow the same submission procedures used for other TSCA submissions, *i.e.,* to register with EPA's CDX and use CISS to prepare a data file for submission. Registration enables CDX to authenticate user identity. To submit electronically to EPA via CDX, individuals must first register with CDX at *http://cdx.epa.gov/* . To register in CDX, the CDX registrant (also referred to as ''Electronic Signature Holder'' or ''Public/Private Key Holder'') agrees to the Terms and Conditions, provides information about the submitter and organization, selects a user name and password, and follows the procedures outlined in the guidance document for CDX available at *https://cdx.epa.gov/FAQ#CSPP.*

Within CDX, CISS is available under the ''Submission for Chemical Safety and Pesticide Program (CSPP)'' CDX flow. Users who have previously submitted under TSCA through CDX, including submitting information under sections 4 and 5, CDR, or reporting under the TSCA Inventory Notification (Active-Inactive) Requirements rule (82 FR 37520, Aug. 11, 2017) (FRL–9964–22), will already have the CSPP flow linked to their account. Users reporting to EPA using other CDX housed applications, including the Toxics Release Inventory TRI–MEweb, would be able to add the CSPP flow to their existing CDX accounts.

All submitters would be required to use CISS to prepare their submissions. CISS guides users through a ''hands-on'' process of creating an electronic submission. Once a user completes the relevant data fields and attaches appropriate PDF files, or other file types, such as XML files, the web-based tool validates the submission by performing a basic error check and makes sure all the required fields and attachments are provided and complete. Further instructions for uploading PDF attachments or other file types, such as XML, and completing metadata information would be available through CISS reporting guidance.

CISS, a web-based reporting tool, also allows the user to choose to ''Preview,'' ''Save,'' or ''Submit'' the data package. Once the submission process is initiated, the user is asked to certify the information and provide requested information to complete the submission process. The data package is then sent, in an encrypted state, to the Agency. The user can login to the application and check the submission status of their data package. Upon successful receipt of the submission by EPA, the submission status of the submissions will be flagged as ''Completed'' and a confirmation email will be sent to the submitter's CDX inbox. The CDX inbox is used to notify the users when submissions are received by EPA or to notify users when a submission-specific communication has been received and how to locate and access the communication. Information on accessing the CDX user inbox is provided in the guidance document for CDX at *https://cdx.epa.gov/FAQ#CSPP.* To access CISS log into CDX using the link: *https://cdx.epa.gov/* and click on the appropriate user role associated with the CSPP data flow. For further instructions, visit *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/electronic-reporting-requirements-certain-information* (Ref. 12). Procedures for reporting chemical substances under this proposed rule would be similar.

EPA believes that electronic reporting reduces the reporting burden for submitters by reducing the cost and time required to review, edit, and transmit data to the Agency. It also allows submitters to share a draft submission within their organization, and more easily save a copy for their records or future use. Additionally, EPA believes that many of the anticipated reporters under this proposed rule have experience with reporting electronically to EPA through CDX. The resource and time requirements to review and process data by the Agency will also be reduced and document storage and retrieval will require fewer resources. EPA expects to benefit from receiving electronic submissions and communicating electronically with submitters.

F. What can a submitter claim as confidential?

The 2016 amendments to TSCA included new procedural requirements for the submission and Agency management of CBI claims, including new substantiation requirements, generic name requirements, a certification requirement, and a requirement for Agency review of specified CBI claims within 90 days after receipt of the claim, 15 U.S.C. 2613. The Agency recently finalized a rule amending the CDR reporting requirements that implemented the new requirements for confidentiality claims

in CDR submissions (Ref. 13). EPA is similarly proposing that a person submitting a reporting form under this action may claim portions of the form as confidential, consistent with TSCA section 14. TSCA requires that the submitter make several statements relating to the treatment of the information as confidential and competitive harm of disclosure, and to certify that these statements and any substantiation provided are true and correct. Consistent with the format of other TSCA reporting forms, the statements and certification would be combined into a single certification statement. There is also a requirement that when a chemical identity is claimed as CBI, a non-CBI structurally descriptive generic name be provided. To help reporters, EPA's reporting platform can auto-populate generic names on the Inventory using EPA's Substance Registry Services (SRS).

TSCA section 14 further requires that substantiation be provided when a confidentiality claim is asserted. However, TSCA section 14(c)(2) exempts certain information from the substantiation requirements (*e.g.,* specific production volume). Under the proposed rule, specific production or import volumes of the manufacturer, as well as the percent production volume for each consumer or commercial use, need not be substantiated. All other information submitted under this proposed rule would not be exempt from substantiation requirements.

Any information which is claimed as confidential will be disclosed by EPA only in accordance with the procedures and requirements of TSCA section 14 and 40 CFR part 2. TSCA limits confidentiality protections for health and safety studies, information from health and safety studies (except to the extent such studies or information reveals ''information that discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the portion of the mixture comprised by any of the chemical substances in the mixture''), and certain other information. Submitters asserting a confidentiality claim for such information in health and safety studies will be required to submit a sanitized copy of the study, removing only that information which is claimed as confidential and that discloses the process or portion of mixture information described in TSCA section 14(b).

G. What are the recordkeeping requirements?

EPA proposes that each person who is subject to the reporting requirements must retain records that document any information reported to EPA. Consistent with the CDR rule, EPA is proposing a five-year recordkeeping period, beginning on the last date of the submission period. The five-year retention requirement corresponds with the statute of limitations for violations and is necessary to preserve records to support future regulatory activities that would be informed by this information collection. Further, EPA believes the burden of retaining these records, which are likely electronic, is minimal.

IV. Request for Comments

EPA is seeking public comment on all aspects of this proposed rule and the Economic Analysis prepared in support of this proposed rule (Ref. 14). In addition to specific requests for comment included throughout this document, EPA is interested in comments pertaining to the specific issues discussed in this unit. EPA encourages all interested persons to submit comments on the issues identified in this Notification and to identify any other relevant issues as well. This input will assist the Agency in developing a final rule that successfully addresses information needs while minimizing potential reporting burdens associated with the rule. EPA requests that commenters making specific recommendations include supporting documentation where appropriate.

1. *Identifying the chemical substances that would be subject to reporting.* EPA has provided a structural definition of PFAS for the purposes of this proposed rule's scope. To assist reporting entities with determining whether a chemical substance or mixture falls within this scope, EPA has also provided a list of PFAS (identified by CASRN, TSCA Accession Number, or LVE case number) and structural diagrams to include any PFAS whose chemical identity is not specifically listed due to CBI protections. EPA is soliciting comment on this approach for defining or identifying PFAS. Additionally, EPA is interested in comments identifying specific substances of interest and the rationale for the interest, that may be outside the scope of this proposed definition. EPA is also interested in public comments related to including imported articles containing PFAS within the scope of this proposed rule.

2. *Considerations for the Agency's economic analysis.* EPA has evaluated the potential costs for PFAS manufacturers for this proposed rule (Ref. 14). EPA is specifically seeking additional information and data that EPA could consider in developing the final economic analysis. In particular, EPA is seeking data that could facilitate the Agency's further evaluation of the potentially affected industry and firms, including data related to potential impacts for those small businesses and importers that would be subject to reporting. The agency is specifically interested in available data on small entity importers of articles containing PFAS for its impact analysis for small entities. EPA is also especially interested in available data or other measures of the number of facilities or firms that might manufacture such materials, including importing PFAS in articles.

3. *Submission period.* EPA is proposing a six-month submission period for reporting entities, which will begin six months following the effective date of the final rule. Thus, PFAS manufacturers will have one year following the effective date of the final rule to submit all required information to EPA. Since many of the reporters under this proposed rule have reported under CDR, EPA is basing the proposed submission period, in part, on the CDR submission period. Given the four-month submission period for the CDR reporting cycle every four years, the Agency believes six months is sufficient time for manufacturers to report the required information under this proposed rule, noting that the scope of this rule covers more years than a CDR reporting cycle. Reporters will also have the additional six months between the effective date of the rule and the start of the submission period for rule familiarization and data gathering. Additionally, the six months between the effective date of the final rule and the beginning of the submission period allows the Agency time to finalize the reporting software. Congress required EPA to promulgate the rule no later than January 1, 2023; therefore, EPA anticipates the reporting period for this proposed rule will precede the reporting period for the 2024 CDR reporting cycle (June–September 2024). EPA is specifically asking for comment on additional considerations related to the start date and duration of the submission period.

4. *Duplicative reporting.* EPA has identified the data elements in this proposed rule for which information may have been submitted to EPA previously under CDR (see Unit III.D.), which the Agency is proposing to allow manufacturers to indicate through the

reporting tool has already been submitted rather than re-submit the information. EPA is requesting comment on whether any additional data elements may be duplicative of information collected by EPA under TSCA or other federal statutes. Please identify the information that you believe is duplicative and the statute under which it is submitted, as well as the precision of the information if appropriate (for example, whether the data are submitted as a range or as an integer to the nearest significant digits).

5. *Scope of environmental and health effects information collected.* EPA is requesting comment on what existing environmental and health effects information should be within the scope of this rule. EPA is proposing to require such information be submitted in the form of OECD harmonized templates, to the extent they are available, and as full study reports and any supporting documents. The Agency is requesting comments on the scope of existing environmental and health information that may be requested from PFAS manufacturers. The Agency is also interested in comments on the proposed format of these submissions.

6. *Additional information or data elements.* EPA has provided the list of proposed data elements for this rule in Unit III.C (Ref. 10), which EPA is authorized to request under section 8(a)(7). EPA is interested in public comment on the scope of these proposed data elements, including whether there are additional data elements EPA should collect under the authority of section 8(a)(7). Specifically, EPA is interested in comments on whether the final rule should include a data field allowing reporters to provide generic names or descriptions in the event a manufacturer is aware they have produced or imported a PFAS but are not able to reasonably ascertain the specific PFAS identity. The Agency is also requesting comments on additional data elements such as composition information if a PFAS has a variable composition, analytical methods, and whether occupational exposure information should distinguish occupational non-users (*i.e.,* those nearby but not in direct contact with the chemical) from workers (*i.e.,* those who are in direct contact with the chemical).

7. *EPA's use and publication of certain non-CBI data.* EPA is requesting public comment on how the Agency may consider using the data received under this reporting rule, beyond those activities previously mentioned in Unit II.E. Additionally, the Agency is interested in comment on the extent to which non-CBI data submitted under this rule should be provided to the general public.

8. *Joint submissions.* EPA is requesting public comment on whether the Agency should enable the use of joint submissions in specific circumstances, similar to CDR joint submissions. Joint submissions may be necessary under circumstances when: (1) A company imports a chemical or a mixture under a trade name and the substance identity, or individual components, are not known to the importer, or (2) a manufacturer cannot provide the entire chemical identity of a chemical substance it manufactures because the chemical substance is manufactured using a reactant having an identity that the reactant supplier claims as confidential. In these circumstances, the supplier has identified that it will not disclose to the manufacturer (or importer) or does not, itself, know the chemical identity.

9. *Small manufacturers.* EPA is requesting public comment on how the Agency may assist small manufacturers with compliance with this proposed rule. The Agency appreciates comments related to both regulatory and non-regulatory assistance, such as different reporting timelines and outreach.

V. References

The following is a list of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

1. EPA (2019). EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan, EPA–823R–18–004. February 14, 2019. Available at *https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf.*
2. EPA (2017). Technical Fact Sheet—Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA), EPA 505–F–17–001. November 2017. Available at *https://www.epa.gov/sites/production/files/2017-12/documents/ffrrofactsheet_contaminants_pfos_pfoa_11-20-17_508_0.pdf.*
3. EPA (2009). Long-Chain Perfluorinated Chemicals (PFCs) Action Plan. December 30, 2009. Available at *https://www.epa.gov/sites/production/files/2016-01/documents/pfcs_action_plan1230_09.pdf.*
4. ATSDR (2018). Toxicology Profile for Perfluoroalkyls. June 2018. Available at *https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf.*
5. EPA. TSCA Chemical Substance Inventory. (No date). Available at *https://www.epa.gov/tsca-inventory.* [Accessed November 12, 2020].
6. EPA. Instructions for Reporting: 2020 TSCA Chemical Data Reporting. November 2020. Available at *https://www.epa.gov/sites/production/files/2020-12/documents/instructions_for_reporting_2020_tsca_cdr_2020-11-25.pdf.*
7. EPA. Examples of PFAS and Structural Diagrams included in the Proposed Rule for Reporting and Recordkeeping Requirements for PFAS. October 2020.
8. EPA. Filing a Pre-manufacture Notice with EPA. (No date). Available at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/filing-pre-manufacture-notice-epa.* [Accessed November 12, 2020].
9. EPA (2020). CDX Chemical Safety and Pesticide Programs (CSPP) Registration User Guide; Version 3.02. March 6, 2020. Available at *https://www.epa.gov/chemical-data-reporting/cspp-cdx-registration-guide.*
10. EPA. Data Elements included in the Proposed Rule for Reporting and Recordkeeping Requirements for PFAS. October 2020.
11. OECD. OECD Harmonised Templates. (No date). Available at *https://www.oecd.org/ehs/templates/harmonised-templates.htm.* [Accessed November 12, 2020].
12. EPA (2013). Electronic Reporting under the Toxic Substances Control Act; Final Rule. (78 FR 72818, December 4, 2013) (FRL–9394–6).
13. EPA (2020). TSCA Chemical Data Reporting Revisions Under TSCA Section 8(a); Final Rule. (85 FR 20122, April 9, 2020) (FRL–10005–56).
14. EPA (2020). Economic Analysis for the Proposed Rule for Reporting and Recordkeeping Requirements for PFAS. November 2020.
15. EPA (2020). Information Collection Request Supporting Statement. Proposed Rule ICR: Reporting and Recordkeeping Requirements for PFAS. EPA ICR No. 2682.01. November 2020.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). EPA prepared an analysis of the estimated costs and benefits associated

with this action (Ref. 13), which is available in the docket and is summarized in Unit I.E. Any changes made in response to OMB recommendations have been documented in the docket for this action as required by section 6(a)(3)(E) of Executive Order 12866.

B. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA, 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document that EPA prepared has been assigned EPA ICR number 2682.01 (Ref. 15). You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The reporting requirements identified in the proposed rule would enable EPA to meet the statutory obligations required by TSCA section 8(a)(7) and collect data related to the identities, manufacture, use, exposure, and disposal of PFAS manufactured in the United States since 2011. These proposed reporting requirements would also help the Agency to collect existing information on the health and environmental effects of PFAS. EPA intends to use information collected under the rule to assist in chemical assessments under TSCA, and to inform any additional work necessary under environmental protection mandates beyond TSCA. Respondents may claim some of the information reported to EPA under the proposed rule as CBI under TSCA section 14. TSCA section 14(c) requires a supporting statement and certification for confidentiality claims asserted after June 22, 2016.

Respondents/affected entities: Manufacturers (including importers) of PFAS since January 1, 2011.

Respondent's obligation to respond: Mandatory (15 U.S.C. 2607(a)(7)).

Estimated number of respondents: 234.

Frequency of response: Once.

Total estimated burden: 122,104 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $9,820,813 (per year), includes no annualized capital or operation and maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *oira_submissions@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than July 28, 2021. The EPA will respond to any ICR-related comments in the final rule.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). The small entities subject to the requirements of this action are manufacturers (including importers) of PFAS. EPA estimates that 59 small firms would be affected by the proposed rule. Of those small firms, 46% would have cost impacts of less than 1% of annual revenues, 19% would have impacts between 1–3%, and 35% would have impacts of more than 3% of annual revenues. The affected small businesses subject to the proposed rule are expected to incur $1,788,506 in costs for this one-time reporting, with per-firm costs estimated to range from $16,864 to $92,390. However, EPA is unable to estimate the number of small entity importers of articles that are subject to this proposed rule due to a lack of available data on importers of articles containing PFAS. Imported articles are exempt from the CDR Rule under 40 CFR 711.10(b). Similarly, under TRI reporting, listed toxic chemicals contained in articles that are processed or otherwise used at a covered facility are exempt from reporting threshold determinations and release and other waste management calculations. EPA is unaware of publicly available data that provides the information on the article importers needed to develop the estimates. Without available data, EPA does not have a representative subset of firms to reference as a basis for estimates and thus cannot estimate the number of importers of articles that will be affected.

However, EPA expects that article importers may incur a range of costs depending on the number of articles they import, their level of knowledge of their imported articles, the complexity of supply chains, and whether PFAS is present in their articles. Importers of articles that contain PFAS may incur costs for rule familiarization ($69.79 per firm); identifying the type of imported articles that potentially use PFAS ($1,641–$1,932 per firm); identifying suppliers involved ($1,185 per firm); collecting data from suppliers ($0–644 per article); and recordkeeping ($12 per firm). Details of this analysis are presented in the Economic Analysis of the proposed rule (Ref. 14), which is available in the docket.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The requirements of this action would primarily affect manufacturers (including importers) of PFAS. The total quantified one-time costs of the proposed rule are approximately $9.8 million.

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, E.O. 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that the Agency has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not a covered regulatory action because it is not ''economically significant'' under Executive Order 12866 and it does not concern an environmental health risk or safety risk. Although this action would not establish an environmental standard

intended to mitigate health or safety risks, the information that would be submitted to EPA in accordance with this proposed rule would be used to inform the Agency's decision-making process regarding chemical substances to which children may be disproportionately exposed. This information may also assist the Agency and others in determining whether the chemical substances covered in this proposed rule present potential risks, which would allow the Agency and others to take appropriate action to investigate and mitigate those risks.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy and has not otherwise been designated by the Administrator of OMB's Office of Information and Regulatory Affairs as a ''significant energy action.''

I. National Technology Transfer and Advancement Act (NTTAA)

Because this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The requirements of the proposed rule are directed at manufacturers (including importers) of PFAS chemicals for which basic production, use, and toxicity information is currently unavailable. The costs and the benefits of the proposed rule would not be disproportionately distributed across different geographic regions or among different categories of individuals. Consumers of these chemical products, workers who come into contact with these chemical substances, and communities neighboring PFAS manufacturing sites could benefit from EPA's assessment of information required under the proposed rule. The Agency believes that the information collected under this proposed rule, if finalized, will assist EPA and others in determining the potential hazards and risks associated with PFAS chemicals. Although not directly impacting environmental justice-related concerns, this information will enable the Agency to better protect human health and the environment, including in low-income and minority communities.

List of Subjects in 40 CFR Part 705

Chemicals, Environmental protection, Hazardous Materials, Recordkeeping, and Reporting Requirements.

Dated: June 10, 2021.

Michal Freedhoff,

Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, for the reasons stated in the preamble, the Environmental Protection Agency proposes to amend 40 CFR chapter I by adding part 705 to read as follows:

PART 705—REPORTING AND RECORDKEEPING REQUIREMENTS FOR CERTAIN PER- AND POLYFLUOROALKYL SUBSTANCES

Sec.

705.1. Scope.
705.3. Definitions.
705.5. Substances for which reports must be submitted.
705.10. Persons who must report.
705.15. What information to report.
705.20. When to report.
705.22. Duplicative reporting.
705.25. Recordkeeping requirements.
705.30. Confidentiality claims.
705.35. Electronic reporting.

Authority: 15 U.S.C. 2607(a)(7).

§ 705.1 Scope.

This part specifies reporting and recordkeeping procedures for manufacturers (including importers) of certain per- and polyfluoroalkyl substances (hereafter referred to as PFAS) under section 8(a)(7) of the Toxic Substances Control Act (TSCA).

§ 705.3 Definitions.

Central Data Exchange or *CDX* means EPA's centralized electronic submission receiving system.

Chemical Information Submission System or *CISS* means EPA's electronic, web-based reporting tool for the completion and submission of data, reports, and other information, or its successors.

Commercial use means the use of a chemical substance or a mixture containing a chemical substance (including as part of an article) in a commercial enterprise providing saleable goods or services.

Consumer use means the use of a chemical substance or a mixture containing a chemical substance (including as part of an article) when sold to or made available to consumers for their use.

Environmental or health effects information means any information of any effect of a chemical substance or mixture on health or the environment or on both. This includes all health and safety studies.

(1) Not only is information which arises as a result of a formal, disciplined study included, but other information relating to the effects of a chemical substance or mixture on health or the environment is also included. Any information that bears on the effects of a chemical substance on health or the environment would be included.

(2) Examples are:

(i) Long- and short-term tests of mutagenicity, carcinogenicity, or teratogenicity; data on behavioral disorders; dermatoxicity; pharmacological effects; mammalian absorption, distribution, metabolism, and excretion; cumulative, additive, and synergistic effects; and acute, subchronic, and chronic effects.

(ii) Tests for ecological or other environmental effects on invertebrates, fish, or other animals, and plants, including: Acute toxicity tests, chronic toxicity tests, critical life-stage tests, behavioral tests, algal growth tests, seed germination tests, plant growth or damage tests, microbial function tests, bioconcentration or bioaccumulation tests, and model ecosystem (microcosm) studies.

(iii) Assessments of human and environmental exposure, including workplace exposure, and impacts of a particular chemical substance or mixture on the environment, including surveys, tests, and studies of: Biological, photochemical, and chemical degradation; structure/activity relationships; air, water, and soil transport; biomagnification and bioconcentration; and chemical and physical properties, *e.g.,* boiling point, vapor pressure, evaporation rates from soil and water, octanol/water partition coefficient, and water solubility.

(iv) Monitoring data, when they have been aggregated and analyzed to measure the exposure of humans or the environment to a chemical substance or mixture.

Health and safety studies means any study of any effect of a chemical substance or mixture on health or the environment or on both, including underlying information and epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a

chemical substance or mixture, and any test performed pursuant to this Act.

Known to or reasonably ascertainable by means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.

Industrial function means the intended physical or chemical characteristic for which a chemical substance or mixture is consumed as a reactant; incorporated into a formulation, mixture, reaction product, or article; repackaged; or used.

Industrial use means use at a site at which one or more chemical substances or mixtures are manufactured (including imported) or processed.

Intended for use by children means the chemical substance or mixture is used in or on a product that is specifically intended for use by children age 14 or younger. A chemical substance or mixture is intended for use by children when the submitter answers ''yes'' to at least one of the following questions for the product into which the submitter's chemical substance or mixture is incorporated:

(1) Is the product commonly recognized (*i.e.,* by a reasonable person) as being intended for children age 14 or younger?

(2) Does the manufacturer of the product state through product labeling or other written materials that the product is intended for or will be used by children age 14 or younger?

(3) Is the advertising, promotion, or marketing of the product aimed at children age 14 or younger?

Manufacture means to manufacture for commercial purposes.

Manufacture for commercial purposes means: (1) To import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes among other things, such ''manufacture'' of any amount of a chemical substance or mixture:

(i) For commercial distribution, including for test marketing.

(ii) For use by the manufacturer, including use for product research and development, or as an intermediate.

(2) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated from that other substance or mixture and impurities that remain in that substance or mixture. Such byproducts and impurities may, or may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

Manufacturer means a person who manufactures a chemical substance.

Per- and polyfluoroalkyl substances or *PFAS, for the purpose of this part,* means any chemical substance or mixture that structurally contains the unit R-(CF2)-C(F)(R′)R″. Both the CF2 and CF moieties are saturated carbons. None of the R groups (R, R′ or R″) can be hydrogen.

Site-limited means a chemical substance is manufactured and processed only within a site and is not distributed as a chemical substance or as part of a mixture or article outside the site. Imported chemical substances are never site-limited.

Worker means someone at a site of manufacture, import, or processing who performs work activities near sources of a chemical substance or mixture or directly handles the chemical substance or mixture during the performance of work activities.

§ 705.5 Substances for which reports must be submitted.

The requirements of this part apply to all chemical substances and mixtures that are PFAS, consistent with the definition of PFAS at § 705.3. This includes, but is not limited to, all PFAS listed or otherwise described in this section. This section contains 5 listings of examples of chemical substances or mixtures that meet this definition. Paragraph (a) of this section is a list of chemical substances on the TSCA Inventory that have an associated Chemical Abstract Services (CAS) Registry Number. Paragraph (b) of this section is a list of chemical substances that have an associated TSCA Accession Number. Paragraph (c) of this section is a list of chemical substances that have both an associated low-volume exemption (LVE) case number and a non-confidential CASRN. Paragraph (d) of this section is a list of chemical substances with an LVE case number but no CASRN. Paragraph (e) of this section is a list of structural diagram examples of PFAS and those CASRNs.

(a) Examples of PFAS by CAS Registry Number.

CASRN	Chemical name
76–14–2	Ethane, 1,2-dichloro-1,1,2,2-tetrafluoro-.
76–15–3	Ethane, 1-chloro-1,1,2,2,2-pentafluoro-.
76–16–4	Ethane, 1,1,1,2,2,2-hexafluoro-.
76–19–7	Propane, 1,1,1,2,2,3,3,3-octafluoro-.
115–25–3	Cyclobutane, 1,1,2,2,3,3,4,4-octafluoro-.
124–73–2	Ethane, 1,2-dibromo-1,1,2,2-tetrafluoro-.
306–91–2	Phenanthrene, 1,1,2,2,3,3,4,4,4a,4b,5,5,6,6,7,7,8,8,8a,9,9,10,10,10a-tetracosafluorotetradecahydro-.
306–94–5	Naphthalene, 1,1,2,2,3,3,4,4,4a,5,5,6,6,7,7,8,8,8a-octadecafluorodecahydro-.
307–24–4	Hexanoic acid, 2,2,3,3,4,4,5,5,6,6,6-undecafluoro-.
307–30–2	1-Octanol, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-.
307–34–6	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-octadecafluoro-.
307–35–7	1-Octanesulfonyl fluoride, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-.
307–55–1	Dodecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-tricosafluoro-.
307–60–8	Dodecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-pentacosafluoro-12-iodo-.
307–63–1	Tetradecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14-nonacosafluoro-14-iodo-.
307–70–0	1-Undecanol, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11-eicosafluoro-.
307–98–2	2-Propenoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluorooctyl ester.
311–89–7	1-Butanamine, 1,1,2,2,3,3,4,4,4-nonafluoro-N,N-bis(1,1,2,2,3,3,4,4,4-nonafluorobutyl)-.
335–27–3	Cyclohexane, 1,1,2,2,3,3,4,5,5,6-decafluoro-4,6-bis(trifluoromethyl)-.
335–36–4	Furan, 2,2,3,3,4,4,5-heptafluorotetrahydro-5-(1,1,2,2,3,3,4,4,4-nonafluorobutyl)-.
335–42–2	Butanoyl fluoride, 2,2,3,3,4,4,4-heptafluoro-.
335–57–9	Heptane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-hexadecafluoro-.
335–66–0	Octanoyl fluoride, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-.
335–67–1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-.
335–71–7	1-Heptanesulfonyl fluoride, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-.

CASRN	Chemical name
335–76–2	Decanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-nonadecafluoro-.
335–95-5	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, sodium salt (1:1).
336–08–3	Hexanedioic acid, 2,2,3,3,4,4,5,5-octafluoro-.
336–59–4	Butanoic acid, 2,2,3,3,4,4,4-heptafluoro-, 1,1′-anhydride.
338–83–0	1-Propanamine, 1,1,2,2,3,3,3-heptafluoro-N,N-bis(1,1,2,2,3,3,3-heptafluoropropyl)-.
338–84–1	1-Pentanamine, 1,1,2,2,3,3,4,4,5,5,5-undecafluoro-N,N-bis(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)-.
354–64–3	Ethane, 1,1,1,2,2-pentafluoro-2-iodo-.
354–87–0	Ethanesulfonyl fluoride, 1,1,2,2,2-pentafluoro-.
355–02–2	Cyclohexane, 1,1,2,2,3,3,4,4,5,5,6-undecafluoro-6-(trifluoromethyl)-.
355–25–9	Butane, 1,1,1,2,2,3,3,4,4,4-decafluoro-.
355–38–4	Hexanoyl fluoride, 2,2,3,3,4,4,5,5,6,6,6-undecafluoro-.
355–42–0	Hexane, 1,1,1,2,2,3,3,4,4,5,5,6,6,6-tetradecafluoro-.
355–43–1	Hexane, 1,1,1,2,2,3,3,4,4,5,5,6,6-tridecafluoro-6-iodo-.
355–46–4	1-Hexanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluoro-.
355–50–0	Hexadecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16-tritriacontafluoro-16-iodo-.
355–80–6	1-Pentanol, 2,2,3,3,4,4,5,5-octafluoro-.
356–24–1	Butanoic acid, 2,2,3,3,4,4,4-heptafluoro-, methyl ester.
356–27–4	Butanoic acid, 2,2,3,3,4,4,4-heptafluoro-, ethyl ester.
356–42–3	Propanoic acid, 2,2,3,3,3-pentafluoro-, 1,1′-anhydride.
375–00–8	Butanenitrile, 2,2,3,3,4,4,4-heptafluoro-.
375–01–9	1-Butanol, 2,2,3,3,4,4,4-heptafluoro-.
375–03–1	Propane, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-.
375–16–6	Butanoyl chloride, 2,2,3,3,4,4,4-heptafluoro-.
375–22–4	Butanoic acid, 2,2,3,3,4,4,4-heptafluoro-.
375–62–2	Pentanoyl fluoride, 2,2,3,3,4,4,5,5,5-nonafluoro-.
375–72–4	1-Butanesulfonyl fluoride, 1,1,2,2,3,3,4,4,4-nonafluoro-.
375–73–5	1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-.
375–84–8	Heptanoyl fluoride, 2,2,3,3,4,4,5,5,6,6,7,7,7-tridecafluoro-.
375–85–9	Heptanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,7-tridecafluoro-.
375–88–2	Heptane, 1-bromo-1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-.
375–95–1	Nonanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,9-heptadecafluoro-.
376–06–7	Tetradecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-heptacosafluoro-.
376–14–7	2-Propenoic acid, 2-methyl-, 2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl ester.
376–27–2	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, methyl ester.
376–73–8	Pentanedioic acid, 2,2,3,3,4,4-hexafluoro-.
376–90–9	1,5-Pentanediol, 2,2,3,3,4,4-hexafluoro-.
377–38–8	Butanedioic acid, 2,2,3,3-tetrafluoro-.
378–76–7	Propanoic acid, 2,2,3,3,3-pentafluoro-, potassium salt (1:1).
382–28–5	Morpholine, 2,2,3,3,5,5,6,6-octafluoro-4-(trifluoromethyl)-.
383–07–3	2-Propenoic acid, 2-[butyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl ester.
421–73–8	Propane, 2-chloro-1,1,1,2-tetrafluoro-.
422–05–9	1-Propanol, 2,2,3,3,3-pentafluoro-.
422–56–0	Propane, 3,3-dichloro-1,1,1,2,2-pentafluoro-.
422–61–7	Propanoyl fluoride, 2,2,3,3,3-pentafluoro-.
422–63–9	1,1-Propanediol, 2,2,3,3,3-pentafluoro-.
422–64–0	Propanoic acid, 2,2,3,3,3-pentafluoro-.
423–39–2	Butane, 1,1,1,2,2,3,3,4,4-nonafluoro-4-iodo-.
423–62–1	Decane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10-heneicosafluoro-10-iodo-.
423–82–5	2-Propenoic acid, 2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl ester.
425–38–7	Propanoyl fluoride, 2,2,3,3-tetrafluoro-3-(trifluoromethoxy)-.
428–59–1	Oxirane, 2,2,3-trifluoro-3-(trifluoromethyl)-.
507–55–1	Propane, 1,3-dichloro-1,1,2,2,3-pentafluoro-.
507–63–1	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-8-iodo-.
559–40–0	Cyclopentene, 1,2,3,3,4,4,5,5-octafluoro-.
647–42–7	1-Octanol, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-.
678–26–2	Pentane, 1,1,1,2,2,3,3,4,4,5,5,5-dodecafluoro-.
678–39–7	1-Decanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-.
697–18–7	1,2-Oxathietane, 3,3,4,4-tetrafluoro-, 2,2-dioxide.
699–30–9	2,5-Furandione, 3,3,4,4-tetrafluorodihydro-.
754–34–7	Propane, 1,1,1,2,2,3,3-heptafluoro-3-iodo-.
755–73–7	Propanoic acid, 2,2,3,3-tetrafluoro-3-methoxy-, methyl ester.
756–12–7	2-Butanone, 1,1,1,3,4,4,4-heptafluoro-3-(trifluoromethyl)-.
756–13–8	3-Pentanone, 1,1,1,2,2,4,5,5,5-nonafluoro-4-(trifluoromethyl)-.
773–14–8	Furan, 2,2,3,3,4,4,5,5-octafluorotetrahydro-.
813–44–5	3-Pentanone, 1,1,1,2,4,5,5,5-octafluoro-2,4-bis(trifluoromethyl)-.
813–45–6	3-Hexanone, 1,1,1,2,4,4,5,5,6,6,6-undecafluoro-2-(trifluoromethyl)-.
865–86–1	1-Dodecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluoro-.
1547–26–8	1-Pentene, 2,3,3,4,4,5,5-heptafluoro-.
1623–05–8	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]-.
1652–63–7	1-Propanaminium, 3-[[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]-N,N,N-trimethyl-, iodide (1:1).
1682–78–6	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-(1,1,2,2,2-pentafluoroethoxy)-.
1691–99–2	1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-(2-hydroxyethyl)-.
1763–23–1	1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-.
1892–03–1	Cyclopentene, 1,3,3,4,4,5,5-heptafluoro-.

CASRN	Chemical name
1996–88–9	2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl ester.
2043–47–2	1-Hexanol, 3,3,4,4,5,5,6,6,6-nonafluoro-.
2043–53–0	Decane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8-heptadecafluoro-10-iodo-.
2043–54–1	Dodecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10-heneicosafluoro-12-iodo-.
2043–55–2	Hexane, 1,1,1,2,2,3,3,4,4-nonafluoro-6-iodo-.
2043–57–4	Octane, 1,1,1,2,2,3,3,4,4,5,5,6,6-tridecafluoro-8-iodo-.
2062–98–8	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)-.
2144–53–8	2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl ester.
2144–54–9	2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluorododecyl ester.
2218–54–4	Butanoic acid, 2,2,3,3,4,4,4-heptafluoro-, sodium salt (1:1).
2263–09–4	1-Octanesulfonamide, N-butyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-(2-hydroxyethyl)-.
2641–34–1	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)propoxy]-.
2706–90–3	Pentanoic acid, 2,2,3,3,4,4,5,5,5-nonafluoro-.
2795–39–3	1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, potassium salt (1:1).
2923–93–5	Hexanamide, 2-[2,4-bis(1,1-dimethylpropyl)phenoxy]-N-[4-[(2,2,3,3,4,4,4-heptafluoro-1-oxobutyl)amino]-3-hydroxyphenyl]-.
2991–51–7	Glycine, N-ethyl-N-[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]-, potassium salt (1:1).
2994–71–0	Cyclobutane, 1,1,2,2,3,4-hexafluoro-3,4-bis(trifluoromethyl)-.
3107–18–4	Cyclohexanesulfonic acid, 1,2,2,3,3,4,4,5,5,6,6-undecafluoro-, potassium salt (1:1).
3330–14–1	Propane, 1-[1-[difluoro(1,2,2,2-tetrafluoroethoxy)methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2,3,3,3-heptafluoro-.
3794–64–7	Butanoic acid, 2,2,3,3,4,4,4-heptafluoro-, silver(1+) salt (1:1).
3825–26–1	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, ammonium salt (1:1).
3871–99–6	1-Hexanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluoro-, potassium salt (1:1).
3872–25–1	1-Pentanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,5-undecafluoro-, potassium salt (1:1).
3934–23–4	2-Propenoic acid, 2-methyl-, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluorooctyl ester.
4089–58–1	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-[1,1,2,2-tetrafluoro-2-(fluorosulfonyl)ethoxy]propoxy]-.
4151–50–2	1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-.
4980–53–4	2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-nonacosafluorohexadecyl ester.
6014–75–1	2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluorotetradecyl ester.
6130–43–4	Heptanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,7-tridecafluoro-, ammonium salt (1:1).
6588–63–2	Cyclohexanecarbonyl fluoride, 1,2,2,3,3,4,4,5,5,6,6-undecafluoro-.
10493–43–3	Ethene, 1,1,2-trifluoro-2-(1,1,2,2,2-pentafluoroethoxy)-.
13252–13–6	Propanoic acid, 2,3,3,3-tetrafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)-.
13429–24–8	1-Propene, 1,1,2,3,3,3-hexafluoro-, dimer.
13695–31–3	2-Propenoic acid, 2-methyl-, 2,2,3,3,4,4,4-heptafluorobutyl ester.
15290–77–4	Cyclopentane, 1,1,2,2,3,3,4-heptafluoro-.
16090–14–5	Ethanesulfonyl fluoride, 2-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2-tetrafluoro-.
16517–11–6	Octadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18,18-pentatriacontafluoro-.
17202–41–4	1-Nonanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,9-nonadecafluoro-, ammonium salt (1:1).
17527–29–6	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl ester.
17631–68–4	Europium, tris(6,6,7,7,8,8,8-heptafluoro-2,2-dimethyl-3,5-octanedionato-.kappa.O3,.kappa.O5)-.
17741–60–5	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluorododecyl ester.
17978–77–7	Praseodymium, tris(6,6,7,7,8,8,8-heptafluoro-2,2-dimethyl-3,5-octanedionato-.kappa.O3,.kappa.O5)-.
18599–20–7	Butane, 1,4-dibromo-1,1,2,2-tetrafluoro-.
18599–22–9	1-Butene, 4-bromo-3,3,4,4-tetrafluoro-.
19430–93–4	1-Hexene, 3,3,4,4,5,5,6,6,6-nonafluoro-.
21615–47–4	Hexanoic acid, 2,2,3,3,4,4,5,5,6,6,6-undecafluoro-, ammonium salt (1:1).
21652–58–4	1-Decene, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-.
24448–09–7	1-Octanesulfonamide, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-(2-hydroxyethyl)-N-methyl-.
25268–77–3	2-Propenoic acid, 2-[[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]methylamino]ethyl ester.
25291–17–2	1-Octene, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-.
25398–32–7	Ethene, 1,1,2,2-tetrafluoro-, telomer with 1,1,1,2,2-pentafluoro-2-iodoethane.
26650–09–9	Thiocyanic acid, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl ester.
26654–97–7	Ethanesulfonyl fluoride, 2-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2-tetrafluoro-, polymer with 1,1,2,2-tetrafluoroethene.
26655–00–5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]-, polymer with 1,1,2,2-tetrafluoroethene.
26738–51–2	3,6,9,12-Tetraoxapentadecane, 1,1,1,2,4,4,5,7,7,8,10,10,11,13,13,14,14,15,15,15-eicosafluoro-5,8,11-tris(trifluoromethyl)-.
27619–88–1	1-Hexanesulfonyl chloride, 3,3,4,4,5,5,6,6,6-nonafluoro-.
27619–89–2	1-Octanesulfonyl chloride, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-.
27619–90–5	1-Decanesulfonyl chloride, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluoro-.
27619–91–6	1-Dodecanesulfonyl chloride, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluoro-.
27619–97–2	1-Octanesulfonic acid, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-.
27905–45–9	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl ester.
29081–56–9	1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, ammonium salt (1:1).
29117–08–6	Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
29420–49–3	1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-, potassium salt (1:1).
29457–72–5	1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, lithium salt (1:1).
29809–34–5	Eicosane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18,19,19,20,20-hentetracontafluoro-20-iodo-.
29809–35–6	Octadecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18-heptatriacontafluoro-18-iodo-.
30046–31–2	Tetradecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12-pentacosafluoro-14-iodo-.

CASRN	Chemical name
31175–20–9	Ethanesulfonic acid, 2-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2-tetrafluoro-, polymer with 1,1,2,2-tetrafluoroethene.
31506–32–8	1-Octanesulfonamide, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-methyl-.
34362–49–7	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-nonacosafluorohexadecyl ester.
34395–24–9	2-Propenoic acid, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluorotetradecyl ester.
34454–97–2	1-Butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-N-(2-hydroxyethyl)-N-methyl-.
34455–29–3	1-Propanaminium, N-(carboxymethyl)-N,N-dimethyl-3-[[(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)sulfonyl]amino]-, inner salt.
34788–82–4	Europium, tris[3-[2,2,3,3,4,4,4-heptafluoro-1-(oxo-.kappa.O)butyl]-1,7,7-trimethylbicyclo[2.2.1]heptan-2-onato-.kappa.O]-.
35397–13–8	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]-, polymer with 1-chloro-1,2,2-trifluoroethene and ethene.
37338–48–0	Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
37486–69–4	3,6,9,12,15-Pentaoxaoctadecane, 1,1,1,2,4,4,5,7,7,8,10,10,11,13,13,14,16,16,17,17,18,18,18-tricosafluoro-5,8,11,14-tetrakis(trifluoromethyl)-.
38006–74–5	1-Propanaminium, 3-[[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]-N,N,N-trimethyl-, chloride (1:1).
38565–52–5	Oxirane, 2-(2,2,3,3,4,4,5,5,6,6,7,7,7-tridecafluoroheptyl)-.
39239–77–5	1-Tetradecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluoro-.
42532–60–5	Propanenitrile, 2,3,3,3-tetrafluoro-2-(trifluoromethyl)-.
51851–37–7	Silane, triethoxy(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)-.
52166–82–2	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]-, chloride (1:1).
52591–27–2	2-Propenoic acid, 3,3,4,4,5,5,6,6,6-nonafluorohexyl ester.
53518–00–6	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]-, chloride (1:1).
54950–05–9	Butanedioic acid, 2-sulfo-, 1,4-bis(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl) ester, sodium salt (1:1).
55716–11–5	Morpholine, 2,2,3,3,5,5,6,6-octafluoro-4-(1,1,2,2,2-pentafluoroethyl)-.
55910–10–6	Glycine, N-[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]-N-propyl-, potassium salt (1:1).
56372–23–7	Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
56467–05–1	Poly(oxy-1,2-ethanediyl), .alpha.-(tridecafluorohexyl)-.omega.-hydroxy-.
56773–42–3	Ethanaminium, N,N,N-triethyl-, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-1-octanesulfonate (1:1).
57570–64–6	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with 1,1-difluoroethene, 1,1,2,2-tetrafluoroethene and 1,1,2-trifluoro-2-(trifluoromethoxy)ethene.
58194–00–6	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-[1,1,2,2,3,3-hexafluoro-3-(trifluoromethoxy)propoxy]-.
59071–10–2	2-Propenoic acid, 2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl ester.
60164–51–4	Poly[oxy[trifluoro(trifluoromethyl)-1,2-ethanediyl]], .alpha.-(1,1,2,2,2-pentafluoroethyl)-.omega.-[tetrafluoro(trifluoromethyl)ethoxy]-.
60270–55–5	1-Heptanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-, potassium salt (1:1).
60699–51–6	1-Hexadecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-nonacosafluoro-.
61660–12–6	1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-[3-(trimethoxysilyl)propyl]-.
61798–68–3	Pyridinium, 1-(3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl)-, 4-methylbenzenesulfonate (1:1).
62037–80–3	Propanoic acid, 2,3,3,3-tetrafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)-, ammonium salt (1:1).
63654–41–1	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]propane and 1,1,2,2-tetrafluoroethene.
63863–43–4	Propanoic acid, 3-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-2,2,3,3-tetrafluoro-, methyl ester.
63863–44–5	Propanoic acid, 3-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-2,2,3,3-tetrafluoro-, methyl ester, polymer with 1,1,2,2-tetrafluoroethene.
65059–79–2	1-Butene, 4-bromo-3,3,4,4-tetrafluoro-, polymer with 1,1-difluoroethene, 1,1,2,2-tetrafluoroethene and 1,1,2-trifluoro-2-(trifluoromethoxy)ethene.
65104–45–2	2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluorododecyl ester, polymer with 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluorotetradecyl 2-methyl-2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl 2-methyl-2-propenoate.
65104–65–6	1-Eicosanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18,19,19,20,20,20-heptatriacontafluoro-.
65104–67–8	1-Octadecanol, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,17,17,18,18,18-tritriacontafluoro-.
65510–55–6	Hexadecane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14-nonacosafluoro-16-iodo-.
65530–59–8	Poly(difluoromethylene), .alpha.-fluoro-.omega.-(2-hydroxyethyl)-, 2-hydroxy-1,2,3-propanetricarboxylate (3:1).
65530–61–2	Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]-.
65530–62–3	Poly(difluoromethylene), .alpha.,.alpha.′-[phosphinicobis(oxy-2,1-ethanediyl)]bis[.omega.-fluoro-.
65530–63–4	Ethanol, 2,2′-iminobis-, compd. with .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]poly(difluoromethylene) (2:1).
65530–64–5	Ethanol, 2,2′-iminobis-, compd. with .alpha.,.alpha.′-[phosphinicobis(oxy-2,1-ethanediyl)]bis[.omega.-fluoropoly(difluoromethylene)] (1:1).
65530–65–6	Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-[(1-oxooctadecyl)oxy]ethyl]-.
65530–66–7	Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl]-.
65530–69–0	Poly(difluoromethylene), .alpha.-[2-[(2-carboxyethyl)thio]ethyl]-.omega.-fluoro-, lithium salt (1:1).
65530–70–3	Poly(difluoromethylene), .alpha.,.alpha.′-[phosphinicobis(oxy-2,1-ethanediyl)]bis[.omega.-fluoro-, ammonium salt (1:1).
65530–71–4	Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]-, ammonium salt (1:1).
65530–72–5	Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]-, ammonium salt (1:2).
65530–74–7	Ethanol, 2,2′-iminobis-, compd. with .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]poly(difluoromethylene) (1:1).
65530–82–7	Poly(difluoromethylene), .alpha.,.omega.-difluoro-.
65530–83–8	Poly(difluoromethylene), .alpha.-[2-[(2-carboxyethyl)thio]ethyl]-.omega.-fluoro-.
65530–85–0	Poly(difluoromethylene), .alpha.-(cyclohexylmethyl)-.omega.-hydro-.
65545–80–4	Poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, ether with .alpha.-fluoro-.omega.-(2-hydroxyethyl)poly(difluoromethylene) (1:1).
65605–56–3	Poly(difluoromethylene), .alpha.-fluoro-.omega.-(2-hydroxyethyl)-, dihydrogen 2-hydroxy-1,2,3-propanetricarboxylate.
65605–57–4	Poly(difluoromethylene), .alpha.-fluoro-.omega.-(2-hydroxyethyl)-, hydrogen 2-hydroxy-1,2,3-propanetricarboxylate.

CASRN	Chemical name
65605–58–5	2-Propenoic acid, 2-methyl-, dodecyl ester, polymer with .alpha.-fluoro-.omega.-[2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl]poly(difluoromethylene).
65605–59–6	2-Propenoic acid, 2-methyl-, dodecyl ester, polymer with .alpha.-fluoro-.omega.-[2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl]poly(difluoromethylene) and N-(hydroxymethyl)-2-propenamide.
65605–73–4	Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-[(1-oxo-2-propen-1-yl)oxy]ethyl]-, homopolymer.
65636–35–3	Ethanaminium, N,N-diethyl-N-methyl-2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]-, methyl sulfate (1:1), polymer with 2-ethylhexyl 2-methyl-2-propenoate, .alpha.-fluoro-.omega.-[2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl]poly(difluoromethylene), 2-hydroxyethyl 2-methyl-2-propenoate and N-(hydroxymethyl)-2-propenamide.
67584–42–3	Cyclohexanesulfonic acid, decafluoro(pentafluoroethyl)-, potassium salt (1:1).
67584–51–4	Glycine, N-ethyl-N-[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]-, potassium salt (1:1).
67584–52–5	Glycine, N-ethyl-N-[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]-, potassium salt (1:1).
67584–53–6	Glycine, N-ethyl-N-[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]-, potassium salt (1:1).
67584–55–8	2-Propenoic acid, 2-[methyl[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]ethyl ester.
67584–56–9	2-Propenoic acid, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]ethyl ester.
67584–57–0	2-Propenoic acid, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]ethyl ester.
67584–58–1	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]-, iodide (1:1).
67584–59–2	2-Propenoic acid, 2-methyl-, 2-[methyl[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]ethyl ester.
67584–62–7	Glycine, N-ethyl-N-[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]-, potassium salt (1:1).
67905–19–5	Hexadecanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,15,15,16,16,16-hentriacontafluoro-.
67906–42–7	1-Decanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heneicosafluoro-, ammonium salt (1:1).
67939–95–1	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]-, iodide (1:1).
67969–69–1	1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-[2-(phosphonooxy)ethyl]-, ammonium salt (1:2).
68084–62–8	2-Propenoic acid, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl ester.
68140–18–1	Thiols, C4-10, .gamma.-.omega.-perfluoro.
68140–20–5	Thiols, C6-12, .gamma.-.omega.-perfluoro.
68140–21–6	Thiols, C10-20, .gamma.-.omega.-perfluoro.
68141–02–6	Octanoic acid, 2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-pentadecafluoro-, chromium(3+) salt (3:1).
68156–01–4	Cyclohexanesulfonic acid, nonafluorobis(trifluoromethyl)-, potassium salt (1:1).
68156–07–0	Cyclohexanesulfonic acid, decafluoro(trifluoromethyl)-, potassium salt (1:1).
68182–34–3	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with 1,1-difluoroethene, 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]propane and 1,1,2,2-tetrafluoroethene.
68187–25–7	Butanoic acid, 4-[[3-(dimethylamino)propyl]amino]-4-oxo-, 2(or 3)-[(.gamma.-.omega.-perfluoro-C6-20-alkyl)thio] derivs.
68187–47–3	1-Propanesulfonic acid, 2-methyl-, 2-[[1-oxo-3-[(.gamma.-.omega.-perfluoro-C4-16-alkyl)thio]propyl]amino] derivs., sodium salts.
68188–12–5	Alkyl iodides, C4-20, .gamma.-.omega.-perfluoro.
68227–96–3	2-Propenoic acid, butyl ester, telomer with 2-[[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]methylamino]ethyl 2-propenoate, 2-[methyl[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]ethyl 2-propenoate, .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-hydroxypoly(oxy-1,4-butanediyl), .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-[(2-methyl-1-oxo-2-propen-1-yl)oxy]poly(oxy-1,4-butanediyl), 2-[methyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl 2-propenoate, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]ethyl 2-propenoate, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]ethyl 2-propenoate and 1-octanethiol.
68239–43–0	2-Propenoic acid, 2-methyl-, 2-ethylhexyl ester, polymer with .alpha.-fluoro-.omega.-[2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl]poly(difluoromethylene), 2-hydroxyethyl 2-methyl-2-propenoate and N-(hydroxymethyl)-2-propenamide.
68258–85–5	1-Hexene, 3,3,4,4,5,5,6,6,6-nonafluoro-, polymer with ethene and 1,1,2,2-tetrafluoroethene.
68259–07–4	1-Heptanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-, ammonium salt (1:1).
68259–08–5	1-Hexanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluoro-, ammonium salt (1:1).
68259–09–6	1-Pentanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,5-undecafluoro-, ammonium salt (1:1).
68259–10–9	1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-, ammonium salt (1:1).
68259–11–0	Pentanoic acid, 2,2,3,3,4,4,5,5,5-nonafluoro-, ammonium salt (1:1).
68259–38–1	Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
68259–39–2	Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
68298–12–4	1-Butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-N-methyl-.
68298–62–4	2-Propenoic acid, 2-[butyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl ester, telomer with 2-[butyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl 2-propenoate, 2-methyloxirane polymer with oxirane di-2-propenoate, 2-methyloxirane polymer with oxirane mono-2-propenoate and 1-octanethiol.
68298–79–3	Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
68298–80–6	Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
68298–81–7	Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
68310–17–8	Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
68310–18–9	Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]ethyl]-.omega.-hydroxy-.
68391–08–2	Alcohols, C8-14, .gamma.-.omega.-perfluoro.
68412–68–0	Phosphonic acid, perfluoro-C6-12-alkyl derivs.
68412–69–1	Phosphinic acid, bis(perfluoro-C6-12-alkyl) derivs.
68515–62–8	1,4-Benzenedicarboxylic acid, dimethyl ester, reaction products with bis(2-hydroxyethyl) terephthalate, ethylene glycol, .alpha.-fluoro-.omega.-(2-hydroxyethyl)poly(difluoromethylene), hexakis(methoxymethyl)melamine and polyethylene glycol.
68555–74–8	1-Pentanesulfonamide, 1,1,2,2,3,3,4,4,5,5,5-undecafluoro-N-(2-hydroxyethyl)-N-methyl-.
68555–75–9	1-Hexanesulfonamide, 1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluoro-N-(2-hydroxyethyl)-N-methyl-.
68555–76–0	1-Heptanesulfonamide, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-N-(2-hydroxyethyl)-N-methyl-.
68555–77–1	1-Butanesulfonamide, N-[3-(dimethylamino)propyl]-1,1,2,2,3,3,4,4,4-nonafluoro-.

CASRN	Chemical name
68555–81–7	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]-, chloride (1:1).
68555–91–9	2-Propenoic acid, 2-methyl-, 2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl ester, polymer with 2-[ethyl[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]ethyl 2-methyl-2-propenoate, 2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl 2-methyl-2-propenoate, 2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]ethyl 2-methyl-2-propenoate, 2-[ethyl[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]ethyl 2-methyl-2-propenoate and octadecyl 2-methyl-2-propenoate.
68758–57–6	1-Tetradecanesulfonyl chloride, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluoro-.
68867–60–7	2-Propenoic acid, 2-[[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]methylamino]ethyl ester, polymer with 2-[methyl[(1,1,2,2,3,3,4,4,4-nonafluorobutyl)sulfonyl]amino]ethyl 2-propenoate, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl 2-propenoate, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]ethyl 2-propenoate, 2-[methyl[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]ethyl 2-propenoate and .alpha.-(1-oxo-2-propen-1-yl)-.omega.-methoxypoly(oxy-1,2-ethanediyl).
68891–05–4	Ethene, tetrafluoro-, homopolymer, .alpha.-fluoro-.omega.-(2-hydroxyethyl)-, citrate, reaction products with 1,6-diisocyanatohexane.
68957–55–1	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]-, chloride (1:1).
68957–57–3	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,5,5,5-undecafluoropentyl)sulfonyl]amino]-, iodide (1:1).
68957–58–4	1-Propanaminium, N,N,N-trimethyl-3-[[(1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluorohexyl)sulfonyl]amino]-, iodide (1:1).
68957–62–0	1-Heptanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-.
68958–60–1	Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoroheptyl)sulfonyl]amino]ethyl]-.omega.-methoxy-.
68958–61–2	Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluorooctyl)sulfonyl]amino]ethyl]-.omega.-methoxy-.
69087–47–4	Propanoic acid, 3-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-2,2,3,3-tetrafluoro-, polymer with 1,1,2,2-tetrafluoroethene.
69116–73–0	Propanoic acid, 3-[1-[difluoro[1,2,2,2-tetrafluoro-1-(fluorocarbonyl)ethoxy]methyl]-1,2,2,2-tetrafluoroethoxy]-2,2,3,3-tetrafluoro-, methyl ester.
69804–19–9	Propanenitrile, 3-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-2,2,3,3-tetrafluoro-.
69991–61–3	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd..
69991–62–4	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd., reduced.
69991–67–9	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymd.
70225–14–8	1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, compd. with 2,2′-iminobis[ethanol] (1:1).
70225–15–9	1-Heptanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-, compd. with 2,2′-iminobis[ethanol] (1:1).
70225–16–0	1-Hexanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluoro-, compd. with 2,2′-iminobis[ethanol] (1:1).
70225–17–1	1-Pentanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,5-undecafluoro-, compd. with 2,2′-iminobis[ethanol] (1:1).
70225–18–2	1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-, compd. with 2,2′-iminobis[ethanol] (1:1).
70969–47–0	Thiols, C8-20, .gamma.-.omega.-perfluoro, telomers with acrylamide.
70983–59–4	Poly(oxy-1,2-ethanediyl), .alpha.-methyl-.omega.-hydroxy-, 2-hydroxy-3-[(.gamma.-.omega.-perfluoro-C6-20-alkyl)thio]propyl ethers.
70983–60–7	1-Propanaminium, 2-hydroxy-N,N,N-trimethyl-, 3-[(.gamma.-.omega.-perfluoro-C6-20-alkyl)thio] derivs., chlorides.
71608–60–1	Pentanoic acid, 4,4-bis[(.gamma.-.omega.-perfluoro-C8-20-alkyl)thio] derivs.
71832–66–1	Propanenitrile, 3-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-2,2,3,3-tetrafluoro-, polymer with 1,1,2,2-tetrafluoroethene and 1,1,2-trifluoro-2-(trifluoromethoxy)ethene.
72623–77–9	Fatty acids, C6-18, perfluoro, ammonium salts.
72968–38–8	Fatty acids, C7-13, perfluoro, ammonium salts.
74398–72–4	1-Butene, 4-bromo-3,3,4,4-tetrafluoro-, polymer with 1,1-difluoroethene, 1,1,2,3,3,3-hexafluoro-1-propene and 1,1,2,2-tetrafluoroethene.
74499–44–8	Phosphoric acid, .gamma.-.omega.-perfluoro-C8-16-alkyl esters, compds. with diethanolamine.
74499–68–6	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]-, polymer with 1,1-difluoroethene and 1,1,2,2-tetrafluoroethene.
74499–71–1	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with ethene, 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]propane and 1,1,2,2-tetrafluoroethene.
78560–44–8	Silane, trichloro(3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl)-.
79070–11–4	Poly(difluoromethylene), .alpha.-chloro-.omega.-(2,2-dichloro-1,1,2-trifluoroethyl)-.
80010–37–3	Poly(difluoromethylene), .alpha.-fluoro-.omega.-(2-sulfoethyl)-.
83048–65–1	Silane, (3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl)trimethoxy-.
86508–42–1	Perfluoro compounds, C5-18.
88645–29–8	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd., reduced, Me esters, reduced.
95144–12–0	Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]-, ammonium salt (1:?).
97553–95–2	Thiocyanic acid, .gamma.-.omega.-perfluoro-C4-20-alkyl esters.
97659–47–7	Alkenes, C8-14 .alpha.-, .delta.-.omega.-perfluoro.
101316–90–9	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd., reduced, Me esters, reduced, acrylates.
118400–71–8	Disulfides, bis(.gamma.-.omega.-perfluoro-C6-20-alkyl).
123171–68–6	Poly(difluoromethylene), .alpha.-[2-(acetyloxy)-3-[(carboxymethyl)dimethylammonio]propyl]-.omega.-fluoro-, inner salt.
125061–94–1	Naphthalene, [difluoro(1,2,2,3,3,4,4,5,5,6,6–undecafluorocyclohexyl)methyl]heptadecafluorodecahydro-.
125476–71–3	Silicic acid (H4SiO4), sodium salt (1:2), reaction products with chlorotrimethylsilane and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10–heptadecafluoro-1-decanol.
126066–30–6	Poly[oxy[trifluoro(trifluoromethyl)–1,2-ethanediyl]], .alpha.-[1,2,2,2-tetrafluoro-1-(hydroxymethyl)ethyl]-.omega.-[tetrafluoro(trifluoromethyl)ethoxy]-.
132182–92–4	Pentane, 1,1,1,2,2,3,4,5,5,5–decafluoro-3-methoxy-4-(trifluoromethyl)-.
132843–44–8	Ethanesulfonamide, 1,1,2,2,2–pentafluoro-N-[(1,1,2,2,2-pentafluoroethyl)sulfonyl]-, lithium salt (1:1).
134035–61–3	Poly[oxy[trifluoro(trifluoromethyl)–1,2-ethanediyl]], .alpha.-[1,2,2,2-tetrafluoro-1-(methoxycarbonyl)ethyl]-.omega.-[tetrafluoro(trifluoromethyl)ethoxy]-.
135228–60–3	Hexane, 1,6-diisocyanato-, homopolymer, .gamma.-.omega.-perfluoro-C6-20-alc.-blocked.
138495–42–8	Pentane, 1,1,1,2,2,3,4,5,5,5–decafluoro-.

CASRN	Chemical name
142636–88–2	2–Propenoic acid, 2-methyl-, octadecyl ester, polymer with 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,12-heneicosafluorododecyl 2-propenoate, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl 2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,11,11,12,12,13,13,14,14,14-pentacosafluorotetradecyl 2-propenoate.
143372–54–7	Siloxanes and Silicones, (3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10–heptadecafluorodecyl)oxy Me, hydroxy Me, Me octyl, ethers with polyethylene glycol mono-Me ether.
147545–41–3	1-Butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-N-(2-hydroxyethyl)-N-methyl-, phosphate (ester).
148240–85–1	1,3–Propanediol, 2,2-bis[[(.gamma.-.omega.-perfluoro-C4-10-alkyl)thio]methyl] derivs., phosphates, ammonium salts.
148240–87–3	1,3–Propanediol, 2,2-bis[[(.gamma.-.omega.-perfluoro-C6-12-alkyl)thio]methyl] derivs., phosphates, ammonium salts.
148240–89–5	1,3–Propanediol, 2,2-bis[[(.gamma.-.omega.-perfluoro-C10-20-alkyl)thio]methyl] derivs., phosphates, ammonium salts.
149935–01–3	1–Propene, 1,1,2,3,3,3-hexafluoro-, polymer with 1,1-difluoroethene, ethene, 1,1,2,2-tetrafluoroethene and 1,1,2-trifluoro-2-(trifluoromethoxy)ethene.
150135–57–2	2–Propenoic acid, 2-methyl-, 2-(dimethylamino)ethyl ester, polymers with Bu acrylate, .gamma.-.omega.-perfluoro-C8-14-alkyl acrylate and polyethylene glycol monomethacrylate, 2,2′-(1,2-diazenediyl)bis[2,4-dimethylpentanenitrile]-initiated.
156559–18–1	2–Oxiranemethanol, polymers with reduced Me esters of reduced polymd. oxidized tetrafluoroethylene.
161075–12–3	Ethene, tetrafluoro-, oxidized, polymd., reduced, Me esters.
162492–15–1	Ethene, 1,1,2,2–tetrafluoro-, oxidized, polymd., reduced, Me esters, reduced, ethoxylated.
163702–05–4	Butane, 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluoro-.
163702–06–5	Propane, 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoro-.
163702–07–6	Butane, 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-.
163702–08–7	Propane, 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoro-.
165178–32–5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(1,2,2-trifluoroethenyl)oxy]-, polymer with 1,1,2,2-tetrafluoroethene and 1,1,2-trifluoro-2-(trifluoromethoxy)ethene.
177484–43–4	Propanenitrile, 2,3,3,3-tetrafluoro-2-[1,1,2,2,3,3-hexafluoro-3-[(1,2,2-trifluoroethenyl)oxy]propoxy]-, polymer with 1,1,2,2-tetrafluoroethene and 1,1,2-trifluoro-2-(trifluoromethoxy)ethene.
178094–69–4	1-Octanesulfonamide, N-[3-(dimethyloxidoamino)propyl]-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, potassium salt (1:1).
178535–23–4	Fatty acids, linseed-oil, .gamma.-.omega.-perfluoro-C8-14-alkyl esters.
180582–79–0	Sulfonic acids, C6-12-alkane, .gamma.-.omega.-perfluoro, ammonium salts.
182176–52–9	Ethaneperoxoic acid, reaction products with 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl thiocyanate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl thiocyanate.
185701–88–6	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)propoxy]-, polymer with 2,2,3-trifluoro-3-(trifluoromethyl)oxirane, reaction products with 3-(ethenyldimethylsilyl)-N-methylbenzenamine.
196316–34–4	2-Propenoic acid, 2-methyl-, 2-(dimethylamino)ethyl ester, polymers with .gamma.-.omega.-perfluoro-C10-16-alkyl acrylate and vinyl acetate, acetates.
200013–65–6	Diphosphoric acid, polymers with ethoxylated reduced Me esters of reduced polymd. oxidized tetrafluoroethylene.
200513–42–4	2-Propenoic acid, 2-methyl-, polymer with butyl 2-methyl-2-propenoate, 3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl 2-propenoate, 2-hydroxyethyl 2-methyl-2-propenoate and methyl 2-methyl-2-propenoate.
212335–64–3	2-Propenoic acid, reaction products with N-[3-(dimethylamino)propyl]-1,1,2,2,3,3,4,4,4-nonafluoro-1-butanesulfonamide.
220075–01–4	Propanedioic acid, 2-(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)-, 1,3-dimethyl ester.
220182–27–4	1-Propene, 1,1,2,3,3,3-hexafluoro-, telomer with chlorotrifluoroethene, oxidized, reduced, Et ester, hydrolyzed.
220459–70–1	Glycine, N,N-bis[2-hydroxy-3-(2-propen-1-yloxy)propyl]-, sodium salt (1:1), reaction products with ammonium hydroxide and 1,1,1,2,2-pentafluoro-2-iodoethane-tetrafluoroethylene telomer.
220689–12–3	Phosphonium, tetrabutyl-, 1,1,2,2,3,3,4,4,4-nonafluoro-1-butanesulfonate (1:1).
226409–30–9	Propanedioic acid, 2-(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)-, 1,3-bis[4-(ethenyloxy)butyl] ester.
238420–68–3	Propanedioic acid, mono(.gamma.-.omega.-perfluoro-C8-12-alkyl) derivs., di-me esters.
238420–80–9	Propanedioic acid, mono(.gamma.-.omega.-perfluoro-C8-12-alkyl) derivs., bis[4-(ethenyloxy)butyl] esters.
274917–93–0	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C3 fraction.
274917–94–1	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C4 fraction.
274917–95–2	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C5 fraction.
274917–96–3	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C6 fraction.
274917–97–4	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C7 fraction.
274918–01–3	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C8 fraction.
274918–02–4	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C9 fraction.
274918–03–5	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C10 fraction.
274918–09–1	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C11 fraction.
274918–10–4	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C12 fraction.
274918–12–6	Ethene, tetrafluoro-, oxidized, polymd., reduced, decarboxylated, C13 fraction.
297730–93–9	Hexane, 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)-.
328389–90–8	1,2-Propanediol, 3-(diethylamino)-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, propylene glycol and reduced Me esters of reduced polymd. oxidized tetrafluoroethylene, 2-ethyl-1-hexanol-blocked, acetates (salts).
332350–90–0	Phosphonium, tributyl(2-methoxypropyl)-, salt with 1,1,2,2,3,3,4,4,4-nonafluoro-N-methyl-1-butanesulfonamide (1:1).
332350–93–3	Phosphonium, triphenyl(phenylmethyl)-, salt with 1,1,2,2,3,3,4,4,4-nonafluoro-N-methyl-1-butanesulfonamide (1:1).
421595–49–5	2-Propenoic acid, 2-hydroxyethyl ester, adduct with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane (1:1), reaction products with ethoxylated reduced Me esters of reduced polymd. oxidized tetrafluoroethylene.
449177–94–0	Oxetane, 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]-.
452080–67–0	Boron, trifluoro(tetrahydrofuran)-, (T-4)-, polymer with 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane, ether with 2,2-dimethyl-1,3-propanediol (2:1), bis(hydrogen sulfate), diammonium salt.
475678–78–5	Oxetane, 3-methyl-3-[[(3,3,4,4,5,5,6,6,6-nonafluorohexyl)oxy]methyl]-.
484024–67–1	1-Butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-N-(2-hydroxyethyl)-, ammonium salt (1:1).
502164–17–2	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd., reduced, Et esters.
753501–40–5	Boron, trifluoro(tetrahydrofuran)-, (T-4)-, polymer with 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane, ether with 2,2-dimethyl-1,3-propanediol (2:1).
753501–43–8	Boron, trifluoro(tetrahydrofuran)-, (T-4)-, polymer with .alpha.-hydro-.omega.-hydroxypoly(oxy-1,2-ethanediyl) and 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane.

CASRN	Chemical name
864910–70–3	Boron, trifluoro(tetrahydrofuran)-, (T-4)-, polymer with 2-methyloxirane, 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane, oxirane and tetrahydrofuran.
874290–13–8	Ethene, 1-[difluoro(trifluoromethoxy)methoxy]-1,2,2-trifluoro-, polymer with 1,1-difluoroethene.
878545–84–7	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with 1,1,2,2-tetrafluoroethene, 1,1,2-trifluoro-2-(1,1,2,2,2-pentafluoroethoxy)ethene and 1,1,2-trifluoro-2-(trifluoromethoxy)ethene.
957209–18–6	Furan, 2,3,3,4,4-pentafluorotetrahydro-5-methoxy-2,5-bis[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-.
1029089–63–1 ..	Boron, trifluoro(tetrahydrofuran)-, (T-4)-, polymer with 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane, ether with 2,2-dimethyl-1,3-propanediol (2:1), polymer with .alpha.-hydro-.omega.-hydroxypoly(oxy-1,2-ethanediyl) and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane.
1033385–42–0 ..	Poly[oxy[trifluoro(trifluoromethyl)-1,2-ethanediyl]], .alpha.-[1,2,2,2-tetrafluoro-1-[[(2-hydroxyethyl)amino]carbonyl]ethyl]-.omega.-[tetrafluoro(trifluoromethyl)ethoxy]-, ether with .alpha.-hydro-.omega.-hydroxypoly(oxy-1,2-ethanediyl) (2:1).
1078142–10–5 ..	1,3-Propanediol, 2,2-bis[[(.gamma.-.omega.-perfluoro-C6-12-alkyl)thio]methyl] derivs., polymers with 2,2-bis[[(.gamma.-.omega.-perfluoro-C10-20-alkyl)thio]methyl]-1,3-propanediol, 1,6-diisocyanato-2,2,4(or 2,4,4)-trimethylhexane, 2-heptyl-3,4-bis(9-isocyanatononyl)-1-pentylcyclohexane and 2,2′-(methylimino)bis[ethanol].
1078712–88–5 ..	Thiols, C4-20, .gamma.-.omega.-perfluoro, telomers with acrylamide and acrylic acid, sodium salts.
1078715–61–3 ..	1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-[2-[(.gamma.-.omega.-perfluoro-C4-20-alkyl)thio]acetyl] derivs., inner salts.
1092822–31–5 ..	2-Propenoic acid, 2-methyl-, dodecyl ester, polymer with 2-hydroxyethyl 2-propenoate, .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-methoxypoly(oxy-1,2-ethanediyl) and 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane polymer with tetrahydrofuran mono[[(1-oxo-2-propen-1-yl)oxy]ethyl] ether.
1214752–87–0 ..	Borate(1-), tetrahydro-, sodium (1:1), reaction products with reduced polymd. oxidized tetrafluoroethylene, hydrolyzed, diallyl ethers, polymers with 2,4,6,8-tetramethylcyclotetrasiloxane, Si-(8,13-dioxo-4,7,12-trioxa-9-azapentadec-14-en-1-yl) derivs..
1215851–50–5 ..	Sulfonium, [1,1′-biphenyl]-4-yl[4-([1,1′-biphenyl]-4-ylthio)phenyl]phenyl-, (OC-6-21)-trifluorotris(1,1,2,2,2-pentafluoroethyl)phosphate(1-) (1:1).
1224429–82–6 ..	Phosphoric acid, mixed esters with polyethylene glycol and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-1-octanol, ammonium salts.
1269217–82–4 ..	Thieno[3,4-b]thiophene, homopolymer, 2-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2-tetrafluoroethanesulfonic acid-tetrafluoroethylene polymer-doped.
1279108–20–1 ..	Hexane, 1,6-diisocyanato-, homopolymer, .alpha.-[1-[[[3-[[3-(dimethylamino)propyl]amino]propyl]amino]carbonyl]-1,2,2,2-tetrafluoroethyl]-.omega.-(1,1,2,2,3,3,3-heptafluoropropoxy)poly[oxy[trifluoro(trifluoromethyl)-1,2-ethanediyl]]-blocked.
1378928–76–7 ..	Ethanesulfonyl fluoride, 2-[1-[difluoro][(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2-tetrafluoro-, polymer with 1,1,2,2-tetrafluoroethene, hydrolyzed, potassium salts.
1378930–04–1 ..	Ethanesulfonyl fluoride, 2-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2-tetrafluoro-, polymer with 1,1,2,2-tetrafluoroethene, hydrolyzed.
1378930–30–3 ..	Propanoic acid, 3-[1-[difluoro[(1,2,2-trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-2,2,3,3-tetrafluoro-, methyl ester, polymer with 1,1,2,2-tetrafluoroethene, hydrolyzed, potassium salts.
1564254–27–8 ..	Ethene, 1,1,2,2-tetrafluoro-, oxidized, polymd., reduced, Me esters, reduced, N-(3-isocyanatomethylphenyl)carbamates.
1627515–87–0 ..	Hexanedioic acid, polymers with 1,3-butanediol, 1,4-butanediol, di-Et malonate, 1,6-diisocyanatohexane, ethoxylated reduced Me esters of reduced polymd. oxidized tetrafluoroethylene, 1,6-hexanediol, 1,1′-methylenebis[isocyanatobenzene], propylene glycol and tripropylene glycol.
1687740–67–5 ..	Ethanesulfonyl fluoride, 1,1,2,2-tetrafluoro-2-[(1,2,2-trifluoroethenyl)oxy]-, polymer with 1,1,2,2-tetrafluoroethene, hydrolyzed, lithium salts.
1708962–18–8 ..	Methanol, reaction products with 1,1,1,2,2,3,4,5,5,6,6,7,7,7-tetradecafluoro-3-heptene.
1708962–19–9 ..	Methanol, reaction products with 1,1,1,2,3,4,4,5,5,6,6,7,7,7-tetradecafluoro-2-heptene.
1807944–82–6 ..	1-Octanesulfonic acid, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-, barium salt (2:1).

(b) Examples of PFAS by TSCA Accession Number.

TSCA accession No.	Chemical name
44305	Perfluoroalkyl ethanol and methyl alcohol adducts of toluene diisocyanate.
46641	Siloxanes and silicones, dimethyl, methylfluoroalkyl (PROVISIONAL).
60710	Modified ethylene-tetrafluoro ethylene copolymer (PROVISIONAL).
62625	Disubstituted tetrafluoroalkane.
67993	Substituted tetrafluoroalkene.
68101	Disubstituted tetrafluoroalkane.
70907	Perfluoroalkyl acrylate copolymer latex (PROVISIONAL).
71217	Polyfluoroalkyl betaine (PROVISIONAL).
71273	Fluorinated alkyl silane (PROVISIONAL).
73940	2-Oxepanone, polymer with n-decanol and heptadecafluorodecanol, reaction product with benzene, diisocyanatomethyl (PROVISIONAL).
74465	Fluoroalkylsiloxane hydrolyzate (PROVISIONAL).
82623	Perfluoroalkyl polyether (PROVISIONAL).
87639	Fluoro elastomer (PROVISIONAL).
89419	Modified fluoroalkyl urethane (PROVISIONAL).
91748	Fluoro alkyl siloxane polymer (PROVISIONAL).
99333	Siloxanes and silicones, dimethyl, methylfluoroalkyl (PROVISIONAL).
100700	2-Propenoic acid, 2-methyl-, methyl ester, polymer with poly(difluoromethylene), .omega.-(2-((1-oxo-2-propenyl)oxy)ethyl)-(PROVISIONAL).
102659	Perfluoroelastomer (PROVISIONAL).
103129	Perfluoroalkenyltrialkylammonium salt (PROVISIONAL).

TSCA accession No.	Chemical name
104984	Fluorosiloxane polymer (PROVISIONAL).
105590	Salt of perfluoro fatty acids (PROVISIONAL).
107734	Fluorinated acrylic ester polymer (PROVISIONAL).
109649	Perfluoroelastomer (PROVISIONAL).
113758	Fluorocarbon polymer (PROVISIONAL).
114795	Copolymers of fluoroolefin and vinyl ethers (PROVISIONAL).
114831	Copolymers of fluoroolefin and vinyl ethers (PROVISIONAL).
115118	Fluorinated acrylic ester copolymer (PROVISIONAL).
115776	Reaction product of a fluorinated alcohol, epichlorohydrin, an alkyl glycol and an isocyanate (PROVISIONAL).
117727	Fluorinated substituted urethane (PROVISIONAL).
118219	Perfluoroalkylacrylate (PROVISIONAL).
118322	Perfluoroalkylsulfonamide salt (PROVISIONAL).
118708	Reaction product of a fluorinated alcohol, epichlorohydrin, a diol and an isocyanate (PROVISIONAL).
122453	Substituted perfluoroalkenyl ammonium salt (PROVISIONAL).
125601	Copolymers of fluoroolefin and vinyl ethers (PROVISIONAL).
127765	Quaternary ammonium perfluoroalkyl carboxylate (PROVISIONAL).
128677	Perfluoroalkyl ethylacrylate oligomer (PROVISIONAL).
129103	Modified perfluoropolyoxyalkane (PROVISIONAL).
131987	Fluorinated phosphate (PROVISIONAL).
132957	Polyfluoroacyl chloride (PROVISIONAL).
134748	Perfluoropolyamphiphile (PROVISIONAL).
135058	Perfluoroalkylethylacrylate copolymer (PROVISIONAL).
136415	Copolymer of fluoroolefin (PROVISIONAL).
137587	Perfluoroalkylethylacrylate copolymer (PROVISIONAL).
137667	Perfluoroalkylethylacrylate copolymer (PROVISIONAL).
137678	Fluoroelastomer (PROVISIONAL).
138648	Fluorinated acrylic copolymer (PROVISIONAL).
142008	Fluorinated polyalkyl alkoxy siloxanes (PROVISIONAL).
144582	Perfluoroalkylethyl ester (PROVISIONAL).
146282	Aromatic fluoroalkyl mixture complex.
150755	Perfluorinated alcohol (PROVISIONAL).
152137	Aryl phosphonate ester of a perfluoropolyether (PROVISIONAL).
152411	Perfluoroalkylethylacrylate copolymer (PROVISIONAL).
153209	Perfluoroalkylacrylate copolymer (PROVISIONAL).
153345	Betaines, dimethyl (polyfluoro-hydro-alkyl) (PROVISIONAL).
155567	Fluorinated silane (PROVISIONAL).
158022	Perfluoroalkylacrylate copolymer (PROVISIONAL).
159707	Fluoroelastomer (PROVISIONAL).
160339	Modified fluorinated acrylic resin (PROVISIONAL).
160680	Polyfluoro alkylether (PROVISIONAL).
163214	Fluoroethylene-vinylether copolymer (PROVISIONAL).
164148	Perfluoroalkylacrylate copolymer (PROVISIONAL).
166973	Modified perfluoropolyether salt (PROVISIONAL).
167410	Copolymer of tetrafluoroethylene and perfluoroalkoxy ethene (PROVISIONAL).
168833	Perfluoroalkylethyl amine (PROVISIONAL).
169347	Perfluoroalkylethyl ester (PROVISIONAL).
169698	Hydrofluorocarbon ethers (PROVISIONAL).
171790	Perfluoroalkylethyl acrylate copolymer (PROVISIONAL).
172851	Perfluoroalkylphosphate ammonium salt (PROVISIONAL).
174993	Poly-.beta.-fluoroalkylethyl acrylate and alkyl acrylate (PROVISIONAL).
176740	Poly-.beta.-fluoroalkylethyl acrylate and polyoxyalkyl methacrylate (PROVISIONAL).
178008	Siloxane grafted fluoroelastomer.
193578	Alkyl perfluorinated acryloyl ester (PROVISIONAL).
194662	Alkenoic acid, polymer with alkyl alkenoate, alkylalkylalkenoate, alkenoic acid and tridecafluoro alkylalkenoate, compds. with alkylaminoalcanol.
196704	Fluorinated acrylic copolymer (PROVISIONAL).
199350	Fluoroalkyl acrylate copolymer.
200818	Perfluoropolyether modified organosilane (PROVISIONAL).
204230	Polyfluoroalkyl phosphoric acid salt (PROVISIONAL).
205302	Hydrofluoroolefin polymer with 1,1-difluoroethene (PROVISIONAL).
205313	Polyfluoroacyl peroxide (PROVISIONAL).
217095	Alkylpolycarboxylic acid, derivative, tris(fluorinatedalkoxy)alkyl ester salt.
218985	Fluorinated organopolysilazane.
221637	Polyfluoroalkyl phosphoric acid salt (PROVISIONAL).
225004	Siloxanes and Silicones, alkyl, alkyl propoxy ethyl, methyl octyl, alkyl polyfluorooctyl.
227884	Fluorinated acrylate, polymer with alkyloxirane homopolymer monether with alkanediol mono(2-methyl-2-propenoate), tert-Bu 2-ethylhexaneperoxoate-initiated.
230194	Fluoropolymer (PROVISIONAL).
231255	Fluoroalkyl methacrylate copolymer.
231642	Fluoroethylene vinyl copolymer (PROVISIONAL).
231937	Perfluoroalkylethyl methacrylate copolymer (PROVISIONAL).
231993	Polyfluorinated alkyl thiol.
232269	Fluorinated ester.

TSCA accession No.	Chemical name
234050	Fluorosilicone polymer (PROVISIONAL).
234152	Alkylene diisocyanate homopolymer, reaction product with substituted polyethylene glycol, perfluoroalkyl alcohol, methyl ethyl ketoxime and perfluoroalkylene glycol (PROVISIONAL).
234389	Copolymer of tetrafluoroethene and perfluorosulfonylvinylether (PROVISIONAL).
234458	Polyfluorinated alkyl thiol.
234981	Fluoroalkyl acrylate copolymer (PROVISIONAL).
235586	Fluoroalkyl acrylate copolymer (PROVISIONAL).
235724	Perfluoroalkylethylmethacrylate copolymer (PROVISIONAL).
236181	Fluorinated oligomer alcohol (PROVISIONAL).
236238	Fluoroalkyl acrylate copolymer.
236750	Polyfluorinated alkyl halide.
238052	Perfluoropolyether compound (PROVISIONAL).
238096	Alkyl methacrylates, polymer with substituted carbomonocycle, hydroxymethyl acrylamide and fluorinatedalkyl acrylate (PROVISIONAL).
238427	Fluoroacrylate modified urethane (PROVISIONAL).
239191	Fluoroalkyl methylacrylate copolymer.
239260	Fluorinated alkylsulfonamidol urethane polymer (PROVISIONAL).
240052	Perfluoropolyether ally ether (PROVISIONAL).
240392	Fluoroalkyl methacrylate co-polymer (PROVISIONAL).
241099	Perfluorobutanesulfonamide and polyoxyalkylene containing polyurethane.
241271	Perfluoropolyether methoxysilane (PROVISIONAL).
242207	Siloxanes and Silicones, aminoalkyl fluorooctyl, hydroxy-terminatedsalt.
242467	Polyperfluoro alkylene glycol, perfluoroalkoxy-and hydroxy alkyl amido perfluoroalkyl terminated (PROVISIONAL).
243266	Perfluoroalkylethyl methacrylate copolymer (PROVISIONAL).
243562	Fluoro modified, polyether modified, and alkyl modified polymethylsiloxane (PROVISIONAL).
244076	Fluoroalkyl substituted siloxanes (PROVISIONAL).
244441	Fluoroalkyl acrylate copolymer modified with polysiloxanes.
244781	Fluoropolymeric sulfonic acid (PROVISIONAL).
245397	Fluoroalkyl methacrylate copolymer (PROVISIONAL).
245535	Polyfluorinated alkyl thio polyacrylic acid-acrylamide.
245820	Fluoroalkyl sulfonamide (PROVISIONAL).
245831	Polymer of perfluoroalkylethylmethacrylate, alkylacrylate, chloroethene, and urethane methacrylate.
246118	Perfluoroalkylated polyamino acid (PROVISIONAL).
246287	Fluoroalkyl acrylate copolymer (PROVISIONAL).
247111	Fluorinated aliphatic isocyanate polymer (PROVISIONAL).
248023	Tetrafluoro acrylates copolymer with polyoxy methyl derivatives (PROVISIONAL).
248192	Perfluoroalkylethyl methacrylate copolymer, salt (PROVISIONAL).
248567	Perfluoroalkyl ethylmethacrylate copolymer.
248589	Partially fluorinated alkyl betaine (PROVISIONAL).
248647	Modified fluorinated acrylate.
249220	Partially fluorinated borate ester (PROVISIONAL).
249311	Fluoro-modified acrylic copolymer.
249399	Fluoralkyl acrylate copolymer.
249559	Diethylene glycol, polymer with diisocyanatoalkane, polyethylene glycol monomethyl ether- and fluorinatedalkanol-blocked (PROVISIONAL).
249640	Fluoropolymeric sulfonic acid salt (PROVISIONAL).
249720	Fluoroacrylate copolymer (PROVISIONAL).
251300	Partially fluorinated alcohol, reaction products with phosphorus oxide (P2O5) (PROVISIONAL).
251662	Fluoroalkyl acrylate co-polymer (PROVISIONAL).
251797	Fluoroalkyl methacrylate copolymer (PROVISIONAL).
252290	Urethane polymer modified with perfluoroalkylsulfonamide (PROVISIONAL).
253884	Fluoroalkyl sulfonamide derivative.
253975	Fluoroalkyl acrylate copolymer (PROVISIONAL).
254116	Alkyl acid fluoride (PROVISIONAL).
254456	Perfluoroalkylsulfonamidoalkyl acrylate, polymer with acrylic acid derivatives (PROVISIONAL).
254649	Polyfluoroalkyl phosphoric acid salt (PROVISIONAL).
255653	Fluoroalkyl acrylate copolymer.
255700	Fluorinated acrylic copolymer (PROVISIONAL).
255846	Fluorinated acrylic copolymer (PROVISIONAL).
255993	Hexafluoropropylene-perfluoro (alkyl vinyl ether)-tetrafluoroethylene copolymer (PROVISIONAL).
256372	Fluoro modified, polyether modified polyacrylate (PROVISIONAL).
256394	Fluorinated copolymer (PROVISIONAL).
256452	Perfluorinated organic peroxide (PROVISIONAL).
256678	Perfluoroalkyl acrylate copolymer (PROVISIONAL).
257171	Polymer of perfluoroalkylethylacrylate, alkylaminomethacrylate, hydroxyalkylmethacrylate, organic acid salt.
257444	Phosphoric acid, mixed esters with partially fluorinated alcohol, ammonium salts (PROVISIONAL).
257580	Partially fluorinated alcohol, reaction products with phosphorus oxide (P2O5), amine salts.
257911	Perfluoroalkylethyl methacrylate copolymer (PROVISIONAL).
257922	Alkane carboxylic acids esters with long chain fatty alcohol and fluorinated alkylsulfonamidoalkyl alcohol (PROVISIONAL).
257966	Perfluoropolyether compound (PROVISIONAL).
258072	Perfluorinated difunctional acid flouride (PROVISIONAL).
258174	Polyfluoralkyl ether.
258196	Perfluoroalkylethyl methacrylate copolymer (PROVISIONAL).

TSCA accession No.	Chemical name
258981	Ethylene-tetrafluoroethylene-fluorinated alkene copolymer.
259360	Copolymer of perfluoroalkylsulfonamidoalkyl acrylate and alkyl acrylate modified fatty acid dimers (PROVISIONAL).
259633	Polyfluorinated alkyl polyamide.
259655	Perfluoroalkyl substituted alkyl sulfonate.
260196	Polyfluorinated alkyl amine.
260958	Fluoroalkyl sulfonamide derivative.
261428	Perfluoroalkyl acrylate (PROVISIONAL).
261462	Partially fluorinated amphiphilic condensation polymer (PROVISIONAL).
261826	Fluoroalkyl methacrylate co-polymer (PROVISIONAL).
262169	Fluoroalkyl acrylate copolymer modified with polysiloxanes.
262341	Copolymer of perfluorinated and alkyl methacrylates.
262545	Polyfluorinated alkyl thio polyacrylamide.
262885	Fluoro modified, polyether modified polyacrylate (PROVISIONAL).
263093	Polyfluorinated alkyl thio polyacrylamide.
263208	Pefluoroalkylethylmethacrylate copolymer (PROVISIONAL).
263435	Polyfluorinated alkyl quaternary ammonium chloride.
264165	Ammonium salt of fluorinated alkoxyfluoropropanoic acid.
264621	Fluoroethylene-vinylether copolymer (PROVISIONAL).
264687	Fluoroalkyl acrylate copolymer (PROVISIONAL).
264916	Fluorinated vinyl ether polymer (PROVISIONAL).
264949	Fluorochemical ester (PROVISIONAL).
265453	Polyfluoroalkylproponic acid ethyl ester (PROVISIONAL).
265599	Fluorinated acrylic copolymer (PROVISIONAL).
266423	Perfluoropolyether modified silane (PROVISIONAL).
267095	2-Propenoic acid, 2-methyl-, 2-hydroxyethyl esters, telomers with C18–26-alkyl acrylate, 1-dodecanethiol, N-(hydroxymethyl)-2-methyl-2-propenamide, polyfluorooctyl methacrylate, 2,2′-[1,2-diazenediylbis(1-methylethylidene)]bis[4,5-dihydro-1H-imidazole]hydrochloride (1:2)-initiated (PROVISIONAL).
267948	Fluorinated alkylsulfonamido acrylate copolymer (PROVISIONAL).
268781	Fluoroalkyl methacrylate copolymer (PROVISIONAL).
268883	Fluorinated sulfonamide alcohol (PROVISIONAL).
269079	Fluorinated methacrylate monomer (PROVISIONAL).
269400	Partially fluorinated alcohol substituted glycol (PROVISIONAL).
269604	2-Propenoic acid, 2-methyl-, 2-hydroxyethyl ester, telomers with C18–26-alkyl acrylate, 1-dodecanethiol, N-(hydroxymethyl)-2-methyl-2-propenamide, polyfluorooctyl methacrylate and vinylidene chloride, 2,2′-[1,2-diazenediylbis(1-methylethylidene)bis[4,5-dihydro-1H-imidazole] hydrochloride (1,2)-initiated (PROVISIONAL).
270598	Tetrafluoroethylene chlorotrifluoroethylene copolymer (PROVISIONAL).
270601	Fluoroelastomer (PROVISIONAL).
270770	Modified fluorinated acrylate (PROVISIONAL).
271364	Fluorinated polyalkyl silicones (PROVISIONAL).
271739	Urethane polymer modified with perfluoroalkylsulfonamide and polyethoxylate (PROVISIONAL).
272038	Ethylene-tetrafluoroethylene copolymer (PROVISIONAL).
272458	Fluoroolefin copolymer (PROVISIONAL).
272583	Fluoroalkyl acrylate copolymer.
272618	Polyfluorinated alkyl thio acrylamide.
273611	Trifluoroethene polymer with 4-(ethenyloxy)-1-butanol, ethene, ethoxy- and olefin ethoxy copolymer (PROVISIONAL).
274136	Fluorinated alkylsulfonamido polymer (PROVISIONAL).
274147	Perfluorinated polyamine (PROVISIONAL).
274352	Fluoroalkylacrylate co-polymer (PROVISIONAL).
274363	Modified fluorinated acrylate (PROVISIONAL).
274421	Fluoroalkyl acrylate copolymer (PROVISIONAL).
274512	Perfluoropolyether chlorosilane (PROVISIONAL).
274534	Trifluoroethene polymer with, 4-(ethenyloxy)-1-butanol, olefin copolymers and amine (PROVISIONAL).
274658	Partially fluorinated alcohol, reaction products with phosphorus oxide (P2O5), ammonium salts (PROVISIONAL).
274670	Fluorinated acrylic alkylamino copolymer.
275719	Fluorinated amine oxide (PROVISIONAL).
275899	Perfluoropolyether-block-polytetrafluoroethylene (PROVISIONAL).
276052	Fluorinated alkenyl ether (PROVISIONAL).
276109	Siloxanes and silicones, amino alkyl substituted alkyl hydroxyl, hydroxyl fluorinated alkyl, ester salts, reaction products with mixed metal oxides (PROVISIONAL).
276303	Perfluoro alkoxy acid fluoride derivative (PROVISIONAL).
276858	Polyfluoroalkyl phosphoric acid (PROVISIONAL).
276950	Fluorinated acrylic polymer with acrylate groups (PROVISIONAL).
277055	Fluoroalkyl acrylate copolymer.
277420	Fluorinated acrylic alkylamino copolymer (PROVISIONAL).
278105	Fluoroalkyl methacrylate co-polymer (PROVISIONAL).
278138	Fluoroalkyl acrylate copolymer (PROVISIONAL).
279051	Perfluoropolyether compound (PROVISIONAL).
279108	Perfluoroalkylethylmethacrylate copolymer.
279755	Urethane polymer modified with perfluoroalkylsulfonamide (PROVISIONAL).

(c) *Examples of PFAS by LVE case number and CASRNs.*

LVE case No.	CASRN	Chemical name
L–00–0274	260794–09–0 ...	2-Propenoic acid, 2-methyl-, 3-chloro-2-hydroxypropyl ester, polymers with N-(hydroxymethyl)-2-propenamide, .gamma.-.omega.-perfluoro-C8–16-alkyl acrylate, stearyl acrylate and vinyl chloride.
L–00–0275	260794–06–7 ...	2-Propenoic acid, 2-methyl-, 3-chloro-2-hydroxypropyl ester, polymers with N-(hydroxymethyl)-2-propenamide, .gamma.-.omega.-perfluoro-C8–16-alkyl acrylate and stearyl acrylate.
L–00–0316	165967–96–4 ...	Poly(oxy-1,2-ethanediyl), .alpha.,.alpha.′,.alpha.″-[[(3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl)silylidyne]tris[oxy(dimethylsilylene)-3,1-propanediyl]]tris[.omega.-methoxy-.
L–00–0328	355–37–3	Hexane, 1,1,1,2,2,3,3,4,4,5,5,6,6-tridecafluoro-.
L–01–0355	452080–67–0 ...	Boron, trifluoro(tetrahydrofuran)-, (T–4)-, polymer with 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane, ether with 2,2-dimethyl-1,3-propanediol (2:1), bis(hydrogen sulfate), diammonium salt.
L–01–0447	113507–82–7 ...	Ethanesulfonic acid, 1,1,2,2-tetrafluoro-2-(pentafluoroethoxy)-.
L–01–0470	117205–07–9 ...	Ethanesulfonic acid, 1,1,2,2-tetrafluoro-2-(pentafluoroethoxy)-, potassium salt.
L–02–0278	178241–16–2 ...	Trisiloxane, 3-[(dimethylsilyl)oxy]-1,1,5,5-tetramethyl-3-(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–02–0365	401510–99–4 ...	2,4,13,15-Tetrasilahexadecane, 4,13-bis[(dimethylsilyl)methyl]-7,7,8,8,9,9,10,10-octafluoro-2,4,13,15-tetramethyl-.
L–02–0467	178241–16–2 ...	Trisiloxane, 3-[(dimethylsilyl)oxy]-1,1,5,5-tetramethyl-3-(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–02–0468	401510–99–4 ...	2,4,13,15-Tetrasilahexadecane, 4,13-bis[(dimethylsilyl)methyl]-7,7,8,8,9,9,10,10-octafluoro-2,4,13,15-tetramethyl-.
L–03–0400	506417–14–7 ...	Silane, bis[(1,1-dimethyl-2-propynyl)oxy]methyl(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–04–0227	507225–02–7 ...	Silsesquioxanes, 3,3,4,4,5,5,6,6,6-nonafluorohexyl, [(dimethylsilyl)oxy]-terminated.
L–04–0430	705291–24–3 ...	Cyclotetrasiloxanes, 2,4,6,8-tetramethl-, Si-mixed 3-(oxiranylmethoxy)propyl, and 3-[2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(heptafluoropropoxy)propoxy]propoxy]propyl, and 2-(trimethoxysilyl)ethyl derivs.
L–04–0433	709670–53–1 ...	Furan, tetrahydro-, polymer with 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane, monoester with [3-(carboxyamino)methyl]-3,5,5-trimethylcyclohexyl]carbamic acid mono[2-[(1-oxo-2-propenyl)oxy]ethyl] ester, 2,2,2-trifluoroethyl ether.
L–05–0013	133068–47–0 ...	3,8,11,14-Tetraoxa-2,4-disilaheptadecane, 4-[(dimethylsilyl)oxy]-10,12,12,13,15,15,16,16,17,17,17-undecafluoro-2,4-dimethyl-10,13-bis(trifluoromethyl)-.
L–05–0015	145782–39–4 ...	Trisiloxane, 1,1,3,5,5-pentamethyl-3-[3,4,4,4-tetrafluoro-3-[1,1,2,3,3,3-hexafluoro-2-(heptafluoropropoxy)propoxy]butyl]-.
L–05–0016	717825–76–8 ...	4,7,10,15-Tetraoxa-14-silaeicos-19-yn-18-ol, 14,14-dibutyl-1,1,1,2,2,3,3,5,6,6,8-undecafluoro-18-methyl-5,8-bis(trifluoromethyl)-.
L–05–0072	18323–96–1	Ytterbium, tris(6,6,7,7,8,8,8-heptafluoro-2,2-dimethyl-3,5-octanedionato-.kappa.O,.kappa.O')-.
L–05–0177	802935–59–7 ...	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(heptafluoropropoxy)propoxy]-, polymer with trifluoro(trifluoromethyl)oxirane, reaction products with 3-(ethenyldimethylsilyl)-N-methylbenzenamine and 2,4,6,8-tetramethylcyclotetrasiloxane.
L–06–0099	78560–47–1	Silane, trichloro(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–06–0100	85877–79–8	Silane, trimethoxy(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–06–0101	102390–98–7 ...	Silane, triethoxy(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–06–0106	186599–46–2 ...	Silanetriamine, N,N,N′,N′,N″,N″-hexamethyl-1-(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–06–0135	375–19–9	Butanimidamide, 2,2,3,3,4,4,4-heptafluoro-.
L–06–0207	848407–98–7 ...	Sulfonium, triphenyl-, salt with 1,1,2,2,3,3,4,4-octafluoro-1,4-butanedisulfonic acid (2:1).
L–06–0208	524067–96–7 ...	Iodonium, bis[4-(1,1-dimethylethyl)phenyl]-, salt with 1,1,2,2,2-pentafluoro-N-[(pentafluoroethyl)sulfonyl]ethanesulfonamide (1:1).
L–06–0256	376–84–1	2-Propenoic acid, 2,2,3,3,4,4,5,5-octafluoropentyl ester.
L–07–0097	908858–79–7 ...	Siloxanes and Silicones, di-Me, Me 3,3,4,4,5,5,6,6,6-nonafluorohexyl, chloro-terminated.
L–07–0138	913292–62–3 ...	Propanoyl fluoride, 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)propoxy]-, polymer with 2,2,3-trifluoro-3-(trifluoromethyl)oxirane, reaction products with 3,3′-(1,2-ethanediyl)bis[3-[(dimethylsilyl)oxy]-1,1,5,5-tetram.
L–07–0158	917979–29–4 ...	Propanol fluoride, 2,2′-[(1,1,2,2-tetrafluoro-1,2-ethanediyl)bis(oxy)]bis[2,3,3,3-tetrafluoro-, polymer with 2,2,3-trifluoro-3-(trifluoromethyl)oxirane, reaction products with 3-(ethenyldimethylsilyl)-N-methylbenzenamine and methylbis[(1-methylethenyl)oxy]silane.
L–07–0190	66137–74–4	Ethanesulfonyl fluoride, 1,1,2,2-tetrafluoro-2-(1,1,2,2-tetrafluoro-2-iodoethoxy)-.
L–07–0225	882878–48–0 ...	Siloxanes and Silicones, di-Me, Me 3,3,4,4,5,5,6,6,6-nonafluorohexyl.
L–07–0253	144317–44–2 ...	Sulfonium, triphenyl-, 1,1,2,2,3,3,4,4,4-nonafluoro-1-butanesulfonate (1:1).
L–07–0254	241806–75–7 ...	Sulfonium, tris[4-(1,1-dimethylethyl)phenyl]-, 1,1,2,2,3,3,4,4,4-nonafluoro-1-butanesulfonate (1:1).
L–07–0367	375–96–2	Nonane, 1,1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,9,9,9-eicosafluoro-.
L–07–0368	374–77–6	Cyclohexane, 1,1,2,2,3,4,4,5,5,6-decafluoro-3,6-bis(trifluoromethyl)-.
L–07–0404	799274–55–8 ...	Iodonium, bis[4-(1,1-dimethylethyl)phenyl]-, 1,1,2,2,3,3,4,4-octafluoro-1,4-butanedisulfonate(2-) (2:1).
L–08–0097	848408–02–6 ...	Sulfonium, triphenyl-, 2,2'-oxybis[1,1,2,2-tetrafluoroethanesulfonate] (2:1).
L–08–0213	756819–73–5 ...	Cyclotetrasiloxane, 2,4,6,8-tetramethyl-2-[3-[2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)propoxy]propoxy]propyl]-.
L–08–0214	1005771–59–4	Cyclotetrasiloxane, 2,4,6,8-tetramethyl-2-[3-[2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)propoxy]propoxy]propyl]-, Si-[3-(2-oxiranylmethoxy)propyl] derivs.
L–08–0246	1010387–03–7	1,5-Trisiloxanediol, 1,1,3,5,5-pentamethyl-3-(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)-.
L–08–0261	1010423–83–2	Siloxanes and Silicones, Me hydrogen, [[7,9,9,10,12,12,13,13,14,14,14-undecafluoro-1,1-dimethyl-7,10-bis(trifluoromethyl)-5,8,11-trioxa-1-silatetradec-1-yl]oxy]-terminated.
L–08–0362	122179–35–5 ...	Disiloxane, 1,1,3,3-tetramethyl-1,3-bis(3,3,4,4,5,5,6,6,6-nonafluorohexyl)-.
L–09–0018	808752–25–2 ...	Sulfonium, triphenyl-, salt with 4,4,5,5,6,6-hexafluorodihydro-4H–1,3,2-dithiazine 1,1,3,3-tetraoxide (1:1).
L–09–0059	862261–51–6 ...	Sulfonium, (4-methylphenyl)diphenyl-, salt with 4,4,5,5,6,6-hexafluorodihydro-4H–1,3,2-dithiazine 1,1,3,3-tetraoxide (1:1).

LVE case No.	CASRN	Chemical name
L–09–0080	1072943–15–7	Borate(1-), tetrahydro-, sodium (1:1), reaction products with reduced polymd. oxidized tetrafluoroethylene, hydrolyzed, diallyl ethers, polymers with 3-[(dimethylsilyl)oxy]-1,1,3,5,5-pentamethyl-1-[2 -(trimethoxysilyl)ethyl]trisiloxane.
L–09–0104	882878–48–0 ...	Siloxanes and Silicones, di-Me, Me 3,3,4,4,5,5,6,6,6-nonafluorohexyl.
L–10–0129	1202381–95–0	Siloxanes and Silicones, di-Me, Bu group- and hydrogen-terminated, reaction products with 3-(ethenyldimethylsilyl)-N-methylbenzenamine and 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(1,1,2,2,3,3,3-heptafluoropropoxy)propoxy]propanoyl fluoride-2,2,3-trifluoro-3-(trifluoromethyl)oxirane polymer.
L–10–0130	1202381–96–1	Siloxanes and Silicones, di-Me, Bu group- and hydrogen-terminated, reaction products with 3-(ethenyldimethylsilyl)-N-methylbenzenamine and 2,2′-[(1,1,2,2-tetrafluoro-1,2-ethanediyl)bis(oxy)]bis[2,3,3,3-tetrafluoropropanoyl fluoride]-2,2,3-trifluoro-3-(trifluoromethyl)oxirane polymer.
L–10–0166	1188330–60–0	Oxetane, 2,2,3,3-tetrafluoro-, homopolymer, fluorinated, reduced, bis(2,3-dihydroxypropyl) ethers.
L–10–0260	1214752–87–0	Borate(1-), tetrahydro-, sodium (1:1), reaction products with reduced polymd. oxidized tetrafluoroethylene, hydrolyzed, diallyl ethers, polymers with 2,4,6,8-tetramethylcyclotetrasiloxane, Si-(8,13-dioxo-4,7,12-trioxa-9-azapentadec-14-en-1-yl) derivs.
L–10–0333	185911–29–9 ...	Silanetriol, 1-(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)-.
L–10–0340	85857–16–5	Silane, trimethoxy(3,3,4,4, 5,5,6,6,7,7,8,8, 8-tridecafluorooctyl)-.
L–11–0313	1304011–35–5	Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-hydro-.omega.-hydroxy-, polymer with 1,3-diisocyanatomethylbenzene, polyethylene glycol mono-Me ether- and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-1-octanol-blocked.
L–11–0313	1304012–00–7	Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-hydro-.omega.-hydroxy-, ether with 2,2-bis(hydroxymethyl)-1,3-propanediol (4:1), polymer with 1,3-diisocyanatomethylbenzene, polyethylene glycol mono-Me ether- and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-1-octanol-blocked.
L–12–0008	307–08–4	1H-Fluorene, 1,1,2,2,3,3,4,4,4a,4b,5,5,6,6,7,7,8,8,8a,9,9,9a-docosafluorododecahydro-.
L–12–0084	882878–48–0 ...	Siloxanes and Silicones, di-Me, Me 3,3,4,4,5,5,6,6,6-nonafluorohexyl.
L–12–0446	882878–48–0 ...	Siloxanes and Silicones, di-Me, Me 3,3,4,4,5,5,6,6,6-nonafluorohexyl.
L–13–0098	370097–12–4 ...	1-Propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymd., reduced, hydrolyzed, reaction products with ammonia.
L–13–0170	2690–05–3	Pentane, 1,1,1,2,2,3,4,4,5,5,5-undecafluoro-3-(1,1,2,2,2-pentafluoroethyl)-.
L–13–0171	50285–18–2	Pentane, 1,1,1, 2,2,3,4,5,5,5-decafluoro-3-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-4-(trifluoromethyl)-.
L–13–0172	306–98–9	Cyclohexane, 1,1,2,2,3,3,4,4,5,6-decafluoro-5,6-bis(trifluoromethyl)-.
L–13–0173	335–21–7	Cyclohexane, 1,1,2,2,3,3,4,4,5,5,6-undecafluoro-6-(1,1,2,2,2-pentafluoroethyl)-.
L–13–0174	354–97–2	Pentane, 1,1,1,2,2,3,4,5,5,5-decafluoro-3-(1,1,2,2,2-pentafluoroethyl)-4-(trifluoromethyl)-.
L–13–0175	374–76–5	Cyclohexane, 1,1,2,3,3,4,5,5,6-nonafluoro-2,4,6-tris(trifluoromethyl)-.
L–13–0176	423–02–9	Cyclohexane, 1,1,2,2,3,3,4,4,5,5,6-undecafluoro-6-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-.
L–13–0178	1736–47–6	1H-Indene, 1,1,2,2,3,3,4,5,6,7-decafluoro-2,3-dihydro-.
L–13–0179	51294–16–7	Napthalene, heptadecafluorodecahydro(trifluoromethyl)-.
L–13–0622	15242–17–8	1-Propene, 3-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethoxy]-.
L–13–0623	15538–93–9	Silane, trichloro[3-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethoxy]propyl]-.
L–13–0624	19116–61–1	Silane, trimethoxy[3-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethoxy]propyl]-.
L–14–0440	211931–77–0 ...	Poly[oxy[trifluoro(trifluoromethyl)-1,2-ethanediyl]], .alpha.-[tetrafluoro(trifluoromethyl)ethyl]-.omega.-[1,2,2,2-tetrafluoro-1-[[3-(trimethoxysilyl)propoxy]methyl]ethoxy]-.
L–15–0011	173524–60–2 ...	Propanamide, 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(heptafluoropropoxy)propoxy]-N-[3-(2,4,6,8-tetramethylcyclotetrasiloxan-2-yl)propyl]-.
L–15–0443	335–23–9	Cyclohexane, 1,1,2,2,3,3,4,5,5,6-decafluoro-4,6-bis(1,1,2,2,2-pentafluoroethyl)-.
L–15–0444	354–96–1	Butane, 1,1,1,2,3,4,4,4-octafluoro-2,3-bis(trifluoromethyl)-.
L–15–0445	355–04–4	Pentane, 1,1,1,2,2,3,3,4,5,5,5-undecafluoro-4-(trifluoromethyl)-.
L–16–0337	374–59–4	Cyclohexane, 1,1,2,2,3,3,4,4,5,5,6-undecafluoro-6-(1,1,2,2,3,3,3-heptafluoropropyl)-.
L–16–0341	882878–48–0 ...	Siloxanes and Silicones, di-Me, Me 3,3,4,4,5,5,6,6,6-nonafluorohexyl.
L–17–0102	374–60–7	Cyclohexane, 1,1,2,2,3,3,4,4,5,5,6-undecafluoro-6-(1,1,2,2,3,3,4,4,4-nonafluorobutyl)-.
L–20–0016	2374700–01–1	Siloxanes and Silicones, di-Me, 3,3,4,4,5,5,6,6-nonafluorohexyl group terminated.
L–20–0044	631842–87–0 ...	1-Pentadecene, 12,12,13,13,14,14,15,15,15-nonafluoro-.
L–20–0045	2301857–79–2	Silane, trichloro(12,12,13,13,14,14,15,15,15-nonafluoropentadecyl)-.
L–91–0059	83048–65–1	Silane, (3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl)trimethoxy-.
L–91–0239	29457–72–5	1-Octanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-, lithium salt (1:1).
L–92–0121	374–76–5	Cyclohexane, 1,1,2,3,3,4,5,5,6-nonafluoro-2,4,6-tris(trifluoromethyl)-.
L–92–0123	306–98–9	Cyclohexane, 1,1,2,2,3,3,4,4,5,6-decafluoro-5,6-bis(trifluoromethyl)-.
L–93–0061	182700–90–9 ...	1-Octanesulfonamide, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-methyl-, reaction products with benzene-sulfur chloride (S2Cl2) reaction products chlorides.
L–95–0212	355–74–8	1,6-Hexanediol, 2,2,3,3,4,4,5,5-octafluoro.
L–95–0213	2264–01–9	2-Propenoic acid, 1,1'-(2,2,3,3,4,4,5,5-octafluoro-1,6-hexanediyl) ester.
L–95–0354	166089–96–9 ...	Siloxanes and silicones, Me hydrogen, [[dimethyl[3,3,4,4-tetrafluoro-4-[1,1,2,3,3,3-hexafluoro-2-(heptafluoropropoxy)propoxy]butyl]silyl]oxy]-terminated.
L–96–0371	78560–45–9	Silane, trichloro(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)-.
L–97–0041	132910–12–4 ...	Poly[oxy[trifluoro(trifluoromethyl)-1,2-ethanediyl]], .alpha., .alpha′.-(1,1,2,2-tetrafluoro-1,2-ethanediyl)bis[.omega.-(1-carboxy-1,2,2,2-tetrafluoroethoxy)-.
L–97–0042	162442–49–1 ...	Poly[oxy[trifluoro(trifluoromethyl)-1,2-ethanediyl]], .alpha., .alpha′.-(1,1,2,2-tetrafluoro-1,2-ethanediyl)bis[.omega.-(1,2,2,2-tetrafluoro-1-[(2-propenylamino)carbonyl]ethoxy]-.
L–97–0063	2264–01–9	2-Propenoic acid, 1,1′-(2,2,3,3,4,4,5,5-octafluoro-1,6-hexanediyl) ester.
L–97–0064	25965–83–7	2-Propenoic acid, 2-methyl-(undecafluorocyclohexyl)methyl ester.
L–97–0108	174393–72–7 ...	Siloxanes and silicones, di-Me, 3-hydroxypropyl Me, Me vinyl, [(ethenyldimethylsilyl)oxy]-terminated, ethers with trifluoro(trifluoromethyl)oxirane homopolymer 1,2,2,2-tetrafluoro-1-(hydroxymethyl)ethyl tetrafluoro(trifluoromethyl)ethyl ether.

LVE case No.	CASRN	Chemical name
L–97–0109	174393–73–8 ...	Siloxanes and silicones, di-Me, 3-hydroxypropyl Me, Me hydrogen, ethers with trifluoro(trifluoromethyl)oxirane homopolymer 1,2,2,2-tetrafluoro-1-(hydroxymethyl)ethyl tetrafluoro(trifluoromethyl)ethyl ether.
L–97–0181	17978–75–5	Erbium, tris(6,6,7,7,8,8,8-heptafluoro-2,2-dimethyl-3,5-octanedionato-O,O')-.
L–98–0261	63513–12–2	Phosphonic acid, [[4-[(heptadecafluorononenyl)oxy]phenyl]methyl]-.
L–98–0327	355–93–1	2-Propenoic acid, 2-methyl-, 2,2,3,3,4,4,5,5-octafluoropentyl ester.
L–99–0272	183905–82–0 ...	Propanyl fluoride, 2,2'-[(1,1,2,2-tetrafluoro-1,2-ethanediyl)bis(oxy)bis[2,3,3,3-tetrafluoro-, polymer with trifluoro(trifluoromethyl)oxirane, hydrolyzed.
L–99–0273	183905–83–1 ...	Propanyl fluoride, 2,2'-[(1,1,2,2-tetrafluoro-1,2-ethanediyl)bis(oxy)bis[2,3,3,3-tetrafluoro-, polymer with trifluoro(trifluoromethyl)oxirane, reaction products with 2-propen-1-amine.
L–99–0275	128194–56–9 ...	Silanol, (3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl)dimethyl-.
L–99–0276	173524–60–2 ...	Propanamide, 2,3,3,3-tetrafluoro-2-[1,1,2,3,3,3-hexafluoro-2-(heptafluoropropoxy)propoxy]-N-[3-(2,4,6,8-tetramethylcyclotetrasiloxan-2-yl)propyl]-.
L–99–0277	165320–75–2 ...	1,5-Trisiloxanediol, 3-(3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10-heptadecafluorodecyl)-1,1,3,5,5-pentamethyl-.
L–99–0278	185701–90–0 ...	Propanoyl fluoride, 2,2'-[(1,1,2,2-tetrafluoro-1,2-ethanediyl)bis(oxy)]bis[2,3,3,3-tetrafluoro-, polymer with trifluoro(trifluoromethyl)oxirane, reaction products with N-[3-(triethoxysilyl)propyl]-1,2-ethanediamine.

(d) Examples of PFAS by LVE case number, without CASRNs.

LVE case No.	Chemical name or generic name
L–01–0271	Iodonium, bis(4-(1,1-dimethylethyl)phenyl)-, salt with 1,1,2,2,3,3,4,4,4-nonafluoro-N-[(nonafluorobutyl)sulfonyl]-1-butanesulfonamide (1:1).
L–10–0356	2-Propenoic acid, 2-methyl-, 3-(trimethoxysilyl)propyl ester, polymer with .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-[3,3,4,4, 5,5,6,6, 7,7,8,8,8-tridecafluorooctyl)oxy]poly(oxy-1,2-ethanediyl) and 2-propenoic acid.
L–89–0099	Triethoxy(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecarfluoroctyl)silane.
L–89–0131	Trichloro(3,3,4,4,5,56,6,7,78,8,8-tridecafluorooctyl)silane.
L–95–0011	Tetrafluorethene, polymer with trifluoro(trifluoromethoxy)ethene and 1,1,1,2,2,3,3-heptafluoro-3-[(trifluoroethenyl)oxy]propane.
L–95–0070	Perhalopolyoxyperfluoroalkenemethylenepolyethoxy alcohols, esters with phosphorousoxychloride.
L–00–0054	Polyfluoroalkylether.
L–00–0056	Fluoropolyether derivative.
L–00–0151	Perfluoroalkyl phosphate diethanolamine salt.
L–00–0313	Fluorosilane.
L–00–0314	Fluorosilane.
L–00–0371	Per fluorobutanesulfonate.
L–00–0373	Perfluorether.
L–00–0375	Perfluoroether nitrile.
L–00–0376	Perfluoroalkyl fluoride.
L–00–0377	Perfluorovinyl ether.
L–00–0378	Perfluoroalkyl acid flouride.
L–00–0386	Polyfluoroalkylether.
L–00–0387	Polyfluoroalkylether.
L–01–0013	Perfluorobutanesulfonate.
L–01–0048	Ethylene—tetrafluoroethylene copolymer.
L–01–0142	Perfluoroalkyl ester.
L–01–0143	Perfluoroalkyl acid fluoride.
L–01–0150	Fluorine-substituted cyclosiloxane.
L–01–0151	Fluorochemical curative.
L–01–0152	Perfluoroalkyl ester.
L–01–0153	Perfluoroalkyl nitrile.
L–01–0158	Fluoro acrylic telomer.
L–01–0261	Fluoroalkylsulfonimide.
L–01–0265	Fluoroalkyl alkylammonium salt.
L–01–0373	Polyperfluorooxetane-trimethoxysilane.
L–01–0410	Substituted fluoro alkane sulfonic acid.
L–01–0432	Substituted fluoro alkane sulfonic acid.
L–01–0435	Fluorinated acrylic ester random copolymer.
L–01–0526	Polyperfluorooxetane-trimethoxysilane.
L–01–0548	Triazatriphosphorine, fluorobutoxy ethoxy, phenoxy phenoxy derivatives.
L–01–0549	Phenol, reaction products with triazatriphosphorine and reduced, oxidized tetrafluoroethylene.
L–02–0007	Phenol, reaction products with triazatriphosphorine and fluorinated triethylene glycol mono butyl ether.
L–02–0017	Salt of fluoropolyether derivative.
L–02–0080	Perfluorooctanesulfonate.
L–02–0192	Fluorinated polymer acrylate.
L–02–0247	Fluorochemical acid onium.
L–02–0318	Perfluorooctanesulfonate.
L–02–0356	Polyfluoroalkylether.
L–02–0515	Carboxylic acid, fluoroalkyl ester.
L–02–0516	Carboxylic acid, fluoroalkyl ester.
L–03–0015	Triphenyl sulfonium perfluoro-1-butane sulfonate.

LVE case No.	Chemical name or generic name
L–03–0037	Polyfluoroalkylether.
L–03–0086	Polyfluoroalkylether.
L–03–0110	Polyfluoroalkylether.
L–03–0119	Fluoro acrylic polymer (telomer type).
L–03–0133	Fluoro acrylic polymer (telomer type).
L–03–0142	Ethylene—tetrafluoroethylene copolymer.
L–03–0232	Arylated onium perfluoroalkyl sulfonyl imide.
L–03–0233	Carboxylic acid, fluoroalkyl ester.
L–03–0286	Fluoroalkyl sulfonamide.
L–03–0288	Ammonium fluoroalkyl sulfonamide.
L–03–0289	Fluoroalkyl alkylammonium salt.
L–03–0296	Fluoroalkylsulfonimide.
L–03–0297	Fluoroalkyl sulfonamide.
L–03–0481	Phosphonic acid, alkyl ester, reaction products with a fluorinated alkene.
L–04–0008	Bis [3-perfluoroakyl (C8)-2-hydroxypropyl] polyoxyethylene ether.
L–04–0125	Fluorinated silane.
L–04–0211	Chlorofluoroalkylether.
L–04–0220	Perfluoro polymer with alcoholamine.
L–04–0231	Perfluoro polymer with alkylaminoethanol.
L–04–0284	Fluoroalkyl amidino salt.
L–04–0286	Fluorochemical nitrile.
L–04–0338	Ammonium fluoroalkyl sulfonamide.
L–04–0365	Fluoroalkyl sulfonamide derivative.
L–04–0366	Potassium salt of fluoroalkyl sulfonate.
L–04–0367	Sodium salt of fluoroalkyl sulfonate.
L–04–0368	Lithium salt of fluoroalkyl sulfonate.
L–04–0369	Ammonium salt of fluoroalkyl sulfonate.
L–04–0459	Fluorinated cyclo alkanes.
L–04–0472	Fluoroalkyl surfactant.
L–05–0099	Fluoroalkyloxy acrylate monomer.
L–05–0152	Thiopyranium tetrahydro-phenyl-, salt with nonafluoro-butanesulfonic acid.
L–05–0160	Aliphatic urethane modified acrylate polymer, perfluoroalkoxy amido blocked.
L–05–0164	Triphenylsulfonium fluoroalkylsulfonate.
L–05–0193	1-Perfluoro butanone, 1-carbopolycyclic-[(perfluoro, butyl)sulfonyl] oxime.
L–05–0203	Fluoropolyether derivative.
L–05–0215	Fluorine-substituted alkyl-substituted organosilicon.
L–05–0316	1-Perfluoro pentanone, 1-carbopolycyclic-[(perfluoro, butyl)sulfonyl]oxime.
L–05–0317	1-Perfluoro propanone, 1-carbopolycyclic-[(perfluoro, butyl)sulfonyl]oxime.
L–05–0325	Sulfonium, alkoxy naphthalenyldiphenyl-, salt with fluorohydro-dithiazine tetraoxide.
L–06–0102	Alkane-1-one, 1-(9H-fluoren-2-yl)-polysubstituted-, O-[(nonafluorobutyl) sulfonyl]oxime.
L–06–0211	Nonafluoroalkyl sulfonyl oxime fluoren compound.
L–06–0214	Sulfonium, triphenyl-, salt with perfluoroalkyl sulfonic acid.
L–06–0241	Nonafluoroalkyl sulfonyl oxime, dodecafluoro fluoren compound.
L–06–0319	Fluoroalkyl alkenoate(c=3~5), polymer with alkyloxirane(c=2~5) homopolymer monoalkyl(c=1~5) alkyl-alkenoate(c=3~5), alkyloxirane(c=2~6) polymer alkyl-alkenoate(c=3~5), alkyl(c=1~30) alkyl-alkenoate(c=3~5), azobisnitrilealkane initiated.
L–06–0336	Substituted fluoro alkane sulfonic acid.
L–06–0381	Fluorinated surfactant.
L–06–0391	A fluoren oxime fluoroalkyl sulfonate.
L–06–0392	A fluoren oxime fluoroalkyl sulfonate.
L–06–0400	Fluoroalkyl alkenoate(c=3-5), polymer with alkyloxirane(c=2-5) homopolymer monoalkyl(c=1-5) alkyl-alkenoate(c=3-5), alkyl(c=1-30) alkyl-alkenoate(c=3-5), alkyl(c=1-5)-oxo-alkkenyl-[(alkyl(c=1-5)-oxo-alkenyl)oxy]poly(oxy-ethanediyl).
L–07–0012	Fluorochemical amide derivative.
L–07–0013	Fluorochemical amide derivative.
L–07–0055	Oxetane, 2,2,3,3-tetrafluoro-, homopolymer, fluorinated, reduced, mono(alkylsilylalkyl)ether.
L–07–0091	Perfluoropolyoxyalkane.
L–07–0150	Trimethoxylsilyl terminated perfluoropolyether.
L–07–0205	Arylsulfonium perfluoroalkyl salt.
L–07–0206	Hexane, 1,6-diisocyanato-, homopolymer, 2-hydroxyethyl acrylate- and reduced fluorinated heteromonocycle homopolymer-blocked.
L–07–0213	Perfluoroalkyl aromatic imide.
L–07–0229	Iodonorbornene perfluoroalkoxysulfonylfluoride.
L–07–0230	Norbornene perfluoroalkoxysulfonyl fluoride.
L–07–0231	Norborneperfluoroalkyl sulfonate.
L–07–0233	Tert-butylphenyltetramethylsulfonium norborneneperfluoroalkylsulfonate.
L–07–0238	Fluorinated surfactant.
L–07–0273	Fluoroalkylsilane ester, hydrolyzed.
L–07–0323	Hydrofluoropropane.
L–07–0324	Hydrofluoropropane.
L–07–0328	Fluoropolymer.
L–07–0413	Functionalized perfluoropolyether.
L–08–0004	Acrylic copolymer contain fluoroalkyl groups.
L–08–0073	Perfluorinated polysulfonic acid complexed with an organic conjugated polymer.
L–08–0091	Sulfonium, triphenyl-, salt with hexafluorosulfonimide heterocycle (1:1).
L–08–0108	Polyfluoro-iodo-1-[(polyfluoroethenyl)oxy]alkane.

LVE case No.	Chemical name or generic name
L–08–0121	Perfluoropolyether urethane acrylate.
L–08–0140	Fluoro silicone.
L–08–0167	Fluoroalkyl phosphate.
L–08–0168	Fluoroalkyl phosphate.
L–08–0169	Fluoroalkyl phosphate.
L–08–0172	Dithiazine-fluorodihydro-tetraoxide.
L–08–0247	Fluorinated surfactant.
L–08–0251	Fluoroalkyloxypolyurethane silane.
L–08–0327	Fluorosilicone.
L–08–0379	Fluoropolymer.
L–08–0409	Fluorinated sulfonamide alcohol.
L–09–0028	Fluoroalkyl phosphate.
L–09–0031	Fluoroalkyl polyester.
L–09–0096	Fluorinated ester.
L–09–0097	Fluorinated alcohol.
L–09–0098	Fluorinated acrylate.
L–09–0099	Fluoroacrylate derivative and oligomers.
L–09–0102	Fluoropolymer acrylate.
L–09–0122	Poly(oxy-1,2-ethanediyl), .alpha.-(polyfluoroalkyl)-.omega.-hydroxy-.
L–09–0133	Fluoroelastomer curative.
L–09–0166	Fluoropolymer acrylate.
L–09–0210	Polyfluoroalkylether.
L–09–0239	Modified tetrafluoroethylene-hexafluoropropene-vinylidene fluoride copolymer.
L–09–0245	Bis(alkyl aryl) iodonium perfluorobutanesulfonyl-1-perfluorbutanesulfonamide.
L–09–0260	Bis(alkyl aryl) iodonium perfluorobutanesulfonate.
L–09–0331	Fluorinated acrylic ester copolymer (telomer type).
L–09–0352	Fluorinated sulfonyl fluoride.
L–09–0358	Perfluorocyclo-1,3-bis(sulfonyl)imide salt.
L–09–0366	Fluoropolymer.
L–09–0375	Perfluoropolyether iodide.
L–10–0035	Polyperfluorooxetane-trimethoxysilane.
L–10–0058	Perfluoroalkyl cycloaliphatic imide.
L–10–0121	Polyfluorinated phenylpyrimidine ether.
L–10–0122	PFAS salt.
L–10–0141	Phenyl benzothiophenium salt with hexafluorodihydro dithiazine tetraoxide.
L–10–0160	Perfluorosulfonic acid copolymer.
L–10–0169	Polyfluoroalkylated pyrimidylphenyl benzyl ether.
L–10–0170	Polyfluoroalkylated pyrimidylphenol.
L–10–0199	Fluorinated organopolysilazane.
L–10–0239	Polyfluoroalkylated phenylpyrimidine diether.
L–10–0241	Polyfluoroalkylated phenylpyrimidine diether.
L–10–0293	Fluorinated iodooctanol.
L–10–0294	Fluorinated octanol.
L–10–0316	Fluoroalkylated cationic compound.
L–10–0339	Fluorinated octanol tosyl ester.
L–11–0038	Fluoropolyether modified polyoxyethylene compound.
L–11–0045	Reaction products with hydride reduction substance of fluorinated homopolymer.
L–11–0046	Hydride reduction substance of fluorinated homopolymer.
L–11–0065	Fluorinated acrylic copolymer.
L–11–0066	Fluorinated acrylic copolymer.
L–11–0133	Fluorosurfactant.
L–11–0134	Fluorinated acrylic copolymer.
L–11–0138	Biphenyl biphenyl-ylthiophenyl phenyl sulfonium, trifluorotris pentafluoroalkyl phosphate.
L–11–0191	Fluoropolymer acrylate.
L–11–0203	Hydride reduction substance of perfluoropolyoxyalkane.
L–11–0243	Fluorinated polymer.
L–11–0369	Fluorinated polymer.
L–11–0407	Acrylic fluoropolymer.
L–12–0020	Perfluoroalkyl acrylate polymer.
L–12–0062	Perfluoropolyetheramide derivative.
L–12–0063	Fluorinated quaternary ammonium salt silane derivative.
L–12–0076	2-Propenoic acid, 2-methyl-, 2-[[[2-[(polyfluorooctyl)oxy][[(polyfluorooooctyl)oxy]methyl]ethoxy]carbonyl]amino]ethyl ester, polymer with alpha-(2-methyl-1-oxo-2-propen-1-yl)-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)], alkyl peroxide-initiated.
L–12–0110	Perfluoroacrylate copolymer.
L–12–0129	2-Propenoic acid, 2-methyl-, 2-hydroxybutyl ester, polymers with substituted methacrylate and reduced Me esters of reduced polymd. oxidized polyfluoroalkene acrylates, N-[2-(1-oxo-2-propen-1-yl)oxy]ethyl]carbamates, alkyl peroxide-initiated.
L–12–0131	Poly(oxy-1,2-ethanediyl), -hydro--hydroxy-, ether with polyfluoro alkanediol.
L–12–0138	2-Propenoic acid, 2-methyl-, 2-[[[2-[(polyfluorooctyl)oxy][[(polyfluorooctyl)oxy]-methyl]ethoxy]carbonyl]amino]ethyl ester, polymer with .alpha.-(substituted propeny-1-yl)-.omega.-hydroxypoly[oxt(methyl-1,2-ethanediyl)], substituted peroxoate-initiated.
L–12–0144	2-Propenoic acid, 2-methyl-, methyl ester, polymer with isooctadecyl 2-propenoate, alpha-(2-methyl-1-oxo-2-propen-1-yl)-omega-methoxypoly(oxy-1,2-ethanediyl), alpha-(2-methyl-1-oxo-2-propen-1-yl)-omega-[(2-methyl-1-oxo-2-propen-1-yl)oxy]poly(oxy-1,2-ethanediyl),polyfluorohexyl 2-propenoate and rel-(1R,2R,4R)-1,7,7-trimethylbicyclo[2.2.1]hept-2-yl 2-propenoate, alkyl peroxide-initiated.
L–12–0185	Perfluoropolyether compound.

LVE case No.	Chemical name or generic name
L–12–0224	Bis[tris(Modified oxyphenyl) sulfonium] salt with perfluorobutanedisulfanate.
L–12–0228	Perfluoropolyether.
L–12–0229	Perfluoropolyether.
L–12–0260	Substituted fluoroalkylsulfonate arylonium salt.
L–12–0272	2-Propenoic acid, 2-methyl-, polysubstituted-propyl ester, polymer with 2,2,3,3,4,4,4-heptafluoro-1-substituted-butyl 2-methyl-2-propenoate, di-Me 2,2′-(1,2-diazenediyl)bis[2-methylpropanoate]-inititated.
L–12–0285	Modified arysulfonium perfluoroalkyl salt.
L–12–0287	Fluorinated polymer.
L–12–0307	Polyalkylammonium polyfluoroalkanesulfonate.
L–12–0367	Alkyl ester fluoronated telomer with alkyl thiol plus silyl esters.
L–12–0375	fluorine surfactant.
L–12–0411	Fluoropolyether urethane methacrylate derivative.
L–12–0454	Perfluoropolyether Alkyl Silane Derivative.
L–12–0456	Perfluoropolyether Alkyl Allyl Ether.
L–13–0026	Fluoroalkane.
L–13–0031	2-Propenoic acid, 2-methyl-, heterotricycloalkyl ester, polymer with 2,2,3,3,4,4,4-heptafluoro-1-substituted-butyl 2-methyl-2-propenoate, di-Me 2,2′-(1,2-diazenediyl)bis[2-methylpropanoate]-inititated.
L–13–0034	Perfluoroalkyl acrylate copolymer.
L–13–0042	Acrylic copolymer solution containing fluoroalkyl groups.
L–13–0060	Perfluoropolyether-block-Polytetrafluoroethylene.
L–13–0070	Perfluoroelastomer.
L–13–0096	2-Propenoic acid, 2-methyl-, methyl ester, polymer with isooctadecyl 2-propenoate, alpha-(2-methyl-1-oxo-2-propen-1-yl)-omega-methoxypoly(oxy-1,2-ethanediyl), alpha-(2-methyl-1-oxo-2-propen-1-yl)-omega-[(2-methyl-1-oxo-2-propen-1-yl)oxy]poly(oxy-1,2-ethanediyl), polyfluorohexyl 2-propenoate and rel-(1R,2R,4R)-1,7,7-trimethylbicyclo[2.2.1]hept-2-yl 2-propenoate, alkyl peroxide-initiated.
L–13–0097	Fluorinated polymer.
L–13–0125	Fluoro acrylic polymer.
L–13–0150	Perfluoroalkyl acrylate copolymer.
L–13–0155	Poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, ether with polyfluoro alkanediol.
L–13–0158	Poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, ether with polyfluoro alkanediol.
L–13–0160	Phosphazene PFPE derivative—Hexaol.
L–13–0187	Perfluoropolyether derivative.
L–13–0219	Poly(Fluorinated Propanoic Acid).
L–13–0224	Fluorinated acrylic copolymer.
L–13–0226	Fluorinated acrylic copolymer.
L–13–0244	Fluorinated acrylic copolymer.
L–13–0272	Perfluoroalkyl ester.
L–13–0273	Perfluoroalkyl acid fluoride.
L–13–0279	Fluorinated acrylic ester telomer.
L–13–0286	Fluorinated acrylic ester telomer.
L–13–0393	Perfluoroalkoxide salt.
L–13–0463	Fluorinated acrylic copolymer.
L–13–0496	fluoroalkyl fluoroalkylimidoylamidine.
L–13–0620	Aklyl,fluoro-aklyl silanol.
L–13–0728	Sulfonium, dialkyl (dialkoxy carbopolcycle), salt with polyfluoro-N-(polyfluoroalkyl)sulfonyl substituted amide.
L–13–0729	C6 Perfluorotelomer Compound.
L–14–0022	Acid fluoride.
L–14–0234	Sulfonium, polycarbomonocycle, polyfluoroalkanoate (1:1).
L–14–0339	Fluoropolymeric Ester.
L–14–0371	Ethylene,1,1,2,2,-tetra-fluoro,oxidized,polymerized,terminal-functionalized.
L–14–0374	Fluorinated silane.
L–14–0420	Fluorinated aryl sulfonimide.
L–14–0449	Fluoroelastomer.
L–14–0484	Fluorochemical polymer.
L–14–0496	Oxathianium substituted tricycloalkyloxycarbonyl difluoro methane sulfonate.
L–15–0027	Fluoroacrylate copolymer.
L–15–0035	Perfluoroalkyl modified organopolysiloxane.
L–15–0090	Fluoroalkyl derivative.
L–15–0196	Poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, ether with polyfluoro alkanediol.
L–15–0223	Fluoroalkenyl polyglycol.
L–15–0248	Siloxanes and silicones fluorinated copolymer.
L–15–0262	Ethylene-Tetrafluoroethylene copolymer.
L–15–0302	Fluoroacrylate polymer.
L–15–0334	Fluorinated sulfonate salt.
L–15–0354	Perfluorinated Polysulfonic Acid Complexed with an Organic Conjugated Polymer.
L–15–0423	Perfluoropolyether.
L–16–0035	Perfluoropolyether-trimethoxysilane.
L–16–0051	Fluorinated acrylic terpolymer.
L–16–0186	Fluorosilicone resin.
L–16–0190	Pentane perfluorocarbon.
L–16–0204	Pentane perfluorocarbon.
L–16–0208	Pentane perfluorcarbon.
L–16–0211	Cyclohexane perfluorocarbon.
L–16–0215	Cyclohexane perfluorocarbon.

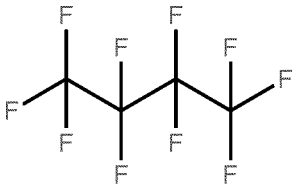
LVE case No.	Chemical name or generic name
L–16–0216	Cyclohexane perfluorocarbon.
L–16–0221	Cyclohexane perfluorocarbon.
L–16–0222	Perfluoroalkane.
L–16–0223	Perfluorcarbon.
L–17–0271	Pentane perfluorocarbon.
L–17–0285	Fluorinated urethane acrylate.
L–17–0315	Ethylene,1,1,2,2,-tetra-fluoro,butylene,1,1,2,2,3,3,4,4-octafluoro,oxidized,polymerized,terminal-functionalized.
L–17–0334	Sulfonium, Triphenyl tetrafluoro heterohexacyclic ethanesulfonate salt.
L–17–0339	Fluorinated Silicic acid, methyl ester.
L–18–0023	Fluorinated sulfonamide alcohol, polymer with 1,4-butanediol, 1,6-diisocyanatohexane, .alpha.-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)], and diol.
L–18–0127	Thiophenium, 1-(2,7-disubstituted-1-naphthalenyl)tetrahydro-, salt with polyfluoro-N-polyfluoroalkylsulfonyl-1-alkanesulfonamide(1:1).
L–18–0267	Siloxanes and Silicones, di-Me, Me polyfluoro-.
L–18–0304	Alkanedioic acid, polyfluoro-, substituted alkyl alkenyl ester, polymer substituted alkane substituted bis dialkyl.
L–19–0033	Alkyl carbanate, perfluoro-alkyl ester.
L–19–0063	Aliphatic diisocyanate polymer with esters of reduced polymd. oxidized fluoroethylene, acrylate blocked.
L–19–0170	Aminoalkenyl, reaction products with reduced fluorooxetane homopolymer fluoromethanesulfonate, trichlorosilane and alkoxymethane.
L–19–0190	Polyfluoropropanoic acid homopolymer.
L–19–0233	Fluoroalkyl-acrylate modified hydroxy-functional polysiloxane.
L–20–0026	Silane, trialkoxyvinyl-, polymer with alkoxyethene and 1,1,2,2-tetrafluoroethene.
L–20–0061	Fluoroalkylepoxide.
L–20–0084	Polymer of perfluoroalkylethyl methacrylate, hydroxyalkyl methacrylate.
L–20–0085	Perfluoro alkanoic acid, perfluoro alkoxy.
L–20–0132	2-Propenoic acid, 2-methyl-, methyl ester, polymer with isooctadecyl 2-propenoate, .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-methoxypoly(oxy-1,2-ethanediyl), .alpha.-(2-methyl-1-oxo-2-propen-1-yl)-.omega.-[(2-methyl-1-oxo-2-propen-1-yl)oxy]poly(oxy-1,2-ethanediyl), polyfluorohexyl 2-propenoate and rel-(1R,2R,4R)-1,7,7-trimethylbicyclo[2.2.1]hept-2-yl 2-propenoate, alkyl peroxide-initiated.
L–85–0008	Alkenyl acid, polyfluoro disubstituted pentanediyl ester.
L–85–0051	Fluorinated alkanesulfonamide, halide salt.
L–85–0072	Per(chlorofluoro)telomer sulfonic acid.
L–85–0073	Per(chlorofluoro)telomer ester.
L–85–0074	Per(chlorofluoro)telomer nitrile.
L–85–0075	Per(chlorofluoro)telomer imidoyl amidine.
L–86–0067	Bis(substituted phenyl)polyoxyperfluoroalkylene.
L–88–0010	Fluoralkyl quaternary ammonium acetate.
L–88–0013	Fluorinated carboxylic acid salt.
L–88–0027	Fluoroalkene.
L–88–0028	Fluoroalkyl nitrile.
L–88–0029	Fluoroalkyl amine.
L–88–0030	Fluoroalkyl isocyanate.
L–88–0035	Inert perfluorocarbon liquid.
L–88–0036	Inert perfluorocarbon liquid.
L–88–0164	Inert perfluorocarbon liquid.
L–88–0165	Inert perfluorocarbon liquid.
L–88–0174	Fluoroalkylated protein A.
L–88–0175	Fluoroalkylated monoclonal antibody.
L–89–0045	Polyfluorocarboxylic acid.
L–89–0052	Inert perfluorocarbon liquid.
L–89–0118	Fluorinated amide.
L–89–0119	Fluorinated sulfonamide.
L–89–0120	Fluorochemical epoxy.
L–89–0164	Phosphonic acid [[(perfluoroalkenyloxo)phenyl]methyl]-, zinc salt (2:1).
L–89–0225	Isocyanate terminated perfluoropolyoxyalkene.
L–89–0236	Fluorine cotaining acrylate.
L–89–0277	Dicarboxyperfluoropolyoxyalkane.
L–90–0067	Fluorinated polyalkylakoxysilane.
L–90–0106	Perfluoroalkyl cyclohexyl sulfonate salt.
L–90–0260	Fluoroalkylether.
L–90–0261	Fluoroalkylether.
L–90–0262	Fluoroalkylalcohol.
L–90–0263	Fluoroacrylate monomer.
L–90–0455	Fluorinated acrylic ester copolymer.
L–90–0456	Fluorinated acrylic ester copolymer.
L–90–0592	Perfluorinated liquid.
L–91–0142	Perfluoropolyether derivative.
L–91–0178	Quaternary ammonium perfluoroalkyl carboxylate.
L–91–0259	Fluorochemical polyurethane.
L–92–0039	Peroxide curable fluoroelastomer of vinylidene fluoride and tetrafluoroethylene.
L–92–0120	Quaternary ammonium salt of fluorinated alklyl-aryl amide.
L–92–0151	Fluorochemical acrylic acid copolymer.
L–92–0185	Perfluoroether ester.
L–92–0186	Perfluoroether derivative.

LVE case No.	Chemical name or generic name
L–92–0194	Cationic fluorinated surfactant.
L–92–0201	Substituted fluorinated elastomer.
L–93–0082	Fluorourethane.
L–93–0191	Fluorochemical sulfonate salt.
L–94–0060	Perfluoroalkyl sodium salt.
L–94–0301	Fluorinated sulfide.
L–94–0337	Polymer of HFP, VF2, TFE & fluoro alkoxy methane.
L–95–0017	N-Alkyl perfluoropolyether carboxyamide.
L–95–0056	Fluoroalkyl phosphate.
L–95–0077	Fluorinated disulfide.
L–95–0078	Fluorinated sulfide.
L–95–0079	Fluorinated sulfide.
L–95–0107	Perfluoro-polyether-ethoxylated alcohol.
L–95–0109	Fluorinated disulfide.
L–95–0134	Amine oxide, dimethyl (polyfluoro-hydro-alkyl).
L–95–0135	Amine oxide, dimethyl (polyfluoro-alkyl).
L–95–0154	Fluoroacrylate polymer.
L–95–0176	Fluorinated acrylic ester copolymer.
L–95–0178	Ammonium perfluoroalkyl carboxylate.
L–95–0186	Fluorinated surfactant.
L–95–0261	Fluorochemical acrylate copolymer.
L–95–0270	Perfluoro polyether amido silane.
L–96–0009	Polyfluoroalkylether.
L–96–0101	Dicarboxyperfluoropolyoxyalkane.
L–96–0132	Perfluoroalkyl-alkyl urethane.
L–96–0219	Perfluoro oxygenated oligomers.
L–96–0257	Fluoroethylene-vinylether copolymer.
L–96–0325	Fluoroalkyltriisocyanatosilane.
L–96–0355	Fluorinated acrylic ester copolymer.
L–96–0368	alpha-Methyl-omega-perfluoroalkyl polyoxyethylene.
L–96–0405	N-Alkyl perfluoropolyether carboxyamide.
L–96–0436	Perfluoropolyether diol, magnesuim salt.
L–96–0452	Hexafluoropropene oligomers and reaction products.
L–96–0453	N-(Anthraquinoyl) perfluoropoly ether carboxyamide.
L–97–0038	Polyfluoro-1-octanethiol.
L–97–0056	2-Propenoic acid, 2-substituted ethyl ester, telomer with polyfluoro-1-octanethiol.
L–97–0115	Fluorinated acrylic ester copolymer.
L–97–0198	Polyfluorocarboxylic acid.
L–97–0281	Fluoroalkychlorosilane.
L–97–0340	Fluorochemical ether.
L–97–0341	Fluorochemical silane.
L–97–0413	Mixture of perfluoropropanediol phosphate.
L–97–0439	Phenyl fluorosulfate.
L–97–0447	Polyfluoralkylether.
L–97–0459	Acrylic polymer, fluoroalkyl, ethoxylate and silyl ester.
L–97–0468	Perfluoroalkyl-alkyl urethane.
L–97–0471	Polyfluoroalkylalkoxysilane oligomer.
L–98–0028	Bis[3-perfluoroalkyl (C8) -2-hydroxypropyl] polyoxyethylene ether.
L–98–0067	Fluorinated paralyene.
L–98–0154	Polyfluoro-sulfonic acid salt.
L–98–0281	Fluoroalkanol substituted benzene.
L–98–0298	Fluorocarbon cresyl titanate.
L–98–0406	Fluoroalkyl phenoxy substituted benzene.
L–98–0465	Fluoric organic polymer.
L–98–0467	Fluoric organic polymer.
L–98–0479	Fluoroalkyl substituted benzene.
L–98–0501	Fluoric organic compound.
L–98–0537	Fluoroalkyl diaminobenzene.
L–99–0042	Fluorinated compound.
L–99–0063	Fluorinated acid derivative.
L–99–0087	Fluoroalkyl substituted siloxanes.
L–99–0091	Fluorinated acrylic ester copolymer.
L–99–0159	Fluoropolyether derivative.
L–99–0199	Fluorinated polymer.
L–99–0202	Fluorinated dicarboxylic acid derivative.
L–99–0212	Fluoropolyether derivative.
L–99–0254	Polyfluorocarboxylic acid ammonium salt.
L–99–0257	Fluoroalkyl substituted siloxanes and silicones.
L–99–0261	Fluoroalkyl substituted siloxanes and silicones.
L–99–0262	Fluorine-containing organopolysiloxane.
L–99–0263	Polyfluoroalkylether.
L–99–0264	Polyfluoroalkylether.
L–99–0265	Substituted perfluoroalkyl ether.
L–99–0266	Fluoroalkyl substituted siloxanes and silicones.

LVE case No.	Chemical name or generic name
L–99–0267	Polyfluoroalkylether.
L–99–0268	Fluoroalkyl substituted siloxanes.
L–99–0284	Perfluoropolyether derivative.
L–99–0289	Polyfluorocarboxylic acid ammonium salt.
L–99–0339	Fluoroolefin copolymer.
L–99–0346	Perfluoropolyether derivative.
L–99–0393	Fluorinated synthetic rubber.
L–99–0394	Fluorinated polymer.
L–99–0415	Fluoropoly ether derivative.
L–99–0416	Fluoropoly ether derivative.
L–99–0417	Fluoropoly ether derivative.
L–99–0440	Fluorinated surfactant.

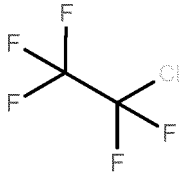
(e) Structural diagram examples, with respective CASRNs.

1. Perflourocarbon



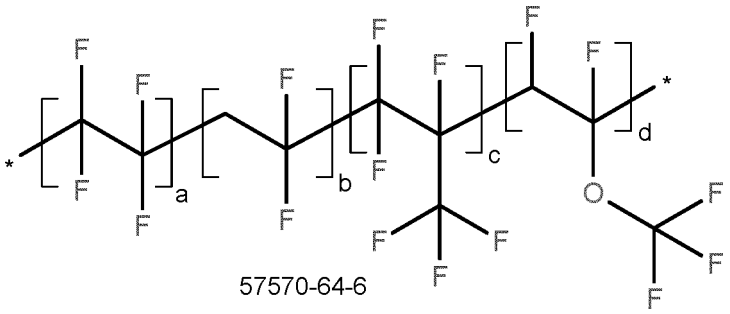
355-25-9

2. Halo Fluorocarbon (R, R' and/or R'' = halogen which is not fluorine)



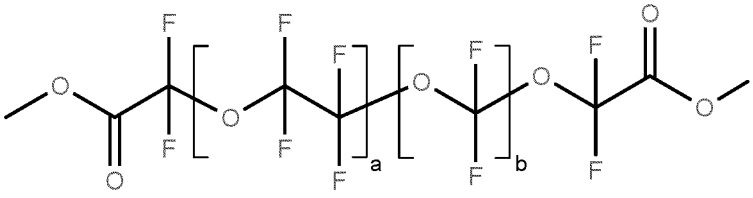
76-15-3

3. Fluoro polymer (for example, polymers made from tetrafluoroethene (C2F4), hexafluoropropene (C3F6) and/or halotrifluoroethene (C2F3halo))

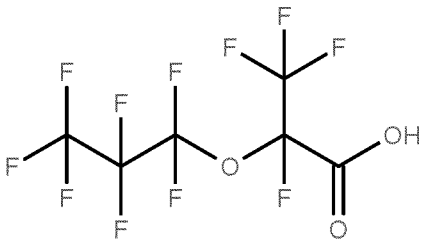


57570-64-6

4. Perfluoro/polyfluoro ether

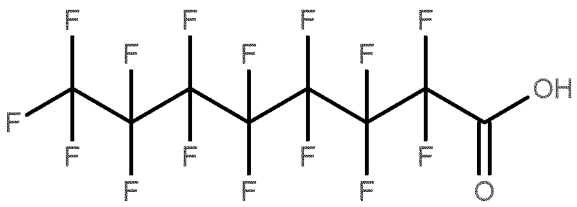


161075-12-3

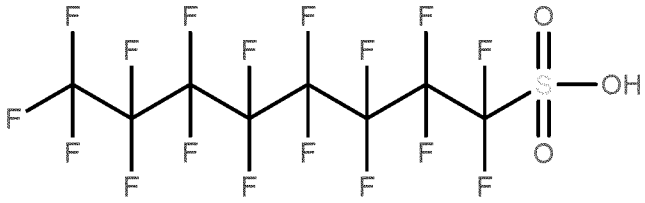


13252-13-6

5. Perfluoroalkyl-R (R = O, N, P, C (not CF2), S, Si, H, or metal)

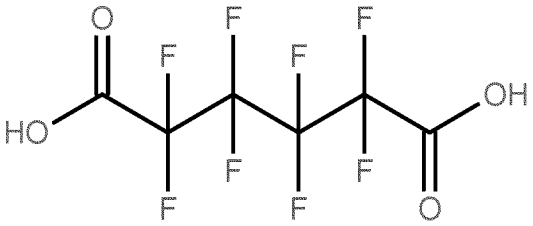


335-67-1

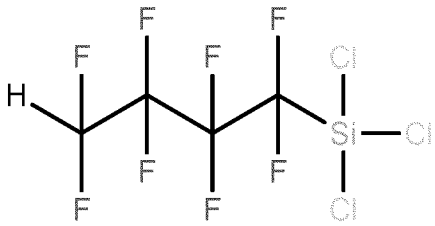


1763-23-1

6. R-Perfluoroalkyl-R (R = O, N, P, C (not CF2), S, Si, H, or metal)



336-08-3



375-63-3

§ 705.10 Persons who must report.

Persons who have manufactured a chemical substance identified in § 705.5 at any period from January 1, 2011 to the effective date of this rule.

§ 705.15 What information to report.

For the one-time submission, persons identified in § 705.10 of this part must report to EPA, for each site of each of the chemical substances identified in § 705.5, the following information to the extent known to or reasonably ascertainable by them. In the event that actual data is not known to or reasonably ascertainable by the submitter, then reasonable estimates may be submitted:

(a) *Company and plant site information.* The following currently correct company and plant site information must be reported for each site at which a reportable chemical substance is manufactured (see § 711.3 for the ''site'' for importers):

(1) The highest-level U.S. parent company name, address, and Dun and Bradstreet D–U–N–S® (D&B) number. A submitter under this part must obtain a D&B number for the U.S. parent company if none exists.

(2) The name of a person who will serve as Authorized Official for the submitter company, and who will be able to sign the certification statement as described in paragraph (i) of this section, the Authorized Official's full mailing address, telephone number, and email address.

(3) The name of a person who will serve as technical contact for the submitter company, and who will be able to answer questions about the information submitted by the company to EPA, the contact person's full mailing address, telephone number, and email address.

(4) The name, full street address, and six-digit North American Industry Classification System (NAICS) code(s) of the site. A submitter under this part must include the appropriate D&B number for each plant site reported, and the county or parish (or other jurisdictional indicator) in which the plant site is located. A submitter under this part must obtain a D&B number for the site reported if none exists. A submitter under this part must also provide other site identification numbers, including the Facility Registry Service (FRS) identification number, if they exist.

(b) *Chemical-specific information.* The following chemical-specific information must be reported for each PFAS manufactured for each year since January 1, 2011:

(1) The common or trade name, the chemical identity, and the representative molecular structure of each PFAS for which such a report is required.

(i) The specific, currently correct CA Index name as used to list the chemical substance on the TSCA Inventory and the correct corresponding CASRN for each reportable PFAS at each site. Submitters who wish to report chemical substances listed on the confidential portion of the TSCA Inventory will need to report the chemical substance using a TSCA Accession Number. If a submitter has a low-volume exemption (LVE) case number for the chemical substance, that number may also be used if a CASRN is not known to or reasonably ascertainable by the submitter.

(ii) In addition to reporting the number itself, submitters must specify the type of number they are reporting by selecting from among the codes in Table 1 of this paragraph.

TABLE 1—CODES TO SPECIFY TYPE OF CHEMICAL IDENTIFYING NUMBER

Code	Number type
A	TSCA Accession Number.
C	Chemical Abstracts Service Registry Number (CASRN).
L	Low-volume exemption (LVE) Case Number.

(2) The physical form(s) of the PFAS as it is sent off-site from each site. If the PFAS is site-limited, you must report the physical form(s) of the PFAS at the time it is reacted on-site to produce a different chemical substance. For each PFAS at each site, the submitter must report as many physical forms as applicable from among the physical forms listed in this unit:

(i) Dry powder.

(ii) Pellets or large crystals.

(iii) Water- or solvent-wet solid.

(iv) Other solid.

(v) Gas or vapor.

(vi) Liquid.

(c) Categories of use. For each year since January 1, 2011, report the following information on categories or proposed categories of use of each PFAS manufactured.

(1) *Industrial processing and use information.* A designation indicating the type of industrial processing or use operation(s) at each site that receives a PFAS from the submitter site directly or indirectly (whether the recipient site(s) are controlled by the submitter site or not). For each PFAS, report the letters which correspond to the appropriate processing or use operation(s) listed in Table 2. A particular designation may need to be reported more than once, to the extent that a submitter reports more than one sector that applies to a given designation under this paragraph.

TABLE 2—CODES FOR REPORTING TYPE OF INDUSTRIAL PROCESSING OR USE OPERATION

Designation	Operation
PC	Processing as a reactant.
PF	Processing—incorporation into formulation, mixture, or reaction product.
PA	Processing—incorporation into article.
PK	Processing—repackaging.
U	Use—non-incorporative activities.

(2) A code indicating the sector(s) that best describe the industrial activities associated with each industrial processing or use operation reported under this section. For each chemical substance, report the code that corresponds to the appropriate sector(s) listed in Table 3. A particular sector code may need to be reported more than once, to the extent that a submitter reports more than one function code that applies to a given sector code under this paragraph.

TABLE 3—CODES FOR REPORTING INDUSTRIAL SECTORS

Code	Sector description
IS1	Agriculture, forestry, fishing, and hunting.
IS2	Oil and gas drilling, extraction, and support activities.
IS3	Mining (except oil and gas) and support activities.
IS4	Utilities.
IS5	Construction.
IS6	Food, beverage, and tobacco product manufacturing.
IS7	Textiles, apparel, and leather manufacturing.
IS8	Wood product manufacturing.
IS9	Paper manufacturing.
IS10	Printing and related support activities.
IS11	Petroleum refineries.
IS12	Asphalt paving, roofing, and coating materials manufacturing.
IS13	Petroleum lubricating oil and grease manufacturing.
IS14	All other petroleum and coal products manufacturing.
IS15	Petrochemical manufacturing.
IS16	Industrial gas manufacturing.
IS17	Synthetic dye and pigment manufacturing.
IS18	Carbon black manufacturing.
IS19	All other basic inorganic chemical manufacturing.
IS20	Cyclic crude and intermediate manufacturing.
IS21	All other basic organic chemical manufacturing.
IS22	Plastics material and resin manufacturing.
IS23	Synthetic rubber manufacturing.
IS24	Organic fiber manufacturing.
IS25	Pesticide, fertilizer, and other agricultural chemical manufacturing.
IS26	Pharmaceutical and medicine manufacturing.
IS27	Paint and coating manufacturing.
IS28	Adhesive manufacturing.
IS29	Soap, cleaning compound, and toilet preparation manufacturing.
IS30	Printing ink manufacturing.
IS31	Explosives manufacturing.
IS32	Custom compounding of purchased resins.
IS33	Photographic film, paper, plate, and chemical manufacturing.
IS34	All other chemical product and preparation manufacturing.
IS35	Plastics product manufacturing.
IS36	Rubber product manufacturing.
IS37	Non-metallic mineral product manufacturing (includes cement, clay, concrete, glass, gypsum, lime, and other non-metallic mineral product manufacturing).
IS38	Primary metal manufacturing.
IS39	Fabricated metal product manufacturing.

TABLE 3—CODES FOR REPORTING INDUSTRIAL SECTORS—Continued

Code	Sector description
IS40	Machinery manufacturing.
IS41	Computer and electronic product manufacturing.
IS42	Electrical equipment, appliance, and component manufacturing.
IS43	Transportation equipment manufacturing.
IS44	Furniture and related product manufacturing.
IS45	Miscellaneous manufacturing.
IS46	Wholesale and retail trade.
IS47	Services.
IS48	Other (requires additional information).

(3) For each sector reported under paragraph (c)(2) of this section, the applicable code(s) from Table 4 must be selected to designate the function category(ies) that best represents the specific manner in which the chemical substance is used.

TABLE 4—CODES FOR REPORTING FUNCTION CATEGORIES

Code	Category
F001	Abrasives.
F002	Etching agent.
F003	Adhesion/cohesion promoter.
F004	Binder.
F005	Flux agent.
F006	Sealant (barrier).
F007	Absorbent.
F008	Adsorbent.
F009	Dehydrating agent (desiccant).
F010	Drier.
F011	Humectant.
F012	Soil amendments (fertilizers).
F013	Anti-adhesive/cohesive.
F014	Dusting agent.
F015	Bleaching agent.
F016	Brightener.
F017	Anti-scaling agent.
F018	Corrosion inhibitor.
F019	Dye.
F020	Fixing agent (mordant).
F021	Hardener.
F022	Filler.
F023	Anti-static agent.
F024	Softener and conditioner.
F025	Swelling agent.
F026	Tanning agents not otherwise specified.
F027	Waterproofing agent.
F028	Wrinkle resisting agent.
F029	Flame retardant.
F030	Fuel agents.
F031	Fuel.
F032	Heat transferring agent.
F033	Hydraulic fluids.
F034	Insulators.
F035	Refrigerants.
F036	Anti-freeze agent.
F037	Intermediate.
F038	Monomers.
F039	Ion exchange agent.
F040	Anti-slip agent.
F041	Lubricating agent.
F042	Deodorizer.
F043	Fragrance.
F044	Oxidizing agent.
F045	Reducing agent.
F046	Photosensitive agent.
F047	Photosensitizers.
F048	Semiconductor and photovoltaic agent.
F049	UV stabilizer.
F050	Opacifer.
F051	Pigment.
F052	Plasticizer.

TABLE 4—CODES FOR REPORTING FUNCTION CATEGORIES—Continued

Code	Category
F053	Plating agent.
F054	Catalyst.
F055	Chain transfer agent.
F056	Chemical reaction regulator.
F057	Crystal growth modifiers (nucleating agents).
F058	Polymerization promoter.
F059	Terminator/Blocker.
F060	Processing aids, specific to petroleum production.
F061	Antioxidant.
F062	Chelating agent.
F063	Defoamer.
F064	pH regulating agent.
F065	Processing aids not otherwise specified.
F066	Energy Releasers (explosives, motive propellant).
F067	Foamant.
F068	Propellants, non-motive (blowing agents).
F069	Cloud-point depressant.
F070	Flocculating agent.
F071	Flotation agent.
F072	Solids separation (precipitating) agent, not otherwise specified.
F073	Cleaning agent.
F074	Diluent.
F075	Solvent.
F076	Surfactant (surface active agent).
F077	Emulsifier.
F078	Thickening agent.
F079	Viscosity modifiers.
F080	Laboratory chemicals.
F081	Dispersing agent.
F082	Freeze-thaw additive.
F083	Surface modifier.
F084	Wetting agent (non-aqueous).
F085	Aerating and deaerating agents.
F086	Explosion inhibitor.
F087	Fire extinguishing agent.
F088	Flavoring and nutrient.
F089	Anti-redeposition agent.
F090	Anti-stain agent.
F091	Anti-streaking agent.
F092	Conductive agent.
F093	Incandescent agent.
F094	Magnetic element.
F095	Anti-condensation agent.
F096	Coalescing agent.
F097	Film former.
F098	Demulsifier.
F099	Stabilizing agent.
F100	Alloys.
F101	Density modifier.
F102	Elasticizer
F103	Flow promoter.
F104	Sizing agent.
F105	Solubility enhancer.
F106	Vapor pressure modifiers.
F107	Embalming agent.
F108	Heat stabilizer.
F109	Preservative.
F110	Anti-caking agent.
F111	Deflocculant.
F112	Dust suppressant.
F113	Impregnation agent.
F114	Leaching agent.
F115	Tracer.
F116	X-ray absorber.
F999	Other.

(4) *Consumer and commercial use information.* Using the applicable codes listed in Table 5 to paragraph (c)(4) of this section, submitters must designate the consumer and commercial product category(ies) that best describe the consumer and commercial products in which each PFAS is used (whether the recipient site(s) are controlled by the

submitter site or not). If more than 10 codes apply to a PFAS, submitters need only report the 10 codes for PFAS that cumulatively represent the largest percentage of the submitter's production volume for that chemical, measured by weight. If none of the listed consumer and commercial product categories accurately describes the consumer and commercial products in which each PFAS is used, the category ''Other'' may be used, and must include a description of the use.

TABLE 5—CODES FOR REPORTING CONSUMER AND COMMERCIAL PRODUCT CATEGORIES

Code	Category
	Chemical Substances in Furnishing, Cleaning, Treatment Care Products
CC101	Construction and building materials covering large surface areas including stone, plaster, cement, glass and ceramic articles; fabrics, textiles, and apparel.
CC102	Furniture & furnishings including plastic articles (soft); leather articles.
CC103	Furniture & furnishings including stone, plaster, cement, glass and ceramic articles; metal articles; or rubber articles.
CC104	Leather conditioner.
CC105	Leather tanning, dye, finishing, impregnation and care products.
CC106	Textile (fabric) dyes.
CC107	Textile finishing and impregnating/surface treatment products.
CC108	All-purpose foam spray cleaner.
CC109	All-purpose liquid cleaner/polish.
CC110	All-purpose liquid spray cleaner.
CC111	All-purpose waxes and polishes.
CC112	Appliance cleaners.
CC113	Drain and toilet cleaners (liquid).
CC114	Powder cleaners (floors).
CC115	Powder cleaners (porcelain).
CC116	Dishwashing detergent (liquid/gel).
CC117	Dishwashing detergent (unit dose/granule).
CC118	Dishwashing detergent liquid (hand-wash).
CC119	Dry cleaning and associated products.
CC120	Fabric enhancers.
CC121	Laundry detergent (unit-dose/granule).
CC122	Laundry detergent (liquid).
CC123	Stain removers.
CC124	Ion exchangers.
CC125	Liquid water treatment products.
CC126	Solid/Powder water treatment products.
CC127	Liquid body soap.
CC128	Liquid hand soap.
CC129	Solid bar soap.
CC130	Air fresheners for motor vehicles.
CC131	Continuous action air fresheners.
CC132	Instant action air fresheners.
CC133	Anti-static spray.
CC134	Apparel finishing, and impregnating/surface treatment products.
CC135	Insect repellent treatment.
CC136	Pre-market waxes, stains, and polishes applied to footwear.
CC137	Post-market waxes, and polishes applied to footwear (shoe polish).
CC138	Waterproofing and water-resistant sprays.
	Chemical Substances in Construction, Paint, Electrical, and Metal Products
CC201	Fillers and putties.
CC202	Hot-melt adhesives.
CC203	One-component caulks.
CC204	Solder.
CC205	Single-component glues and adhesives.
CC206	Two-component caulks.
CC207	Two-component glues and adhesives.
CC208	Adhesive/Caulk removers.
CC209	Aerosol spray paints.
CC210	Lacquers, stains, varnishes and floor finishes.
CC211	Paint strippers/removers.
CC212	Powder coatings.
CC213	Radiation curable coatings.
CC214	Solvent-based paint.
CC215	Thinners.
CC216	Water-based paint.
CC217	Construction and building materials covering large surface areas, including wood articles.
CC218	Construction and building materials covering large surface areas, including paper articles; metal articles; stone, plaster, cement, glass and ceramic articles.
CC219	Machinery, mechanical appliances, electrical/electronic articles.
CC220	Other machinery, mechanical appliances, electronic/electronic articles.
CC221	Construction and building materials covering large surface areas, including metal articles.

TABLE 5—CODES FOR REPORTING CONSUMER AND COMMERCIAL PRODUCT CATEGORIES—Continued

Code	Category
CC222	Electrical batteries and accumulators.
	Chemical Substances in Packaging, Paper, Plastic, Toys, Hobby Products
CC990	Non-TSCA use.
CC301	Packaging (excluding food packaging), including paper articles.
CC302	Other articles with routine direct contact during normal use, including paper articles.
CC303	Packaging (excluding food packaging), including rubber articles; plastic articles (hard); plastic articles (soft).
CC304	Other articles with routine direct contact during normal use including rubber articles; plastic articles (hard).
CC305	Toys intended for children's use (and child dedicated articles), including fabrics, textiles, and apparel; or plastic articles (hard).
CC306	Adhesives applied at elevated temperatures.
CC307	Cement/concrete.
CC308	Crafting glue.
CC309	Crafting paint (applied to body).
CC310	Crafting paint (applied to craft).
CC311	Fixatives and finishing spray coatings.
CC312	Modelling clay.
CC313	Correction fluid/tape.
CC314	Inks in writing equipment (liquid).
CC315	Inks used for stamps.
CC316	Toner/Printer cartridge.
CC317	Liquid photographic processing solutions.
	Chemical Substances in Automotive, Fuel, Agriculture, Outdoor Use Products
CC401	Exterior car washes and soaps.
CC402	Exterior car waxes, polishes, and coatings.
CC403	Interior car care.
CC404	Touch up auto paint.
CC405	Degreasers.
CC406	Liquid lubricants and greases.
CC407	Paste lubricants and greases.
CC408	Spray lubricants and greases.
CC409	Anti-freeze liquids.
CC410	De-icing liquids.
CC411	De-icing solids.
CC412	Lock de-icers/releasers.
CC413	Cooking and heating fuels.
CC414	Fuel additives.
CC415	Vehicular or appliance fuels.
CC416	Explosive materials.
CC417	Agricultural non-pesticidal products.
CC418	Lawn and garden care products.
	Chemical Substances in Products not Described by Other Codes
CC980	Other (specify).
CC990	Non-TSCA use.

(5) For each consumer and commercial product category reported under paragraph (c)(4) of this section, the applicable code(s) described in Table 4 under paragraph (c)(3) of this section must be selected to designate the function category(ies) that best represents the specific manner in which the PFAS is used.

(6) Submitters must indicate, for each consumer and commercial product category reported under paragraph (c)(4) of this section, whether the use is a consumer or a commercial use, or both.

(7) Submitters must determine, within each consumer and commercial product category reported under paragraph (c)(4) of this section, whether any amount of each reportable chemical substance manufactured (including imported) by the submitter is present in (for example, a plasticizer chemical substance used to make pacifiers) or on (for example, as a component in the paint on a toy) any consumer products intended for use by children age 14 or younger, regardless of the concentration of the chemical substance remaining in or on the product. Submitters must select from the following options: The chemical substance is used in or on any consumer products intended for use by children; the chemical substance is not used in or on any consumer products intended for use by children; or information as to whether the chemical substance is used in or on any consumer products intended for use by children is not known to or reasonably ascertainable by the submitter.

(8) For each year where the PFAS is used in consumer or commercial products, the estimated typical maximum concentration, measured by weight, of the chemical substance in each consumer and commercial product category reported under paragraph (c)(4) of this section. For each PFAS in each commercial and consumer product category reported under paragraph (c)(4) of this section, submitters must select from among the ranges of concentrations listed in Table 6 of this paragraph and report the corresponding code (*i.e.,* M1 through M5):

TABLE 6—CODES FOR REPORTING MAXIMUM CONCENTRATION OF CHEMICAL SUBSTANCE

Code	Concentration range (% weight)
M1	Less than 1% by weight.
M2	At least 1 but less than 30% by weight.
M3	At least 30 but less than 60% by weight.
M4	At least 60 but less than 90% by weight.
M5	At least 90% by weight.

(d) For each year since January 1, 2011, the total amounts manufactured or processed of each PFAS, including the amounts manufactured or processed in each calendar year for each category of use as described in paragraph (c) of this section.

(1) For each year the PFAS was manufactured, the total annual volume (in pounds) of each PFAS domestically manufactured or imported at each site. The total annual domestically manufactured volume (not including imported volume) and the total annual imported volume must be separately reported. These amounts must be reported to two significant figures of accuracy.

(2) A designation indicating, for each PFAS at each site, whether the imported PFAS is physically present at the reporting site.

(3) The volume directly exported of each PFAS domestically manufactured or imported at each site. These amounts must be reported to two significant figures of accuracy.

(4) The estimated percentage, rounded off to the closest 10 percent, of total production volume of the reportable chemical substance associated with each combination of industrial processing or use operation, sector, and function category as reported in paragraph (c) of this section. Where a particular combination of industrial processing or use operation, sector, and function category accounts for less than 5 percent of the submitter's site's total production volume of a reportable chemical substance, the percentage must not be rounded off to 0 percent. Instead, in such a case, submitters must report the percentage, rounded off to the closest 1 percent, of the submitter's site's total production volume of the reportable chemical substance associated with the particular combination of industrial processing or use operation, sector, and function category.

(5) The estimated percentage, rounded off to the closest 10 percent, of the submitter's site's total production volume of the PFAS associated with each consumer and commercial product category as reported in paragraph (c)(4) of this section. Where a particular consumer and commercial product category accounts for less than 5 percent of the total production volume of a reportable chemical substance, the percentage must not be rounded off to 0 percent. Instead, in such a case, submitters must report the percentage, rounded off to the closest 1 percent, of the submitter's site's total production volume of the reportable chemical substance associated with the particular consumer and commercial product category.

(6) The estimated maximum amount (in pounds) to be manufactured or imported during the first year of production within the covered reporting period (*i.e.,* since January 1, 2011), and the estimated maximum amount (in pounds) to be manufactured or imported during any 12-month period during the first three years of production within the covered reporting period.

(7) An indication of whether the PFAS was site-limited.

(8) The estimated maximum amount (in pounds) of the PFAS on site at any point in time since January 1, 2011. This amount is not limited to quantities being actively manufactured or used, and includes quantities stored.

(9) The total volume (in pounds) of each PFAS recycled on-site since January 1, 2011.

(e) A description of the byproducts resulting from the manufacture, processing, use, or disposal of each PFAS since January 1, 2011.

(1) For each byproduct produced from the manufacture, processing, use, or disposal of a PFAS, the submitter will identify the byproduct by its specific, currently correct CA Index name as used to list the chemical substance on the TSCA Inventory and the correct corresponding CASRN. A submitter under this part may use an EPA-designated TSCA Accession Number for a chemical substance in lieu of a CASRN when a CASRN is not known to or reasonably ascertainable by the submitter. Submitters who wish to report chemical substances listed on the confidential portion of the TSCA Inventory will need to report the chemical substance using a TSCA Accession Number.

(i) In addition to reporting the number itself, submitters must specify the type of number they are reporting by selecting from among the codes in Table 1 of paragraph (b)(1)(i) of this section.

(ii) If the specific identity of the byproduct is unknown to the submitter, the submitter may provide a description of the chemical substance.

(iii) An indication of which specific PFAS activity(ies) (*i.e.,* manufacture, process, use, or disposal) manufactured the byproduct.

(2) An indication of whether the byproduct is released to the environment, and if so, the environmental medium (a) to which it is released (*i.e.,* air, water, land).

(3) For each year, the byproduct volume (in pounds) released to the environment.

(f) All existing environmental and health effects information of such substance or mixture. The scope of this information shall not be limited to studies conducted or published since 2011.

(1) For each published study report, the submitter shall complete an Organization for Economic Cooperation and Development (OECD) Harmonized Templates for Reporting Chemical Test Summaries, and submit the accompanying study reports and supporting information.

(2) Submitters shall also provide any additional human health data not in study reports, including but not limited to any preliminary studies, informal test results in workers, or inhalation studies.

(g) The number of individuals exposed to PFAS in their places of employment and the duration of such exposure for each year since January 1, 2011.

(1) A narrative description of worker activities involving the PFAS at the manufacturing site, such as bag dumping, sampling, cleaning, or unloading drums.

(2) For each worker activity in this paragraph, indicate the number of workers reasonably likely to be exposed. The submitter must select from among the worker ranges listed in Table 8 of

paragraph (g)(1)(i) of this section and report the corresponding code (*i.e.,* W1 though W8).

TABLE 7—CODES FOR REPORTING NUMBER OF WORKERS REASONABLY LIKELY TO BE EXPOSED

Code	Range
W1	Fewer than 10 workers.
W2	At least 10 but fewer than 25 workers.
W3	At least 25 but fewer than 50 workers.
W4	At least 50 but fewer than 100 workers.
W5	At least 100 but fewer than 500 workers.
W6	At least 500 but fewer than 1,000 workers.
W7	At least 1,000 but fewer than 10,000 workers.
W8	At least 10,000 workers.

(3) For each PFAS, the maximum duration of exposure for any worker at the manufacturing site, in hours per day and days per year.

(4) For each combination of industrial processing or use operation, sector, and function category identified in paragraph (c) of this section, the submitter must estimate the number of workers reasonably likely to be exposed to each PFAS. For each combination associated with each chemical substance, the submitter must select from among the worker ranges listed in Table 8 under paragraph (g)(1)(i) of this section and report the corresponding code (*i.e.,* W1 though W8).

(5) For each PFAS, the maximum duration of exposure for any worker for each combination of industrial processing or use operation, sector, and function category, in hours per day and days per year.

(6) Where the PFAS is used in a commercial product, the submitter must estimate the number of commercial workers reasonably likely to be exposed to each reportable chemical substance. For each commercial use associated with each substance, the submitter must select from among the worker ranges listed in Table 8 under paragraph (g)(1)(i) of this section and report the corresponding code (*i.e.,* W1 though W8).

(7) For each PFAS, the maximum duration of exposure for any worker for each commercial use, in hours per day and days per year.

(h) During the years in which the PFAS was manufactured, the manners or methods of its disposal, and any changes to the disposal methods or processes since January 1, 2011.

(1) Description of disposal processes or methods, using the appropriate codes in Table 9 of paragraph (h)(1) of this section, and additional descriptions as needed.

TABLE 8—CODES FOR REPORTING DISPOSAL METHODS

Code	Disposal method
D1	On-site land disposal: RCRA Class C landfill (hazardous).
D2	On-site land disposal: Other landfill.
D3	Other on-site land disposal.
D4	On-site underground injection (UIC).
D5	Off-site land disposal: RCRA Class C landfill (hazardous).
D6	Off-site land disposal: Other landfill.
D7	On-site incineration.
D8	Off-site incineration.
D9	Publicly owned treatment works (POTW).
D10	Other off-site waste transfer.
D11	Release to surface water.
D12	Release to air (stack emissions).
D13	Release to air (fugitive emissions).
D99	Other.

(2) Describe any changes to the disposal process(es) or method(s) indicated in paragraph (h)(1) for any PFAS manufactured since 2011.

(3) Indicate total volume released to each environmental medium since 2011 for each PFAS.

(4) Indicate total volume incinerated on-site since 2011 for each PFAS. If incineration occurred, indicate the temperature at which the PFAS was incinerated.

(i) *Certification statement signed and dated by an authorized official of the submitter company.* The authorized official must certify that the submitted information has been completed in compliance with the requirements of this part, such as all information known or reasonably ascertainable is submitted, and that the confidentiality claims made in this report are true and correct. The certification must be signed and dated by the authorized official for the submitter company, and provide that person's name, official title, and email address.

§ 705.20 When to report.

All information reported to EPA in response to the requirements of this part must be submitted during the applicable submission period. The submission period shall begin six months following the effective date of this rule and last for six months.

§ 705.22 Duplicative reporting.

(a) If a person identified in § 705.10 has already reported certain information in § 705.15 to EPA pursuant to TSCA section 8(a), then duplicative reporting of that information is not required of the years for which the information has already been reported. Any person covered in this part may notify EPA through the electronic reporting system in § 705.35 that such information has

already been submitted. This information may include:

(1) Physical state of the chemical or mixture, pursuant to § 711.15(b)(3)(C)(ix);

(2) Industrial processing and use type, sector(s), functional category(ies), and percent of production volume for each use, pursuant to § 711.15(b)(4)(i)(A) through (D);

(3) Consumer and/or commercial indicator, product category(ies), functional category(ies), percent of production volume for each use, indicator for use in products intended for children, and maximum concentration in the product, pursuant to § 711.15(b)(4)(ii)(A) through (F);

(4) Number of workers reasonably likely to be exposed for each combination of industrial processing or use operation, sector, and function, pursuant to § 711.15(b)(4)(i)(F), and the number of commercial workers reasonably likely to be exposed when the substance is used in a commercial product, pursuant to § 711.15(b)(4)(ii)(G).

(b) Any person covered in this part must report all information to EPA in § 705.15 for each year since January 1, 2011. If a person has already reported any of the data elements identified in paragraph (a) of this section, but not for all years since 2011, then that person must submit the required information for the intervening years.

§ 705.25 Recordkeeping requirements.

Each person who is subject to the reporting requirements of this part must retain records that document any information reported to EPA. Relevant records must be retained for a period of 5 years beginning on the last day of the submission period.

§ 705.30 Confidentiality claims.

(a) *Making confidentiality claims*—(1) *Generally.* Any person submitting information under this part may assert a confidentiality claim for that information, except for information described in paragraph (a)(2) of this section. Any such confidentiality claims must be asserted at the time the information is submitted. Instructions for asserting confidentiality claims are provided in the document identified in § 705.35. Information claimed as confidential in accordance with this section will be treated and disclosed in accordance with the procedures in 40 CFR part 2 and section 14 of TSCA.

(2) *Exceptions.* Confidentiality claims cannot be asserted:

(i) For chemical identities listed on the public portion of the TSCA Inventory;

(ii) For processing and use data elements required by § 705.15(c)(1) through (7); or

(iii) When a response is left blank or designated as ''not known or reasonably ascertainable.''

(3) *Health and environmental effects information.* Any person submitting health and effects information under this part may only assert a confidentiality claim for information that ''discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the release of data disclosing the portion of the mixture comprised by any of the chemical substances in the mixture.'' If any such information is claimed as confidential, a person who submits the information must also provide EPA with a sanitized copy for public release, removing only that information that is claimed as confidential.

(b) Unless exempted, *all confidentiality claims require substantiation at time of submission and must be signed and dated by an authorized official.* Confidentiality claims for the following data elements are exempt from this substantiation requirement:

(1) Production volume information required pursuant to § 705.15(d)(1), (5), and (6).

(c) *Marking information claimed as confidential in confidentiality substantiation documentation.* If any of the information contained in the answers to the questions listed in paragraph (e) of this section is asserted to contain information that itself is considered to be confidential, you must clearly identify the information that is claimed confidential.

(d) *Certification statement for claims.* An authorized official representing a person asserting a claim of confidentiality must certify that the submission complies with the requirements of this part by signing and dating the following certification statement:

''I certify that all claims for confidentiality asserted with this submission are true and correct, and all information submitted herein to substantiate such claims is true and correct. Any knowing and willful misrepresentation is subject to criminal penalty pursuant to 18 U.S.C. 1001. I further certify that: (1) I have taken reasonable measures to protect the confidentiality of the information; (2) I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law; (3) I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my company; and (4) I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.''

(e) Substantiation requirements for *all types of confidentiality claims.* For each data element that is claimed as confidential, you must submit with your report detailed written answers to the following questions:

(1) Will disclosure of the information claimed as confidential likely cause substantial harm to your business's competitive position? If you answered yes, describe the substantial harmful effects that would likely result to your competitive position if the information is disclosed, including but not limited to how a competitor could use such information, and the causal relationship between the disclosure and the harmful effects.

(2) Has your business taken precautions to protect the confidentiality of the disclosed information? If yes, please explain and identify the specific measures, including but not limited to internal controls, that your business has taken to protect the information claimed as confidential.

(3)(i) Is any of the information claimed as confidential required to be publicly disclosed under any other Federal law? If yes, please explain.

(ii) Does any of the information claimed as confidential otherwise appear in any public documents, including (but not limited to) safety data sheets; advertising or promotional material; professional or trade publications; state, local, or Federal agency files; or any other media or publications available to the general public? If yes, please explain why the information should be treated as confidential.

(iii) Does any of the information claimed as confidential appear in one or more patents or patent applications? If yes, please provide the associated patent number or patent application number (or numbers) and explain why the information should be treated as confidential.

(4) Does any of the information that you are claiming as confidential constitute a trade secret? If yes, please explain how the information you are claiming as confidential constitutes a trade secret.

(5) Is the claim of confidentiality intended to last less than 10 years (see TSCA section 14(e)(1)(B))? If yes, please indicate the number of years (between

1–10 years) or the specific date after which the claim is withdrawn.

(6) Has EPA, another federal agency, or court made any confidentiality determination regarding information associated with this chemical substance? If yes, please provide the circumstances associated with the prior determination, whether the information was found to be entitled to confidential treatment, the entity that made the decision, and the date of the determination.

(f) *Additional requirements for specific chemical identity.* A person may assert a claim of confidentiality for the specific chemical identity of a chemical substance as described in § 711.15(b) of this part only if the identity of that chemical substance is treated as confidential in the Master Inventory File as of the time the report is submitted for that chemical substance. Generic chemical identities and accession numbers may not be claimed as confidential. To assert a claim of confidentiality for the identity of a reportable chemical substance, you must submit with the report detailed written answers to the questions from paragraph (b) of this section and to the following questions.

(1) Is this chemical substance publicly known (including by your competitors) to be in U.S. commerce? If yes, please explain why the specific chemical identity should still be afforded confidential status (*e.g.,* the chemical substance is publicly known only as being distributed in commerce for research and development purposes, but no other information about the current commercial distribution of the chemical substance in the United States is publicly available). If no, please complete the certification statement:

I certify that on the date referenced, I searched the internet for the chemical substance identity (*i.e.,* by both chemical substance name and CASRN). I did not find a reference to this chemical substance that would indicate that the chemical is being manufactured or imported by anyone for a commercial purpose in the United States. [provide date].

(2) Does this particular chemical substance leave the site of manufacture (including import) in any form, *e.g.,* as a product, effluent, emission? If yes, please explain what measures have been taken to guard against the discovery of its identity.

(3) If the chemical substance leaves the site in a form that is available to the public or your competitors, can the chemical identity be readily discovered by analysis of the substance (*e.g.,* product, effluent, emission), in light of existing technologies and any costs, difficulties, or limitations associated with such technologies? Please explain why or why not.

(4) Would disclosure of the specific chemical name release confidential process information? If yes, please explain.

(g) *No claim of confidentiality.* Information not claimed as confidential in accordance with the requirements of this section may be made public without further notice to the submitter.

§ 705.35 Electronic reporting.

You must use CDX to complete and submit the reporting form required under this part. Submissions may only be made as set forth in this paragraph. Submissions must be sent electronically to EPA via CDX. The information submitted and all attachments (unless the attachment appears in scientific literature) must be in English. All information must be true and correct. Access the PFAS reporting tool and instructions, as follows:

(1) By website. Access the PFAS reporting tool via the CDX homepage at *https://cdx.epa.gov/* and follow the appropriate links.

(2) By phone or email. Contact the EPA TSCA Hotline at (202) 554–1404 or *TSCA-Hotline@epa.gov.*

[FR Doc. 2021–13180 Filed 6–25–21; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 86, No. 121
Monday, June 28, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No AMS–FGIS–21–0043]

Opportunity for Designation in the West Lafayette, Indiana Area; Request for Comments on the Official Agency Servicing This Area

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The designation of the official agency listed in **SUPPLEMENTARY INFORMATION** below will end on the prescribed date. We are asking persons or governmental agencies interested in providing official services in the area presently served by this agency to submit an application for designation. The Agricultural Marketing Service (AMS) encourages submissions from traditionally underrepresented individuals, organizations, and businesses to reflect the diversity of this industry. AMS encourages submissions from qualified applicants, regardless of race, color, age, sex, sexual orientation, gender identity, national origin, religion, disability status, protected veteran status, or any other characteristic protected by law. In addition, we are asking for comments on the quality of services provided by the following designated agency: Titus Grain Inspection, Inc. (Titus).

DATES: Applications and comments must be received by July 28, 2021.

ADDRESSES: Submit applications and comments concerning this Notice using any of the following methods:

- *To apply for Designation:* Use FGISonline (*https://fgisonline.ams.usda.gov*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *To submit Comments:* Go to *Regulations.gov* (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site. 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**. 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.

Read Applications and Comments: All comments will be available for public inspection online at *http://www.regulations.gov.* If you would like to view the applications, please contact us at *FGISQACD@usda.gov* (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Jessica Dreier at *FGISQACD@usda.gov.*

SUPPLEMENTARY INFORMATION: The designation of the official agency listed below will end on the prescribed date:

Official agency	Headquarters location and telephone	Designation end
Titus Grain Inspection, Inc	West Lafayette, IN, 765–497–2202	6/30/2021

Section 7(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under section 7(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA.

Areas Open for Designation

Titus: Area of designation includes parts of Indiana. Please see the March 29, 2016, issue of the **Federal Register** (81 FR 17431) for the description of the area in Lafayette, Indiana, open for designation.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic area of the official agency specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic area for Titus begins July 1, 2021. To apply for designation or to request more information on the geographic area serviced by this official agency, contact Jessica Dreier at the address listed above.

Request for Comments

We are publishing this Notice to provide interested persons the opportunity to comment on the quality of services provided by the Titus official agency. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicant. Such comments should be submitted through the Federal e-rulemaking portal at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicant will be designated.

Authority: 7 U.S.C. 71–87k.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–13703 Filed 6–25–21; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–20–0065]

United States Standards for Beans

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of final action.

SUMMARY: This action is being taken under the authority of the Agricultural Marketing Act of 1946, as amended (AMA). The United States Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) is revising the method of interpretation for the determination of ''sample grade criteria'' in the Bean Inspection Handbook, pertaining to the class ''Blackeye beans'' in the U.S. Standards for Beans. Stakeholders in the dry bean processing/handling industry requested that AMS amend the definition of *sample grade* in the Blackeye bean inspection instructions by revising the unit of measurement for the factor ''Insect Webbing or Filth'' (IWOF) and removing ''Clean-Cut Weevil-Bore'' (CCWB) as a sample grade factor. As a result of this action Clean-Cut Weevil-Bore is considered a damage factor only.

DATES: *Applicability date:* July 1, 2021.

FOR FURTHER INFORMATION CONTACT: Loren Almond, USDA AMS; Telephone: (816) 702–3925; 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. Bean industry stakeholders include the US Dry Bean Council (USDBC), California Dry Bean Advisory Board, California Bean Shippers Association, and Cal Bean and Grain, among others.

The United States Standards for Beans and the official inspection procedures for beans in the Bean Inspection Handbook are available on the AMS public website. The United States Standards for Beans were last revised in 2017. Currently, sample grade tolerances for IWOF in all classes of beans are determined on a count basis of two or more beans in 1,000 grams. Also, CCWB is considered a sample grade and damage factor. This type of insect filth found in the Blackeye bean is not due to storage practices, but originates in the field, brought on by years of drought, and is the result of challenges associated with applying aerial pesticides. These elements have contributed to an increase of IWOF (beans and pieces of beans which contain webbing, refuse, excreta, dead insects, larvae, or eggs) in the Blackeye bean crops for years. With the current sample grade factor tolerance, difficulty in meeting contract specifications is problematic. Specifically, industry stakeholders asked AMS to revise the sample grade tolerance for IWOF and adjust CCWB to only be considered a damage factor, only in the class Blackeye beans.

Revision of Blackeye Bean Sample Grade Tolerances for Insect Webbing or Filth and Removal of Clean-Cut Weevil-Bore as a Sample Grade Factor

Stakeholders recommended AMS revise the Bean Inspection Handbook criteria for Blackeye bean sample grade tolerances of IWOF from counts to percentages, and change CCWB from a sample grade and damage factor to a damage factor only. AMS and stakeholders worked collaboratively to redefine the tolerances for IWOF and CCWB in Blackeye beans. Additionally, these changes were recommended to AMS by the specifically named stakeholder organizations identified above to facilitate the current marketing practices.

Comment Review

AMS published a Notice in the **Federal Register** on September 29, 2020 (85 FR 60957), inviting interested parties to comment on the proposed revisions to the U.S. Standards for Beans. AMS received ten comments in response to the notice. Four comments strongly supported the proposed revisions; one comment was non-committal but recommended applying a similar limit to all beans; one comment posed a question on the cost efficiency for the industry; and two comments opposed the proposed revisions. AMS received two comments that were not germane to the issue. One of the opposing comments stated that the quality of Blackeye beans could be compromised by this change, leading to a possible decrease in the consumption of these beans. The other opposing comment questioned whether these changes would lead to increased fraud. AMS does not foresee a decrease in consumption due to quality concerns or hidden fraud. The demand for plant-based protein has increased the consumption of pulses throughout the United States. Buyers of Blackeye beans can specify a count limit or tighter percentage in their purchase contract. The preponderance of comments suggest AMS should proceed with the revision.

AMS believes these revisions will facilitate inspections, better reflect current marketing practices, be cost efficient, and facilitate purchasing and selling of Blackeye beans. Accordingly, AMS is making no changes to the revised Blackeye bean inspection methods as proposed. The revisions to Blackeye bean inspection are effective upon publication in the **Federal Register**. The Bean Inspection Handbook will be revised to incorporate the revisions.

Final Action

AMS–FGIS is revising the Blackeye bean inspection criteria by amending the Bean Inspection Handbook to change the sample grade tolerance for IWOF in the Blackeye bean class only, from a count of two or more beans in 1,000 grams, to more than 0.10 percent on the basis of the representative sample as a whole, and remove CCWB as a sample grade factor.

Authority: 7 U.S.C. 1621–1627.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–13631 Filed 6–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Idaho Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Caribou-Targhee National Forest within Bannack, Bear Lake, Bonneville, Caribou, Clark, Franklin, Fremont, Madison, 0neida, and Teton County, consistent with the Federal Lands Recreation Enhancement Act. RAC information and virtual meeting information can be found at the following website: *https://www.fs.usda.gov/main/ctnf/workingtogether/advisorycommittees*.

DATES: The meeting will be held on July 27, 2021 at 1:30 p.m., Mountain Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually via telephone and/or video conference.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Bill Davis, Committee Coordinator, by phone at 208–374–5422 or email at *william.davis6@usda.gov.*

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss a recreation fee proposal and make a recommendation for the Jensen Cabin located on the Palisades Ranger District in Bonneville County, Idaho.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 12, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Bill Davis, P.O. Box 46, Dubois, ID 83423; or by email to *william.davis6@usda.gov*.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: June 22, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–13682 Filed 6–25–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business—Cooperative Service

[Docket #RBS–21–Business–0023]

Inviting Applications for Agriculture Innovation Demonstration Center Grants

AGENCY: Rural Business—Cooperative Service, USDA.

ACTION: Notice of solicitation of applications.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting fiscal year (FY) 2021 applications for the Agriculture Innovation Demonstration Center (AIC) program. In FY 2021, the program has $7,392,479 available for grant funding.

The purpose of this program is to establish and operate Agriculture Innovation Centers (Centers) that provide technical and business development assistance to agricultural producers seeking to engage in the marketing or the production of Value-Added products. Eligible applicants include nonprofit and for-profit corporations, public bodies, and institutions of higher education. Consortiums are also eligible to apply, but they must select a single organization to represent the consortium as the applicant. Only the applicant organization must meet the eligibility requirements. This program supports Rural Development's (RD) mission of improving the quality of life for rural Americans and commitment to directing resources to those who most need them.

DATES: We will offer two training sessions for potential applicants approximately one month after this Notice is published. The training sessions will be similar and will be offered on different dates and at different times to accommodate applicants in different time zones. The training sessions will provide an overview of the requirements for the program and address questions posed by potential applicants. It is expected that the sessions will be offered via webinar and will have a duration of approximately two hours. Details regarding the specific dates, times, and access information will be posted at least two weeks prior to the sessions on the program's website at: *https://www.rd.usda.gov/programs-services/agriculture-innovation-center-program.* A summary will be posted on the website after the sessions are completed.

Completed applications for grants must be submitted electronically by no later than 11:59 p.m. Eastern Time, September 27, 2021, through *Grants.gov*. Late applications are not eligible for funding under this Notice and will not be evaluated.

FOR FURTHER INFORMATION CONTACT: Gail Thuner, Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, MS 3201, Room 5803—South, Washington, DC 20250–3250, or call 202–720–1400, or email *cpgrants@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency Name: USDA Rural Business-Cooperative Service.

Funding Opportunity Title: Agriculture Innovation Demonstration Center.

Announcement Type: Initial Notice.

Catalog of Federal Domestic Assistance Number: 10.377.

Dates: Application Deadline. Your application must be received by *https://www.grants.gov/* no later than 11:59 p.m. Eastern Time, September 27, 2021, or it will not be considered for funding.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0045.

A. Program Description

The AIC program is authorized by section 7608 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1632b) and is implemented by 7 CFR part 4284 Subparts A and K, which are incorporated by reference into this Notice. The primary objective of the AIC program is to provide technical assistance to agricultural producers to market value-added agricultural products through Centers. Grants are available to public bodies, institutions of higher education, nonprofit corporations, and for-profit corporations. Consortiums are also eligible to apply, but they must select a single organization to represent the consortium as the applicant. Only the applicant organization must meet the eligibility requirements. It is expected that recipients will establish and operate independently-governed Centers whose boards of directors meet the representation requirements described in Section D.2(j) of this Notice.

Definitions

The terms you need to understand are defined and published at 7 CFR 4284.3, 7 CFR 4284.1004, and 7 CFR 4284.902. The term ''you'' referenced throughout this Notice should be understood to mean ''you'' the applicant. Additional definitions are included below.

Agricultural Commodity Organization means an organization that exclusively represents a single Agricultural Commodity or group of similar commodities either on behalf of the commodity itself or on behalf of the agricultural producers who grow or raise it. The representation can be at a local, State, regional, or national level. Examples are Agricultural Commodity Marketing Boards established by States, a national association representing corn growers, and a regional association representing vegetable and berry growers.

Conflict of Interest means a situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, neither grant nor matching funds may be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. Examples of conflicts of interest include using grant or matching funds to pay a member of the applicant's board of directors to provide Producer Services and using grant or matching funds to pay an immediate family member of the applicant to provide Producer Services. Note that the Conflict of Interest does not include cases when the State's Secretary of Agriculture or an employee of the State's Department of Agriculture acts as a member of the Board of Directors.

General Agricultural Organization means an organization that represents agriculture in general, without restriction to any specific group, commodity, or sector. Representing agriculture through policy-making, education, and/or marketing must be the sole purpose of the organization. The organization must represent agricultural producers, although it may represent processors and other stakeholders as well. The representation can occur at the State, regional, or national level. Examples include organizations that represent farmers and ranchers and organizations that represent sustainable farming. Note that organizations representing organic agriculture and credit organizations are not considered part of this definition.

Product Development means idea generation, concept testing, feasibility and cost analysis, product taste-testing, demographic and other types of consumer analysis, production analysis, evaluation of packaging and labeling options, and brand development for a value-added product.

Qualified Board of Directors means a Board of Directors that includes, but is not limited to, representatives from each of the following groups: (1) Two General Agricultural Organizations with the greatest number of members in the State in which the Center is located, (2) the department of agriculture, or similar State department or agency or a State legislator, of the State in which the Center is located, and (3) four Agricultural Commodity Organizations representing different commodities produced in the State in which the Center is located. Note that no representative may represent more than one group or organization. Board of Director representatives must not have any Conflicts of Interest. Note that this definition supersedes the existing definition in 7 CFR 4284.1004 based on the revision established by Public Law 115–334 (the 2018 Farm Bill).

B. Federal Award Information

Type of Award: Competitive Grant.

Fiscal Year Funds: FY 2021.

Total Funding: $7,392,479.

Minimum Award: $400,000.

Maximum Award: $1,000,000.

Project Period: 2 years.

Anticipated Award Date: February 23, 2022.

C. Eligibility Information

You must meet all of the following eligibility requirements. Applicants and/or applications which fail to meet any of these requirements by the application deadline will not be evaluated further or considered for funding.

1. *Eligible Applicants.* Grants may be made to public bodies (including local governments, State governments, and Federally-Recognized Tribes), institutions of higher education, nonprofit corporations, and for-profit corporations. Consortiums are also eligible to apply, but they must select a single organization to represent the consortium as the applicant. Only the applicant organization must meet the eligibility requirements. Note that applicant organizations must be prepared to act as Centers to provide Producer Services. Grant awards are not made directly to businesses or agricultural producers to market Value-Added products. Organizations that propose to use grant award funds to earn revenue processing and selling value-added products are not eligible.

(a) An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. The applicant must certify as part of the application that they do not have an outstanding judgment against them. The

Agency will check the Do Not Pay system to verify the certification. (See also Section D.2.f of this Notice.)

(b) Any corporation (i) that has been convicted of a felony criminal violation under any Federal law within the past 24 months or (ii) that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by the Consolidated Appropriations Act, 2021 (Pub. L. 116–260), unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. (See also Section D.2.e of this Notice.)

2. *Cost Sharing or Matching.* Matching funds are required for at least one-third of the total project budget. For example, if the total project budget is $1,500,000, matching funds must be at least $500,000. Matching funds may be provided in cash by the applicant or a third party or in-kind by a third party. They must be available for use during the period of performance, and they must be used for allowable expenses. Applicants may propose to use unrecovered indirect costs as matching funds, subject to the review and approval of the agency, if an award is approved. (See also Section D.2.j of this Notice.)

3. *Other Eligibility Requirements.*

Independent Governance: The Center must be independently governed, although it does not have to be a separate legal entity from the applicant organization. If the applicant is a parent organization or institution of higher education, you must demonstrate that there is a separate Board of Directors for the Center and that the Center has independent governance. We consider the Center to have independent governance if it has control over personnel decisions, including hiring and firing employees and contractors; setting policies and procedures, including personnel and procurement; developing and approving its budget; and selecting its own Board of Directors, which shall not include any members who are affiliated with the parent organization. (See also Section D.2.k of this Notice.)

Qualified Board of Directors: The Board of Directors for the Center must meet the definition for Qualified Board of Directors in Sec. A. Definitions of this Notice. (See also Section D.2.l of this Notice.)

Existing Capability to Provide Services: You must be able to demonstrate that you have previously provided services similar to the Producer Services defined in 7 CFR 4284.1004 or that you have the capability to provide those services. In order to be considered qualified, you must either demonstrate at least three years of experience during the last five years providing the same type of Producer Services as those proposed in the application and show a record of at least three positive outcomes or you must demonstrate that you currently have at least two key personnel committed to the project who have the same level of experience and positive outcomes, even if they have not worked for you for at least three years. (See also Section D.2.m of this Notice.)

Support of Agricultural Community: You must demonstrate that at least three relevant agricultural organizations support your project. We will consider the support to be relevant if the supporting organization is based in the State or region in which the project will take place and if the organization serves the same group of producers (either directly or through commodity/marketing efforts) targeted by the proposed project. (See also Section D.2.n of this Notice.)

Improving Value-Added Markets: Your project must focus on increasing and improving the ability of local agricultural producers to develop markets and processes for Value-Added agricultural commodities or products. (See also D.2.s of this Notice.)

Use of Funds: Grant Award funds may be used only to provide the following services directly to agricultural producers for the purpose of producing and marketing a value-added agricultural product:

- Financial advisory services related to the development, expansion, or operation of a business owned by an agricultural producer(s) that will produce a value-added agricultural product, as long as the assistance is not to support forming a joint marketing effort by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales
- Process development services, including:
  - Engineering services, including scale-up of production systems (not to include cost of renovating or constructing a facility or system)
  - Scale production assessments, defined as studies that analyze facilities, including processing facilities, for potential value-added activities to determine the size that optimizes construction and other cost efficiencies
  - Systems development
  - Other technical assistance and applied research related to development, implementation, improvement and operations of processes and systems to produce and market a value-added agricultural product
- Organizational assistance, including legal and technical advisory services related to the development, expansion, or operation of a business owned by an agricultural producer(s) that will produce a value-added agricultural product, as long as this assistance is not provided to support forming a joint marketing effort of food and food products by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales
- Outreach assistance, limited to assistance with connecting an agricultural producer to a distribution system, processing facility, or commercial kitchen
- Technical assistance for product development (excluding R&D), where product development has the following definition: Stages involved in bringing a product from idea or concept through commercial-scale production, including concept testing, feasibility and cost analysis, product taste-testing, demographic and other types of consumer analysis, production analysis, and evaluation of packaging and labeling options
- Costs associated with establishing and operating a Center, such as legal services, accounting services, clerical assistance, technical services, hiring employees, monitoring contracts, and Board of Director travel
- Grants of $5,000 or less to agricultural producers for the above services, where the aggregate amount of all such matching grants made by the Center does not exceed $50,000. Note that these ''mini-grants'' are considered pass-through awards. Therefore Centers and the subrecipients must comply with all Federal and programmatic requirements for pass-through entities and awards, including, but not limited to, Pre-Award Requirements, Award Requirements, Post-Award Requirements, Property Standards, Procurement Standards, Performance and Financial Monitoring and Reporting, Subrecipient Monitoring and Reporting, Record Retention and Access, Remedies for Noncompliance,

Closeout, Post-Closeout Adjustments and Continuing Responsibilities. Pass-Through Entities are responsible for acting on behalf of the Federal Agency when determining eligibility for the mini-grants as well as compliance with Federal and program requirements. Subrecipients of the mini-grants must be eligible to receive a Federal award, use grant award and matching funds for allowable costs, provide at least one-third of the total project costs in matching funds, and meet all other Federal and program requirements for this program.

In addition to the above uses of Grant Award funds, your Matching Funds contribution can be used to provide the following services directly to agricultural producers for the purpose of producing and marketing a value-added agricultural product:

- Business development services, such as feasibility studies, business plans, and other types of technical assistance and applied research that support business development, including support to forming a joint marketing effort by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales
- Market development and outreach services, such as marketing plans, branding, and customer identification including support to forming a joint marketing effort by a group of producers, such as a farmers market, roadside stand, community-supported agriculture, and online sales

For information on selected items that are not allowable for funding under this Notice, please review section D(6) of this Notice, ''Funding Restrictions.''

Period of Performance. The proposed period of performance must be two years or less or the application will not be considered for funding. Note that in the future, any recipients that have already received funding through this program will be limited to one-year project periods while new recipients will be allowed up to two years. This difference in time is to allow new recipients additional time for start-up activities. The proposed start date must be no earlier than three months after the expected award date and no later than six months after the expected award date. Extensions may be approved on a case-by-case basis at our discretion if circumstances beyond the recipient's control cause a significant delay in the performance of the award. However, in no case, will we approve a period of performance (including any extension period) for longer than two years.

Satisfactory Performance. We will check the Federal Awardee Performance and Integrity Information System as well as the Do Not Pay system prior to awarding funds. These systems track all Federal awards. If you have deficiencies identified in either system, we may either discontinue processing your application if the deficiencies are significant or indicate a lack of capability to accomplish the proposed project or we may impose special conditions to address the deficiencies. Special conditions may include, but are not limited to, more frequent reporting, more detailed reporting, and the addition of benchmarks or checkpoints to assess progress.

Financial Capability. We will assess the financial statements from your most recent audit to confirm that you possess sufficient financial capabilities for the proposed project. In particular, you must have a current ratio of at least 1:1 and the ability to provide sufficient cash flow to cover at least three months of total project costs to account for the lag between when expenses are incurred, and award funds are disbursed. If you do not meet these requirements, you are not eligible for funding. We will also review your audit and any notes and findings, and if we determine that your financial capability would preclude you from properly managing Federal funds, your organization will not be eligible for an award. We may also identify any concerns that might require special conditions if an award is made. (See also Section D.2.h.)

Application Completeness: Your application must provide all the information requested in Section D.2 of this Notice. Applications lacking sufficient information to determine eligibility and scoring will not be considered for funding.

No Duplication of Current Services. Your application must demonstrate that you are providing services to new customers or new services to current customers. (See also Section D.2.s of this Notice.)

Number of Applications. You may only submit one application in response to this Notice.

Number of Applicants. Only one organization can be listed as an applicant on an application, even if the project will be completed by a consortium or partnership. Collaboration and partnerships are encouraged, but one organization must be responsible for administering the award, if approved. Typically, we would expect collaborations to involve contributions of matching funds or procurement contracts.

Collaboration, Contracts, and Subawards. While we support collaboration between and among Centers, you must limit any contracts or subawards with other Centers to 10% or less of project costs. We consider collaboration to occur when two or more Centers work jointly on an activity, but each Center controls its own budget for its involvement. Any collaboration with other Centers must be identified in the proposed Work Plan. The collaborators or contractors do not have to meet the eligibility requirements for the program. Only the applicant organization is required to meet the requirements.

D. Application and Submission Information

1. Web Address To Access Application Package

The application template for applying for this funding opportunity is located at *https://www.rd.usda.gov/programs-services/agriculture-innovation-center-program.* Use of the application template is strongly recommended to assist you with the application process.

2. Content and Form of Application Submission

Your application must be submitted electronically through *Grants.gov*. Your application must contain all required information. You must follow the instructions for this funding announcement at *https://www.grants.gov/.* Note that we cannot accept applications through mail or courier delivery, in-person delivery, email, or fax.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation. We have included additional information about how to register and use the *Grants.gov* website in our Application Guide.

To use *Grants.gov*, you must already have a Unique Entity Identifier number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov* because it can take up to four weeks to complete the registration process.

You must submit all application documents electronically through

Grants.gov. Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After applying electronically through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

Your application must contain the following required forms and other components:

(a) Standard Form SF–424, ''Application for Federal Assistance,'' to include your Unique Entity Identifier and SAM Commercial and Government Entity (CAGE) code and expiration date. If you do not include your DUNS number and your CAGE code or your DUNS number or Cage code is inactive or expired, we will not consider your application for funding.

(b) Form SF–424A, ''Budget Information-Non-Construction Programs.'' This form must be completed and submitted as part of the application package.

(c) You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. You must also certify that you are not delinquent on the payment of Federal income taxes, or any Federal debt. To satisfy the Certification requirement, you must include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

(d) Certification on Lobbying. Your authorized representative must sign a certification which contains the entire statement from 2 CFR part 418, Appendix A.

(e) Financial Capability. You must include your most recent audit (including the Letter to the Managers).

(f) Applicant Eligibility. You must verify your legal status and demonstrate your eligibility for the program.

- Public bodies must provide the legal citation that authorizes their organization.
- Non-profit and for-profit corporations must submit the State's Certificate of Good Standing (or the equivalent tribal documentation if incorporated under tribal law) and your Articles of Incorporation.
- Institutions of Higher Education must demonstrate that you qualify as an Institution of Higher Education as defined at 20 U.S.C. 1001. The most common way to demonstrate this qualification is to provide the legal citation that authorizes the institution.

(g) Verification of Matching Funds. Matching funds must be provided for at least one-third of the total project cost. For example, if your total project cost is $1,500,000, you must provide at least $500,000 in matching funds. Matching funds can be provided in cash by the applicant organization or a third-party. They can also be provided in-kind by a third-party organization. You must verify the amount of funds to be contributed, the source of the funds, the availability of the funds, and the purpose for which the funds will be used. All verification must be done on an organization's letterhead and be signed by the organization's authorized representative.

(h) Governance Structure of the Center. The Center does not need to be an independent legal entity; however, it must be independently governed. You must provide an explanation of how the governance of the Center works (or will work if it hasn't been established at the time of application). In particular, you must address how the Center carries out personnel decisions, including hiring and firing employees and contractors; sets its policies and procedures, including personnel and procurement; develops and approves its budget; and selects its own Board of Directors.

(i) Board of Directors. You must provide the following information:

For the representatives from the two General Agricultural Organizations with the greatest number of members in your State, you must identify the representatives, the organizations, their purposes, and the number of members they have in your State. You must also explain how you determined that the organizations have the most (or second most) members. Acceptable sources for this information can include the state Department of Agriculture, or its equivalent, or a third-party, reliable source, such as a trade journal or university agriculture department.

For the representative from the State Department of Agriculture (or equivalent) or State legislator, you must identify the representative and include the person's title and job responsibility if from the Department of Agriculture or identify the district the State legislator represents.

For representatives from four Agricultural Commodity Organizations, you must identify each representative and the organization they represent. You must use data from the State Department of Agriculture, or its equivalent, to demonstrate that the commodities are produced in your state and provide a copy of the information used.

You must also submit a signed statement from each representative stating that they either are currently on the Center's Board of Directors or that they commit to being on the Center's Board of Directors during the proposed period of performance.

If your application is selected for funding, we will confirm the Board of Directors still meets the requirements. If at any time, the Center's Board of Directors does not meet the requirements during the period of performance, the award will either be suspended until the requirements can be met or it will be terminated if the requirements can no longer be met.

(j) Existing Capability to Provide Services. The applicant organization must be able to demonstrate that it has previously provided services similar to the Producer Services defined in 7 CFR 4284.1004 or that it has the capability to provide those services.

To demonstrate previously providing services, you must include a chart or narrative that describes the services provided during the last three to five years, as needed, to show that you can meet the requirement. The description must include the specific type of service provided, the role of the Center in providing the service, how many times it has been provided, and the outcomes of the services provided (preferably with quantitative measurements).

If the Center does not have at least three years of experience providing Producer Services during the last five years, you must provide a chart or narrative that describes the key personnel's experience with providing Producer Services during the last three to five years, as needed, to show that you can meet the requirement. The narrative must include a description of the services provided, the role of the key personnel in providing the service, how many times it has been provided, and the outcomes of the services provided (preferably with quantitative measurements).

We will assess the capability of each applicant organization based only on what is submitted with the application.

(k) Support of the Agricultural Community. You must include at least three letters of support from agricultural organizations, other than the applicant organization, that are relevant to the project. Evidence of support includes contributions of cash or in-kind matching funds. Other examples of support include referring clients and intent to collaborate. We will consider

the support to be relevant if the organization is based in the State or region in which the project will take place and if the organization serves the same group of producers (either directly or through commodity/marketing efforts) targeted by the proposed project. Note that support from organizations that are not agricultural in nature (such as local chambers of commerce) is not considered relevant for the purpose of meeting this requirement.

(l) Strategic Coordination and Alliances. Describe arrangements in place or planned with end users (for example, processing and distribution companies and regional grocers) as well as with entities that have technical research capabilities, broad support from the agricultural community in the State or region, significant coordination with end users, strategic alliances with entities having technical research capabilities and a focused delivery plan for reaching out to the producer community.

(m) Title Page. Your application must contain a Title Page. It is recommended that your Title Page include a short title for your proposed project as well as contact information or other application identifying information.

(n) Table of Contents. Your application must contain a detailed Table of Contents (TOC). The TOC must include page numbers for each part of the application, including each evaluation criterion. Page numbers should begin immediately following the TOC.

(o) Executive Summary. A summary of the proposal, not to exceed one page, must briefly describe the Project, tasks to be completed, and other relevant information that provides a general overview of the Project.

(p) Goals of the Project. You must include a listing of each Producer Service to be offered during the project. You must also identify one or more specific goals relating to increasing and improving the ability of identified local agricultural producers to develop a market or process for Value-Added agricultural commodities or products.

(q) Work Plan. You must include a description of your proposed work for the project, including how your project focuses on increasing and improving the ability of local agricultural producers to develop markets and processes for Value-Added agricultural commodities or products. This description must include the actions that will be taken in order for the Producer Services to be available from the Center. Each action should include a target date for completion. General start-up tasks should be listed, followed by specific tasks listed for each Producer Service to be offered. Tasks associated with the start-up of the Center should include a focused marketing and delivery plan directed at the local agricultural producers that were identified in the Goals section of your application. The actions to be taken should include steps for identifying customers, hiring key personnel (if not already hired), contracting for services for the Center, and making arrangements for strategic alliances. Each defined task needs to have a description, assigned key personnel, and an expected time frame for accomplishment. You must also clearly demonstrate how your project will provide services to new customers or provide new services to existing customers.

Note that the work you propose to accomplish must be allowable based on Sec. C.3 of this Notice. Funding restrictions are described in Sec. D.6.

(r) Budget Justification. You must provide additional information regarding the budget you submit on the SF–424A, including your matching funds. This additional information must describe each category of expense and what specific costs are included in each category as well as how your Matching Funds will be used. For example, the Salaries justification must include the names of each staff member (not just key personnel) who will be paid and how much they will be paid. The Fringe Benefits category must include a description of how fringe benefits are calculated and what is included. The Contracts category must identify the contractors by name (if known) as well as the amounts expected for each contract and the purpose of each contract. The Other category must include the expected expenses (*e.g.,* supplies) that will be included. The Travel category must identify specific trips that will be taken, who will be traveling, and the reason for the travel. Additionally, if there are any unusual expenses, you should describe them and why they are appropriate for the award.

(s) Scoring Criteria. Each of the scoring criteria in this Notice must be addressed in narrative form, with a maximum of three pages for each individual scoring criterion, unless otherwise specified. Failure to address each scoring criteria will result in the application being determined ineligible.

3. Unique Entity Identifier and SAM

System for Awards Management. All program applicants must be registered in the System for Awards Management (SAM) prior to submitting an application, unless determined exempt under 2 CFR 25.110. Grant recipients must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by the Agency. The applicant must ensure that the information in the database is current, accurate, and complete. Applicants must ensure they complete the Financial Assistance General Certifications and Representations in SAM.

To be eligible, you are required to:

(a) Provide a valid Unique Entity Identifier (formerly known as the DUNS number) in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711 or at *http://fedgov.dnb.com/webform.*

(b) Register in SAM at no cost at *https://sam.gov/content/home* before submitting your application and provide your SAM CAGE Code and expiration date.

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable Unique Entity Identifier and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F.2 for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: September 27, 2021.

Explanation of Deadlines: Applications must be RECEIVED by *https://www.grants.gov/* by midnight Eastern Time September 27, 2021, to be eligible for funding. Please review the *Grants.gov* website at *https://www.grants.gov/web/grants/applicants.html* for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact

(SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House website: *https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf.*

If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to us for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of the application, we will submit your application to the SPOC or other appropriate agency or agencies.

6. Funding Restrictions

No funds made available under this solicitation shall be used to:

(a) Plan, repair, rehabilitate, acquire, or construct a building or facility, including a processing facility;

(b) Purchase, rent, or install fixed equipment, including processing equipment;

(c) Purchase vehicles, including boats;

(d) Pay for the preparation of the grant application;

(e) Pay expenses not directly related to the funded Project;

(f) Fund political or lobbying activities;

(g) Fund any activities considered unallowable by the applicable grant cost principles, including 2 CFR part 200, subpart E and the Federal Acquisition Regulation;

(h) Fund architectural work for a specific physical facility;

(i) Fund any direct expenses for the production of any commodity or product to which value will be added, including seed, rootstock, labor for harvesting the crop, and delivery of the commodity to a processing facility;

(j) Fund manufacturing or processing expenses;

(k) Purchase land;

(l) Duplicate current activities or activities paid for by another Federal grant program;

(m) Pay costs of the Project incurred prior to the date of award approval;

(n) Pay for assistance to any private business enterprise that does not have at least 51 percent ownership by those who are either citizens of the United States or reside in the United States after being legally admitted for permanent residence;

(o) Pay any judgment or debt owed to the United States;

(p) Pay for Research and Development; or

(q) Pay for any goods or services from a person who has a Conflict of Interest with the recipient.

In addition, your application will not be considered for funding if it does any of the following:

- Requests less than the minimum or more than the maximum grant amount;
- Focuses assistance on only one agriculture producer or business;
- Proposes ineligible costs that equal more than 10 percent of total grant funds requested;
- Earns revenue from processing or selling a product as part of the project. Centers may charge fees for services provided, but they cannot earn revenue on actually processing a product or from sales associated with a product they helped develop; or
- Provides services to entities other than Agricultural Producers on behalf of and at the request of Agricultural Producers.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total grant funds requested, if it is determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed. If time permits, the Agency may allow those ineligible costs to be replaced with allowable costs. Otherwise, the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. Other Submission Requirements

(a) National Environmental Policy Act. This Notice has been reviewed in accordance with 7 CFR part 1970, ''Environmental Policies and Procedures.'' We have determined that an Environmental Impact Statement is not required in connection with the issuance of this Notice because the issuance of regulations and instructions, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing the Agency's financial programs is categorically excluded in the Agency's National Environmental Policy Act (NEPA) regulation found at 7 CFR 1970.53(f). We have determined that this Notice does not constitute a major Federal action significantly affecting the quality of the human environment.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

(b) Civil Rights Compliance Requirements. All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

We will review applications to determine if they are eligible for assistance based on requirements in this Notice, and other applicable Federal laws and regulations. If we determine that your application is eligible for assistance, your application will be scored by a panel of USDA employees based on the Scoring Criteria specified in this Notice. The highest scoring application will be funded up to the maximum amount available. Additional applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

1. Scoring Criteria

All eligible and complete applications will be evaluated based on the following criteria. Evaluators will base scores only on the information provided in the application. This is a competitive program, so you will receive scores based on the quality of the information provided. Simply addressing the criteria will not guarantee higher scores. The total points possible for the criteria are 80.

(a) Ability to Deliver (maximum score of 15 points). The application will be evaluated as to whether it evidences unique abilities to deliver Producer Services so as to create sustainable Value-Added ventures. Abilities that are transferable to a wide range of agricultural Value-Added commodities are preferred over highly specialized skills. Strong skills must be accompanied by a credible and thoughtful plan.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–4 points will be awarded for unique abilities, that is, abilities that are not available through other organizations in the Center's service area.

(iii) 1–4 points will be awarded for the expected sustainability of the Value-Added ventures supported by the project. For example, applications that propose to work with ventures where the expected sustainability has been assessed will receive more points than applications that do not address expected sustainability. By sustainability, we mean that the venture assisted will generate wealth (*e.g.,* if the project adds retained earnings to the balance sheet, not just an increase in cash flow).

(iv) 1–4 points will be awarded for the transferability of the abilities identified. Abilities that are transferable to a wide

range of commodities will receive more points.

(v) 1–3 points will be awarded for plans to accomplish work that are thoughtful and seem reasonable. For example, do the services the Center will provide match the stated goals (from Section D.2.q). Are the results measurable and attainable within the proposed project period?

(b) Successful Track Record (maximum score of 15 points). The applicant organization's track record in achieving Value-Added successes will be evaluated.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–3 points will be awarded if the applicant has more than three years of experience in accomplishing Value-Added successes. More points will be given for more years of experience, based on the distribution of what all eligible applicants submit. No credit will be given for activities that did not directly result in a Value-Added success. Note that we consider a success to include working with an organization and providing coaching to indicate that the proposed venture is not feasible.

(iii) 1–4 points will be awarded based on the number of Value-Added successes. More points will be given for higher numbers, based on the distribution of what eligible applicants submit.

(iv) 1–4 points will be awarded based on the significance of Value-Added successes. More points will be given for more significant successes, based on the distribution of what eligible applicants submit.

(v) 1–4 points will be awarded based on the complexity of the role that the applicant organization played in the Value-Added successes.

(c) Work Plan/Budget (maximum of 15 points). We will review the work plan for detailed actions and an accompanying timetable for implementing the proposed work. We will review budgets for completeness and the strength of non-Federal funding commitments. Note that there is no additional information required for this criterion. We will use the Work Plan and Budget Justification for our evaluation.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address this criterion.

(ii) 1–6 points will be awarded for work plans that describe each task, including objectives and potential outcomes, and how that task connects to the goal of the project. More points will be awarded for work plans that completely describe tasks and show measurable outcomes as well as for work plans that show a cohesive plan for the achievement of the goal(s) of the project.

(iii) 1–3 points will be awarded for work plans that show a reasonable and differentiated timetable for the proposed tasks. For example, a work plan that shows a schedule for how a Center will begin operation, then market its services, and then provide its services would be awarded more points that a work plan that simply states all Producer Services will be offered for 12 months. We will also consider how you will identify customers. Applications with a specific description of customer identification will receive more points.

(iv) 1–3 points will be awarded for the budget justification. More points will be awarded for justifications that completely describe all categories of cost, including indirect costs. We consider that a complete description includes identification of key personnel (including any contractors) and the salaries and fringe benefits associated with their time on the project as well as identification of all travel events (including who will be traveling and what the purpose of the trip is), individual contract amounts and purposes, and items that are categorized, such as computers, printers, scanners, copiers, and other office items.

(v) 1–3 points will be awarded for higher quality matching funds. We consider cash match to be of higher quality than in-kind. Thus, we will award more points for applications that have a larger percentage of matching funds coming from cash, based on the distribution of what is submitted by applicants.

(d) Qualifications of Key Personnel (maximum of 15 points). Describe the qualifications of the key personnel for the project. Key personnel may include employees of the Center or consultants/contractors, but they do not include administrative or financial staff whose purpose is to support the administrative requirements of the award. Your description should include the number of years of experience that a person has doing the type of work that will be assigned during the project as well as metrics indicating the number of times the person has provided the assistance and the outcomes of that assistance. You must also include the total hours that will be contributed to the project by each person. Points will be awarded as follows:

(i) 0 points will be awarded if you do not adequately address this criterion.

(ii) 1–5 points based on the percentage of work that will be carried out by Center employees. We will calculate the percentage by adding the hours of the key personnel and dividing the number of hours from Center employees by the total hours.

a. 1 point for 10–20% of the work carried out by Center employees;

b. 2 points for 21–40% of the work carried out by Center employees;

c. 3 points for 41–60% of the work carried out by Center employees;

d. 4 points for 61–80% of the work carried out by Center employees; and

e. 5 points for 81–100% of the work carried out by Center employees.

(iii) 1–10 points based on the qualifications of the key personnel. More points will be awarded in cases where the key personnel are assigned to specific tasks that match their experience and skills.

(e) Local support (maximum of 5 points). You must show that the Center has local support from and coordination with other developmental organizations in the proposed service area and with tribal, state, and local institutions. Support documentation should include recognition of rural values that balance employment opportunities with environmental stewardship and other rural amenities.

Points will be awarded as follows:

(i) 0 points are awarded if you do not adequately address this criterion or if you do not provide at least three letters of support.

(ii) 1 point will be awarded for a support letter from a developmental organization in the proposed service area that shows coordination with your project.

(iii) 1 point will be awarded for a support letter from a state institution.

(iv) 1 point will be awarded for a support letter from a tribal institution.

(v) 1 point will be awarded for a support letter from a local institution.

(vi) 1 point will be awarded for support that includes recognition of rural values that balance employment opportunities with environmental stewardship and other rural amenities.

You may submit a maximum of 3 letters of support for this criterion (or you may reference other letters submitted with the application). When awarding points for this criterion, we will only consider support letters from developmental organizations in the proposed service area, and state and local institutions. Additionally, identical form letters signed by multiple organizations will not be included in the count of support letters received. Support letters must be included as an attachment to the application.

(f) Future support (maximum of 15 points). Describe the vision for funding

Center operations for future years, including diversification of funding sources and building in-house technical assistance capacity.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–5 points will be awarded for applications that describe a specific plan for obtaining future funding for the Center. More points will be awarded for plans that show concrete actions for at least 3 years into the future.

(iii) 1–5 points will be awarded for applications that show a diversification of funding sources. Possible funding sources include Federal awards, tribal, state and local awards, private donations, and pay-for-service plans. More points will be awarded for plans that include multiple, committed funding sources. You may summarize the funding sources/support in a chart or narrative and you must include the following information for each source: Name of the organization, the amount of funds committed, the expected time period for commitment, and the purpose for which the funds can be used.

(iv) 1–5 points will be awarded for applications that show how in-house capacity for providing technical assistance will be improved. More points will be awarded for Centers that have a specific plan for training and hiring in-house technical assistance experts.

2. Review and Selection Process

We will review applications to determine if they are eligible for assistance based on requirements in this Notice, and other applicable Federal laws and regulations. If we determine that your application meets the requirements, it will be scored by a panel of USDA employees in accordance with the Scoring Criteria and point allocation specified in this Notice. The review panel will convene to reach a consensus on the scores for each of the eligible applications. Applications will be ranked solely based on the points awarded, and they will be funded in rank order until available funds are expended or a minimum score of 40 points is reached. If an application cannot be fully funded, we will offer partial funding to the extent funds are available. If the applicant offered partial funding does not accept, we will offer the funding to the next highest-ranked applicant until we find an applicant that accepts the funding or no additional eligible applicants exist.

If your application is ranked and not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed Letter of Conditions containing instructions on requirements necessary to proceed with execution and performance of the award. If you are able to meet the conditions of the award within the specified time frame (typically up to 90 calendar days), we will proceed with approving an award. If you are not able to meet the conditions of the award, we may terminate consideration of your application at our discretion and choose to award the funds to the next highest-ranked applicant.

If you are not selected for funding, you will be notified in writing and informed of any review and appeal rights. Funding of successfully appealed applications will be limited to available FY 2021 funding.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 2 CFR parts 200, 400, 415, 417, 418, and 421. All recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (See 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act reporting requirements (See 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)). These regulations may be obtained at: The following link: *https://ecfr.io/.*

Applicants selected for this program will be required to execute the following additional documentation:

- Agency-approved Grant Agreement.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form RD 400–4, ''Assurance Agreement.'' By signing Form 400–4, Assurance Agreement, recipients affirm that they will operate the program free from discrimination. The recipient will maintain the race and ethnic data on the board members and beneficiaries of the program. The Recipient will provide alternative forms of communication to persons with limited English proficiency. The Agency will conduct Civil Rights Compliance Reviews on recipients to identify the collection of racial and ethnic data on Program beneficiaries. In addition, the Compliance review will ensure that equal access to the Program benefits and activities are provided for persons with disabilities and language barriers.
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.
- Certification of Lobbying. Your authorized representative must sign a certification which contains the entire statement from 2 CFR part 418, Appendix A.

3. Reporting

After award approval, you will be required to provide the following:

a. A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a quarterly basis (due 30 calendar days after end of each quarter) for the first year of the project to ensure that all recipients are able to complete start-up activities and begin providing technical assistance. Recipients may submit financial and performance reports on a semi-annual basis for the second year of the project, provided they are on schedule for project completion. For the purposes of this program, quarters end on March 31, June 30, September 30, and December 31. The project performance reports shall include a comparison of actual accomplishments to the objectives established for that period.

b. Reasons why established objectives were not met, if applicable.

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation.

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 90 calendar days after the expiration or termination of the award.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

For general questions about this announcement and for program Technical Assistance, please contact National Office staff: Gail Thuner, Management and Program Analyst, *cpgrants@wdc.usda.gov,* or call 202–720–1400.

H. Other Information

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

or

email: OAC@usda.gov.

Mark Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2021–13675 Filed 6–25–21; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New York Advisory Committee; Correction

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice; correction to meeting purpose, time, and access information.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** of Thursday, June 4, 2021, concerning a meeting of the New York Advisory Committee. The document contained an incorrect purpose, meeting time, and access information.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg at *mtrachtenberg@usccr.gov* or (202) 809–9618.

Correction: In the **Federal Register** of Thursday, June 4, 2021, in FR Doc. 2021–11713, on pages 29997–29998, correct the purpose, time, web-link and dial-in information to read: The purpose of the meeting is to hear testimony and debrief the Committee's briefings on potential racial discrimination in eviction policies and enforcement in New York. *When:* Friday, July 16, 2021, from 1:00 p.m.–3:00 p.m. EST at web conference link: *https://bit.ly/3j4f7J8* password is USCCR; to join by phone only, dial: 1–800–360–9505; Access code: 199 338 2002.

Dated: June 22, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–13650 Filed 6–25–21; 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; 2021 Business Enterprise Research and Development Survey

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revision of 2021 Business Enterprise Research and Development Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 27, 2021.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference 2021 Business Enterprise Research and Development Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0015, 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 Michael Flaherty, U.S. Census Bureau, Chief, Research, Development & Innovation Surveys Branch, 301–763–7699, *michael.j.flaherty@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau, with support from the National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation, plans to conduct the Business Enterprise Research and Development Survey (BERD) for the 2021–2023 survey years. BERD covers all domestic, non-farm, for-profit businesses with at least 10 paid employees. BERD provides the only comprehensive national data on Research and Development (R&D) costs and detailed expenses by type and industry.

The Census Bureau has conducted an R&D survey since 1957, collecting primarily financial information on the systematic work companies undertake to discover new knowledge or use

existing knowledge to develop new or improved goods and services.

Beginning in 2020, in an effort to reduce burden, BERD began rotating select content off the survey in alternating years. In 2020, questions related to detail of R&D performed by others, activities with academia, industries of business and specific federal agency funding R&D, and areas of application for R&D were removed from BERD. In 2021, all of those questions will be reintroduced to the survey and the Intellectual Property and Technology Transfer Section will be removed from the survey.

Beginning in 2021, the BERD will revise its existing Capital Expenditures section to collect additional information on assets. Cognitive testing on these questions conducted by the Census Bureau in 2018 revealed that these questions pose no substantive impact on burden (the data requested are all readily available in most companies' books) and would provide context on capital stock of R&D active companies not currently available in any other data source.

The 2021–2023 BERD will continue to collect the following types of information:

- R&D expense based on accepted accounting standards.
- Worldwide R&D of domestic companies.
- Business segment detail.
- R&D-related capital expenditures.
- Detailed data about the R&D workforce.
- R&D strategy and data on the potential impact of R&D on the market.
- R&D directed to application areas of particular national interest.
- Data measuring intellectual property protection activities and technology transfer.

Domestic and foreign researchers in academia, business, and government analyze and cite data from the BERD. Among the federal government users are the Bureau of Economic Analysis (BEA) and the White House's Office of Science and Technology Policy (OSTP). BEA includes R&D in the system of national accounts that measures the economic well-being of the country. BERD data are key inputs into these accounts, which feed into the calculation of the U.S. Gross Domestic Product (GDP). The White House, in 2006, issued the American Competitiveness Initiative to ''increase investments in research and development, strengthen education, and encourage entrepreneurship.'' In support of this initiative and in response to legislative mandates, data on R&D are delivered to OSTP, primarily in the biennial National Science Board report Science and Engineering Indicators. Also, the National Science Foundation (NSF) produces a series of publications containing R&D data including the National Patterns of R&D Resources series, the S&E State Profile series, and the annual Business Enterprise Research and Development Survey series. Special reports and other publications are also prepared.

II. Method of Collection

BERD will follow a primarily electronic collection strategy. The form will be available on the website to assist respondents with gathering the required data prior to reporting online. Paper forms will also be sent to respondents upon request, however no paper forms will be included in initial mail packets. The online survey automatically skips questions that do not apply [based on previous responses] and checks for common errors. Links to detailed question-by-question instructions will be embedded in the electronic instrument. Excel spreadsheets are available to facilitate the electronic collection of information from various areas of the companies. Respondents have the capability to download the spreadsheets from the Census Bureau's website. A consolidator spreadsheet is also available to assist companies that need to gather information from business units and then compile the information into one company report.

The due date will be six weeks after mail out.

III. Data

OMB Control Number: 0607–0912.

Form Number(s): BRD–1.

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: For-profit businesses with at least 10 paid employees.

Estimated Number of Respondents: 47,500.

Estimated Time per Response: 2 Hours and 37 Minutes.

Estimated Total Annual Burden Hours: 124,450.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 8(b), 131 and 182; Title 42, U.S.C. Sections 1861–76 (National Science Foundation Act of 1950, as amended).

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. 2021–13670 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–48–2021]

Foreign-Trade Zone 145—Shreveport, Louisiana, Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Caddo-Bossier Parishes Port Commission, grantee of FTZ 145, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or

''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on June 22, 2021.

FTZ 145 was approved by the FTZ Board on January 7, 1988 (Board Order 370, 53 FR 1503, January 20, 1988) and expanded on March 25, 1996 (Board Order 809, 61 FR 15217, April 5, 1996). The current zone includes the following sites: *Site 1* (262 acres)—Shreveport Industrial Park, 2929 Baird Road, Shreveport; and, *Site 2* (2,000 acres)—Port of Shreveport-Bossier Terminal Complex, 6000 Doug Attaway Boulevard, Shreveport.

The grantee's proposed service area under the ASF would be Caddo and Bossier Parishes, Louisiana, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Shreveport Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone to include both of the existing sites as ''magnet'' sites. The ASF allows for the possible exemption of one magnet site from the ''sunset'' time limits that generally apply to sites under the ASF, and the applicant proposes that Site 2 be so exempted. No subzones/usage-driven sites are being requested at this time. The application would have no impact on FTZ 145's previously authorized subzones.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is August 27, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 13, 2021.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov.*

Dated: June 23, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–13706 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–873]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from India were made at less than normal value during the period of review (POR) June 1, 2019, through May 31, 2020. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 28, 2021.

FOR FURTHER INFORMATION CONTACT: Alexis Cherry or Samantha Kinney, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0607 or (202) 482–2285, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2018, Commerce published the antidumping duty order on cold-drawn mechanical tubing from India.[1] On August 6, 2020, in accordance with 19 CFR 351.221(c)(i), Commerce initiated an administrative review of the *Order,* covering three producers/exporters.[2] On October 7, 2020, Pennar Industries Limited (a mandatory respondent) withdrew its request for administrative review of itself.[3] Based on this request, we rescinded this review with respect to Pennar Industries Limited, in accordance with 19 CFR 351.213(d)(1).[4] The administrative review remains active with respect to the two remaining companies for which a review was initiated, *i.e.,* Goodluck India Limited (Goodluck) [5] and Tube Products of India, Ltd., a unit of Tube Investments of India Limited (collectively, TII). For details regarding the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6]

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce determined that it was not practicable to complete the preliminary results of this review within 245 days and extended the deadline for the preliminary results of this review by 120 days, until June 30, 2021.[7]

Scope of the Order

The product covered by this *Order* is cold-drawn mechanical tubing from India. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision

[1] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China, the Federal Republic of Germany, India, Italy, the Republic of Korea, and Switzerland: Antidumping Duty Orders; and Amended Final Determinations of Sales at Less Than Fair Value for the People's Republic of China and Switzerland,* 83 FR 26962 (June 11, 2018) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 47734 (August 6, 2020).

[3] *See* Pennar Industries Limited, ''Withdrawal of Request for the Antidumping Duty of Pennar Industries Limited,'' October 7, 2020.

[4] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Partial Rescission of Antidumping Duty Administrative Review; 2019–2020,* 85 FR 68039 (October 27, 2020).

[5] Commerce is only reviewing entries that were produced, but not exported, by Goodluck, and/or entries that were exported, but not produced, by Goodluck. Pursuant to a Court of International Trade decision, effective May 10, 2020, Commerce excluded from the antidumping duty order certain cold-drawn mechanical tubing of carbon and alloy steel that was produced and exported by Goodluck. *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Notice of Court Decision Not in Harmony with Final Determination of Sales at Less Than Fair Value; Notice of Amended Final Determination Pursuant to Court Decision; and Notice of Revocation of Antidumping Duty Order, in Part,* 85 FR 31742 (May 27, 2020) (*Timken Notice*).

[6] *See* Memorandum, ''Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2019–2020,'' dated February 9, 2021.

Memorandum is included as an appendix to this notice. 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 is available at *http://enforcement.trade.gov/frn/.*

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margin exists for the period June 1, 2019, through May 31, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
Tube Products of India, Ltd., a unit of Tube Investments of India Limited	13.06

Preliminary Determination of No Shipments

We preliminarily determine that Goodluck had no shipments of the subject merchandise to the United States during the POR.[8] Consistent with its practice, Commerce finds that it is not appropriate to preliminarily rescind the review with respect to Goodluck, but rather to complete the review and issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of this review.

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results.[9] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS [12] and must be served on interested parties.[13] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP 35 days after the date of publication of the final results of this administrative review in the **Federal Register**.

For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), upon completion of the final results, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales. Where we do not have entered values for all U.S. sales to a particular importer/customer, we will calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).[15] To determine whether the duty assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculate importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. Where either a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[16]

For each company which we determined had ''no shipments'' of the subject merchandise during the POR, upon completion of the final results, we will instruct CBP to liquidate all POR entries associated with that company at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction, consistent with Commerce's reseller policy.[17]

For entries of subject merchandise during the POR produced by each individually examined respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[18]

As noted in the *Timken Notice* regarding Goodluck, the suspension of liquidation of Goodluck's entries must continue during the pendency of the process of appealing the Court of International Trade's ruling. If the ruling is upheld by the Court of Appeals for the Federal Circuit, Commerce will instruct CBP to terminate the suspension of liquidation and liquidate entries produced and exported by Goodluck without regard to antidumping duties.

[8] *See* Preliminary Decision Memorandum; *see also* Memorandum, ''No Shipments Determination—Goodluck India Limited,'' dated concurrently with this notice.

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).'').

[11] *See* 19 CFR 351.303 (for general filing requirements).

[12] *See generally* 19 CFR 351.303.

[13] *See* 19 CFR 351.303(f).

[14] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[15] *See* 19 CFR 351.212(b)(1).

[16] *See* 19 CFR 352.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[17] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

[18] *See* section 751(a)(2)(C) of the Act.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the finals results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for TII will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 5.87 percent,[19] the all-others rate established in the less-than-fair-value investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

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 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 occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

These preliminary results are being issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: June 22, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Preliminary Determination of No Shipments
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[FR Doc. 2021–13732 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–DS–P

[19] *See Order,* 83 FR at 16296.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979, C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke the Antidumping and Countervailing Duty Orders, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) intends to revoke, in part, the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) with respect certain off-grid small portable CSPV panels. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 28, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Hanna, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0835.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published the AD and CVD orders on solar cells from China.[1] On December 4, 2020, SOURCE Global, PBC (SOURCE Global), a U.S. importer of subject merchandise, requested, through changed circumstance reviews (CCRs), revocation of the *Solar Cells Orders* with respect to certain off-grid small portable CSPV panels, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).[2]

On March 15, 2021, we initiated the requested CCRs.[3] In the *Initiation Notice,* we invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language. We received no comments or factual information.

Scope of the Solar Cells Orders

The merchandise covered by these orders 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.

These orders cover crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012); *see also Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012) (collectively, *Solar Cells Orders*).

[2] *See* SOURCE Global's Letter, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China; Request for Changed Circumstances Review on Certain Off-Grid Portable Small Panels and Consumer Products Containing Such Panels,'' dated December 4, 2020.

[3] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part,* 86 FR 16585 (March 30, 2021) (*Initiation Notice*).

under consideration are included in the scope of these orders.

Excluded from the scope of these orders are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of these orders are crystalline silicon photovoltaic cells, not exceeding 10,000 mm^2 in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the orders are panels with surface area from 3,450 mm^2 to 33,782 mm^2 with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the orders are:

1. Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm^2 per panel;

(C) do not include a built-in inverter;

(D) must include a permanently connected wire that terminates in either an 8 mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;

(E) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and

2. Off grid CSPV panels without a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm2 per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics: (i) The panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.

Modules, laminates, and panels produced in a third-country from cells produced in China are covered by the orders; however, modules, laminates, and panels produced in China from cells produced in a third-country are not covered by these orders.

Merchandise covered by these orders is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these orders is dispositive.[4]

Preliminary Results of Changed Circumstances Reviews and Intent To Revoke the Solar Cells Orders, in Part

Pursuant to section 751(d)(1) of the Act, and 19 CFR 351.222(g), Commerce may revoke an order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.,* a CCR). Section 782(h)(2) of the Act gives Commerce the authority to revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a CCR under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that: (i) Producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part; or (ii) if other changed circumstances sufficient to warrant revocation exist. Thus, both the Act and Commerce's regulations require that ''substantially all'' domestic producers express a lack of interest in the order for Commerce to revoke the order, in whole or in part.[5] Commerce has interpreted ''substantially all'' to mean producers accounting for at least 85 percent of the total U.S. production of the domestic like product covered by the order.[6]

SOURCE Global submitted letters from SunPower Manufacturing Oregon, LLC (SPMOR), a U.S. producer of the domestic like product and a petitioner in the underlying investigations, indicating that it does not object to the scope modification proposed by SOURCE Global which would exclude certain off-grid small portable CSPV panels from the *Solar Cells Orders.*[7] In those letters, SPMOR did not indicate its share of production of the domestic like product.[8] Thus, Commerce did not determine, at the time that it initiated these CCRs, whether producers accounting for substantially all of the U.S. production of the domestic like product lacked interest in the *Solar Cells Orders* with respect to the off-grid small portable CSPV panels under consideration here. Hence, in the *Initiation Notice,* Commerce invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language. No party submitted comments.

In light of SPMOR's lack of interest in maintaining the *Solar Cells Orders* with respect to the off-grid small portable CSPV panels described by SOURCE Global, and in the absence of any interested party comments, we preliminarily conclude that producers accounting for substantially all of the production of the domestic like product to which the *Solar Cells Orders* pertain lack interest in the relief provided by the *Solar Cells Orders* with respect to the off-grid small portable CSPV panels that are the subject of SOURCE Global's CCR request. Thus, we preliminarily determine that changed circumstances

[4] *See Solar Cells Orders.*

[5] *See* section 782(h) of the Act and 19 CFR 351.222(g).

[6] *See Honey from Argentina; Antidumping and Countervailing Duty Changed Circumstances Reviews; Preliminary Intent to Revoke Antidumping and Countervailing Duty Orders*, 77 FR 67790, 67791 (November 14, 2012) (*Honey Preliminary CCR Results*), unchanged in *Honey from Argentina; Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews; Revocation of Antidumping and Countervailing Duty Orders,* 77 FR 77029 (December 31, 2012).

[7] *See* SOURCE Global's Letters, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China; Changed Circumstances Review on Certain Off-Grid Portable Small Panels and Consumer Products Containing Such Panels; SOURCE Global, PBC Response to Department of Commerce Information Request,'' dated January 29, 2021; and ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China; SOURCE Global, PBC Changed Circumstances Review Request; SOURCE Global, PBC Submission of Edited Product Exclusion Language,'' dated March 10, 2021 at Exhibit 2.

[8] *See Initiation Notice.*

warrant revocation of the *Solar Cells Orders,* in part, with respect to such panels.

Accordingly, we are notifying the public of our intent to revoke the *Solar Cells Orders,* in part, with respect to the following off-grid small portable CSPV panels:

Off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

(A) A total power output of no more than 80 watts per panel;

(B) A surface area of less than 5,000 square centimeters (cm^2) per panel;

(C) Do not include a built-in inverter;

(D) Do not have a frame around the edges of the panel;

(E) Include a clear glass back panel; and

(F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

We will consider comments from interested parties on these preliminary results before issuing the final results of these CCRs.[9]

Public Comment

Interested parties are invited to comment on these preliminary results of CCRs in accordance with 19 CFR 351.309(c)(1)(ii). Written comments may be submitted no later than 14 days after the date of publication of these preliminary results in the **Federal Register**. Rebuttals to written comments, limited to issues raised in such comments, may be filed no later than seven days after the due date for comments. All submissions must be filed electronically using Enforcement and Compliance's AD and CVD Centralized Electronic Service System (ACCESS).[10] An electronically filed document must be successfully received in its entirety by ACCESS, by 5 p.m. Eastern Time on the deadlines set forth in this notice. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[11]

Final Results of the Changed Circumstances Reviews

Commerce will issue the final results of these CCRs, which will include its analysis of any written comments, no later than 270 days after the date on which these reviews were initiated.[12] If, in the final results of these reviews, Commerce continues to determine that changed circumstances warrant the revocation of the *Solar Cells Orders,* in part, we will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to antidumping or countervailing duties, and to refund any estimated antidumping and countervailing duties deposited on, all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or an automatic liquidation instruction to CBP.

The current requirement for cash deposits of estimated antidumping and countervailing duties on all entries of subject merchandise will continue unless they are modified pursuant to the final results of these CCRs.

Notification to Interested Parties

These preliminary results of CCRs and this notice are published in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: June 22, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–13731 Filed 6–25–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–822]

Certain Frozen Warmwater Shrimp From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of certain frozen warmwater shrimp (shrimp) from Thailand have been made below normal value during the period of review (POR), February 1, 2019, through January 31, 2020. We invite interested parties to comment on these preliminary results.

DATES: Applicable June 28, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Luberda, 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) 482–2185.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on shrimp from Thailand.[1] On February 3, 2020, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order.*[2] The notice of initiation of this administrative review was published on April 8, 2020.[3] On July 7, 2020, Commerce selected two mandatory respondents for individual examination: (1) Kongphop Frozen Food Co., Ltd.; and (2) Thai Union Group Public Co., Ltd./Thai Union Seafood Co., Ltd./Pakfood Public Company Limited/Asia Pacific (Thailand) Co., Ltd./Chaophraya Cold Storage Co., Ltd./Okeanos Co., Ltd./Okeanos Food Co., Ltd./Takzin Samut Co., Ltd. (collectively, Thai Union).[4] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[5] On July 21, 2020,

[9] *See, e.g., Honey Preliminary CCR Results,* 77 FR 67790, 67791 (November 14, 2012); *Aluminum Extrusions from the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent to Revoke Antidumping and Countervailing Duty Orders in Part,* 78 FR 66895 (November 7, 2013); and 19 CFR 351.222(g)(3)(v).

[10] *See generally* 19 CFR 351.303.

[11] *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).

[12] *See* 19 CFR 351.216(e).

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Thailand,* 70 FR 5145 (February 1, 2005) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 5938 (February 3, 2020).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 19730 (April 8, 2020).

[4] *See* Memorandum, ''Selection of Respondents for Individual Review,'' dated July 7, 2020. In the 2012–2013 administrative review, as noted in that memorandum, Commerce previously found that the following companies comprised a single entity: Thai Union Frozen Products Public Co. Ltd.; Thai Union Seafood Co., Ltd. (TUS); Pakfood Public Company Limited; Asia Pacific (Thailand) Co., Ltd.; Chaophraya Cold Storage Co., Ltd.; Okeanos Co., Ltd.; Okeanos Food Co., Ltd. (OKF); and Takzin Samut Co., Ltd. (collectively, Thai Union). *See Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR 51306, 51306 (August 28, 2014). Further, on January 5, 2016, Commerce found that Thai Union Group Public Co., Ltd., (TUG) is the successor-in-interest to Thai Union Frozen Products Public Co., Ltd. *See Notice of Final Results of Antidumping Changes Circumstances Review: Certain Frozen Warmwater Shrimp from Thailand,* 81 FR 222 (January 5, 2016). Therefore, we are treating these companies as a single entity for the purposes of this administrative review.

[5] *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.

Commerce tolled deadlines in administrative reviews by an additional 60 days.[6] On January 21, 2021, Commerce extended the deadline for the preliminary results of this administrative review until June 18, 2021.[7] Also on January 21, 2021, Commerce rescinded the administrative review with respect to all companies for which a review had been requested, except Thai Union.[8] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[9]

Scope of the Order

The merchandise subject to the *Order* is certain warmwater shrimp and prawns, whether frozen, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off, deveined or not deveined, cooked or raw, or otherwise processed in frozen form. The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size. The products subject to the *Order* are currently classifiable in HTSUS statistical reporting numbers 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.[10]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists for the period February 1, 2019, through January 31, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
Thai Union	6.47

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[11] Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of the timeline for the submission of case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[12] Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14] Case and rebuttal briefs should be filed using ACCESS.[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[16] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[17]

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act, unless otherwise extended.[18]

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[19]

Pursuant to 19 CFR 351.212(b)(1), because Thai Union reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. 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

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[7] *See* Memorandum, ''Extension of Time Limit for Preliminary Results of 2019–2020 Antidumping Duty Administrative Review,'' dated January 21, 2021. However, on June 17, 2021, the President signed into law the Juneteenth National Independence Day Act, making June 19 a Federal holiday. *See* Juneteenth National Independence Day Act, S. 475, Public Law 117–17 (2021). Because the Federal holiday fell on a Saturday, it was observed on Friday, June 18, 2021. Where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). Accordingly, the deadline for these preliminary results is on June 21, 2021.

[8] *See Certain Frozen Warmwater Shrimp from Thailand: Partial Rescission of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 7061 (January 26, 2021).

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Circular Frozen Warmwater Shrimp from Thailand,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[10] For a complete description of the scope of the *Order, see* Preliminary Decision Memorandum at 4–5.

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[13] *See Temporary Rule Modifying AD/CVD Service Requirements Due to Covid–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See* 19 CFR 351.303.

[16] *See* 19 CFR 351.310(c).

[17] *See* 19 CFR 351.310(d).

[18] *See* section 751(a)(3)(A) of the Act.

[19] *See* 19 CFR 351.212(b).

rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''automatic assessment'' practice 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.[20]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of shrimp from Thailand entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the exporter listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.34 percent, the all-others rate made effective by the *Section 129 Determination.*[21] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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 351.221(b)(4).

Dated: June 21, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

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[20] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[21] *See Implementation of the Findings of the WTO Panel in United States Antidumping Measure on Shrimp from Thailand: Notice of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Thailand,* 74 FR 5638 (January 30, 2009) (*Section 129 Determination*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–842]

Large Residential Washers From Mexico: Preliminary Results of the Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the producer/exporter subject to this administrative review made sales of subject merchandise at less than normal value (NV). Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 28, 2021.

FOR FURTHER INFORMATION CONTACT: William Miller, 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) 482–3908.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 2020, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on large residential washers from Mexico, for one company, Electrolux Home Products Corp. N.V. and Electrolux Home Products de Mexico, S.A. de C.V. (collectively, Electrolux).[1] The period of review (POR) is February 1, 2019, through January 31, 2020. On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[2] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[3] In January 2021, we extended the preliminary results of this review to no later than June 18, 2021.[4] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5]

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 19730 (April 8, 2020).

[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.

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[4] *See* Memorandum, ''Extension of the Deadline for Preliminary Results of the 2019–2020 Antidumping Duty Administrative Review,'' dated January 26, 2021. However, on June 17, 2021, the President signed into law the Juneteenth National Independence Day Act, making June 19 a Federal holiday. *See* Juneteenth National Independence Day Act, S. 475, Public Law 117–17 (2021). Because the Federal holiday fell on a Saturday, it was observed on Friday, June 18, 2021. Where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of* ''*Next Business Day*'' *Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). Accordingly, the deadline for these preliminary results is on June 21, 2021.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Large Residential Washers from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Mexico.[6] The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *https://enforcement.trade.gov/frn/summary/mexico/mexico-fr.htm.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margin exists for the period February 1, 2019, through January 31, 2020:

Exporter/producer	Weighted-average margin
Electrolux Home Products Corp. N.V. and Electrolux Home Products de Mexico, S.A. de C.V	2.17

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[7]

Pursuant to 19 CFR 351.212(b)(1), 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 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 assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[8]

We intend to issue instructions to CBP 41 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Electrolux will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recent segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 36.52 percent, the all-others rate established in the LTFV investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).[10]

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[11] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[12] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[13] Case and rebuttal briefs should be filed using ACCESS.[14] Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice.[16] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[17]

An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time on the established deadline.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[18]

[6] For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

[7] *See* 19 CFR 351.212(b).

[8] *See* section 751(a)(2)(C) of the Act.

[9] *See Large Residential Washers from Mexico and the Republic of Korea: Antidumping Duty Orders,* 78 FR 11148 (February 15, 2013).

[10] *See* 19 CFR 351.224(b).

[11] *See* 19 CFR 351.309(c).

[12] *See* 19 CFR 351.309(d); *see also* 19 CFR 351.303 (for general filing requirements); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020) (*Temporary Rule*); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] *See* 19 CFR 351.303.

[15] *See Temporary Rule.*

[16] *See* 19 CFR 351.310(c).

[17] *See* 19 CFR 351.310(d).

[18] *See* section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 21, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Product Comparisons
VI. Constructed Export Price
VII. Normal Value
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2021–13707 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Carbon Activated Tianjin Co., Ltd. (Carbon Activated) and Datong Juqiang Activated Carbon Co., Ltd. (Datong Juqiang), exporters of certain activated carbon from the People's Republic of China (China), sold subject merchandise in the United States at prices below normal value (NV) during the period of review (POR) April 1, 2019, through March 31, 2020. Interested parties are invited to comment on these preliminary results.

DATES: Applicable June 28, 2021.

FOR FURTHER INFORMATION CONTACT: Jinny Ahn or Joshua Simonidis, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0339 or (202) 482–0608, respectively.

SUPPLEMENTARY INFORMATION:

Background

This administrative review is being conducted in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this administrative review on June 8, 2020.[1] On July 21, 2020, Commerce tolled all preliminary and final deadlines in administrative reviews by 60 days.[2] On January 15, 2021, Commerce extended the preliminary results deadline until April 30, 2021.[3] On March 24, 2021, Commerce further extended the preliminary results deadline until June 18, 2021.[4]

Scope of the Order [5]

The merchandise subject to the *Order* is certain activated carbon. The products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3802.10.00. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the *Order* remains dispositive.[6]

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (CBP) information, and the no shipment certifications submitted by Beijing Pacific Activated Carbon Products Co., Ltd., Jilin Bright Future Chemicals Co., Ltd., Shanxi Dapu International Trade Co., Ltd., Shanxi Industry Technology Trading Co., Ltd., Shanxi Tianxi Purification Filter Co., Ltd., and Tianjin Channel Filters Co., Ltd., Commerce preliminarily determines that these companies had no shipments of subject merchandise during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with our practice in non-market economy (NME) cases, we are not rescinding this review but instead intend to complete the review with respect to these six companies for which we have preliminarily found no shipments and issue appropriate instructions to CBP based on the final results of the review.[7]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated export prices and constructed export prices in accordance with section 772 of the Act. Because China is an NME country within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. 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 is available at *http://enforcement.trade.gov/frn/.*

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 35068 (June 8, 2020).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[3] *See* Memorandum, ''Certain Activated Carbon from the People's Republic of China: Extension of Deadline for Preliminary Results of the Thirteenth Antidumping Duty Administrative Review,'' dated January 15, 2021.

[4] *See* Memorandum, ''Certain Activated Carbon from the People's Republic of China: Extension of Deadline for Preliminary Results of the Thirteenth Antidumping Duty Administrative Review,'' dated March 24, 2021. However, on June 17, 2021, the President signed into law the Juneteenth National Independence Day Act, making June 19 a Federal holiday. *See* Juneteenth National Independence Day Act, S. 475, Public Law 117–17 (2021). Because the Federal holiday fell on a Saturday, it was observed on Friday, June 18, 2021. Where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). Accordingly, the deadline for these preliminary results is on June 21, 2021.

[5] *See Notice of Antidumping Duty Order: Certain Activated Carbon from the People's Republic of China,* 72 FR 20988 (April 27, 2007) (*Order*).

[6] For a complete description of the scope of the *Order, see* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Activated Carbon from the People's Republic of China; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) (*NME Practice*).

Preliminary Results of the Review

Commerce preliminarily finds that 61 companies for which a review was requested [8] did not establish eligibility for a separate rate because they failed to provide either a separate rate application or separate rate certification. As such, we preliminarily determine that these 61 companies are part of the China-wide entity.[9]

For those companies that have established their eligibility for a separate rate,[10] Commerce preliminarily determines that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (U.S. dollars per kilogram) [11]
Carbon Activated Tianjin Co., Ltd	1.13
Datong Juqiang Activated Carbon Co., Ltd	0.45
Datong Municipal Yunguang Activated Carbon Co., Ltd	0.58
Jacobi Carbons AB [12]	0.58
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd	0.58
Ningxia Huahui Activated Carbon Co., Ltd	0.58
Ningxia Mineral & Chemical Limited	0.58
Shanxi Sincere Industrial Co., Ltd	0.58
Tancarb Activated Carbon Co., Ltd	0.58

For the respondents that were not selected for individual examination in this administrative review but qualified for a separate rate, we have assigned to them the weighted-average margin calculated based on the publicly available ranged U.S. sales quantities of the mandatory respondents consistent with section 735(c)(5)(A) of the Act.[13]

Disclosure and Public Comment

Commerce intends to disclose the calculations performed for these preliminary results to the parties no later than five days after the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review. Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the case briefs are filed.[14] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.[16] If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[17] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions to Commerce must be filed electronically using ACCESS [18] and must also be served on interested parties.[19] An electronically filed document must be received successfully in its entirety by ACCESS, by 5 p.m. Eastern Time (ET) on the date that the document is due.

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, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[20] Commerce intends to issue assessment instructions to CBP 35 days

[8] *See* Appendix II of this notice for a full list of the 61 companies.

[9] Because no interested party requested a review of the China-wide entity and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews, we did not conduct a review of the China-wide entity. Thus, the rate for the China-wide entity is not subject to change as a result of this review. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65969–70 (November 4, 2013). The China-wide entity rate of 2.42 U.S. dollars per kilogram was last reviewed in *Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 70163 (November 25, 2014).

[10] *See* Preliminary Decision Memorandum.

[11] In the second administrative review of the *Order,* Commerce determined that it would calculate per-unit weighted-average dumping margins and assessment rates for all future reviews. *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review,* 75 FR 70208, 70211 (November 17, 2010).

[12] In the third administrative review of the *Order,* Commerce found that Jacobi Carbons AB, Tianjin Jacobi International Trading Co. Ltd., and Jacobi Carbons Industry (Tianjin) Co., Ltd. should be treated as a single entity, and because there were no facts presented on the record of this review which would call into question our prior finding, we continue to treat these companies as part of a single entity for this administrative review, pursuant to sections 771(33)(E), (F), and (G) of the Act and 19 CFR 351.401(f). *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Third Antidumping Duty Administrative Review,* 76 FR 67142, 67145, n. 25 (October 31, 2011).

[13] *See* Memorandum, ''Certain Activated Carbon from the People's Republic of China: Calculation of the Margin for Respondents Not Selected for Individual Examination,'' dated concurrently with this notice; *see also* Preliminary Decision Memorandum.

[14] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications are in effect)'').

[15] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[16] *See* 19 CFR 351.310(c).

[17] *See* 19 CFR 351.310(d).

[18] *See* 19 CFR 351.303.

[19] *See* 19 CFR 351.303(f).

[20] *See* 19 CFR 351.212(b)(1).

after the publication date of the final results of this review. For any individually examined respondent whose (estimated) *ad valorem* weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total quantity of those sales, in accordance with 19 CFR 351.212(b)(1).[21] Commerce will also calculate (estimated) *ad valorem* importer-specific assessment rates with which to assess whether the per-unit assessment rate is *de minimis.*[22] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis.* Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,*[23] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the respondents that were not selected for individual examination in this administrative review but qualified for a separate rate, the assessment rate will be the margin established for these companies in the final results of this review.

For the final results, if we continue to treat the 61 companies, identified at Appendix II to this notice, as part of the China-wide entity, we will instruct CBP to apply a per-unit assessment rate of $2.42 per kilogram to all entries of subject merchandise during the POR which were exported by those companies.[24]

For entries that were not reported in the U.S. sales data submitted by companies individually examined during this review, Commerce will instruct CBP to liquidate such entries at the rate for the China-wide entity.[25] Additionally, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's cash deposit rate) will be liquidated at the rate for the China-wide entity.[26]

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, as applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For each specific company listed in the final results of this review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except that if the *ad valorem* rate is *de minimis,* then the cash deposit rate will be zero); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have separate rates, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash 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 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 occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213, and 19 CFR 351.221(b)(4).

Dated: June 21, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Recommendation

Appendix II

Companies Preliminarily Not Eligible for a Separate Rate and Treated as Part of the China-Wide Entity

1. AM Global Shipping Lines Co., Ltd.
2. Apex Maritime (Tianjin) Co., Ltd.
3. Ardic Worldwide Logistics Ltd.
4. Beijing Kang Jie Kong International Cargo Agent Co Ltd
5. Bengbu Modern Environmental Co., Ltd.
6. Brilliant Logistics Group Inc.
7. China Combi Works Oy Ltd.
8. China International Freight Co., Ltd.
9. Cohesion Freight (HK) Ltd.
10. Datong Municipal Yunguang
11. De Well Container Shipping Corp.
12. Derun Charcoal Carbon Co., Ltd.
13. Endurance Cargo Management Co., Ltd.
14. Envitek (China) Ltd.
15. Excel Shipping Co., Ltd.
16. Fujian Xinsen Carbon Co., Ltd.
17. Fuzhou Yihuan Carbon Co., Ltd.
18. Fuzhou Yuemengfeng Trade Co., Ltd.
19. Gongyi City Bei Shan Kou Water Purification Materials Factory
20. Guangdong Hanyan Activated Carbon Manufacturing Co., Ltd.
21. Guangzhou Four E'S Scientific Co., Ltd.
22. Hangzhou Hengxing Activated Carbon
23. Henan Dailygreen Trading Co., Ltd.
24. Honour Lane Shipping Ltd.
25. Ingevity Corp.
26. Ingevity Performance Materials
27. Jiangsu Kejing Carbon Fiber Co., Ltd.
28. Jiangxi Yuanli Huaiyushan Active Carbon
29. King Freight International Corp.
30. M Chemical Company, Inc.
31. Meadwestvaco Trading (Shanghai)
32. Muk Chi Trade Co., Ltd.
33. Nanping Yuanli Active Carbon Co.
34. Pacific Star Express (China) Company Ltd.
35. Panalpina World Transport (PRC) Ltd.
36. Pingdingshan Green Forest Activated

[21] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[22] For calculated (estimated) *ad valorem* importer-specific assessment rates used in determining whether the per-unit assessment rate is *de minimis, see* Memoranda, ''Preliminary Results Margin Calculation for Datong Juqiang Activated Carbon Co., Ltd.,'' and ''Antidumping Duty Administrative Review of Certain Activated Carbon the People's Republic of China: Preliminary Results Calculation Memorandum for Carbon Activated,'' both dated concurrently with this notice, and attached Margin Calculation Program Logs and Outputs.

[23] *See* 19 CFR 351.106(c)(2).

[24] *See, e.g., Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 70163, 70165 (November 25, 2014).

[25] *See NME Practice,* for a full discussion.

[26] *Id.*

Carbon Factory
37. Pingdingshan Lvlin Activated Carbon Co., Ltd.
38. Pudong Prime International Logistics
39. Safround Logistics Co.
40. Seatrade International Transportation
41. Shanghai Caleb Industrial Co. Ltd.
42. Shanghai Express Global International
43. Shanghai Line Feng Int'l Transportation
44. Shanghai Pudong International Transportation
45. Shanghai Sunson Activated Carbon
46. Shanghai Xinjinhu Activated Carbon
47. Shanxi DMD Corp.
48. Shanxi Industry Technology Trading (ITT)
49. Shenzhen Calux Purification Technology Co., Ltd.
50. Shijiazhuang Tangju Trading Co.
51. Sinoacarbon International Trading Co., Ltd.
52. The Ultimate Solid Logistics Ltd.
53. T.H.I. Group (Shanghai) Ltd.
54. Tianjin Maijin Industries Co., Ltd.
55. Translink Shipping Inc.
56. Trans-Power International Logistics Co., Ltd.
57. Triple Eagle Container Line
58. U.S. United Logistics (Ningbo) Inc.
59. Yusen Logistics Co., Ltd.
60. Zhejiang Topc Chemical Industry
61. Zhengzhou Zhulin Activated Carbon

[FR Doc. 2021–13708 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Events and Efforts Supporting Cybersecurity Career Awareness Week

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 27, 2021.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, NIST by email to *PRAcomments@doc.gov*). Please reference OMB Control Number 0693–0082 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Danielle Santos, NICE Program Office, (301) 975–5048; *nice@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

As part of NIST's charge for National Cybersecurity Awareness and Education outlined in the Cybersecurity Enhancement Act of 2014, the National Initiative for Cybersecurity Education (NICE) energizes and promotes a robust network and an ecosystem of cybersecurity education, training, and workforce development. NICE, led by NIST, fulfills this mission by coordinating with government, academic, and industry partners to build on existing successful programs, facilitate change and innovation, and bring leadership and vision to increase the number of skilled cybersecurity professionals helping to keep our Nation secure.

Further, the NICE Strategic Plan emphasizes a goal to promote the discovery of cybersecurity careers and multiple pathways. In support of this goal, Cybersecurity Career Awareness Week aims to inspire, educate, and engage children through adults to pursue careers in cybersecurity. The annual week-long celebration provides for learning about the contributions, innovations, and opportunities that can be found by exploring cybersecurity as a field of study or career choice. The NICE community is encouraged to organize and participate in activities and initiatives during the week that:

- Create excitement around increasing public awareness and engagement in building a strong cybersecurity workforce.
- Emphasize the demand and opportunities in the field of cybersecurity.
- Increase awareness around the multiple career options within the field of cybersecurity.
- Highlight the numerous pathways to enter the cybersecurity career field.
- Showcase programs that increase participation of women, minorities, veterans, persons with disabilities, and other underrepresented populations in the cybersecurity workforce.
- Advance the NICE Strategic Plan objective to inspire cybersecurity career awareness.

This collection is necessary to support the NICE Strategic Plan objective to inspire cybersecurity career awareness. The collection of information will allow the NICE Program Office to share with the public a compiled list of events and opportunities to learn about cybersecurity careers. Doing so will provide a resource for potential attendees, extend the reach of programs and efforts, serve as a source of metrics for outreach activities and impact, and encourage more stakeholders to get involved in National Cybersecurity Career Awareness Week.

The information gathered in this collection will be populated into publicly accessible list on *nist.gov/nice* on an on-going basis. The public will access this list to learn about events held by the public to raise cybersecurity career awareness with the intention to increase the reach of and participation at such events. The list will also serve as a resource for those wishing to access information on cybersecurity careers. The information collected will not be analyzed or changed prior to publishing.

Information collected includes basic contact information, such as name, however the data is referential in nature only. Records will not be retrieved by a personal identifier; therefore, this is not a Privacy Act System of Records and does not require a SORN or Privacy Act Statement. The primary goal for this collection is to learn what kind of events are happening and where.

II. Method of Collection

The primary method of collection will be via an electronic (internet) submission form.

III. Data

OMB Control Number: 0693–0082.
Form Number(s): None.
Type of Review: Regular submission, revision of a current information collection.
Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.
Estimated Number of Respondents: 500.
Estimated Time per Response: 10 minutes.
Estimated Total Annual Burden Hours: 83.
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Voluntary.

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. 2021–13467 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve; Public Meeting; Request for Comments

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: NOAA's Office for Coastal Management will hold a public meeting to solicit comments on the performance evaluation of the San Francisco Bay National Estuarine Research Reserve.

DATES: NOAA will consider all written comments received by Friday, August 20, 2021. A virtual public meeting will be held on Wednesday, August 11, 2021 at 12 p.m. PDT.

ADDRESSES: Comments may be submitted by:

- *Electronic Submission:* Email Carrie Hall, Evaluator, NOAA Office for Coastal management at *Carrie.Hall@noaa.gov.* Timely oral or written comments received by the Office for Coastal Management are considered part of the public record and may be publicly accessible. Any personal information (*e.g.,* name, address) submitted voluntarily by the sender may also be publicly accessible. NOAA will accept anonymous comments.
- *Virtual Public Meeting:* Provide public comments during the virtual public meeting. To participate in the virtual public meeting, registration is required by Tuesday, August 10, 2021, at 5 p.m. PDT.

Instructions: To register for the virtual public meeting, visit *https://forms.gle/Zi47WeZFD2Ywj9qJ8.* If you have difficulty registering, contact Carrie Hall by email at *Carrie.Hall@noaa.gov.* You may participate online or by phone. If you would like to provide comment during the public meeting, please select ''yes'' during the online registration. The line-up of speakers will be based on the date and time of registration. Once you register, you will receive a confirmation of your registration. One hour prior to the start of the meeting on August 11, 2021, you will be emailed a link to the public meeting and information about participating.

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, NOAA Office for Coastal Management by email at *Carrie.Hall@noaa.gov* or phone (240) 533–0730. Copies of the previous evaluation findings, reserve management plan, and reserve site profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Carrie Hall.

SUPPLEMENTARY INFORMATION:

Background

Section 312 of the Coastal Zone Management Act (CZMA), 16 U.S.C. 1458, requires NOAA to conduct periodic evaluations of federally approved national estuarine research reserves. The process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state of California has met the national objectives, adhered to the reserve's management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–13691 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB190]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting; via webinar.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a meeting of its Coastal Migratory Pelagic Advisory Panel via webinar.

DATES: The webinar will convene on Thursday, July 22, 2021, 1 p.m.–4 p.m., EDT.

ADDRESSES: The meeting will be held via webinar; visit the Gulf Council website for registration and log in information.

Council address: Gulf of Mexico Fishery Management Council, 4701 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Natasha Mendez-Ferrer, Fishery Biologist, Gulf of Mexico Fishery Management Council; *natasha.mendez@gulfcouncil.org*, telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, though agenda items may be addressed out of order (changes will be noted on the Council's website when possible).

Thursday, July 22, 2021; 1 p.m.–4 p.m.; EDT

The meeting will begin with Adoption of Agenda; Approval of Minutes from the March 24, 2021 webinar; and, review of Scope of Work with its members.

The Advisory Panel (AP) will receive a summary of the SEDAR 38 Update for Gulf of Mexico King Mackerel with presentations on the stock assessment and results, recommendations from the Scientific and Statistical Committee (SSC), and results from the Council's Something's Fishy tool.

The AP will be presented with a draft of Coastal Migratory Pelagics Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits and Sector Allocations. The AP will then provide recommendations.

The AP will receive public comment; and, discuss any Other Business items.

—Meeting Adjourns

The meeting will be held via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the Mackerel Advisory Panel meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not on the agenda may come before the Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Advisory Panel will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take-action to address the emergency.

Dated: June 23, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–13730 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Sanctuary System Business Advisory Council: Public Meeting

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open public meeting.

SUMMARY: Notice is hereby given of a meeting of the Sanctuary System Business Advisory Council (council). The meeting is open to the public, and an opportunity for oral and written comments will be provided.

DATES: The meeting will be held Wednesday, July 7, 2021, from 1:30 p.m. to 4 p.m. ET, and an opportunity for public comment will be provided around 3:30 p.m. ET. Both times and agenda topics are subject to change.

ADDRESSES: The meeting will be held virtually using Google Meet. To participate, please use the website provided below. If you are unable to participate online, you can also connect to the public meeting using the phone number provided.

Website: meet.google.com/sag-dmgx-gyj
Phone: +1 (650) 449–9427, PIN: 327 074 887.

Instructions: To provide a public comment during the virtual meeting, please sign up in advance by contacting Katie Denman by phone (240–533–0702) or email (*katie.denman@noaa.gov*). Please note, no public comments will be recorded. Public comments, including any associated names, will be captured in the minutes of the meeting, will be maintained by the Office of National Marine Sanctuaries (ONMS) as part of its administrative record, and may be subject to release pursuant to the Freedom of Information Act. By signing up to provide a public comment, you agree that these communications, including your name and comment, will be maintained as described here.

FOR FURTHER INFORMATION CONTACT: Katie Denman, Office of National Marine Sanctuaries, 1305 East West Highway, Silver Spring, Maryland 20910 (Phone: 240–533–0702; Email: *katie.denman@noaa.gov*).

SUPPLEMENTARY INFORMATION:

Background

ONMS serves as the trustee for a network of underwater parks encompassing more than 620,000 square miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 14 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies.

One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. The Sanctuary System Business Advisory Council (council) has been formed to provide advice and recommendations to the Director regarding the relationship of ONMS with the business community. Additional information on the council can be found at *https://sanctuaries.noaa.gov/management/bac/*.

Matters to be discussed: The meeting will include updates from ONMS, a presentation from a sanctuary site, and updates from all working groups. For a complete agenda, including times and topics, please visit *http://sanctuaries.noaa.gov/management/bac/meetings.html*.

Authority: 16 U.S.C. Sections 1431, *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–13756 Filed 6–25–21; 8:45 am]

BILLING CODE 3510–NK–P

COMMODITY FUTURES TRADING COMMISSION

Market Risk Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on July 13, 2021, from 9:30 a.m. to 12:00 p.m. (Eastern Daylight Time), the Market Risk Advisory Committee (MRAC) will hold a public meeting via teleconference. At this meeting, the MRAC will receive reports from its CCP Risk and Governance and Interest Rate Benchmark Reform Subcommittees. In addition, the MRAC will vote on recommendations from the Interest Rate Benchmark Reform Subcommittee regarding a market best practice for switching interdealer trading conventions from LIBOR to the Secured Overnight Financing Rate for U.S. Dollar linear interest rate swaps.

DATES: The meeting will be held on July 13, 2021, from 9:30 a.m. to 12:00 p.m. (Eastern Daylight Time). Please note that the teleconference may end early if the MRAC has completed its business. Members of the public who wish to submit written statements in connection with the meeting should submit them by July 20, 2021.

ADDRESSES: The meeting will be held via teleconference. You may submit public comments, identified by ''Market Risk Advisory Committee,'' through the CFTC website at *https://comments.cftc.gov.* Follow the instructions for submitting comments through the Comments Online process on the website. If you are unable to submit comments online, contact Alicia L. Lewis, Designated Federal Officer, via the contact information listed below to discuss alternate means of submitting your comments. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC website, *https://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Alicia L. Lewis, MRAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–5862.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Members of the public may listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Toll Free: 1–877–951–7311.

International Toll and Toll Free: Will be posted on the CFTC's website, *https://www.cftc.gov,* on the page for the meeting, under Related Links.

Pass Code/Pin Code: 2513365.

The meeting agenda may change to accommodate other MRAC priorities. For agenda updates, please visit the MRAC committee site at: *https://www.cftc.gov/About/CFTCCommittees/MarketRiskAdvisoryCommittee/mrac_meetings.html.*

All written submissions provided to the CFTC in any form will also be published on the CFTC's website. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

(Authority: 5 U.S.C. app. 2 section 10(a)(2).)

Dated: June 23, 2021.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2021–13692 Filed 6–25–21; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, June 30, 2021—10:00 a.m.

PLACE: This meeting will be conducted by remote means.

STATUS: Commission Meeting—Closed to the Public.

MATTERS TO BE CONSIDERED: Decisional Matter.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7479 (Office) or 240–863–8938 (cell).

Dated: June 23, 2021.

Alberta E. Mills,

Secretary.

[FR Doc. 2021–13797 Filed 6–24–21; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of the Removal of the Designation as Communist Chinese Military Companies Under the Strom Thurmond NDAA for FY99

AGENCY: Office of the Under Secretary of Defense (Acquisition and Sustainment), Department of Defense.

ACTION: Notice of Chinese military companies.

SUMMARY: The Secretary of Defense has removed the designation of ''Communist Chinese military companies'' from entities previously listed as such in accordance with the Strom Thurmond National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1999. There are currently no entities designated as Communist Chinese military companies under this authority.

FOR FURTHER INFORMATION CONTACT: Jesse Salazar, (703) 697–0051.

SUPPLEMENTARY INFORMATION: Section 1237(b) of the Strom Thurmond NDAA for FY 1999 (Pub. L. 105–261), as amended, directs the Secretary of Defense to determine those persons operating directly or indirectly in the United States or any of its territories and possessions that are ''Communist Chinese military companies'' (CCMCs).

The Secretary of Defense has removed the designation of ''Communist Chinese military companies'' from entities previously listed as such in accordance with Section 1237 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105–261).

There are currently no entities designated as Communist Chinese military companies under this authority.

Dated: June 23, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–13755 Filed 6–25–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Designation of Chinese Military Companies Under the William M. (Mac) Thornberry NDAA for FY21

AGENCY: Office of the Under Secretary of Defense (Acquisition and Sustainment), Department of Defense.

ACTION: Notice of Chinese military companies.

SUMMARY: The Secretary of Defense has determined that the entities listed in the **SUPPLEMENTARY INFORMATION** section of this notice qualify as ''Chinese military companies'' in accordance with the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year 2021 (FY21).

FOR FURTHER INFORMATION CONTACT: Jesse Salazar, (703) 697–0051.

SUPPLEMENTARY INFORMATION: Section 1260H of the William M. (Mac) Thornberry NDAA for FY21 (Pub. L. 116–283) directs the Secretary of Defense to continue to list ''Chinese military companies'' (CMCs) annually until December 31, 2030. Paragraph (a)(2) of this section directs the Secretary of Defense to publish the unclassified portion of such list in the **Federal Register**.

The Secretary of Defense has determined that the following entities qualify as ''Chinese military companies'' in accordance with Section 1260H of the William M. (Mac) Thornberry NDAA for FY21 (Pub. L. 116–283):

Aerospace CH UA V Co., Ltd
Aerosun Corporation
Aviation Industry Corporation of China, Ltd. (AVIC)
AVIC Aviation High-Technology Company Limited
AVIC Heavy Machinery Company Limited
AVIC Jonhon Optronic Technology Co., Ltd.
AVIC Shenyang Aircraft Company Limited
AVIC Xi'an Aircraft Industry Group Company Ltd.

China Aerospace Science and Industry Corporation Limited (CASIC)
China Communications Construction Company Limited (CCCC)
China Communications Construction Group (Limited) (CCCG)
China Electronics Corporation (CEC)
China Electronics Technology Group Corporation (CETC)
China General Nuclear Power Corporation (CGN)
China Marine Information Electronics Company Limited
China Mobile Communications Group Co., Ltd.
China Mobile Limited
China National Nuclear Corporation (CNNC)
China National Offshore Oil Corporation (CNOOC)
China North Industries Group Corporation Limited (Norinco Group)
China Railway Construction Corporation Limited (CRCC)
China South Industries Group Corporation (CSGC)
China SpaceSat Co., Ltd.
China State Shipbuilding Corporation Limited (CSSC)
China Telecom Corporation Limited
China Telecommunications Corporation
China Unicom (Hong Kong) Limited
China United Network Communications Group Co., Ltd. (China Unicom)
CNOOC Limited
Costar Group Co., Ltd.
Fujian Torch Electron Technology Co., Ltd.
Hangzhou Hikvision Digital Technology Co., Ltd. (Hikvision)
Huawei Investment & Holding Co., Ltd.
Huawei Technologies Co., Ltd.
Inner Mongolia First Machinery Group Co., Ltd.
Inspur Group Co., Ltd.
Jiangxi Hongdu Aviation Industry Co., Ltd.
Semiconductor Manufacturing International (Beijing) Corporation
Semiconductor Manufacturing International (Shenzhen) Corporation
Semiconductor Manufacturing International (Tianjin) Corporation
Semiconductor Manufacturing International Corporation (SMIC)
Semiconductor Manufacturing South China Corporation
SMIC Holdings Limited
SMIC Hong Kong International Company Limited
SMIC Northern Integrated Circuit Manufacturing (Beijing) Co., Ltd
SMIC Semiconductor Manufacturing (Shanghai) Co., Ltd
Zhonghang Electronic Measuring Instruments Company Limited

Dated: June 23, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–13753 Filed 6–25–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Meeting; National Advisory Committee on Institutional Quality and Integrity

AGENCY: National Advisory Committee on Institutional Quality and Integrity (NACIQI), Office of Postsecondary Education, U.S. Department of Education.

ACTION: Announcement of meeting.

SUMMARY: This notice sets forth the agenda, time, and instructions to access or participate in the July 27–29, 2021 virtual meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI) and provides information to members of the public regarding the meeting, including requesting to make oral comments. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (FACA) and section 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

DATES: The virtual NACIQI meeting will be held on July 27–29, 2021, from 9:00 a.m. to 5:00 p.m. Eastern Standard Time each day.

FOR FURTHER INFORMATION CONTACT: George Alan Smith, Executive Director/Designated Federal Official, NACIQI, U.S. Department of Education, 400 Maryland Avenue SW, Room 2C–159, Washington, DC 20202, telephone: (202) 453–7757, or email: *George.Alan.Smith@ed.gov*.

SUPPLEMENTARY INFORMATION: *NACIQI's Statutory Authority and Function:* NACIQI is established under section 114 of the HEA. NACIQI advises the Secretary of Education with respect to:

- The establishment and enforcement of the standards of accrediting agencies or associations under subpart 2, part H, Title IV of the HEA, as amended.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV of the HEA and part C, subchapter I, chapter 34, Title 42, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary of Education may prescribe by regulation.

You may register for the meeting on your computer with each day's designated entry link, after which you will receive a confirmation email containing personalized dial-in details, access code, and meeting web link. You must register for each day that you plan to attend.

Tuesday, July 27, 2021

You must pre-register at *https://ems8.intellor.com?do=register&t=1&p=838951* to receive a join link, dial-in number, access code, and unique Attendee ID for the event.

Wednesday, July 28, 2021

You must pre-register at *https://ems8.intellor.com?do=register&t=1&p=838952* to receive a join link, dial-in number, access code, and unique Attendee ID for the event.

Thursday, July 29, 2021

You must pre-register at *https://ems8.intellor.com?do=register&t=1&p=838953* to receive a join link, dial-in number, access code, and unique Attendee ID for the event.

Meeting Agenda

Please note that the review of the Accreditation Council for Independent Colleges and School's (ACICS) petition for renewal of recognition has been removed from the July 2021 NACIQI meeting agenda.

Agenda items for the July 27–29, 2021, meeting are listed below.

Application for Renewal of Recognition

1. Accreditation Commission for Acupuncture and Oriental Medicine. Scope of recognition: The accreditation and pre-accreditation (''Candidacy'') throughout the United States of professional non-degree and graduate degree programs, including professional doctoral programs, in the field of acupuncture and/or Oriental medicine, as well as freestanding institutions and colleges of acupuncture and/or Oriental medicine that offer such programs.

2. Accrediting Bureau of Health Education Schools. Scope of recognition: The accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs leading to a certificate,

diploma, and degrees at the level of the Associate of Applied Science, Associate of Occupational Science, Academic Associate, Baccalaureate and Master's; and the programmatic accreditation of medical assisting, medical laboratory technology, and surgical technology programs, through the Associate degree, including those offered via distance education. The scope extends to the Substantive Change Committee, jointly with the Commission, for decisions on substantive change.

3. Commission on Accrediting of the Association of Theological Schools. Scope of recognition: The accreditation of theological schools and seminaries, as well as schools or programs that are parts of colleges or universities, in the United States, offering post baccalaureate degrees in professional and academic theological education, including delivery via distance education.

4. Accrediting Commission of Career Schools and Colleges. Scope of recognition: The accreditation of postsecondary, non-degree-granting institutions and degree-granting institutions in the United States, including those granting associate, baccalaureate and master's degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education.

5. Council on Occupational Education. Scope of recognition: The accreditation and pre-accreditation (''Candidacy Status'') throughout the United States of postsecondary occupational education institutions offering non-degree and applied associate degree programs in specific career and technical education fields, including institutions that offer programs via distance education.

6. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar. Scope of recognition: The accreditation throughout the United States of programs in legal education that lead to the first professional degree in law, including those offered via distance education, as well as freestanding law schools offering such programs. The scope extends to the Accreditation Committee of the Section of Legal Education (Accreditation Committee) for decisions involving continued accreditation (referred to by the agency as ''approval'') of law schools.

7. American Psychological Association, Commission on Accreditation. Scope of recognition: The accreditation in the United States of doctoral programs in clinical, counseling, school and combined professional-scientific psychology; doctoral internship programs in health service psychology; and postdoctoral residency programs in health service psychology; and the pre-accreditation in the United States of doctoral internship programs in health service psychology; and postdoctoral residency programs in health service psychology.

8. American Osteopathic Association, Commission on Osteopathic College Accreditation. Scope of recognition: The accreditation and pre-accreditation (''Provisional Accreditation'') throughout the United States of freestanding institutions of osteopathic medicine and programs leading to the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine.

9. Transnational Association of Christian Colleges and Schools, Accreditation Commission. Scope of recognition: The accreditation and pre-accreditation (''Candidate'' status) of Christian postsecondary institutions in the United States that offer certificates, diplomas, and associate, baccalaureate, and graduate degrees, including institutions that offer distance education.

Administration Policy Update

Dr. Michelle Asha Cooper, Acting Assistant Secretary for the Office of Postsecondary Education, will discuss the Administration's higher education policy priorities.

Accreditor Dashboards

Brian Fu, Program and Management Analyst, Office of Planning, Evaluation, and Policy Development (OPEPD), will provide a training on the use of the accreditor dashboards, with time for questions and discussion among NACIQI members.

NACIQI Policy Discussion

In addition to its review of accrediting agencies and State approval agencies for Secretarial recognition, the meeting agenda will include additional time for Committee discussions regarding any of the categories within NACIQI's statutory authority in its capacity as an advisory committee.

Subcommittee on Student Success

The subcommittee will provide a report on its work that focuses on 34 CFR 602.16(a)(1)(i), accreditation and pre-accreditation standards.

Submission of requests to make an oral comment regarding a specific accrediting agency under review, or to make an oral comment or written statement regarding other issues within the scope of NACIQI's authority:

Opportunity to submit a written statement regarding a specific accrediting agency under review was solicited by a previous **Federal Register** notice published on August 12, 2020 (85 FR 48679; Document Number 2020–17634). The period for submission of such statements is now closed.

Additional written comments regarding a specific agency or state approval agency under review will not be accepted at this time. However, members of the public may submit written statements regarding other issues within the scope of NACIQI's authority for consideration by NACIQI in the manner described below.

Oral comments may not exceed three minutes. Oral comments about an agency's recognition when a compliance report has been required by the senior Department official or the Secretary must relate to the criteria for recognition cited in the senior Department official's letter that requested the report, or in the Secretary's appeal decision, if any. Oral comments about an agency seeking expansion of scope must be directed to the agency's ability to serve as a recognized accrediting agency with respect to the kinds of institutions or programs requested to be added. Oral comments about the renewal of an agency's recognition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.* Written statements and oral comments concerning NACIQI's work outside of a specific accrediting agency under review must be limited to the scope of NACIQI's authority as outlined under section 114 of the HEA.

To request to make a third-party oral comment of three minutes or less during the July 27–29, 2021 meeting, please follow either Method One or Method Two below. To submit a written statement to NACIQI concerning its work outside a specific accrediting agency under review, please follow Method One.

Method One: Submit a request by email to the *ThirdPartyComments@ed.gov* mailbox. Please do not send material directly to NACIQI members. Written statements to NACIQI concerning its work outside a specific accrediting agency under review and requests to make oral comment must be received by July 9, 2021 and include the subject line ''Oral Comment Request: (agency name),'' ''Oral Comment Request: (subject)'' or ''Written Statement: (subject).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number, of the

person(s) submitting a written statement or requesting to speak. All individuals submitting an advance request in accordance with this notice will be afforded an opportunity to speak.

Method Two (Only available to those seeking to make oral comments): Register on July 27, 2021, from 7:45 a.m.–8:45 a.m. Eastern Standard Time, to make an oral comment during NACIQI's deliberations, using the designated entry link for Tuesday, July 27, 2021 listed earlier in this notice. The requestor must provide the subject on which he or she wishes to comment, in addition to his or her name, title, organization/affiliation, mailing address, email address, and telephone number. A total of up to fifteen minutes for each agenda item will be allotted for oral commenters who register on July 27, 2021 by 8:45 a.m. Eastern Standard Time. Individuals will be selected on a first-come, first-served basis. If selected, each commenter will speak on the actual day and at the actual time the topic for which he or she wishes to comment is being discussed; and his or her comments may not exceed three minutes.

Access to Records of the Meeting: The Department will post the official report of the meeting on the NACIQI website within 90 days after the meeting. In addition, pursuant to the FACA, the public may request to inspect records of the meeting at 400 Maryland Avenue SW, Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 453–7415 to schedule an appointment. Senior Department official's (as defined in 34 CFR 602.3) decisions pursuant to 34 CFR 602.36 associated with all NACIQI Meetings can be found at the following website: *https://surveys.ope.ed.gov/erecognition/PublicDocuments.*

Reasonable Accommodations: The meeting dial-in information and weblink are accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* 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 Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You also may 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.

(Authority: 20 U.S.C. 1011c.)

Annmarie Weisman,

Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 2021–13758 Filed 6–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection: Aircraft Services—Flight Request

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Notice of information collection; request for comments.

SUMMARY: The Department of Energy (DOE), Bonneville Power Administration (BPA), invites public comment on a collection of information that BPA is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before September 1, 2021.

ADDRESSES: Written comments may be sent to Bonneville Power Administration, Attn: Theodore Rydmark, Privacy Program, CGI–7, P.O. Box 3621, Portland, OR 97208–3621, or by email at *privacy@bpa.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Theodore Rydmark, Privacy Program, by email at *privacy@bpa.gov,* or by telephone at (503) 230–5253.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* New;

(2) *Information Collection Request Title:* Aircraft Services—Flight Request;

(3) *Type of Request:* New;

(4) *Purpose:* This information collection is associated with BPA's management and oversight of personnel flying on BPA planes and helicopters. Employees, non-employees, contractors, and the general public complete the following form: BPA F 4450.01e Flight Request;

(5) *Estimated Number of Respondents:* 3,380;

(6) *Annual Estimated Number of Respondents:* 3,380;

(7) *Annual Estimated Number of Burden Hours:* 338;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* 0.

Statutory Authority: 42 U.S.C. 7101, *et seq.,* 41 CFR 301–70.905, 14 CFR 91.103, 14 CFR 91.1027(c)(1–4).

Signing Authority: This document of the Department of Energy was signed on June 11, 2021, by Candice D. Palen, Information Collection Clearance Manager, Bonneville Power Administration, 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 upon publication in the **Federal Register**.

Signed in Washington, DC, on June 22, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–13641 Filed 6–25–21; 8:45 am]

BILLING CODE 6450–01–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. P–1494–438	6–11–2021	FERC Staff.[1]
2. CP16–9–012	6–16–2021	FERC Staff.[2]
3. CP16–9–012	6–17–2021	FERC Staff.[3]
4. CP16–9–012	6–17–2021	FERC Staff.[4]
5. P–1494–438	6–21–2021	FERC Staff.[5]
6. CP16–9–012	6–21–2021	FERC Staff.[6]
7. CP16–9–012	6–21–2021	FERC Staff.[7]
8. P–405–106	6–21–2021	FERC Staff.[8]
9. P–1494–438	6–21–2021	FERC Staff.[9]
Exempt		
None.		

[1] Emailed comments dated 6/10/2021 from Jennifer Martinez.
[2] Emailed comments dated 6/16/2021 from Andrea Honore.
[3] Emailed comments dated 6/16/2021 from Kevin Lowney and 5 other individuals.
[4] Emailed comments dated 6/17/2021 from Ellen Van Bever and 2 other individuals.
[5] Emailed comments dated 6/19/2021 from Nate Buckhout.
[6] Emailed comments dated 6/17/2021 from Rosemary Wesel and 1 other individual.
[7] Emailed comments dated 6/18/2021 from Stephanie Hamilton.
[8] Emailed comments dated 6/19/2021 from Alex Balboa.
[9] Emailed comments dated 6/20/2021 from Brian Reynolds.

Dated: June 22, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–13748 Filed 6–25–21; 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: EG21–171–000.

Applicants: ES 1A Group 2 Opco, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of ES 1A Group 2 Opco, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5087.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: EG21–172–000.

Applicants: Edwards Sanborn Storage I, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Edwards Sanborn Storage I, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5088.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: EG21–173–000.

Applicants: ES 1A Group 3 Opco, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of ES 1A Group 3 Opco, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5090.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: EG21–174–000.

Applicants: Edwards Solar Line I, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Edwards Solar Line I, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5093.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: EG21–175–000.

Applicants: Prairie Wolf Solar, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Prairie Wolf Solar, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5094.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: EG21–176–000.

Applicants: Daylight I, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Daylight I, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5095.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: EG21–177–000.

Applicants: Sanborn Solar Line I, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Sanborn Solar Line I, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5097.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: EG21–178–000.

Applicants: Edwards Sanborn Storage II, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Edwards Sanborn Storage II, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5098.

Comments Due: 5 p.m. ET 7/12/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2564–011; ER10–2600–011; ER10–2289–011.

Applicants: Tucson Electric Power Company, UNS Electric, Inc., UniSource Energy Development Company.

Description: Notice of Non-Material Change in Status of Tucson Electric Power Company, et al.

Filed Date: 6/21/21.

Accession Number: 20210621–5165.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: ER13–1508–007.

Applicants: Entergy Arkansas, Inc.

Description: Compliance filing: EAI MSS–4 Replacement Tariff—Opinion 575 compliance filing to be effective 12/19/2013.

Filed Date: 6/22/21.

Accession Number: 20210622–5000.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER13–1667–005.

Applicants: Battery Utility of Ohio, LLC.

Description: Response to May 27, 2021 Deficiency Letter of Battery Utility of Ohio, LLC.

Filed Date: 6/21/21.

Accession Number: 20210621–5156.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: ER21–223–002.

Applicants: Union Electric Company.

Description: Tariff Amendment: Amendment to Rate Schedule No. 22 to be effective 12/29/2020.

Filed Date: 6/22/21.

Accession Number: 20210622–5036.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–1510–001.

Applicants: Midcontinent Independent System Operator, Inc., Big Rivers Electric Corporation.

Description: Tariff Amendment: 2021–06–21_BREC Deficiency Response re Attachment O Filing to be effective 6/1/2021.

Filed Date: 6/21/21.

Accession Number: 20210621–5026.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: ER21–1637–001.

Applicants: ISO New England Inc.

Description: Compliance filing: ISO–NE; Compliance Filing to Conform Tariff to Commission Acceptance of ORTP to be effective 6/8/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5027.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2169–000.

Applicants: Entergy Arkansas, LLC.

Description: § 205(d) Rate Filing: EAL–MSS–4 Replacement Tariff-Opinion 575 compliance filing to be effective 11/30/2018.

Filed Date: 6/21/21.

Accession Number: 20210621–5099.

Comments Due: 5 p.m. ET 7/12/21.

Docket Numbers: ER21–2170–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 5498; Queue No. AE1–074 to be effective 10/14/2019.

Filed Date: 6/22/21.

Accession Number: 20210622–5018.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2171–000.

Applicants: York Generation Company LLC.

Description: Tariff Cancellation: Notice of Cancellation to be effective 9/20/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5022.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2172–000.

Applicants: Daylight I, LLC.

Description: § 205(d) Rate Filing: Amended and Restated Facilities Use Agreements to be effective 6/23/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5023.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2173–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021–06–22_Att X GIP and GIA Option to Build Filing to be effective 8/22/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5030.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2174–000.

Applicants: Edwards Solar Line I, LLC.

Description: § 205(d) Rate Filing: Certificates of Concurrence for Amended and Restated Facilities Use Agreements to be effective 6/23/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5031.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2175–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6099; Queue No. AG1–063 to be effective 6/17/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5033.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2176–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Tariff Clean-Up Filing Effective 20210805 to be effective 8/5/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5034.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2177–000.

Applicants: Sanborn Solar Line I, LLC.

Description: § 205(d) Rate Filing: Certificate of Concurrence for Amended and Restated Facilities Use Agreement to be effective 6/23/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5043.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2178–000.

Applicants: Sanborn Solar Line I, LLC.

Description: Tariff Cancellation: Notice of Cancellation of Certificate of Concurrence to be effective 6/23/2021.

Filed Date: 6/22/21.

Accession Number: 20210622–5044.

Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2179–000.

Applicants: Oliver Wind I, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 7/31/2021.

Filed Date: 6/22/21.
Accession Number: 20210622–5045.
Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2180–000.
Applicants: Antelope Expansion 1B, LLC.
Description: § 205(d) Rate Filing: Antelope Expansion 1B, LLC LGIA Co-Tenancy Agreement Certificate of Concurrence to be effective 7/1/2021.
Filed Date: 6/22/21.
Accession Number: 20210622–5055.
Comments Due: 5 p.m. ET 7/13/21.

Docket Numbers: ER21–2181–000.
Applicants: Antelope Expansion 1B, LLC.
Description: § 205(d) Rate Filing: Antelope Expansion 1B, LLC MISA Certificate of Concurrence to be effective 7/1/2021.
Filed Date: 6/22/21.
Accession Number: 20210622–5060.
Comments Due: 5 p.m. ET 7/13/21.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF18–1635–000.
Applicants: Ag Land Energy 1, LLC.
Description: Refund Report of Ag Land Energy 1, LLC.
Filed Date: 6/18/21.
Accession Number: 20210618–5104.
Comments Due: 5 p.m. ET 7/9/21.

Docket Numbers: QF18–1636–000.
Applicants: Ag Land Energy 2, LLC.
Description: Refund Report of Ag Land Energy 2, LLC.
Filed Date: 6/18/21.
Accession Number: 20210618–5105.
Comments Due: 5 p.m. ET 7/9/21.

Docket Numbers: QF18–1637–000.
Applicants: Ag Land Energy 3, LLC.
Description: Refund Report of Ag Land Energy 3, LLC.
Filed Date: 6/18/21.
Accession Number: 20210618–5106.
Comments Due: 5 p.m. ET 7/9/21.

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.

Debbie-Anne A. Reese,
Deputy Secretary.
[FR Doc. 2021–13749 Filed 6–25–21; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–900–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Destin Pipeline—Negotiated Rate Agreement Filing to be effective 6/21/2021.
Filed Date: 6/21/21.
Accession Number: 20210621–5018.
Comments Due: 5 p.m. ET 7/6/21.

Docket Numbers: RP21–901–000.
Applicants: Fieldwood Energy LLC, Fieldwood Energy Offshore LLC, Fieldwood Energy SP LLC, Mako Buyer LLC.
Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of Fieldwood Energy LLC, et al.
Filed Date: 6/21/21.
Accession Number: 20210618–5114.
Comments Due: 5 p.m. ET 6/28/21.

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: June 22, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.
[FR Doc. 2021–13746 Filed 6–25–21; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP21–462–000; CP21–464–000]

Roaring Fork Interstate Gas Transmission, LLC; Kaiser-Frontier Midstream, LLC; Notice of Applications and Establishing Intervention Deadline

Take notice that on June 17, 2021, Roaring Fork Interstate Gas Transmission, LLC (RFIGT), 1125 17th Street, Suite 650, Denver, Colorado 80202, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting: (1) Authorization to acquire, own, and operate the approximately 30-mile, 6- and 8-inch-diameter Silo Pipeline located in Laramie County, Wyoming and Weld County, Colorado and currently owned and operated by Kaiser-Frontier Midstream, LLC (Kaiser-Frontier); (2) a Part 157, Subpart F blanket certificate; (3) a Part 284, Subpart G blanket certificate; (4) approval of its proposed pro forma tariff and initial rates; and (5) certain waivers. RFIGT will purchase the Silo Pipeline for $18,200,000. RFIGT and Kaiser-Frontier have entered into a precedent agreement for up to 20 million cubic feet per day of capacity, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Additionally, on June 17, 2021, Kaiser-Frontier, 6733 S Yale Avenue, Tulsa, Oklahoma 74136, filed an application under section 7(b) of the NGA and Part 157 of the Commission's regulations requesting authority to: (1) Abandon by sale to RFIGT the Silo Pipeline and (2) abandon its Part 157, Subpart F blanket certificate, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued

by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding RFIGT's application may be directed to Daniel E. Watson, Chief Executive Officer, Roaring Fork Interstate Gas Transmission, LLC, 1125 17th Street, Suite 650, Denver, Colorado 80202, by telephone at (720) 923–5583 or by email at *d.watson@roaringforkmidstream.com*.

Any questions regarding Kaiser-Frontier's application may be directed to John A. Boone, Kaiser-Frontier Midstream, LLC, 6733 S Yale Avenue, Tulsa, Oklahoma 74136, by telephone at (918) 491–4440 or by email at *johnbo@kfoc.net*.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are 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 July 13, 2021. How to file comments and motions to intervene is explained below.

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 July 13, 2021. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[2] 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 [3] and the regulations under the NGA [4] by the intervention deadline for the project, which is July 13, 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.

How To File Comments and Interventions

There are two ways to submit your comments and motions to intervene to the Commission. In all instances, please reference the Project docket numbers CP21–462–000 and CP21–464–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your comments or motions to intervene electronically by using the 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 ''Comment on a Filing'' or ''Intervention''; or

(2) You can file a paper copy of your comments by mailing them to the following address below. Your written comments must reference the Project docket numbers (CP21–462–000 and CP21–464–000).

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Motions to intervene must be served on the applicants either by mail or email (with a link to the document) at: Roaring Fork Interstate Gas Transmission, LLC, 1125 17th Street, Suite 650, Denver, Colorado 80202 or at *d.watson@roaringforkmidstream.com* and Kaiser-Frontier Midstream, LLC, 6733 S Yale Avenue, Tulsa, Oklahoma 74136 or at *johnbo@kfoc.net*. Any subsequent submissions by an intervenor must be served on the applicants and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [5] motions to intervene are automatically granted by

[1] 18 CFR (Code of Federal Regulations) § 157.9.

[2] 18 CFR 385.102(d).

[3] 18 CFR 385.214.

[4] 18 CFR 157.10.

[5] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

operation of Rule 214(c)(1).[6] 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.[7] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the projects 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*.

Intervention Deadline: 5:00 p.m. Eastern Time on July 13, 2021.

Dated: June 22, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–13747 Filed 6–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Proposed Salt Lake City Area Integrated Projects Firm Power Rate and Colorado River Storage Project Transmission and Ancillary Services Rates—Rate Order No. WAPA—199

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed firm power fixed rate and transmission and ancillary services formula rates.

SUMMARY: The Colorado River Storage Project Management Center (CRSP MC) of the Western Area Power Administration (WAPA) proposes a new Salt Lake City Area Integrated Projects (SLCA/IP) fixed firm power rates for use December 1, 2021, through December 31, 2023. The existing rates for these services are not set to expire until September 30, 2025; however, CRSP MC is initiating this rate action in response to a 35-percent projected increase to the firm power composite rate caused by a large increase in purchased power costs due to on-going drought conditions and a small increase to Operation, Maintenance, and Replacement (OM&R) expenses. Based on the FY 2021 toll on the Upper Colorado River Basin Fund (Basin Fund) and the drought-induced purchased power projections from the Reclamation May 24-Month Study, existing rates will not sustain a balance in the Basin Fund capable of supporting operations. CRSP MC proposes modifying how purchased power is calculated, and purchased power costs would be assessed on a pass-through-cost basis charged to each customer. CRSP MC proposes modifying language to implement the Cost Recovery Charge (CRC) throughout the year, if warranted, and would be able to implement a CRC if water levels drop below the intake structures at Glen Canyon Dam. Additionally, updated Colorado River Storage Project (CRSP) transmission and ancillary services rate schedules are proposed for use December 1, 2021, through December 31, 2023, with no material change proposed other than updating effective dates.

DATES: A consultation and comment period will begin June 28, 2021 and end August 31, 2021. This provides approximately 65 days for public comment, in accordance with WAPA's authority under 10 CFR 903.14 to shorten the otherwise 90-day comment period for good cause. Concluding the comment period by August 31, 2021, will enable CRSP MC to implement the rates by the effective date of December 1, 2021. Further delaying implementation to January 1, 2022, given projected costs of purchased power, would reduce the Basin Fund by a further $10 million due to the deficiency of current rates in light of escalating purchased power costs. CRSP MC will present a detailed explanation of the proposed rates and other modifications at a public information forum on July 7, 2021, 12 p.m. to 2 p.m. Mountain Daylight Time (MDT). CRSP MC will present a purchased-power-specific public information forum on July 28, 2021, 12 p.m. to 2 p.m. MDT. CRSP MC will present a CRC-specific public information forum on July 29, 2021, 12 p.m. to 2 p.m. MDT. CRSP MC will accept oral and written comments at a public comment forum on August 11, 2021, 12 p.m. to no later than 2 p.m. MDT. CRSP MC will accept written comments any time during the consultation and comment period. CRSP MC will provide a 14-day consultation and comment period specifically for purchased power after the CRSP MC posts the final purchased power amounts to its website at: *https://www.wapa.gov/regions/CRSP/rates/Pages/rates.aspx.*

ADDRESSES: Written comments and requests for information about Federal Energy Regulatory Commission (FERC) actions concerning the proposed rates submitted by WAPA to FERC for approval should be sent to: Mr. Rodney Bailey, Acting CRSP Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 1800 South Rio Grande Avenue, Montrose, CO 81401, or email: *CRSPMC-rate-adj-@wapa.gov.* CRSP MC will post information about the proposed rates and written comments received to its website at: *https://www.wapa.gov/regions/CRSP/rates/Pages/rates.aspx.*

The public information and comment forums will be conducted online. CRSP MC will post webinar and call-in information a week before each respective forum to its website at: *https://www.wapa.gov/regions/CRSP/rates/Pages/rates.aspx.*

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hackett, Rates Manager, Colorado River Storage Project Management Center, Western Area Power Administration, (801) 524–5503, or email: *CRSPMC-rate-adj@wapa.gov.*

SUPPLEMENTARY INFORMATION: On August 17, 2020, under Rate Order No. WAPA–190, WAPA's Administrator placed the following rate schedules into effect on an interim basis, effective October 1, 2020, and through September 30, 2025, pending confirmation and final approval by FERC:[1] SLIP–F11 for SLCA/IP Firm Power, SP–NW5 for Network Integration Transmission Service, SP–PTP9 for Firm Point-to-Point Transmission Service, SP–NFT8 for Non-Firm Point-to-Point Transmission Service, SP–UU2 for Unreserved Use Penalties, SP–EI5 for Energy and Generator Imbalance Service, SP–SSR5 for Operating Reserves—Spinning and Supplemental Reserve Services, and SP–SS1 for Sale of Surplus Products. On December 17, 2020, FERC approved and

[6] 18 CFR 385.214(c)(1).

[7] 18 CFR 385.214(b)(3) and (d).

[1] 85 FR 52115 (Aug. 24, 2020).

confirmed the rate schedules on a final basis through September 30, 2025.[2]

WAPA is proposing a 2-year rate to address worsening drought conditions in the southwestern United States and volatile purchased power costs. The proposed firm power rate is a fixed rate; the proposed transmission and ancillary services rates continue to use the formula-based methodology that includes an annual update to the financial and load data in the rate formulas. The proposed rates would go into effect December 1, 2021, and remain in effect until December 31, 2023, or until WAPA supersedes or changes the rates through another public rate process pursuant to 10 CFR part 903, whichever occurs first.

The proposed base rates would provide sufficient revenue to recover annual OM&R expenses, interest expense, irrigation assistance, and capital repayment requirements within the cost recovery criteria set forth in Department of Energy (DOE) Order No. RA 6120.2.

WAPA proposes that purchased power required to supplement hydropower deliveries up to contractual levels would be passed through to firm power customers under a separate charge, which would be in addition to the base rate for hydropower deliveries. Any customer not wanting to receive its share of the purchased power costs would not be charged the purchased power charge and would receive a proportionate amount of capacity and energy from WAPA each month, charged at the base rate, reflecting actual hydropower generation levels. If WAPA identifies a viable proposal to reduce the total purchased power expenses in the power rate and provide additional flexibility to the customers, it will be set forth during a public information forum. WAPA will develop a rate schedule to pass through the purchased power costs. A draft of the new rate schedule will be included in the brochure.

SLCA/IP Firm Power Rate

Under the current Rate Schedule SLIP–11, the energy rate is 11.43 mills per kilowatthour (mills/kWh), and the capacity rate is $4.85 per kilowattmonth ($/kWmonth). The composite rate of all charges, used for reference only as a comparison against other wholesale power rates, is 27.45 mills/kWh.

The revenue requirement for the proposed rate is based upon the most current data available, specifically the fiscal year (FY) 2020 historical financial data and the FY 2023 work plans for WAPA and the Bureau of Reclamation (Reclamation), and the *May 24-Month Study.* Table 1 shows a comparison of costs of the existing rate structures, without the additional purchased power expenses.

TABLE 1—COMPARISON OF EXISTING AND PROPOSED FIRM POWER RATES

Rate schedule	Existing rate under rate schedule SLIP–F11 effective October 1, 2020	Proposed rate under rate schedule SLIP–F12 effective December 1, 2021	Change (%)
Base Rate:			
Firm Energy: (mills/kWh)	11.43	12.70	+11.11
Firm Capacity: ($kW/month)	4.85	5.40	+11.25
Composite Rate: (mills/kWh)	27.45	30.44	+10.89
Purchased Power Rate: Average Monthly Purchase Energy (mills/kWh)	N/A	Market Price	

Currently, WAPA uses Reclamation's most-probable monthly water releases and end-of-month elevations as reported in Reclamation's *August 24-Month Study* (24-month Study), provided by Reclamation—Upper Colorado Basin, to determine the first year of firming-energy-purchase projections. For energy-purchase projections in subsequent years, WAPA uses a subset of Reclamation's annual August Colorado River Simulation System (CRSS) model traces to estimate energy purchase projections, using a rolling average value to minimize fluctuations. WAPA continues to evaluate methodologies used to forecast purchased power. Under rate schedule SLIP–F12, WAPA will use the *August 24-Month Study* to determine generation and projected sales for the two rate years. WAPA will propose actions to be implemented when Lake Powell's water level drops below the level at which its turbines cannot generate power. These actions will be included in the new rate schedule. Any additional changes to methodologies will be posted in the rate brochure and presented at the public information forum for purchased power. WAPA will update the rate brochure throughout the rate process as data and processes are updated or added.

Cost Recovery Charge

WAPA will continue to use a Cost Recovery Charge (CRC), if necessary, as a mechanism to adequately recover and maintain a sufficient balance in the Basin Fund in the event projected expenses significantly exceed projected revenue estimates. The Basin Fund is a revolving fund and operates without annual appropriations. The CRC is an additional surcharge on all Sustainable Hydro Power (SHP) energy deliveries, which are long-term energy sales provided under WAPA's SLCA/IP firm electric service contracts. The CRC may be implemented when, among other things, the Basin Fund's cash balance is at risk due to low hydropower generation, high prices for firming power, or emergency capitalized investment funding. The CRC is based only on Basin Fund cash analysis and is independent of the SLCA/IP Power Repayment Study calculations.

WAPA proposes to reserve the right to implement a CRC throughout the year using guidance from the existing implementation tiers and the latest 24-month Study from Reclamation. An established CRC would be in effect for 12 months from the date implemented. If circumstances dictate the need to reassess an established CRC, the updated CRC would supersede the previous CRC and remain in effect for 12 months. The CRC is implemented at WAPA's discretion based on the balance of the Basin Fund and WAPA's ability to meet contractual requirements.

The minimum Basin Fund carryover balance is $40 million.

[2] Order Confirming and Approving Rate Schedules on a Final Basis, FERC Docket No. EF20–7–000, 173 FERC ¶ 61,230 (2020).

TABLE 3—CRC IMPLEMENTATION TIERS

Tier	Criteria, if the Basin Fund beginning balance is:	Notification
i	Greater than $150 million with an expected decrease to below $75 million	Annually.
ii	Less than $150 million but greater than $120 million with an expected 50-percent decrease in the next CY.	
iii	Less than $120 million but greater than $90 million with an expected 40-percent decrease in the next CY.	
iv	Less than $90 million but greater than $60 million with an expected 25-percent decrease in the next CY.	Semi-Annual (May/November).
v	Less than $60 million but greater than $40 million with an expected decrease to below $40 million in the next CY.	Monthly.

Under this proposal, WAPA reserves the right to implement a CRC throughout the year using the criteria in Table 3 if annual water releases from Glen Canyon Dam fall below 8.23 million acre-feet regardless of the Basin Fund balance.

WAPA would establish an energy waiver level (WL) using the CRC formula. Customers could accept either the CRC or WL. The WL provides WAPA the ability to reduce purchase power expenses by delivering less energy than its contractual obligations. For those customers who agree to schedule no more energy than their proportionate share of the WL, WAPA would waive the CRC for that year.

WAPA continues to refine the CRC process and the details of the CRC calculations. Any recommended changes will be provided in the customer rate brochure and set forth at the public information forum for the CRC.

Transmission Services

Annual Transmission Revenue Requirement (ATRR)

WAPA does not propose any changes to the existing formula rate for calculating ATRR, applicable to both Network Integration and Point-to-Point transmission service rates. The ATRR is the annual cost of the CRSP Transmission System adjusted for Non-Firm Point-to-Point revenue credits, other miscellaneous charges or credits, and the prior year true-up.

Unreserved Use Penalties

WAPA proposes no changes to the Unreserved Use penalty rate.

Ancillary Services

Energy Imbalance and Generator Imbalance Services

WAPA proposes no changes to the Energy Imbalance and Generator Imbalance Rate Schedule. These services are provided to CRSP, as a Transmission Service Provider, by the Western Area Colorado Missouri Balancing Authority under Rate Schedule L–AS9.

Spinning and Supplemental Reserves

WAPA proposes no changes to the Operating Reserves—Spinning and Supplemental Reserves Services formula rate.

Sale of Surplus Products

WAPA proposes no changes to the rate schedule for the sale of the following surplus energy and capacity products: Energy, regulation, reserves, and frequency response.

Joint Dispatch Transmission Service

Joint Dispatch Transmission Service is currently being added, in a separate parallel process, to WAPA's rates under Rate Order No. WAPA–195 [3] and is proposed to be effective October 1, 2021. This Rate Order would supersede WAPA–195 for the purpose of aligning expiration dates. No other changes are proposed.

Legal Authority

Existing DOE procedures for public participation in power and transmission rate adjustments (10 CFR part 903) were published on September 18, 1985, and February 21, 2019.[4] The proposed action is a major rate adjustment, as defined by 10 CFR 903.2(e). In accordance with 10 CFR 903.15(a) and 10 CFR 903.16(a), CRSP MC will hold public information and public comment forums for this rate adjustment. CRSP MC will review and consider all timely public comments at the conclusion of the consultation and comment period and adjust the proposal, as appropriate. The rates will then be approved on an interim basis.

CRSP MC is proposing the SLCA/IP firm power rate and revised CRSP transmission and ancillary services formula rates in accordance with section 302 of the DOE Organization Act (42 U.S.C. 7152).[5]

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to WAPA's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. By Delegation Order No. S1–DEL–S4–2021, effective February 25, 2021, the Acting Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Science (and Energy). By Redelegation Order No. S4–DEL–OE1–2021, effective March 25, 2021, the Acting Under Secretary for Science (and Energy) redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Assistant Secretary for Electricity. By Redelegation Order No. 00–002.10–05, effective July 8, 2020, the Assistant Secretary for Electricity further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator. This redelegation order, despite predating the February 2021 and March 2021 delegations, remains valid.

Availability of Information

All brochures, studies, comments, letters, memoranda, or other documents that the CRSP MC initiates or uses to develop the proposed rates are available for inspection and copying at the Colorado River Storage Project Management Center, 1800 South Rio Grande Avenue, Montrose, Colorado.

[3] 86 FR 21726 (Apr 23, 2021).

[4] 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

[5] This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the projects involved.

Many of these documents and supporting information are also available on WAPA's website at: *https://www.wapa.gov/regions/CRSP/rates/Pages/rates.aspx.*

Ratemaking Procedure Requirements

Environmental Compliance

WAPA is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements.[6]

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Signing Authority

This document of the Department of Energy was signed on June 21, 2021, by Tracey A. LeBeau, Interim Administrator, Western Area Power Administration, 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 upon publication in the **Federal Register**.

Signed in Washington, DC, on June 22, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–13645 Filed 6–25–21; 8:45 am]

BILLING CODE 6450–01–P

[6] In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347); the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–10024–39]

Access to Confidential Business Information by Avanti Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor Avanti Corporation of Alexandria, VA, to access information which has been submitted to EPA under all Sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data will occur no sooner than July 6, 2021.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Colby Lintner, Program Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8182; email address: *lintner.colby@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2003–0004, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. What action is the Agency taking?

Under contract number 47QRAA20D002D, task order number 68HERC21F0043, contractor Avanti, Corporation of 6621 Richmond Hwy. #200, Alexandria, VA will assist the Office of Pollution Prevention and Toxics (OPPT) by providing administrative and technical support to the TSCA New Chemicals Program utilizing EPA CBI databases and software to create documents, databases, attend meetings, previewing CBI claims, transferring sanitized documents from the CBI LAN to ADMIN and transfer non-CBI files to the CBI LAN for special projects.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 47QRAA20D002D, task order number 68HERC21F0043, Avanti will require access to CBI submitted under all Sections of TSCA to perform successfully the duties specified under the contract. Avanti's personnel will be given access to information claimed or determined to be CBI information submitted to EPA under all sections of TSCA.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA will provide Avanti access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters, in accordance with EPA's *TSCA CBI Protection Manual.*

Access to TSCA data, including CBI, will continue until October 31, 2023. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

Avanti's personnel will be required to sign nondisclosure agreements and will be briefed on specific security procedures for TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 22, 2021.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–13697 Filed 6–25–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0245; FRL–10023–20]

Agency Information Collection Activities; Proposed Renewal and Consolidation of Currently Approved Collections; EPA's Safer Choice Program Product and Partner Recognition Activities; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit a request to renew and consolidate existing approved Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). Before submitting the consolidated ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The consolidated ICR is entitled: ''Safer Choice Program Product and Partner Recognition Activities'' identified by EPA ICR No. 2692.01 and OMB Control No. 2070-[new]. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before August 27, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2021–0245, online using the Federal eRulemaking Portal at *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. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Linda Rutsch, Data Gathering and Analysis Division, 7406M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 343–9924; email address: *rutsch.linda@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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.

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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Submit your comments by the deadline identified under **DATES**.

6. Identify the docket ID number assigned to the ICR in the subject line on the first page of your response. You may also provide the ICR title and related EPA and OMB numbers.

III. What do I need to know about the PRA?

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to PRA approval unless it displays a currently valid OMB control number. The OMB control numbers for the EPA regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the preamble of the final rule, are further displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instruments or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in a list at 40 CFR 9.1.

As used in the PRA context, burden is defined in 5 CFR 1320.3(b).

IV. What ICR does this request apply to?

Title: EPA's Safer Choice Product and Partner Recognition Activities.

ICR number: EPA ICR No. 2692.01.

OMB control number: OMB Control No. 2070–[new].

ICR status: This ICR reflects the consolidation of the following currently approved ICRs: ''Safer Choice Product Recognition Program'' (EPA ICR No. 2302.03, OMB Control No. 2070–0178) and ''Safer Choice Label Consultations'' (EPA ICR No. 2487.02, OMB Control No. 2070–0189. The ''Safer Choice Product Recognition Program'' (EPA ICR No. 2302.03, OMB Control No. 2070–0178); is scheduled to expire on May 31, 2022 and the ''Safer Choice Label Consultations'' (EPA ICR No. 2487.02, OMB Control No. 2070–0189) is scheduled to expire on November 31, 2022.

Abstract: This ICR will cover the information collection activities associated with the reporting and recordkeeping requirements for individuals, businesses, organizations, and government entities participating in or collaborating with EPA's Safer Choice program. These components are

designed to: Improve data efficiency by electronic data collection via a cloud-based Salesforce system called the Safer Choice Community; monitor the public's awareness of the Safer Choice program and label; and, clarify the Safer Choice Partner of the Year Awards application process and form.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average .33 to 16 hours per response. The consolidated ICR, a copy of which is available in the docket, provides a detailed explanation of this estimate, which is only briefly summarized here:

Respondents/Affected entities: Entities potentially affected by this ICR include the following North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements:

- 325180 Other Basic Inorganic Chemical Manufacturing;
- 325199 All Other Basic Organic Chemical Manufacturing (Primary);
- 325320 Pesticide and Other Agricultural Chemical Manufacturing;
- 325510 Paint and Coating Manufacturing;
- 325520 Adhesive Manufacturing;
- 3256 Soap, Cleaning Compound, and Toilet Preparation Manufacturing;
- 325611 Soap and Other Detergent Manufacturing;
- 325612 Polish and Other Sanitation Good Manufacturing;
- 325613 Surface Active Agent Manufacturing (Primary);
- 325620 Toilet Preparation Manufacturing;
- 325910 Printing Ink Manufacturing;
- 325992 Photographic Film, Paper, Plate, and Chemical Manufacturing;
- 325998 All Other Miscellaneous Chemical Product and Preparation Manufacturing;
- 423850 Service Establishment Equipment and Supplies Merchant Wholesalers (Primary);
- 424490 Other Grocery and Related Products Merchant Wholesalers;
- 424690 Other Chemical and Allied Products Merchant Wholesalers (Primary);
- 424990 Other Miscellaneous Nondurable Goods Merchant Wholesalers;
- 4451 Grocery Stores;
- 445110 Supermarkets and Other Grocery (except Convenience) Stores (Primary);
- 445299 All Other Specialty Food Stores;
- 446110 Pharmacies and Drug Stores;
- 453210 Office Supplies and Stationery Stores;
- 453998 All Other Miscellaneous Store Retailers (except Tobacco Stores) (Primary);
- 454110 Electronic Shopping and Mail-Order Houses;
- 481 Air Transportation;
- 531120 Lessors of Nonresidential Buildings (except Mini-warehouses);
- 531312 Nonresidential Property Managers;
- 541714 Research and Development in Biotechnology (except Nanobiotechnology) (Primary);
- 561210 Facilities Support Services;
- 561720 Janitorial Services;
- 561740 Carpet and Upholstery Cleaning Services;
- 611110 Elementary and Secondary Schools;
- 611310 Colleges, Universities, and Professional Schools;
- 622110 General Medical and Surgical Hospitals;
- 711310 Promoters of Performing Arts, Sports, and Similar Events with Facilities;
- 7211 Traveler Accommodation;
- 722511 Full-Service Restaurants;
- 8123 Dry cleaning and Laundry Services;
- 813410 Civic and Social Organizations (Primary);
- 813910 Business Associations (Primary);
- 921190 Other General Government Support; and
- 924110 Administration of Air and Water Resource and Solid Waste Management Programs (Primary).

Estimated total number of potential respondents: 7,566.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 2,892 hours.

Estimated total annual costs: $736,302. This includes an estimated burden cost of $190,702 and an estimated cost of $545,600 for non-burden hour paperwork costs, *e.g.,* capital investment or maintenance and operational costs.

V. Are there changes in the estimates from the last approvals?

The consolidation of the currently approved ICRs is expected to result in an overall increase of 1,558 hours in the total estimated combined respondent burden that is currently approved by OMB. This information collection combines the burdens from two previously approved ICRs, EPA ICR No. 2302.03 and EPA ICR No. 2487.02. The difference between the current burden request and the previously approved requests is primarily due to the inclusion of Partner of the Year Awards collection activities when calculating the burden of this ICR. Additionally, minor adjustments were made in EPA's estimates of the number of respondents and of the burden.

The total combined cost burden from these two previously approved ICRs was $2,045,616. The total cost burden requested for this ICR is $2,208,906. The difference between the current cost burden request and the previously approved requests are due to the inclusion of Partner of the Year Awards collection activities when calculating the burden, as well as adjustments in EPA's estimates of the number of respondents and of the burden. In addition to the adjustments listed above, the wage rates and material costs were revised to reflect 2020 dollars for this information collection request.

In addition, OMB has requested that EPA move towards using the 18-question format for ICR Supporting Statements used by other federal agencies and departments and is based on the submission instructions established by OMB in 1995, replacing the alternate format developed by EPA and OMB prior to 1995. The Agency does not expect the change in format to result in substantive changes to the information collection activities or related estimated burden and costs.

VI. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the consolidated ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity for the public to submit additional comments for OMB consideration.

If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 22, 2021.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2021–13683 Filed 6–25–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0013, FRL–10025–53–OLEM]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Revisions to the RCRA Definition of Solid Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Revisions to the RCRA Definition of Solid Waste (EPA ICR No. 2310.07, OMB Control No. 2050–0202) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through March 31, 2022. An Agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 27, 2021.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0013, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Tracy Atagi, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–8672; fax number: 703–308–8880; email address: *Atagi.Tracy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In 2018, the EPA published final revisions to the definition of solid waste that exclude certain hazardous secondary materials from regulation (83 FR 24664, May 30, 2018). The 2018 final rule was promulgated in response to orders issued by the United States Court of Appeals for the District of Columbia Circuit on July 7, 2017, and amended on March 6, 2018, vacating certain provisions of the 2015 rule and reinstated corresponding provisions from the 2008 rule. The information requirements help ensure that (1) entities operating under the regulatory exclusions contained in today's action are held accountable to the applicable requirements; (2) state inspectors can verify compliance with the restrictions and conditions of the exclusions when needed; and (3) hazardous secondary materials exported for recycling are actually handled as commodities abroad. Recordkeeping requirements include:

- Under the generator-controlled exclusion at 40 CFR 261.4(a)(23), the tolling contractor has to maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In addition, facilities performing the recycling of hazardous secondary materials under the generator-controlled exclusions at 40 CFR 261.4(a)(23) to maintain documentation of their legitimacy determination onsite.
- Under the transfer-based exclusion at 40 CFR 261.4(a)(24), a generator sending secondary hazardous materials to a facility that does not have a permit, would be required to conduct a ''reasonable efforts'' environmental audit of the receiving facility; and a hazardous secondary materials recycler must meet the following conditions: Having financial assurance in place, having trained personnel, and meeting emergency preparedness and response conditions.
- Under the export requirements of the transfer-based exclusion at 40 CFR 261.4(a)(25), exporters of hazardous secondary material must provide notice and obtain consent of the receiving country and file an annual report.
- Under the remanufacturing exclusion at 40 CFR 261.4(a)(27), both the hazardous secondary material generator and the remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments.
- Under the revised speculative accumulation requirement in 261.1(c)(8), all persons subject to the speculative accumulation requirements must label the storage unit by indicating the first date that the material began to be accumulated.

This ICR renewal does not include the burden associated with filling out form 8700–12 because that burden is included under OMB Control Number 2050–0024.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private business or other for-profit, as well as State, Local, or Tribal governments.

Respondent's obligation to respond: Required to obtain or retain a benefit (42 U.S.C. 6921, 6922, 6923, and 6924.)

Estimated number of respondents: 7,674.

Frequency of response: On occasion.

Total estimated burden: 34,883 hours. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2,752,557 (per year), which includes $15,475 annualized capital or operation & maintenance costs.

Changes in estimates: The burden hours are likely to stay substantially the same.

Dated: June 23, 2021.

Carolyn Hoskinson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2021–13738 Filed 6–25–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012379–001.

Agreement Name: MOL/NMCC/LGL Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd. and Nissan Motor Car Carriers Co., Ltd. (acting as a single party) and Liberty Global Logistics LLC.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The amendment renames the agreement, removes WLS as a party to the agreement, and removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/15/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/74.

Agreement No.: 012366–001.

Agreement Name: MOL/NMCC and NYK Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd. and Nissan Motor Car Carriers Co., Ltd. (acting as a single party) and Nippon Yusen Kaisha.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The amendment renames the agreement, revises the name of the NYK party to the agreement, removes WLS as a party to the agreement, and removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/15/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/61.

Agreement No.: 010979–067.

Agreement Name: Caribbean Shipowners Association.

Parties: Crowley Caribbean Services LLC; Hybur Ltd.; King Ocean Services Limited; Seaboard Marine, Ltd.; and Tropical Shipping and Construction Company LLC.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment adds a new Article 5.K to the agreement to clarify the authority of the parties with respect to contracting jointly with third parties.

Proposed Effective Date: 6/16/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1194.

Agreement No.: 201273–001.

Agreement Name: MOL/NMCC/Glovis Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd. and Nissan Motor Car Carriers Co., Ltd. (acting as a single party) and Hyundai Glovis Co., Ltd.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The amendment revises the name of the Agreement; updates the address of Glovis; removes WLS as a party to the agreement; and removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/16/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/16284.

Agreement No.: 012358–001.

Agreement Name: MOL/NMCC and ECL Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd. and Nissan Motor Car Carriers Co., Ltd. (acting as a single party) and Eastern Car Liner, Ltd.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: This amendment revises the Agreement name; removes WLS from the agreement; corrects the address of ECL; and revises Article 5.3 to remove all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/17/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/51.

Agreement No.: 012377–001.

Agreement Name: MOL/NMCC/Hoegh Autoliners Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd. and Nissan Motor Car Carriers Co., Ltd. (acting as a single party) and Hoegh Autoliners AS.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: This amendment revises the name of the Agreement; removes WLS as a party to the Agreement; and removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/17/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/72.

Agreement No.: 012410–004.

Agreement Name: WWOcean/Hyundai Glovis Space Charter Agreement.

Parties: Wallenius Wilhelmsen Ocean AS and Hyundai Glovis Co. Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment updates the address of Hyundai Glovis and deletes language from Article 5.1 to clarify the authority of the parties with respect to contracting with third parties.

Proposed Effective Date: 6/17/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1874.

Agreement No.: 012312–003.

Agreement Name: Grimaldi Deep Sea S.p.A/Mitsui O.S.K. Lines Ltd. Space Charter Agreement.

Parties: Grimaldi Deep Sea S.p.A. and Grimaldi Euromed S.p.A. (acting as a single party) and Mitsui O.S.K. Lines Ltd.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The Amendment removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/22/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/183.

Agreement No.: 012454–001.

Agreement Name: MOL/NMCC/SCC Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd. and Nissan Motor Car Carriers Co., Ltd. (acting as a single party) and Siem Car Carriers AS.

Filing Party: Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

Synopsis: The Amendment revises the name of the Agreement; removes WLS

as a party to the Agreement; and removes all authority to jointly negotiate or procure terminal services in the United States.

Proposed Effective Date: 6/22/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1939.

Dated: June 23, 2021.

Rachel E. Dickon,

Secretary.

[FR Doc. 2021–13751 Filed 6–25–21; 8:45 am]

BILLING CODE 6730–02–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 July 13, 2021.

A. *Federal Reserve Bank of Kansas City* (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The SRT 2015 LFG Trust, Sarah Elizabeth Rowland Townsend, as co-trustee, both of Kansas City, Missouri; MHR 2015 LFG Trust, Matthew Hill Rowland, as co-trustee, both of Santa Monica, California; with Sarah Rowland, as co-trustee of both trusts, Kansas City, Missouri;* to join the Rowland Family Group, a group acting in concert, to acquire voting shares of Lead Financial Group, Inc., and thereby indirectly acquire voting shares of Lead Bank, both of Kansas City, Missouri.

Board of Governors of the Federal Reserve System, June 23, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–13745 Filed 6–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID–19

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Agency Order.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS) announces the extension of an Order under Section 361 of the Public Health Service Act to temporarily halt residential evictions to prevent the further spread of COVID–19.

DATES: This Order is effective July 1, 2021, through July 31, 2021.

FOR FURTHER INFORMATION CONTACT: Tiffany Brown, Deputy Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–10, Atlanta, GA 30329. Phone: 404–639–7000. Email: *cdcregulations@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Background

This Order further extends the original temporary eviction moratorium Order published on September 4, 2020, as initially extended by the Consolidated Appropriations Act, 2021, and further extended by the Orders published on January 29, 2021 and March 31, 2021 set to expire on June 30, 2021. Because of COVID–19, household crowding and transmission, and the increased risk of individuals sheltering in close quarters in congregate settings such as homeless shelters, which may be unable to provide adequate social distancing as populations increase, extending the temporary halt on evictions is appropriate. This Order further extends the prior Eviction Moratoria for what is currently intended to be a final 30 day-period, until July 31, 2021.

The Order is extended through July 31, 2021 based on current and projected epidemiological context of SARS-CoV–2 transmission throughout the United States.

A copy of the Order is provided below. A copy of the signed Order and Declaration form can be found at: *https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html.*

CENTERS FOR DISEASE CONTROL AND PREVENTION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ORDER UNDER SECTION 361 OF THE PUBLIC HEALTH SERVICE ACT (42 U.S.C. 264) AND 42 CODE OF FEDERAL REGULATIONS 70.2

TEMPORARY HALT IN RESIDENTIAL EVICTIONS TO PREVENT THE FURTHER SPREAD OF COVID–19

Summary

Subject to the limitations under ''Applicability,'' a landlord, owner of a residential property, or other person [1] with a legal right to pursue eviction or possessory action, shall not evict any covered person from any residential property in any jurisdiction to which this Order applies during the effective period of the Order.

Definitions

''*Available government assistance*'' means any governmental rental or housing payment benefits available to the individual or any household member.

''*Available housing*'' means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate Federal, State, or local occupancy standards and that would not result in an overall increase of housing cost to such individual.

''*Covered person*'' [2] means any tenant, lessee, or resident of a residential

[1] For purposes of this Order, ''person'' includes corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.

[2] This definition is based on factors that are known to contribute to evictions and thus increase the need for individuals to move into close quarters in new congregate or shared living arrangements or experience homelessness. Individuals who suffer job loss, have limited financial resources, are low income, or have high out-of-pocket medical expenses are more likely to be evicted for nonpayment of rent than others not experiencing these factors. See Desmond, M., Gershenson, C., Who gets evicted? Assessing individual, neighborhood, and network factors, *Soc Sci Res.* 2017;62:362–377. doi:10.1016/j.ssresearch.2016.08.017, (identifying job loss as a possible predictor of eviction because renters who lose their jobs experience not only a sudden loss of income but also the loss of predictable future

property who provides to their landlord, the owner of the residential property, or other person with a legal right to pursue eviction or a possessory action,[3] a declaration under penalty of perjury indicating that:

(1) The individual has used best efforts to obtain all available government assistance for rent or housing;

(2) The individual either (i) earned no more than $99,000 (or $198,000 if filing jointly) in Calendar Year 2020, or expects to earn no more than $99,000 in annual income for Calendar Year 2021 (or no more than $198,000 if filing a joint tax return),[4] (ii) was not required to report any income in 2020 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment (stimulus check).[5] [6]

(3) The individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary [7] out-of-pocket medical expenses;

(4) The individual is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; and

(5) Eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options.

''*Evict*'' and ''*Eviction*'' means any action by a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action, to remove or cause the removal of a covered person from a residential property. This definition also does not prohibit foreclosure on a home mortgage.

''*Residential property*'' means any property leased for residential purposes, including any house, building, mobile home or land in a mobile home park,[8] or similar dwelling leased for residential purposes, but shall not include any hotel, motel, or other guest house rented to a temporary guest or seasonal tenant as defined under the laws of the State, territorial, tribal, or local jurisdiction.

''*State*'' shall have the same definition as under 42 CFR 70.1, meaning ''any of the 50 states, plus the District of Columbia.''

''*U.S. territory*'' shall have the same definition as under 42 CFR 70.1, meaning ''any territory (also known as possessions) of the United States, including American Samoa, Guam, the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.''

Statement of intent

This Order shall be interpreted and implemented in a manner as to achieve the following objectives:

- Mitigating the spread of COVID–19 within crowded, congregate or shared living settings, or through unsheltered homelessness;
- Mitigating the further spread of COVID–19 from one State or territory into any other State or territory;
- Mitigating the further spread of COVID–19 by temporarily suspending the eviction of covered persons from residential property for nonpayment of rent; and
- Supporting response efforts to COVID–19 at the Federal, State, local, territorial, and tribal levels.

Background

COVID–19 in the United States

Since January 2020, the respiratory disease known as ''COVID–19,'' caused by a novel coronavirus (SARS–COV–2), has spread globally, including cases reported in all fifty states within the United States, plus the District of Columbia and U.S. territories. As of June 23, 2021, there have been over 179 million cases of COVID–19 globally, resulting in over 3,800,000 deaths.[9] Over 33,300,000 cases have been identified in the United States, with new cases reported daily, and over 599,000 deaths due to the disease.[10]

The virus that causes COVID–19 spreads very easily and sustainably between people, particularly those who are in close contact with one another (within about 6 feet, but occasionally over longer distances), mainly through respiratory droplets produced when an infected person coughs, sneezes, or talks. Individuals without symptoms can also spread the virus.[11] Among adults, the risk for severe illness from COVID–19 increases with age, with older adults at highest risk. Severe illness means that persons with COVID–19 may require hospitalization, intensive care, or a ventilator to help them breathe, and may be fatal. People of any age with certain underlying medical conditions (*e.g.* cancer, obesity, serious heart conditions, or diabetes) are at increased risk for severe illness from COVID–19.[12]

COVID–19 vaccines are now widely available in the United States, and all

income). According to one survey, over one quarter (26%) of respondents also identified job loss as the primary cause of homelessness. See *2019 San Francisco Homeless Count & Survey Comprehensive Report,* Applied Survey Research, at 22, *https://hsh.sfgov.org/wp-content/uploads/2020/01/2019HIRDReport_SanFrancisco_FinalDraft-1.pdf* (last viewed Mar. 24, 2021).

[3] As used throughout this Order, this would include, without limitation, an agent or attorney acting on behalf of the landlord or the owner of the residential property.

[4] According to one study, the national two-bedroom housing wage in 2020 was $23.96 per hour (approximately, $49,837 annually), meaning that an hourly wage of $23.96 was needed to afford a modest two-bedroom house without spending more than 30% of one's income on rent. The hourly wage needed in Hawaii (the highest cost U.S. State for rent) was $38.76 (approximately $80,621 annually). See *Out of Reach: How Much do you Need to Earn to Afford a Modest Apartment in Your State?,* National Low Income Housing Coalition, *https://reports.nlihc.org/oor* (last visited Mar. 23, 2021). As further explained herein, because this Order is intended to serve the critical public health goal of preventing evicted individuals from potentially contributing to the interstate spread of COVID–19 through movement into close quarters in new congregate, shared housing settings, or through homelessness, the higher income thresholds listed here have been determined to better serve this goal.

[5] ''Stimulus check'' includes payments made pursuant to Section 2201 of the CARES Act, to Section 9601 of the American Rescue Plan Act of 2021, or to any similar federally authorized payments made to individual natural persons in 2020 and 2021. Eligibility for the 2020 or 2021 stimulus checks has been based on an income that is equal to or lower than the income thresholds described above and does not change or expand who is a covered person under this Order since it was entered into on September 4, 2020.

[6] A person is likely to qualify for protection under this Order if they receive the following benefits: (a) Temporary Assistance for Needy Families (TANF); (b) Supplemental Nutrition Assistance Program (SNAP); (c) Supplemental Security Income (SSI); or (d) Social Security Disability Income (SSDI) to the extent that income limits for these programs are less than or equal to the income limits for this Order. However, it is the individual's responsibility to verify that their income is within the income limits described.

[7] Extraordinary expenses are defined as those that prevented you from paying some or all of your rent or providing for other basic necessities like food security. To qualify as an extraordinary medical expense, the unreimbursed medical expense is one that is likely to exceed 7.5% of one's adjusted gross income for the year.

[8] Mobile home parks may also be referred to as manufactured housing communities.

[9] *COVID–19 Dashboard by the Center for Systems Science and Engineering (CSSE) at Johns Hopkins University (JHU),* Johns Hopkins Coronavirus Resource Center, *https://coronavirus.jhu.edu/map.html* (last updated June 23, 2021).

[10] *COVID Data Tracker,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#datatracker-home* (last updated June 22, 2021).

[11] Kimball A, Hatfield KM, Arons M, et al. Asymptomatic and Presymptomatic SARS–CoV–2 Infections in Residents of a Long-Term Care Skilled Nursing Facility—King County, Washington, March 2020. MMWR Morb Mortal Wkly Rep 2020;69:377–381. DOI: *http://dx.doi.org/10.15585/mmwr.mm6913e1.*

[12] Razzaghi H, Wang Y, Lu H, et al. Estimated County-Level Prevalence of Selected Underlying Medical Conditions Associated with Increased Risk for Severe COVID–19 Illness—United States, 2018. MMWR Morb Mortal Wkly Rep 2020;69:945–950. DOI: *http://dx.doi.org/10.15585/mmwr.mm6929a1.*

people 12 years and older are recommended to be vaccinated against COVID–19. Three COVID–19 vaccines are currently authorized by the U.S. Food and Drug Administration (FDA) for emergency use: two mRNA vaccines (Pfizer-BioNTech, Moderna) and one viral vector vaccine (Johnson & Johnson/Janssen), each of which has been determined to be safe and effective against COVID–19. As of June 22, 2021, over 150.3 million people in the United States (more than 53% of the population 12 years or older) have been fully immunized.[13] However, as with other transmissible diseases in densely populated congregate settings, the risk for SARS-CoV–2 infection is greater as long as there is continued community transmission of the virus. As vaccination coverage increases, phasing out prevention measures for fully vaccinated people, ideally those measures that are the most disruptive to individuals and society, will be increasingly feasible.[14] However, the vaccination program is still underway; nearly half of the eligible population is not yet fully vaccinated; and children under age 12 are not yet eligible for vaccines. And, although rare, fully vaccinated people may become infected with COVID–19.[15] Moreover, CDC recognizes the risk that even vaccinated people face in densely populated congregate settings. CDC therefore continues to recommend mask use by all people in areas like homeless shelters and other congregate settings.[16]

New variants of SARS-CoV–2 have emerged globally,[17] several of which have been identified as variants of concern.[18] Variants of concern, including the variants Alpha, Beta, Gamma, Delta, and Epsilon, are those for which there is evidence of an increase in transmissibility, more severe disease, reduction in neutralization by antibodies generated during previous infection or vaccination, reduced effectiveness of treatments or vaccines, or diagnostic detection failures.[19] The Alpha variant has become the predominant SARS-CoV–2 strain circulating in the United States; however the proportion of Delta variant cases has increased recently.[20] Available evidence suggests the currently authorized mRNA COVID–19 vaccines (Pfizer-BioNTech and Moderna) provide significant protection against known variant strains.[21] Other vaccines, particularly AstraZeneca, show reduced efficacy against infection with certain variants but may still protect against severe disease. Given the predominance of variant strains and the continued emergence of new variants, ongoing monitoring of vaccine effectiveness is needed to identify mutations that could render vaccines most commonly used in the U.S. less effective against more transmissible variants like the Delta variant, which now makes up almost 10 percent of U.S. cases, up from 2.7 percent in May.[22]

In the context of a pandemic, eviction moratoria—like quarantine, isolation, and social distancing—can be an effective public health measure utilized to prevent the spread of communicable disease. Eviction moratoria facilitate self-isolation and self-quarantine by people who become ill or who are at risk of transmitting COVID–19.

Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116–136) to aid individuals and businesses adversely affected by COVID–19 in March 2020. Section 4024 of the CARES Act provided a 120-day moratorium on eviction filings as well as other protections for tenants in certain rental properties with Federal assistance or federally related financing. These protections helped alleviate the public health consequences of tenant displacement during the COVID–19 pandemic. The CARES Act eviction moratorium expired on July 24, 2020. The protections in the CARES Act supplemented temporary eviction moratoria and rent freezes implemented by governors and other local officials using emergency powers.

Researchers estimated that this temporary Federal moratorium provided relief to a material portion of the nation's roughly 43 million renters.[23] The CARES act also provided funding streams for emergency rental assistance; surveys estimate that this assistance became available to the public through rental assistance programs by July 2020.

The Federal moratorium provided by the CARES Act, however, did not reach all renters. Many renters who fell outside the scope of the Federal moratorium were instead protected under State and local moratoria. In early March, 2021, the Census Household Pulse Survey estimated that 6.4 million households were behind on rent, and just under half fear imminent eviction.[24] In 2016, research showed that there were 3.6 million eviction filings and 1.5 million eviction judgments over the span of a whole year,[25] meaning that a wave of evictions on the scale feared by households would be unprecedented in modern times. A large portion of those who are evicted may move into close quarters in shared housing or, as discussed below, become homeless, thus becoming at higher risk of COVID–19.

On September 4, 2020, the CDC Director issued an Order temporarily halting evictions in the United States for the reasons described therein. That Order was set to expire on December 31, 2020, subject to further extension, modification, or rescission. Section 502 of Title V, Division N of the Consolidated Appropriations Act, 2021 extended the Order until January 31, 2021, and approved the Order as an exercise of the CDC's authority under Section 361 of the Public Health Service Act (42 U.S.C. 264). With the extension of the Order, Congress also provided $25 billion for emergency rental

[13] *COVID–19 Vaccinations in the United States,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#vaccinations* (last updated June 22, 2021).

[14] *Interim Public Health Recommendations for Fully Vaccinated People.* Centers for Disease Control and Prevention. *https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html* (last updated May 28, 2021).

[15] COVID–19 Vaccine Breakthrough Infections Reported to CDC—United States, January 1–April 30, 2021. MMWR Morb Mortal Wkly Rep 2021;70:792–793. DOI: *http://dx.doi.org/10.15585/mmwr.mm7021e3*.

[16] *Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 (COVID–19).* Centers for Disease Control and Prevention. *https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/plan-prepare-respond.html* (last updated June 8, 2021).

[17] Abdool Karim SS, de Oliveira T. New SARS-CoV–2 Variants—Clinical, Public Health, and Vaccine Implications [published online ahead of print, 2021 Mar 24]. *N Engl J Med.* 2021;10.1056/NEJMc2100362. doi:10.1056/NEJMc2100362.

[18] *Id.*

[19] *SARS-CoV–2 Variant Classifications and Definitions,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/variants/variant-info.html#Concern* (last updated June 22, 2021).

[20] *Id.*

[21] *Science Brief: COVID–19 Vaccines and Vaccination,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html* (last updated May 27, 2021).

[22] According to data with an end collection date of June 5, 2021. *Variant Proportions,* Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#variant-proportions* (last updated June 22, 2021).

[23] Laurie Goodman, Karan Kaul, and Michael Neal. *The CARES Act Eviction Moratorium Covers All Federally Financed Rentals—That's One in Four US Rental Units.* The Urban Institute. April 2, 2020. *https://www.urban.org/urban-wire/cares-act-eviction-moratorium-covers-all-federally-financed-rentals-thats-one-four-us-rental-units.*

[24] *Census Household Pulse Survey: Key Phase 3 Housing Payment Findings.* Office of Policy Development and Research, HUDUser (April 26, 2021). *https://www.huduser.gov/portal/pdredge/pdr-edge-trending-042621.html.*

[25] Ashley Gromis. *Eviction: Intersection of Poverty, Inequality, and Housing.* Eviction Lab, Princeton University (May 2019). *https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/05/GROMIS_Ashley_Paper.pdf.*

assistance for the payment of rent and rental arrears. Congress later provided an additional $21.55 billion in emergency rental assistance when it passed the American Rescue Plan.

On January 29, 2021, following an assessment of the ongoing pandemic, the CDC Director renewed the Order until March 31, 2021. On March 28, 2021, the CDC Director modified and extended the Order until June 30, 2021. This Order further extends the prior Eviction Moratoria for what is currently intended to be a final 30-day period, until July 31, 2021, for the reasons described herein. Although this Order is subject to revision based on the changing public health landscape, absent an unexpected change in the trajectory of the pandemic, CDC does not plan to extend the Order further. To the extent any provision of this Order conflicts with prior Orders, this Order is controlling.

Researchers estimate that, in 2020, Federal, State, and local eviction moratoria led to over one million fewer evictions than the previous year.[26] Additional research shows that, despite the CDC eviction moratorium leading to an estimated 50% decrease in eviction filings compared to the historical average, there have still been over 100,000 eviction filings since September just within approximately 35 cities and states with more readily available data, suggesting high demand and likelihood of mass evictions.[27]

Eviction, Crowding, and Interstate Transmission of Covid–19

By February 10, 2021, the U.S. Department of the Treasury had paid all of the $25 billion made available by the Consolidated Appropriations Act of 2021 to states, territories, localities and tribes for the purpose of providing emergency rental assistance to eligible households in their jurisdictions. Additionally, as directed in the Act, Treasury has also made available 40 percent—more than $8.6 billion—of the additional funding to states, territories and localities for emergency rental assistance provided in the American Rescue Plan. Based on data collected from grantees, Treasury reports that over 630,000 households had already applied for emergency rental assistance by the end of March—when many State and local programs had not yet opened for applications. Though there are indications that emergency rental assistance has started to reach increasing numbers of families over recent months, State and local agencies likely have hundreds of thousands of applications for assistance that currently remain outstanding as programs accelerate their activity. According to Treasury, more households—over 96,000—were served in April than in the entire first quarter. Assistance accelerated in May, with over a fifty percent increase in households served compared to the previous month. The level of assistance provided to low income households is expected to continue increasing because some states started accepting rental assistance applications in late May, including as late as June 1, and now all states are operating programs. Based on analysis of grantee reporting, Treasury believes that State and local emergency rental assistance programs will collectively deploy more rental assistance in July than in any previous month. In addition to Emergency Rental Assistance, there are coordinated efforts across Federal agencies to—in partnership with states and localities—promote eviction prevention strategies.

An unprecedented and avoidable surge of evictions is likely to occur if the national moratorium were to conclude on June 30. Recent data from the U.S. Census Household Pulse Survey demonstrates that an increased percentage of households behind on rent believe that an eviction is likely in the next two months.[28] A surge in evictions could lead to the immediate and significant movement of large numbers of persons from lower density to higher density housing. This potential for a mass movement of persons would occur at precisely the same time that our nation is actively engaged in a widespread vaccination effort. This vaccination effort has a slower rate of penetration among the populations most likely to experience eviction, and such a mass movement would place increased stress on the homeless service system.[29] In combination with the continued underlying COVID–19 spread, and the overlapping factors described above, this would create considerable risk for rapid transmission of COVID–19 in high risk settings. Allowing additional time for rent relief to reach renters and to further increase vaccination rates through the end of July 2021 could decrease the numbers of likely evictions and avert the potential of COVID–19 resurgence among people who experience eviction, their communities, and other regions of the country affected by the resulting transmission.

Evicted renters must move, which leads to multiple outcomes that increase the risk of COVID–19 spread. Specifically, many evicted renters move into close quarters in shared housing or other congregate settings. These moves may require crossing State borders. According to the Census Bureau American Housing Survey, 32% of renters reported that they would move in with friends or family members upon eviction, which would introduce new household members and potentially increase household crowding. Studies show that COVID–19 transmission occurs readily within households. The secondary attack rate in households has been estimated to be 17%, and household contacts are estimated to be 6 times more likely to become infected by an index case of COVID–19 than other close contacts.[30] A study of pregnant women in New York City showed that women in large households (greater number of residents per household) were three times as likely to test positive for SARS-CoV–2 than those in smaller households, and those in neighborhoods with greater household crowding (≥1 resident per room) were twice as likely to test positive.[31] Throughout the United States, counties with the highest proportion of crowded households have experienced COVID–19 mortality rates 2.6 times those of counties with the lowest proportion of crowded households.

Shared housing is not limited to friends and family. It includes a broad range of settings, including transitional housing and domestic violence and abuse shelters. Special considerations exist for such housing because of the challenges of maintaining social distance. Residents often gather closely or use shared equipment, such as kitchen appliances, laundry facilities, stairwells, and elevators. Residents may have unique needs, such as disabilities, chronic health conditions, cognitive

[26] Hepburn P, Louis R, Fish J, et al. U.S. Eviction Filing Patterns in 2020. Socius. January 2021. doi:10.1177/23780231211009983.

[27] Peter Hepburn and Renee Louis. *Preliminary Analysis: Six Months of the CDC Eviction Moratorium* (March 8, 2021). *https://evictionlab.org/six-months-cdc/.*

[28] Household Pulse Survey Interactive Tool. U.S. Census Bureau. *https://www.census.gov/data-tools/demo/hhp/#/* (last visited June 23, 2021).

[29] Barry V, Dasgupta S, Weller DL, et al. Patterns in COVID–19 Vaccination Coverage, by Social Vulnerability and Urbanicity—United States, December 14, 2020–May 1, 2021. MMWR Morb Mortal Wkly Rep 2021;70:818–824. DOI: *http://dx.doi.org/10.15585/mmwr.mm7022e1.*

[30] Qin-Long Jing, et al. Household secondary attack rate of COVID–19 and associated determinants in Guangzhou, China: a retrospective cohort study. The Lancet.2020 June 17; vol. 20.10; doi: *https://doi.org/10.1016/S1473-3099(20)30471-0.*

[31] Ukachi N. Emeruwa, et al. Associations Between Built Environment, Neighborhood Socioeconomic Status, and SARS-CoV–2 Infection Among Pregnant Women in New York City. JAMA. 2020;324(4):390–392. doi:10.1001/jama.2020.11370.

decline, or limited access to technology, and thus may find it more difficult to take actions to protect themselves from COVID–19. CDC recommends that shelters provide new residents with a clean mask, keep them isolated from others, screen for symptoms at entry, or arrange for medical evaluations as needed depending on symptoms. Accordingly, an influx of new residents at facilities that offer support services could potentially overwhelm staff and, if recommendations are not followed, lead to exposures.

Modeling studies and preliminary observational data from the pre-vaccine phase of the COVID–19 pandemic comparing incidence between states that implemented and lifted eviction moratoria indicate that evictions substantially contribute to COVID–19 transmission. In mathematical models where eviction led exclusively to sharing housing with friends or family, lifting eviction moratoria led to a 30% increased risk of contracting COVID–19 among people who were evicted and those with whom they shared housing after eviction.[32] Compared to a scenario where no evictions occurred, the models also predicted a 4%–40% increased risk of infection, even for those who did not share housing, as a result of increased overall transmission. The authors estimated that anywhere from 1,000 to 100,000 excess cases per million population could be attributable to evictions depending on the eviction and infection rates.

An analysis of observational data from State-based eviction moratoria in 43 states and the District of Columbia showed significant increases in COVID–19 incidence and mortality approximately 2–3 months after eviction moratoria were lifted (pre-peer review). Specifically, the authors compared the COVID–19 incidence and mortality rates in states that lifted their moratoria with the rates in states that maintained their moratoria. In these models, the authors accounted for time-varying indicators of each State's test count as well as major public-health interventions including lifting stay-at-home orders, school closures, and mask mandates. After adjusting for these other changes, they found that the incidence of COVID–19 in states that lifted their moratoria was 1.6 times that of states that did not at 10 weeks post-lifting (95% CI 1.0, 2.3), a ratio that grew to 2.1 at ≥16 weeks (CI 1.1, 3.9). Similarly, they found that mortality in states that lifted their moratoria was 1.6 times that of states that did not at 7 weeks post-lifting (CI 1.2, 2.3), a ratio that grew to 5.4 at ≥16 weeks (CI 3.1, 9.3). The authors estimated that, nationally, over 433,000 cases of COVID–19 and over 10,000 deaths could be attributed to lifting State moratoria.[33]

Although data are limited, available evidence suggests evictions lead to interstate spread of COVID–19 in two ways. First, an eviction may lead the evicted members of a household to move across State lines. Of the 35 million people in America who move each year, 15% move to a new State. Second, even if a particular eviction, standing alone, would not always result in interstate displacement, the mass evictions that would occur in the absence of this Order would inevitably increase the interstate spread of COVID–19. This Order cannot effectively mitigate interstate transmission of COVID–19 without covering intrastate evictions (evictions occurring within the boundaries of a State or territory), as the level of spread of SARS-CoV–2 resulting from these evictions can lead to SARS-CoV–2 transmission across State borders.

Moreover, intrastate spread facilitates interstate spread in the context of communicable disease spread, given the nature of infectious disease. In the aggregate, the mass-scale evictions that will likely occur in the absence of this Order will inevitably increase interstate spread of COVID–19.

Eviction, Homelessness, and Covid–19 Transmission

Evicted individuals without access to support or other assistance options may become homeless, including older adults or those with underlying medical conditions, who are more at risk for severe illness from COVID–19 than the general population. In Seattle-King County, 5–15% of people experiencing homelessness between 2018 and 2020 cited eviction as the primary reason for becoming homeless.[34] Additionally, some individuals and families who are evicted may originally stay with family or friends, but subsequently seek homeless services. Data collection by an emergency shelter in Columbus, Ohio, showed that 35.4% of families and 11.4% of single adults reported an eviction as the primary or secondary reason for their seeking shelter.[35]

Extensive outbreaks of COVID–19 have been identified in homeless shelters. In Seattle, Washington, a network of three related homeless shelters experienced an outbreak that led to 43 cases among residents and staff members. In Boston, Massachusetts, universal COVID–19 testing at a single shelter revealed 147 cases, representing 36% of shelter residents. COVID–19 testing in a single shelter in San Francisco led to the identification of 101 cases (67% of those tested). Data from 557 universal diagnostic testing events at homeless shelters in 21 states show an average of 6% positivity among shelter clients. Data comparing the incidence or severity of COVID–19 among people experiencing homelessness directly to the general population are limited. However, during the 15-day period of the outbreak in Boston, MA, researchers estimated a cumulative incidence of 46.3 cases of COVID–19 per 1000 persons experiencing homelessness, as compared to 1.9 cases per 1000 among Massachusetts adults (pre-print).

CDC guidance recommends increasing physical distance between beds in homeless shelters, which is likely to decrease capacity, while community transmission of COVID–19 is occurring. These guidelines are similar to other guidance issued for other congregate settings such as prisons and jails. To adhere to this guidance, shelters have limited the number of people served throughout the United States. In many places, considerably fewer beds are available to individuals who become homeless. Shelters that do not adhere to the guidance, and operate at ordinary or increased occupancy, are at greater risk for the types of outbreaks described above. The challenge of mitigating disease transmission in homeless shelters has been compounded because some organizations have chosen to stop or limit volunteer access and participation.

Persons at Higher Risk of Eviction May Also be at Higher Risk of Being Unvaccinated

At this time, communities with high rates of eviction may currently have lower coverage of COVID–19 vaccination—a focus for current

[32] Nande A, Sheen J, Walters EL, Klein B, Chinazzi M, Gheorghe AH, Adlam B, Shinnick J, Tejeda MF, Scarpino SV, Vespignani A, Greenlee AJ, Schneider D, Levy MZ, Hill AL. The effect of eviction moratoria on the transmission of SARS-CoV–2. Nat Commun. 2021 Apr 15;12(1):2274. doi: 10.1038/s41467–021–22521–5. PMID: 33859196; PMCID: PMC8050248.

[33] Leifheit, Kathryn M. and Linton, Sabriya L. and Raifman, Julia and Schwartz, Gabriel and Benfer, Emily and Zimmerman, Frederick J and Pollack, Craig, Expiring Eviction Moratoriums and COVID–19 Incidence and Mortality (November 30, 2020). Available at SSRN: *https://ssrn.com/abstract=3739576* or *http://dx.doi.org/10.2139/ssrn.3739576*.

[34] *Count Us In 2020*. KCRHA (July 2020). *https://kcrha.org/wp-content/uploads/2020/07/Count-Us_In-2020-Final_7.29.2020.pdf*.

[35] Chester Hartman and David Robinson. ''Evictions: The Hidden Housing Problem'' in *Housing Policy Debate*. 2003.

vaccination campaigns. In the spring of 2021, counties with high social vulnerability (*i.e.,* social and structural factors associated with adverse health outcome inclusive of socioeconomic indicators related to risk of eviction) were shown to have lower levels of COVID–19 vaccination.[36]

CDC Eviction Moratorium

The Department of the Treasury continues to distribute emergency rental assistance funds that may help mitigate spikes in COVID–19 transmission due to increases in evictions. These funds are expected to make a meaningful difference for hundreds of thousands of people who are expected to receive the rental assistance in the 30-day horizon of this Order, alongside other Federal and State efforts to prevent evictions.[37]

On September 4, 2020, the CDC Director issued an Order temporarily halting evictions in the United States for the reasons described therein. That Order was set to expire on December 31, 2020, subject to further extension, modification, or rescission. Section 502 of Title V, Division N of the Consolidated Appropriations Act, 2021 extended the Order until January 31, 2021. With the extension of the Order, Congress also provided $25 billion for emergency rental assistance for the payment of rent and rental arrears. Congress later provided an additional $21.55 billion in emergency rental assistance when it passed the American Rescue Plan.

On January 29, 2021, following an assessment of the ongoing pandemic, the CDC Director renewed the Order until March 31, 2021. On March 28, the CDC Director renewed the Order until June 30, 2021. This Order further extends the prior Eviction Moratorium until July 31, 2021, for the reasons described herein, while the Department of the Treasury disburses the remaining ERA funds to State and local jurisdictions, and those grantees continue to accelerate efforts to deploy rental assistance on behalf of tenants. To the extent any provision of this Order conflicts with prior Orders, this Order is controlling.

Applicability

This 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 this Order or to the extent its application is prohibited by Federal court order. In accordance with 42 U.S.C. 264(e), this Order does not preclude State, local, territorial, and tribal authorities from imposing additional requirements that provide greater public-health protection and are more restrictive than the requirements in this Order.

This Order is a temporary eviction moratorium to prevent the further spread of COVID–19. This Order does not relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract. Nothing in this Order precludes the charging or collecting of fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract. Nothing in this Order precludes 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;[38] (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; 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).

Any evictions for nonpayment of rent initiated prior to September 4, 2020, but not yet completed, are subject to this Order. Any tenant, lessee, or resident of a residential property who qualifies as a ''Covered Person'' and is still present in a rental unit is entitled to protections under this Order. Any eviction that was completed prior to September 4, 2020, is not subject to this Order.

Under this Order, covered persons may be evicted for engaging in criminal activity while on the premises. But covered persons may not be evicted on the sole basis that they are alleged to have committed the crime of trespass (or similar State-law offense) where the underlying activity is a covered person remaining in a residential property for nonpayment of rent. Permitting such evictions would result in substantially more evictions overall, thus increasing the risk of disease transmission as otherwise covered persons move into congregate settings or experience homelessness. This result would be contrary to the stated objectives of this Order, and therefore would diminish their effectiveness. Moreover, to the extent such criminal trespass laws are invoked to establish criminal activity solely based on a tenant, lessee, or resident of a residential property remaining in a residential property despite the nonpayment of rent, such invocation conflicts with this Order and is preempted pursuant to 42 U.S.C. 264(e).

Individuals who are confirmed to have, who have been exposed to, or who might have COVID–19 and take reasonable precautions to not spread the disease may not be evicted on grounds that they may pose a health or safety threat to other residents.

The Order is extended through July 31, 2021, based on the current and projected epidemiological context of SARS–CoV–2 transmission throughout the United States. This 30-day extension, intended to be the final iteration, will allow the assessment of natural changes to COVID–19 incidence, the influences of new variants, additional distribution of emergency rental assistance funds, and the expansion of COVID–19 vaccine uptake.

Declaration Forms

To qualify for the protections of this Order, a tenant, lessee, or resident of a residential property must provide a completed and signed copy of a declaration with the elements listed in the definition of ''Covered person'' to their landlord, owner of the residential property where they live, or other person who has a right to have them evicted or removed from where they live. To assist tenants and landlords, the CDC created a standardized declaration form that can be downloaded here: *https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf.*

Tenants, lessees, and residents of residential property are not obligated to use the CDC form. Any written document that an eligible tenant, lessee, or residents of residential property presents to their landlord will comply with this Order, as long as it contains

[36] Barry V, Dasgupta S, Weller DL, Kriss JL, Cadwell BL, Rose C, Pingali C, Musial T, Sharpe JD, Flores SA, Greenlund KJ, Patel A, Stewart A, Qualters JR, Harris L, Barbour KE, Black CL. Patterns in COVID–19 Vaccination Coverage, by Social Vulnerability and Urbanicity—United States, December 14, 2020–May 1, 2021. MMWR Morb Mortal Wkly Rep. 2021 Jun 4;70(22):818–824. doi: 10.15585/mmwr.mm7022e1. PMID: 34081685; PMCID: PMC8174677.

[37] *Treasury Emergency Rental Assistance Programs in 2021: Analysis of a National Survey.* National Low Income Housing Coalition. June 2021. *https://nlihc.org/sites/default/files/HIP_NLIHC_Furman_2021_6-22_FINAL_v2.pdf*

[38] Individuals who might have COVID–19 are advised to stay home except to get medical care. Accordingly, individuals who might have COVID–19 and take reasonable precautions to not spread the disease should not be evicted on the ground that they may pose a health or safety threat to other residents. See *What to Do if You are Sick,* Centers for Disease Control and Prevention, *https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html* (last updated Mar. 17, 2021).

the required elements of ''Covered person'' as described in this Order. In addition, tenants, lessees, and residents of residential property are allowed to declare in writing that they meet the elements of covered person in other languages.

All declarations, regardless of form used, must be signed, and must include a statement that the tenant, lessee, or resident of a residential property understands that they could be liable for perjury for any false or misleading statements or omissions in the declaration. This Order does not preclude a landlord challenging the truthfulness of a tenant's, lessee's, or resident's declaration in court, as permitted under State or local law.

In certain circumstances, such as individuals filing a joint tax return, it may be appropriate for one member of the residence to provide an executed declaration on behalf of the other adult residents party to the lease, rental agreement, or housing contract. The declaration may be signed and transmitted either electronically or by hard copy.

As long as the information in a previously signed declaration submitted under a previous order remains submit a new declaration under this Order.

Findings and Action

Determination

For the reasons described herein, I am extending the September 4, 2020 Order, as extended by section 502 of Title V, Division N of the Consolidated Appropriations Act, 2021 and further extended and modified by the January 29, 2021 and March 28, 2021 Orders. I have determined based on the information below that extending the temporary halt in evictions in this Order constitutes a reasonably necessary measure under 42 CFR 70.2 to prevent the further spread of COVID–19 throughout the United States. I have further determined that measures by states, localities, or territories that do not meet or exceed these minimum protections are insufficient to prevent the interstate spread of COVID–19.

State and local jurisdictions continue to distribute emergency rental assistance funds, provided by the Department of Treasury, that will help avert a spate of evictions and thus mitigate corresponding spikes in COVID–19 transmission. Although trends have improved dramatically since January 2021, there continues to be ongoing transmission of approximately 10,000 cases per day in the United States.[39]

Congress has appropriated approximately $46 billion—of which almost three-quarters is currently available to State and local grantees—to help pay rent and rental arrears for tenants who may otherwise be at high risk of eviction. According to estimates based on the U.S. Census Household Pulse Survey, approximately 6.4 million renter households are behind on their rent as of March 29, 2021. The successful delivery of those funds by states and localities should greatly reduce the incidence of eviction that would occur in the absence of that support. However, many states and localities are still ramping up the collection and processing of applications and the delivery of assistance and putting in place other eviction prevention strategies. It was only in the beginning of June that all State-run emergency rental assistance programs had opened for applications. If the moratorium expires on June 30, a wave of evictions, on the order of hundreds of thousands, could occur this summer and early fall, exacerbating the spread of COVID–19 among the significant percentage of the population that remains unvaccinated. In appropriating these emergency rental assistance funds, Congress intended that the funding would work in concert with the eviction moratorium, providing time for rental assistance to reach eligible tenants and landlords to sustainably reduce the threat of an eviction wave after an eviction moratorium was no longer in effect. While the pace of assistance is continuing to increase, without additional time for states and localities to deliver this needed relief and engage in other efforts to prevent evictions, a surge of evictions would occur upon the conclusion of the national moratorium. A surge in evictions would lead to immediate movement, crowding, and increased stress on the homeless service system. In combination with ongoing COVID–19 transmission, and the overlapping factors described above, this would create considerable risk for the rapid transmission of COVID–19 in high-risk settings. Allowing additional time for rent relief to reach renters—alongside other Federal and State actions to prevent evictions—by an extension through the month of July 2021 can decrease the numbers of likely evictions and avert the potential of COVID–19 resurgence among people who experience eviction, their communities, and other regions of the country affected by the resulting transmission.

Based on the convergence of these issues, I have determined that extending the temporary halt on evictions is appropriate.

Therefore, under 42 CFR 70.2, subject to the limitations under the ''Applicability'' section, the September 4, 2020 Order, as extended and modified by the January 29, 2021 and March 28, 2021 Orders, is hereby extended through July 31, 2021.

Accordingly, a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action shall not evict any covered person from any residential property in any State or U.S. territory where there are documented cases of COVID–19 and the State or U.S. territory has provided a level of public-health protections below the requirements listed in this Order.

This Order is not a rule within the meaning of the Administrative Procedure Act (APA) but rather an emergency action taken under the existing authority of 42 CFR 70.2. The purpose of § 70.2, which was promulgated through notice-and-comment rulemaking, is to enable CDC to take swift steps to prevent contagion without having to seek a second round of public comments and without a delay in effective date.[40]

Good Cause

In the event this Order qualifies as a rule under the APA, there is good cause to dispense with prior public notice and comment and a delay in effective date. See 5 U.S.C. 553(b)(B), (d)(3). Good cause exists, in sum, because the public health emergency caused by the COVID–19 pandemic and the unpredictability of the trajectory of the pandemic make it impracticable and contrary to the public health, and by extension the public interest, to delay the issuance and effective date of this Order.

In the September 4, 2020 Order, the previous CDC Director determined that good cause existed because the public health emergency caused by COVID–19 made it impracticable and contrary to the public health, and by extension the public interest, to delay the issuance and effective date of the Order. The previous Director also found that a delay in the effective date of the Order would permit the occurrence of evictions—potentially on a mass scale—that would have potentially significant consequences. For these reasons, the previous Director concluded that the delay in the effective date of the Order

[39] COVID Data Tracker, Centers for Disease Control and Prevention, *https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases* (last updated June 22, 2021).

[40] *Chambless Enters., LLC* v. *Redfield*, No. 20–1455, 2020 WL 7588849 (W.D. La. 2020).

would defeat the purpose of the Order and endanger the public health and, therefore, determined that immediate action was necessary. As a result, the previous Director issued the Order without prior notice and comment and without a delay in the effective date. I made similar findings in the January 29, 2021 and March 28, 2021 Orders, and similar findings, as described herein, continue to exist.

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. This necessarily involves assessing evolving conditions that inform CDC's determinations. And although the pandemic is showing positive trends, the fundamental public health threat that existed on September 4, 2020, January 29, 2021, and March 28, 2021—the risk of large numbers of residential evictions contributing to the spread of COVID–19 throughout the United States—continues to exist. Without this Order, there is every reason to expect that evictions will increase. It is imperative that public health authorities act quickly to mitigate such an increase of evictions, which could increase the likelihood of new spikes in SARS–CoV–2 transmission even as COVID–19 morbidity and mortality may be waning. Such mass evictions and the attendant public-health consequences could unravel positive trends, and would be very difficult to reverse.

For all of these reasons, I hereby conclude that immediate action is again necessary and that notice-and-comment rulemaking and a delay in effective date would be impracticable and contrary to the public interest.

Miscellaneous

Similarly, if this Order qualifies as a rule under the APA, the Office of Information and Regulatory Affairs (OIRA) has determined that it would be an economically significant regulatory action pursuant to Executive Order 12866 and a major rule under Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (the Congressional Review Act or CRA), 5 U.S.C. 804(2). Thus, this action has been reviewed by OIRA. CDC has determined that for the same reasons given above, there would be good cause under the CRA to make the requirements herein effective immediately. 5 U.S.C. 808(2).

If any provision of this Order, or the application of any provision to any persons, entities, or circumstances, shall be held invalid, the remainder of the provisions, or the application of such provisions to any persons, entities, or circumstances other than those to which it is held invalid, shall remain valid and in effect.

This Order shall be enforced by Federal authorities and cooperating State and local authorities through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271; and 42 CFR 70.18. However, this Order has no effect on the contractual obligations of renters to pay rent and shall not preclude charging or collecting fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract.

Criminal Penalties

Under 18 U.S.C. 3559, 3571; 42 U.S.C. 271; and 42 CFR 70.18, a person violating this Order may be subject to a fine of no more than $100,000 or one year in jail, or both, if the violation does not result in a death, or a fine of no more than $250,000 or one year in jail, or both if the violation results in a death, or as otherwise provided by law. An organization violating this Order may be subject to a fine of no more than $200,000 per event if the violation does not result in a death or $500,000 per event if the violation results in a death or as otherwise provided by law. The U.S. Department of Justice may initiate criminal proceedings as appropriate seeking imposition of these criminal penalties.

Notice To Cooperating State and Local Officials

Under 42 U.S.C. 243, the U.S. Department of Health and Human Services is authorized to cooperate with and aid State and local authorities in the enforcement of their quarantine and other health regulations and to accept State and local assistance in the enforcement of Federal quarantine rules and regulations, including in the enforcement of this Order.

Notice of Available Federal Resources

While this Order to prevent eviction is effectuated to protect the public health, the states and units of local government are reminded that the Federal Government has deployed unprecedented resources to address the pandemic, including housing assistance.

The Department of Housing and Urban Development (HUD), the Department of Agriculture, and the Department of the Treasury have informed CDC that unprecedented emergency resources have been appropriated through various Federal agencies that assist renters and landlords during the pandemic, including $46.55 billion to the Treasury through the Consolidated Appropriations Act of 2021 and the American Rescue Plan (ARP). Furthermore, in 2020 44 states and 310 local jurisdictions allocated about $3.9 billion toward emergency rental assistance, largely from funds appropriated to HUD from the Coronavirus Aid, Relief, and Economic Security (CARES).[41] These three rounds of Federal appropriations also provided substantial resources for homeless services, homeowner assistance, and supplemental stimulus and unemployment benefits that low-income renters used to pay rent.

Visit *https://home.treasury.gov/policy-issues/cares/state-and-local-governments* for more information about the Coronavirus Relief Fund and *https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program* for more information about the Emergency Rental Assistance Program. Relevant agencies have informed CDC that forbearance policies for mortgages backed by the Federal Government provide many landlords, especially smaller landlords, with temporary relief as new emergency rental assistance programs are deployed. Treasury, HUD, and USDA grantees and partners play a critical role in prioritizing efforts to support this goal. All communities should assess what resources have already been allocated to prevent evictions and homelessness through temporary rental assistance and homelessness prevention, particularly to the most vulnerable households. Treasury, HUD, and USDA stand at the ready to support American communities in taking these steps to reduce the spread of COVID–19 and maintain economic prosperity.

For program support, including technical assistance, please visit *www.hudexchange.info/program-support.* For further information on HUD resources, tools, and guidance available to respond to the COVID–19 pandemic, State and local officials are directed to visit *https://www.hud.gov/coronavirus.* These tools include toolkits for Public Housing Authorities and Housing Choice Voucher landlords related to housing stability and eviction prevention, as well as similar guidance for owners and renters in HUD-assisted multifamily properties. Furthermore, tenants can visit *consumerfinance.gov/housing* for up-to-date information on rent relief options, protections, and key deadlines.

[41] Vincent Reina et al, *COVID–19 Emergency Rental Assistance: Analysis of a National Survey of Programs,* Research Brief, *https://nlihc.org/sites/default/files/HIP_NLIHC_Furman_Brief_FINAL.pdf* (last visited Mar. 26, 2021).

Effective Date

This Order is effective on July 1, 2021, and will remain in effect through July 31, 2021, subject to revision based on the changing public health landscape.

Authority

The authority for this Order is Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 CFR 70.2.

Dated: June 24, 2021.

Sherri Berger,

Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2021–13842 Filed 6–24–21; 2:00 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Community Services Block Grant (CSBG) Model State Plan Applications (OMB No. 0970–0382)

AGENCY: Office of Community Services, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Community Services (OCS) requests a three-year extension of the forms Community Services Block Grant (CSBG) State Plan, CSBG Eligible Entity Master List, and the American Customer Survey Index (ACSI) (OMB #0970–0382, expiration 6/30/2021). There are minimal changes requested to the State Plan and the Master List. No changes are proposed to the ACSI.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: Section 676 of the Community Services Block Grant (CSBG) Act requires states, including the District of Columbia and the Commonwealth of Puerto Rico, and U.S. territories applying for CSBG funds to submit an application and plan (CSBG State Plan). The CSBG State Plan must meet statutory requirements prior to CSBG grantees (states and territories) being funded with CSBG funds. Grantees have the option to submit a detailed plan annually or biannually. Grantees that submit a biannual plan must provide an abbreviated plan the following year if substantial changes to the initial plan will occur.

OCS proposes to revise the automated CSBG State Plan format for states and territories by revising questions for clarity and system compatibility. OCS does not anticipate that these revisions will cause any additional burden to CSBG grantees as they have completed the automated plan for six years. It is anticipated that the burden will continue to diminish in subsequent years due to improved automation.

In addition to the CSBG State Plan, OCS requests that all grantees revise their CSBG Eligible Entity Master List in year one to add the executive director and website for each agency. Grantees will revise the Master List as necessary in subsequent years. As the CSBG Eligible Entity Master List is already completed and states have the information about their eligible entities (or sub-grantees), the burden will be minimal to the states to provide the additional requested information.

Lastly, the request includes a survey for the sub-grantees (or CSBG-eligible entities). The survey focuses on the customer service that the CSBG sub-grantees receive from the CSBG grantees. The survey is optional, and this will be the fifth time that the CSBG sub-grantees that chose to submit will complete it. There are no revisions proposed to the survey.

Respondents: State governments, including the District of Columbia and the Commonwealth of Puerto Rico, and U.S. territories, and local level sub-grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
CSBG State Plan Application for States	56	3	31	5,208	1,736
CSBG Eligible Entity Master List	56	3	2	336	112
CSBG ACSI Survey of Eligible Entities	1,007	1	.33	332	111

Estimated Total Annual Burden Hours: 1,848 hours for CSBG grantees; 111 for CSBG sub-grantees.

Authority: Sec. 676, Pub. L. 105–285, 112 Stat. 2735 (42 U.S.C. 9908)

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–13742 Filed 6–25–21; 8:45 am]

BILLING CODE 4184–27–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–E–1328]

Determination of Regulatory Review Period for Purposes of Patent Extension; Smallpox and Monkeypox Vaccine, Live

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for Smallpox and Monkeypox Vaccine, Live and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see

SUPPLEMENTARY INFORMATION) are incorrect may submit either electronic or written comments and ask for a redetermination by August 27, 2021. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 27, 2021. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 27, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 27, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–E–1328 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; Smallpox and Monkeypox Vaccine, Live.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product Smallpox and Monkeypox Vaccine, Live (Modified Vaccinia Ankara). Smallpox and Monkeypox Vaccine, Live, is indicated for prevention of smallpox and monkeypox disease in adults 18 years of age and older determined to be at high risk for smallpox or monkeypox infection. Subsequent to this approval, the USPTO received a patent term restoration application for Smallpox and Monkeypox Vaccine, Live (U.S. Patent No. 7,335,364) from Bavarian Nordic A/S, and the USPTO requested FDA's

assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 14, 2020, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of Smallpox and Monkeypox Vaccine, Live represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for Smallpox and Monkeypox Vaccine, Live is 5,650 days. Of this time, 5,315 days occurred during the testing phase of the regulatory review period, while 335 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* April 7, 2004. The applicant claims March 8, 2004, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was April 7, 2004, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* October 25, 2018. FDA has verified the applicant's claim that the biologics license application (BLA) for Smallpox and Monkeypox Vaccine, Live (BLA 125678) was initially submitted on October 25, 2018.

3. *The date the application was approved:* September 24, 2019. FDA has verified the applicant's claim that BLA 125678 was approved on September 24, 2019.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,825 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: June 22, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–13686 Filed 6–25–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–2099]

Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.'' The draft guidance provides recommendations for sponsors and sponsor-investigators to comply with the requirements of investigational new drug application (IND) safety reporting and safety reporting for bioavailability (BA) and bioequivalence (BE) studies. In doing so, the guidance provides recommendations related to the two IND safety reporting provisions that require assessment of aggregate data to facilitate appropriate IND safety reporting practices. An earlier draft guidance for industry entitled ''Safety Assessment for IND Safety Reporting'' (December 2015) (the 2015 draft guidance) has been incorporated into this draft guidance. However, this content was revised to address feedback from stakeholders and comments received on the 2015 draft guidance. Concurrent with the publication of this draft guidance, we are withdrawing the 2015 draft guidance. Additionally, this draft guidance incorporates content from the final guidance for industry and investigators entitled ''Safety Reporting Requirements for INDs and BA/BE Studies'' (December 2012) (the 2012 final guidance). This incorporated content remains largely unchanged in this draft guidance.

DATES: Submit either electronic or written comments on the draft guidance by September 27, 2021 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–D–2099 for ''Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Paul Gouge, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6328, Silver Spring, MD 20993–0002, *CDEROMP@fda.hhs.gov;* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.'' The draft guidance provides recommendations for sponsors and sponsor-investigators to facilitate compliance with the requirements of IND safety reporting and safety reporting for BA and BE studies under §§ 312.32 and 320.31(d)(3) (21 CFR 312.32 and 320.31(d)(3)). In doing so, the draft guidance provides recommendations for sponsors related to the two IND safety reporting provisions (§ 312.32(c)(1)(i)(C) and (iv)) that require assessment of aggregate data to facilitate appropriate IND safety reporting practices. More generally, it provides sponsors and sponsor-investigators recommendations regarding expedited safety reporting requirements for human drug and biological products that are being investigated under an IND and for drugs that are the subject of BA and BE studies that are exempt from the IND requirements.

In the **Federal Register** of December 17, 2015 (80 FR 78743), FDA announced the availability of the 2015 draft guidance entitled ''Safety Assessment for IND Safety Reporting.'' FDA received numerous comments on the 2015 draft guidance, and these comments were carefully considered and addressed by FDA in this draft guidance. Noteworthy changes include revised recommendations on the following: (1) Planned unblinding of safety data and implications for trial integrity, (2) increased flexibility regarding the party reviewing safety information across a development program for IND safety reporting purposes, (3) clarification regarding the scope and methodology for aggregate analyses, and (4) clarification regarding the plan for safety surveillance, including what elements should be included in the plan. Accordingly, concurrent with the publication of this draft guidance, we are withdrawing the 2015 draft guidance.

Further, this draft guidance incorporates content from the 2012 final guidance entitled ''Safety Reporting Requirements for INDs and BA/BE Studies''. The content from the 2012 final guidance remains largely unchanged in this draft guidance; however, this draft guidance does not incorporate the investigator provisions of the 2012 final guidance. FDA intends to publish a separate draft guidance on investigator's responsibilities for safety reporting for human drug and biological products that are being investigated under an IND.

When this draft guidance and the draft guidance on investigator's responsibilities for IND safety reporting are finalized, FDA plans to withdraw the 2012 final guidance. However, until FDA finalizes these two draft guidances, the 2012 final guidance remains in effect and represents FDA's current thinking.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Sponsor Responsibilities—Safety Reporting Requirements and Safety Assessment for Investigational New Drug Application and Bioavailability/Bioequivalence Studies.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by

OMB under the PRA. The collections of information in 21 CFR parts 312 and 320 have been approved under OMB control number 0910–0014.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: June 22, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–13684 Filed 6–25–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–E–0029]

Determination of Regulatory Review Period for Purposes of Patent Extension; TAZVERIK

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for TAZVERIK and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by August 27, 2021. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 27, 2021. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 27, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 27, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–E–0029 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; TAZVERIK.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic

Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product, TAZVERIK (tazemetostat). TAZVERIK is indicated for the treatment of adults and pediatric patients aged 16 years and older with metastatic or locally advanced epithelioid sarcoma not eligible for complete resection. This indication is approved under accelerated approval based on overall response rate and duration of response. Continued approval for this indication may be contingent upon verification and description of clinical benefit in confirmatory trials. Subsequent to this approval, the USPTO received a patent term restoration application for TAZVERIK (U.S. Patent No. 8,410,088) from Epizyme, Inc., and the USPTO requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated March 1, 2021, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of TAZVERIK represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for TAZVERIK is 1,618 days. Of this time, 1,372 days occurred during the testing phase of the regulatory review period, while 246 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* August 21, 2015. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 21, 2015.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* May 23, 2019. FDA has verified the applicant's claim that the new drug application (NDA) for TAZVERIK (NDA 211723) was initially submitted on May 23, 2019.

3. *The date the application was approved:* January 23, 2020. FDA has verified the applicant's claim that NDA 211723 was approved on January 23, 2020.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 650 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: June 22, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–13743 Filed 6–25–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–E–5831]

Determination of Regulatory Review Period for Purposes of Patent Extension; GORE CARDIOFORM ASD OCCLUDER

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined the regulatory review period for GORE CARDIOFORM ASD OCCLUDER and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by August 27, 2021. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 27, 2021. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 27, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 27, 2021. Comments received by mail/hand delivery/courier (for written/paper

submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–E–5831 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; GORE CARDIOFORM ASD OCCLUDER.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device, GORE CARDIOFORM ASD OCCLUDER. GORE CARDIOFORM ASD OCCLUDER is indicated for the percutaneous, transcatheter closure of the following defects of the atrial septum: Ostium secundum atrial septal defects (ASDs), patent foramen ovale to reduce the risk of recurrent ischemic stroke in patients, predominantly between the ages of 18 and 60 years, who have had a cryptogenic stroke due to a presumed paradoxical embolism, as determined by a neurologist and cardiologist following an evaluation to exclude known causes of ischemic stroke. Subsequent to this approval, the USPTO received a patent term restoration application for GORE CARDIOFORM ASD OCCLUDER (U.S. Patent No. 9,474,517) from W.L. Gore & Associates, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated January 21, 2020, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of GORE CARDIOFORM ASD OCCLUDER represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for GORE CARDIOFORM ASD OCCLUDER is 931 days. Of this time, 751 days occurred during the testing phase of the regulatory review period, while 180

days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption for this device, under section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)), became effective:* November 10, 2016. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) for human tests to begin, as required under section 520(g) of the FD&C Act, became effective November 10, 2016.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* November 30, 2018. FDA has verified the applicant's claim that the premarket approval application (PMA) for GORE CARDIOFORM ASD OCCLUDER (PMA 050006 S071) was initially submitted November 30, 2018.

3. *The date the application was approved:* May 28, 2019. FDA has verified the applicant's claim that PMA 050006 S071 was approved on May 28, 2019.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 556 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: June 22, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–13687 Filed 6–25–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0281]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 27, 2021.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–0281–60D and project title for reference, to Sherrette A. Funn, email: *Sherrette.Funn@hhs.gov,* or call (202) 795–7714 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Prevention Communication Formative Research.

Type of Collection: Revision.

OMB No.: 0990–0281.

Abstract: The Office of Disease Prevention and Health Promotion (ODPHP) is focused on developing and disseminating health information to the public. ODPHP faces an increasingly urgent interest in finding effective ways to communicate health information to America's diverse population. ODPHP strives to be responsive to the needs of America's diverse audiences while simultaneously serving all Americans across a range of channels, from print to new communication technologies. To carry out prevention information efforts, ODPHP is committed to conducting formative and usability research to provide guidance on the development and implementation of their communication and education efforts. The information collected will be used to improve communication, products, and services that support key office activities including: Healthy People, Dietary Guidelines for Americans, Physical Activity Guidelines for Americans, the Move Your Way Campaign and the President's Council on Sports, Fitness & Nutrition. ODPHP communicates through its website (*www.health.gov*) and through other channels including social media, print materials, interactive training modules, and reports. Data collection will be qualitative and quantitative and may include in-depth interviews, focus groups, web-based surveys, omnibus surveys, card sorting, and various forms of usability testing of materials and interactive tools to assess the public's understanding of disease prevention and health promotion content, responses to prototype materials, and barriers to effective use.

The program is requesting a 3-year extension of the clearance.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
In-depth interviews—Screener	1,500	1	10/60	250
In-depth interviews—Instrument	500	1	1.00	500
Focus groups—Screener	2,925	1	10/60	487.5

ANNUALIZED BURDEN HOUR TABLE—Continued

Forms (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Focus groups—Instrument	975	1	1.50	1,462.5
Intercept interviews	5,250	1	5/60	437.50
Cognitive testing of instruments—Screener	150	1	10/60	25
Cognitive testing of instruments—Cognitive test	50	1	2.00	100
Web-based surveys—Screener	30,000	1	5/60	2,500
Web-based surveys—Survey	10,000	1	15/60	2,500
Omnibus surveys	2,100	1	10/60	350
Gatekeeper reviews	325	1	30/60	162.5
Card sorting—Screener	600	1	10/60	100
Card sorting—Card sort	200	1	1.00	200
Usability and prototype testing of materials (print and web)—Screener	1,800	1	10/60	300
Usability and prototype testing of materials (print and web)—usability tests	600	1	1.00	600
Total	.....	.....	.....	9,975.00

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–13737 Filed 6–25–21; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Opportunity To Become a Healthy People 2030 Champion

AGENCY: Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The U.S. Department of Health and Human Services' (HHS) Office of Disease Prevention and Health Promotion (ODPHP) invites public and private sector organizations that support Healthy People 2030 (HP2030), the nation's disease prevention and health promotion plan, to become a Healthy People 2030 Champion (HP2030 Champion).

Eligibility: Any organization may apply to be a HP2030 Champion. The selected HP2030 Champions will be recognized for their commitment and work toward achieving HP2030's vision of *a society in which all people can achieve their full potential for health and well-being across the lifespan.*

HP2030 Champions. HP2030 Champions can be public and private organizations such as those at the state, local, county, and tribal levels, non-governmental organizations, non-profit organizations, businesses, academic organizations, organizations that impact health outcomes, philanthropic organizations, and tribal organizations that identify themselves as being aligned with or promoting HP2030, HP2030's vision, and HP2030's overarching goals. All organizations may apply. Applicants for HP2030 Champions shall submit a letter of interest and identify how they address or support health promotion, disease prevention, social determinants of health (SDOH), health disparities, health equity, and/or well-being and work in alignment with HP2030 through activities, donations, or other means. Applicants for HP2030 Champions will be evaluated according to the organization's commitment to support the overarching goals of Healthy People 2030 and the Healthy People 2030 objectives. Individuals are not eligible to be HP2030 Champions.

HP2030 Champions will receive recognition from ODPHP on *Health.gov/healthypeople2030,* a digital HP2030 Champion badge for their website to highlight their support of HP2030, and HP2030 information, tools and resources for dissemination.

The following activities may be considered as an organization's demonstrated commitment to HP2030's overarching goals and objectives:

- Promoting and increasing access to disease prevention and health promotion activities;
- Providing access to training or certification programs for disease prevention and health promotion;
- Addressing SDOH, eliminating disparities, achieving health equity, and/or promoting well-being;
- Providing training and other necessary resources to adapt or modify disease prevention and health promotion activities to meet the needs of diverse populations, address SDOH, eliminate disparities, achieve health equity, and/or promote well-being;
- Developing partnerships across a variety of sectors, including business, community, academia, education, faith-based, government, health care, media, public health, and technology;
- Working across sectors to address SDOH, eliminate disparities, and achieve health equity;
- Evaluating health promotion and disease prevention programs or partnering with academic institutions or public health organizations to evaluate health promotion and disease prevention activities;
- Including information in their public facing materials about programs for disease prevention, health promotion, addressing SDOH, eliminating disparities, achieving health equity, and/or promoting well-being in community needs assessments;
- Adopting or implementing the HP2030 framework (*i.e.,* vision, mission, overarching goals, foundational principles), Leading Health Indicators (LHIs), Overall Health and Well-Being Measures (OHMs) and/or HP2030 objectives in their strategic plan;
- Promoting HP2030; providing opportunities and venues for disease prevention and health promotion activities;
- Partnering with national, state, tribal, or local volunteer organizations to provide education, training, or programs regarding health promotion, disease prevention, SDOH, health disparities, health equity, and well-being;
- Supporting an entity with the responsibility to organize and coordinate efforts within and across sectors to foster health promotion and well-being;
- Promoting collaboration across all levels, including neighborhoods, communities, tribes, cities, states, counties, and localities, to increase and expand participation in health

promotion and disease prevention activities;

- Disseminating through a variety of platforms messaging about the benefits of and resources available to promote disease prevention, health promotion, well-being and the importance of addressing SDOH, health disparities, and health equity;
- Supporting the coordination and standardization of data to enable comparisons across national, state, local, county, and/or tribal levels;
- Providing grants, funding opportunities, and other resources to programs that address disease prevention, health promotion, well-being, SDOH, health equity, and health disparities.

Funds: None. Neither HHS nor ODPHP will provide funds to support HP2030 Champions. Applicants and HP2030 Champions will not be expected to contribute funds.

Application: Organizations may apply to be an HP2030 Champion. Organizations should submit a letter of interest acknowledging their support of the HP2030 vision of a society in which all people can achieve their full potential for health and well-being across the lifespan and HP2030's overarching goals. Organizations interested in being HP2030 Champions shall identify in their letters of interest those activities from the list noted above that demonstrate commitment to HP2030's overarching goals and objectives and indicate how they address or support health promotion, disease prevention, SDOH, health disparities, health equity, and well-being and work in alignment with HP2030 through activities, donations, or other means.

DATES: Letters of interest to become a HP2030 Champion should be submitted to *HP2030@hhs.gov.* Letters of interest will be accepted starting on July 5, 2021 and will be reviewed periodically. ODPHP will conduct an informational webinar for interested applicants on July 28, 2021, at 1 p.m. Eastern Time (ET); applicants interested in attending the informational webinar should register at *https://healthypeople.webex.com/healthypeople/onstage/g.php?MTID=e97d3e46e4ec8120606577daa5c72785a* or *https://health.gov/healthypeople.*

ADDRESSES: Letters of interest can be submitted via email to *HP2030@hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Emmeline Ochiai, Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services; 1101 Wootton Parkway, Suite 420, Rockville, MD 20852; Telephone: (240) 453–8280. Email: *HP2030@hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background: Each decade since 1980, the Healthy People initiative has established and monitored national health objectives with 10-year targets to meet a broad range of health needs, encourage collaborations across sectors, guide individuals toward making informed health decisions, and measure the impact of disease prevention and health promotion activities. Launched August 2020, the current iteration—HP2030—leverages scientific insights and lessons from the past decade, along with the new knowledge of current data, trends, and innovations. HP2030 provides science- and evidence-based, 10-year national objectives for promoting health and preventing disease and sets targets to be achieved by the year 2030. It identifies public health priorities that address the major risks to health and well-being, and serves as a resource for preventing disease, promoting health, addressing SDOH, eliminating health disparities, and achieving health equity. HP2030 reflects input from the Secretary's Advisory Committee on National Health Promotion and Disease Prevention; the National Academies of Sciences, Engineering, and Medicine; a technical expert panel; subject matter experts from across HHS and other federal agencies; and members of the public via multiple public comment periods. On behalf of HHS, ODPHP leads and manages the development and implementation of HP2030.

The HP2030 framework and objectives outline the nation's plan for achieving the HP2030 vision of a society in which all people can achieve their full potential for health and well-being across the lifespan. HP2030's framework includes its vision, mission, overarching goals, guiding foundational principles, and is supported by over 350 specific measurable objectives with targets, LHIs, and OHMs. HP2030 serves as a resource and provides user-centered tools for disease prevention and health promotion, including science-based objectives, national and population-level data, evidence-based resources, and SDOH literature summaries. Detailed information about HP2030 is available at *https://health.gov/healthypeople.*

Requirements of Interested Organizations

ODPHP invites organizations that support HP2030, disease prevention, health promotion, and well-being and that demonstrate efforts toward addressing SDOH, eliminating health disparities, and achieving health equity in the United States to submit a letter of interest to become an HP2030 Champion.

HP2030 Champion. Organizations selected by ODPHP to be HP2030 Champions will sign a letter of understanding (LOU) with ODPHP outlining the terms and parameters of their support for HP2030. Organizations selected to participate in the HP2030 Champion program with an active LOU will be granted use of the digital HP2030 Champion badge as long as the organization continues to work in alignment with the HP2030. Use of the HP2030 Champion badge does not imply any federal endorsement of the collaborating organization's general policies, activities, or products.

Eligibility for Interested Organizations

HP2030 Champion. To be eligible to become an HP2030 Champion, an organization shall: (1) Have a demonstrated interest in, understanding of, and experience with disease prevention, heath promotion, SDOH, health disparities, health equity, and/or well-being or (2) have an organizational or corporate mission that is aligned with the HP2030 vision, mission, overarching goals, foundational principles, or objectives; and (3) agree to sign a LOU with ODPHP, which will set forth the details of how the organization is supporting the vision of the HP2030.

Letter of Interest Requirements

HP2030 Champions. Each HP2030 Champion letter of interest shall contain: (1) Organization name, location, website, and submitter's contact information; (2) a brief description of the organization's mission and/or values; and (3) a description of how the organization supports or plans to support the HP2030 vision, such as addressing disease prevention, health promotion, SDOH, health disparities, health equity, well-being, prioritizing underserved populations, donating funds, or alignment with specific HP2030 objectives, LHIs, or OHMs.

Submission of a letter of interest does not guarantee acceptance as an HP2030 Champion. ODPHP will review and evaluate letters of interest for alignment with the HP2030 vision.

Authority: 42 U.S.C. 300u(a).

Dated: June 11, 2021.

Paul Reed,

Rear Admiral, U.S. Public Health Service, Deputy Assistant Secretary for Health, Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 2021–13667 Filed 6–25–21; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, PAR–20–181: Limited Competition: National Primate Research Centers (P51), July 01, 2021, 10:00 a.m. to July 02, 2021, 06:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on June 02, 2021, FR Doc 2021–11521, 86 FR 29590.

This meeting is being amended to change the start date from July 01, 2021 to June 29, 2021 and the start time from 10:00 a.m. to 12:30 p.m. The meeting is closed to the public.

Dated: June 22, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13690 Filed 6–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 20–243: Digital Healthcare Interventions to Address the Secondary Health Effects Related to Social, Behavioral and Economic Impact of COVID–19.

Date: July 8, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Paul Hewett-Marx, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (240) 672–8946, *hewettmarxpn@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 22, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13689 Filed 6–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Center Support Grant (P30).

Date: August 19, 2021.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: David G. Ransom, Ph.D., Chief, Special Review Branch, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850, 240–276–6351, *david.ransom@nih.gov*.

Name of Committee: National Cancer Institute Initial Review Group; Cancer Centers Study Section (A).

Date: August 20, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W530, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Rockville, Maryland 20892, 240–276–6442, *ss537t@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 22, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13688 Filed 6–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NIH Clinical Center Research Hospital Board.

The meeting will be held as a virtual meeting and open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast *https://videocast.nih.gov/* and the CCRHB website *https://ccrhb.od.nih.gov/meetings.html.*

Name of Committee: NIH Clinical Center Research Hospital Board.

Date: July 23, 2021.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: Presentations of Mental Health Support, Ending Structural Racism, and The Hepatitis C Story.

Place: National Institutes of Health, Building 31, 9000 Rockville Pike, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301–496–4272, *woodgs@od.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Patricia B. Hansberger,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–13646 Filed 6–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0105]

Application To Use Automated Commercial Environment (ACE)

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

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than July 28, 2021) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (Volume 86 FR 14937) on March 19, 2021, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application to Use Automated Commercial Environment (ACE).

OMB Number: 1651–0105.

Current Actions: Extension.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: The Automated Commercial Environment (ACE) is a trade data processing system that is replacing the Automated Commercial System (ACS), the current import system for U.S. Customs and Border Protection (CBP) operations. ACE is authorized by Executive Order 13659 which mandates implementation of a Single Window through which businesses will transmit data required by participating agencies for the importation or exportation of cargo. *See* 79 FR 10655 (February 25, 2014). ACE supports government agencies and the trade community with border-related missions with respect to moving goods across the border efficiently and securely. Once ACE is fully implemented, all related CBP trade functions and the trade community will be supported from a single common user interface.

To establish an ACE Portal account, participants submit information such as their name, their employer identification number (EIN) or social security number (SSN), and if applicable, a statement certifying their capability to connect to the internet. This information is submitted through the ACE Secure Data Portal which is accessible at: *http://www.cbp.gov/trade/automated.*

Please Note: A CBP-assigned number may be provided in lieu of your SSN. If you have an EIN, that number will automatically be used and no CBP number will be assigned. A CBP-assigned number is for CBP use only.

There is a standalone capability for electronically filing protests in ACE. This capability is available for participants who have not established ACE Portal Accounts for other trade activities, but desire to file protests electronically. A protest is a procedure whereby a private party may administratively challenge a CBP decision regarding imported merchandise and certain other CBP decisions. Trade members can establish a protest filer account in ACE through a separate application and the submission of specific data elements. *See* 81 FR 57928 (August 24, 2016).

Type of Information Collection: Application to ACE (Import)

Estimated Number of Respondents: 21,100.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 21,100.

Estimated Time per Response: 0.33 hours.

Estimated Total Annual Burden Hours: 6,963.

Type of Information Collection: Application to ACE (Export)

Estimated Number of Respondents: 9,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 9,000.

Estimated Time per Response: 0.066 hours.

Estimated Total Annual Burden Hours: 594.

Type of Information Collection: Application to ACE (Protest)

Estimated Number of Respondents: 3,750.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 3,750.

Estimated Time per Response: 0.066 hours.

Estimated Total Annual Burden Hours: 248.

Dated: June 23, 2021.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2021–13695 Filed 6–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0050]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Request for Hearing on a Decision in Naturalization Proceedings Under Section 336

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 28, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0020. All submissions received must include the OMB Control Number 1615–0050 in the body of the letter, the agency name and Docket ID USCIS–2007–0020.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 24, 2021, at 86 FR 15692, allowing for a 60-day public comment period. USCIS did receive one non-substantive comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0020 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Hearing on a Decision in Naturalization Proceedings Under Section 336.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–336; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form N–336 is used by an individual whose Form N–400, Application for Naturalization was denied, to request a hearing before an immigration officer on the denial of the N–400. USCIS uses the information submitted on Form N–336 to locate the requestor's file and schedule a hearing in the correct jurisdiction. It allows USCIS to determine if there is an underlying Form N–400, Application for Naturalization that was denied, to warrant the filing of Form N–336. The information collected also allows USCIS to determine if a member of the U.S. armed forces has filed the appeal.

(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–336 (paper filed) is 3,788 and the estimated hour burden per response is 2.75 hours; the estimated total number of respondents for the information collection N–336 (filed online) is 1,263 and the estimated hour burden per response is 2.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 13,575 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,600,750.

Dated: June 22, 2021.

Jerry L. Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–13712 Filed 6–25–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2021–N169; FXES11130300000–201–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before July 28, 2021.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. PERXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications:

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE73587A	Missouri Department of Conservation, Jefferson City, MO.	Add: Eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*) to existing permitted species: Ozark hellbender (*C. a. bishop*).	AR, MO	Conduct presence/absence surveys, captive rearing, document habitat use, conduct population monitoring, evaluate impacts, conduct research to measure distribution and abundance of augmented and reintroduced populations.	Capture, collect sperm and eggs, artificially fertilize, transport, PIT tag, captive propagate, head-start, release.	Amend.
PER0009788	Alma Schrage, Chicago, IL.	Rusty patched bumble bee (*Bombus affinis*).	IL	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, observe, collect pollen sample, collect genetic sample, survey, release.	New.
PER0003893	Andres Ortega, Wheaton, IL.	Rusty patched bumble bee (*Bombus affinis*).	IL	Conduct presence/absence surveys.	Capture, handle, observe, release, survey, harass.	New.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0007034	Eric Britzke, Vicksburg, MS.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	AL, AR, CT, DE, DC, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, band, radio-tag, light tag, collect hair, fugal lift tape, swab and wing biopsy samples, enter hibernacula and maternity roost caves, release.	Renew.
PER0011726	North Fork Ridge Wind Holdings LLC, Liberal, MO.	Gray bat (*Myotis grisescens*)	MO	Conduct scientific research on the impacts of wind turbine curtailment strategies, population management and monitoring.	Harass, kill, salvage ..	New.
PER0003114	Timothy Brust, Greenup, KY.	Eastern massasauga rattlesnake (*Sistrurus catenatus*), gopher tortoise (*Gopherus polyphemus*).	AL, IA, IN, LA, MI, MN, MS, NY, OH, PA, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, release.	New.
PER11035A	Robert Vande Kopple, Alanson, MI.	Hungerford's crawling water Beetle (*Brychius hungerfordi*).	MI, WI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release, kill.	Renew.
PER0007017	Elisabeth Hollinden, Columbus, OH.	Clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), northern riffleshell (*Epioblasma torulosa rangiana*), pink mucket (*Lampsilis orbiculata*), purple cat's paw (*Epioblasma obliquata obliquata*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), sheepnose mussel (*Plethobasus cyphyus*), snuffbox mussel (*Epioblasma triquetra*), white catspaw (*Epioblasma obliquata perobliqua*).	OH	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, release, salvage, relocate.	New.
PER0009122	Emily Grossman, O'Fallon, MO.	Clubshell (*Pleurobema clava*), fat pocketbook (*Potamilus capax*), fanshell (*Cyprogenia stegaria*), Higgins' eye (*Lampsilis higginsii*), Neosho mucket (*Lampsilis rafinesqueana*), northern riffleshell (*Epioblasma torulosa rangiana*), orangefoot pimpleback (*Plethobasus cooperianus*), Ouachita rock pocketbook (*Arkansia wheeleri*), pink mucket pearly mussel (*Lampsilis abrupta*), purple catspaw (*Epioblasma obliquata obliquata*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), ring pink (*Obovaria retusa*), rough pigtoe (*Pleurobema plenum*), scaleshell (*Leptodea leptodon*), sheepnose (*Plethobasus cyphyus*), snuffbox (*Epioblasma triquetra*), spectaclecase (*Cumberlandia monodonta*), white catspaw (*Epioblasma obliquata perobliqua*), winged mapleleaf (*Quadrula fragosa*).	AK, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, NE, NY, OH, OK, SD, PA, VA, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, observe, release, survey.	New.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0011986	Lindsey Jakovljevic, Kirtland, OH.	Clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), fat pocketbook (*Potamilus capax*), Higgins eye pearlymussel (*Lampsilis higginsii*), Neosho mucket (*Lampsilis rafinesqueana*), northern riffleshell (*Epioblasma torulosa rangiana*), orangefoot pimpleback (pearlymussel) (*Plethobasus cooperianus*), pink mucket (pearlymussel) (*Lampsilis abrupta*), purple cat's paw (*Epioblasma obliquata obliquata*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), ring pink (*Obovaria retusa*), rough pigtoe (*Pleurobema plenum*), scaleshell (*Leptodea leptodon*), sheepnose (*Plethobasus cyphyus*), snuffbox (*Epioblasma triquetra*), speckled pocketbook (*Lampsilis strecken*), spectaclecase (*Cumberlandia monodonta*), winged mapleleaf (*Quadrula fragosa*), white cat's paw (*Epioblasma obliquata perobliqua).*	IA, IL, IN, KS, KY, MI, MN, MO, NJ, NY, OH, PA, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, observe, release, survey.	New.
TE41671D	Brian Carlson, Morgantown, WV.	Add candy darter (*Etheostoma osburni*) and diamond darter (*Crystallaria cincotta*) to existing permitted species: Fanshell (*Cyprogenia stegaria*), orangefoot pimpleback (*Plethobasus cooperianus*), pink mucket (*Lampsilis orbiculata*), purple cat's paw (*Epioblasma obliquata obliquata*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), ring pink (*Obovaria retusa*), rough pigtoe (*Pleurobema plenum*), sheepnose (*Plethobasus cyphyus*), snuffbox (*Epioblasma triquetra*), spectaclecase (*Cumberlandia monodonta*), white catspaw (*Epioblasma obliquata perobliqua*), Big Sandy crayfish (*Cambarus callainus*), Guyandotte River crayfish (*Cambarus veteranus*).	AL, AR, CN, DE, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release, relocate.	Amend.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services.

[FR Doc. 2021–13648 Filed 6–25–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2021–N012; FXES11130300000–201–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before July 28, 2021.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd., West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications:

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE805269	Daniel Soluk, Vermillion, SD.	Hine's emerald dragonfly (*Somatochlora hineana*).	AL, IL, MI, MO, OH, WI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mark, tag, temporary hold, genetic sample, kill, release.	Renew.
PER0002574	Missouri Department of Conservation, Cape Girardeau, MO.	Hine's emerald dragonfly (*Somatochlora hineana*).	MO	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, release, kill, salvage, genetic sample, headstart, captive propagate.	New.
PER0002544	Carlyn Rocazella, Cuyahoga Falls, OH.	Rusty patched bumble bee (*Bombus affinis*).	DE, IA, IL, IN, MA, MD, ME, MN, NC, OH, PA, TN, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, release, salvage.	New.
TE65611B	Dennis Skadsen, Lake City, ND.	Dakota skipper (*Hesperia dacotae*), Poweshiek skipperling (*Oarisma poweshiek*).	MN, ND, SD	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporarily hold, release.	Renew.
TE206783	Marlo Perdicas, Marshallville, OH.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mistnet, band, radio-tag, release.	Renew.
TE38860A	Jason Garvon, Sault Sainte Marie, MI.	Piping plover (*Charadrius melodus*).	MI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Harass, erect active nest enclosure, salvage.	Renew.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE64239B	Nathanael Light, Branson, MO.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus townsendii ingens*).	AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VA, VT,WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, harp trap, mist-net, band, radio-tag, release.	Renew.
PER0002767	Giovanni Pambianchi, Saugerties, NY.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*M. septentrionalis*).	CT, FL, IA, MD, MA, MI, NH, NJ, NY, OH, PA, SC, VT, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, band, radio-tag, release.	New.
TE70868B	Brian Ortman, Thornville, OH.	Gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), northern long-eared bat (*M. septentrionalis*).	AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MO, MS, NJ, NY, NC, PA, OH, OK, SC, TN, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, band, radio-tag, release.	Renew.
PER0002430	David Ford, Houston, TX.	23 freshwater mussel species.	AL, AR, GA, IA, IL, IN, KS, KY, LA, PA, MI, MN, MO, MS, NC, NE, NM, NY, OH, OK, SD, TN, TX, VA, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Collect, handle, release	New.
TE77530A	Douglas Kapusinski, Copley, OH.	22 freshwater mussel species.	IL, IN, MI, NY, OH, PA, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Collect, handle, release	Renew.
TE14549C	Larissa Herrera, Belmont, MI.	Clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rayed bean (*Villosa fabalis*), sheepnose (*Plethobasus cyphyus*), spectaclecase (*Cumberlandia monodonta*), snuffbox mussel (*Epioblasma triquetra*), winged mapleleaf (*Quadrula Fragosa*), Higgins' eye (*Lampsilis higginsii*), pink mucket (*Lampsilis orbiculata*), northern riffleshell (*Epioblasma torulosa rangiana*).	IL, IA, IN, MI, MN, OH, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Collect, handle, temporary hold, transport, relocate, release.	Renew.
TE02378A	U.S. Army Corps of Engineers, St. Paul District, Saint Paul, MN.	Higgins' eye (pearlymussel) (*Lampsilis higginsii*), scaleshell mussel (*Leptodea leptodon*), sheepnose mussel (*Plethobasus cyphyus*), snuffbox mussel (*Epioblasma triquetra*), spectaclecase (mussel) (*Cumberlandia monodonta*), winged mapleleaf (*Quadrula fragosa*).	IL, IA, MN, MO, WI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, temporary hold, release.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals

identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services.

[FR Doc. 2021–13647 Filed 6–25–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[21XD4523WS; DS62200000; DWSN00000.000000; DP.62206; OMB Control Number 1090–0009]

Agency Information Collection Activities; Donor Certification Form

AGENCY: U.S. Department of the Interior, Office of the Secretary, Office of Financial Management.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Financial Management, Office of the Secretary, Department of the Interior are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 27, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Paul Batlan, Office of Financial Management, 1849 C St. NW, MS 5530 MIB, Washington, DC 20240, or via email at *Paul_Batlan@ios.doi.gov.* Please reference Office of Management and Budget (OMB) Control Number 1090–0009 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Paul Batlan, Office of Financial Management, 1849 C St. NW, MS 5530 MIB, Washington, DC 20240, or via email at *Paul_Batlan@ios.doi.gov,* or by telephone at 202–208–4826. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This notice identifies an information collection activity that the Office of Financial Management has submitted to OMB for approval for the Department and its Bureaus and Offices to continue to collect information from proposed donors relative to their relationship(s) with the Department. The Department and its individual Bureaus and Offices have gift acceptance authorities. In support of the variety of donation authorities in the Department and increasing numbers of donations, in accordance with the Department of the Interior Donations Policy 374 DM 6, those proposing to donate gifts valued at $25,000 or more to provide information regarding their relationship with the Department. The purpose of this policy is to ensure that the acceptance of a gift does not create legal or ethical issues for the Department, its Bureaus and Offices, or potential donors. The information will be gathered through the use of a form that collects information relevant to the acceptability of the proposed donation in conformance with the Department's donations policy. The Donor Certification form (DI–3680) is completed and certified by the prospective donor then submitted to the Department or its Bureau or Office for review. Having the donor certify their interactions with the Department gives the staff vetting the proposed donation basic information to be verified, resulting in a more efficient and timely donation review process.

Title of Collection: Donor Certification Form.

OMB Control Number: 1090–0009.

Form Number: DI–3680.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals or households, Businesses, Not-for-profit institutions, Tribal governments.

Total Estimated Number of Annual Respondents: 250.

Total Estimated Number of Annual Responses: 250.

Estimated Completion Time per Response: 20 minutes.

Total Estimated Number of Annual Burden Hours: 83 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per prospective donor per fiscal year.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Tonya R. Johnson,

Deputy Chief Financial Officer and Director, Office of Financial Management.

[FR Doc. 2021–13678 Filed 6–25–21; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLHQ430000.L12200000.PM0000; OMB Control No. 1004–0NEW]

Agency Information Collection Activities; Surveys and Focus Groups To Support Outcomes-Focused Management (Recreation Survey and Focus Groups)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes a new information collection.

DATES: Interested persons are invited to submit comments on or before August 27, 2021.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0NEW (Recreation Survey) in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Matt Blocker, Outdoor Recreation Planner, by email at *mblocker@blm.gov,* or by telephone at (801) 539–4011. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. The BLM may not conduct or sponsor a collection of information, and a response to a request for information is not required, unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BLM information collection requirements and provide the requested data in the desired format.

The BLM is especially interested in public comment addressing the following:

(1) Whether collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) determination of the accuracy of BLM's estimate of the burden for collection of information, including the validity of the methodology and assumptions used;

(3) methods to enhance the quality, utility, and clarity of the information to be collected; and

(4) how might the agency minimize the burden of information collection on those who respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments submitted in response to this notice are a matter of public record. The BLM will include or summarize each comment in its request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Information will be collected from visitors of public lands and residents of communities near public lands. Information gathered from visitors and local community residents will be used to inform planning decisions in support of BLM's Planning for Recreation and Visitor Services Handbook H–8320–1. This request is for OMB to approve these new surveys and focus groups for three years.

Title of Collection: Surveys and Focus Groups to Support Outcomes-Focused Management (Recreation Survey and Focus Groups).

OMB Control Number: 1004–0NEW.

Form Numbers: None.

Type of Review: New collection (Request for a new OMB Control Number).

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Respondents: 6,275.

Total Estimated Number of Annual Responses: 7,380.

Estimated Completion Time per Response: Varies from 1 minute to answer an on-site survey to 90 minutes to participate in a focus group.

Total Estimated Number of Annual Burden Hours: 2,108.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2021–13649 Filed 6–25–21; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLAZP00000.L122000000.DF0000.LXSSA3610000]

Notice of Closure of Public Land in Maricopa County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) Hassayampa Field Office will close certain public lands in the White Tank Mountain/Miller Road area in Maricopa County, Arizona, to all public use and entry to provide for public health and safety at the site.

DATES: The closure will be in effect for three years from 12:01 a.m., July 28, 2021, or until the completion of site remediation.

FOR FURTHER INFORMATION CONTACT: Leon Thomas, District Manager, 21605 North 7th Avenue, Phoenix, AZ 85027;

telephone 623–580–5500; email: *l70thoma@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Thomas during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This closure affects public lands in the White Tank Mountains/Miller Road area in Maricopa County, Arizona. The legal description of the affected public lands is:

Gila and Salt River Meridian, Arizona

T. 1 N., R. 4 W.,
Sec. 1, Lots 1 thru 4, S½NE¼, S½NW¼;
Sec. 11, SE¼SW¼, SE¼;
Sec. 12, All;
Sec. 13, NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, NE¼NW¼, N½NE¼SE¼NW¼, N½NW¼SE¼NW¼;
Sec. 14, N½NE¼.

The area described is 1,370.64 acres in Maricopa County, Arizona.

The closure is necessary to protect public health and address safety risks resulting from the potential hazards of lead and other heavy metals from recreational shooting on the public lands. The Hassayampa Field Office is in the process of executing a remedial action work plan for the site, which includes reclamation. Once the site is reclaimed, the BLM will reopen the lands to the public.

During the pendency of the closure, all forms of public use and entry, including target shooting and other recreational activities, will be prohibited. However, public roads crossing the closed area, the North Tonopah-Salome Highway and North Parker Liberty Power Road, will remain open to through traffic.

The BLM will post closure signs at main entry points to this area. This closure order will be posted in the Hassayampa Field Office. Maps of the affected area and other documents pertaining to this closure are available at the Hassayampa Field Office, 21605 North 7th Avenue, Phoenix, AZ 85027. Under the authority of Section 303(a) of FLPMA (43 U.S.C. 1733(a)), 43 CFR 8360.0–7, and 43 CFR 8364.1, the BLM will enforce the following closure within certain public lands in the White Tank Mountain/Miller Road area: All public, whether motorized, on foot, or otherwise, is prohibited.

Exemptions: Persons who are exempt from this order include: BLM leaseholders accessing the area for administrative use; any Federal, State, or local officer or employee acting within the scope of their official duties; members of any organized rescue, medical, or firefighting force in performance of an official duty; any person authorized in writing by the BLM; and through traffic on the Tonopah Salome Highway and North Parker Liberty Power Road in accordance with State and County rules.

Enforcement: Any person who violates this closure may be tried before a United States Magistrate judge and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Arizona law.

(Authority: 43 CFR 8364.1)

Leon Thomas,

Phoenix District Manager.

[FR Doc. 2021–13741 Filed 6–25–21; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–NEEN–31151; PPNENEEN00/PPMPSAS1Z.Y00000]

Official Trail Marker for the New England National Scenic Trail

AGENCY: National Park Service, Interior.

ACTION: Notice of designation.

SUMMARY: This notice issues the official trail market insignia of the New England National Scenic Trail. The original graphic image was developed in 2010. It first came into public use in 2011. This publication accomplishes the official designation of the insignia now in use by the National Park Service.

FOR FURTHER INFORMATION CONTACT: Kelly Fellner, Superintendent; New England National Scenic Trail; National Park Service; One Armory Square, Suite 2, Springfield, MA 01105; via email at *kelly_fellner@nps.gov;* or via phone at (413) 734–8551.

SUPPLEMENTARY INFORMATION: The primary author of this document is Kelly Fellner, Superintendent of the New England National Scenic Trail.

The insignia depicted below is prescribed as the official trail marker logo for the New England National Scenic Trail, administered by the National Park Service, New England National Scenic Trail office, Springfield, MA. Authorization for use of this trail marker is controlled by the administrator of the trail.

In making this prescription, notice is hereby given that whoever manufactures, sells, or possesses this insignia, or any colorable imitation thereof, or photographs or prints or in any other manner makes or executes any

engraving, photograph or print, or impression in the likeness of this insignia, or any colorable imitation thereof, without written authorization from the United States Department of the Interior is subject to the penalty provisions of section 701 of Title 18 of the United States Code.

Authority: National Trails System Act, 16 U.S.C. 1246(c); and Protection of Official Badges, Insignia, etc., 18 U.S.C. 701.

Kelly Fellner,

Superintendent, New England National Scenic Trail.

[FR Doc. 2021–13677 Filed 6–25–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–MWR–NIOB–31678; PS.SMWLA0140.00.1]

Boundary Amendment at Niobrara National Scenic River

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: Pursuant to the Judgment in *Simmons* v. *Jarvis,* 8:13CV98, Doc #120 (D. Neb. 2016), notice is hereby given that the boundary of Niobrara National Scenic River is amended to remove one tract of unimproved, non-Federal land, which is a portion of Tract 00001 containing 12.45 acres more or less, located in Cherry County, Nebraska, currently within the Scenic Riverway boundary.

DATES: The effective date of this boundary revision is June 28, 2021.

ADDRESSES: The map depicting the boundary revision is available for inspection at the following locations: National Park Service, Interior Regions 3, 4 & 5, Land Resources Program, 601 Riverfront Drive, Omaha, Nebraska 68102 and National Park Service, Department of the Interior, 1849 C Street NW, Washington, DC 20240.

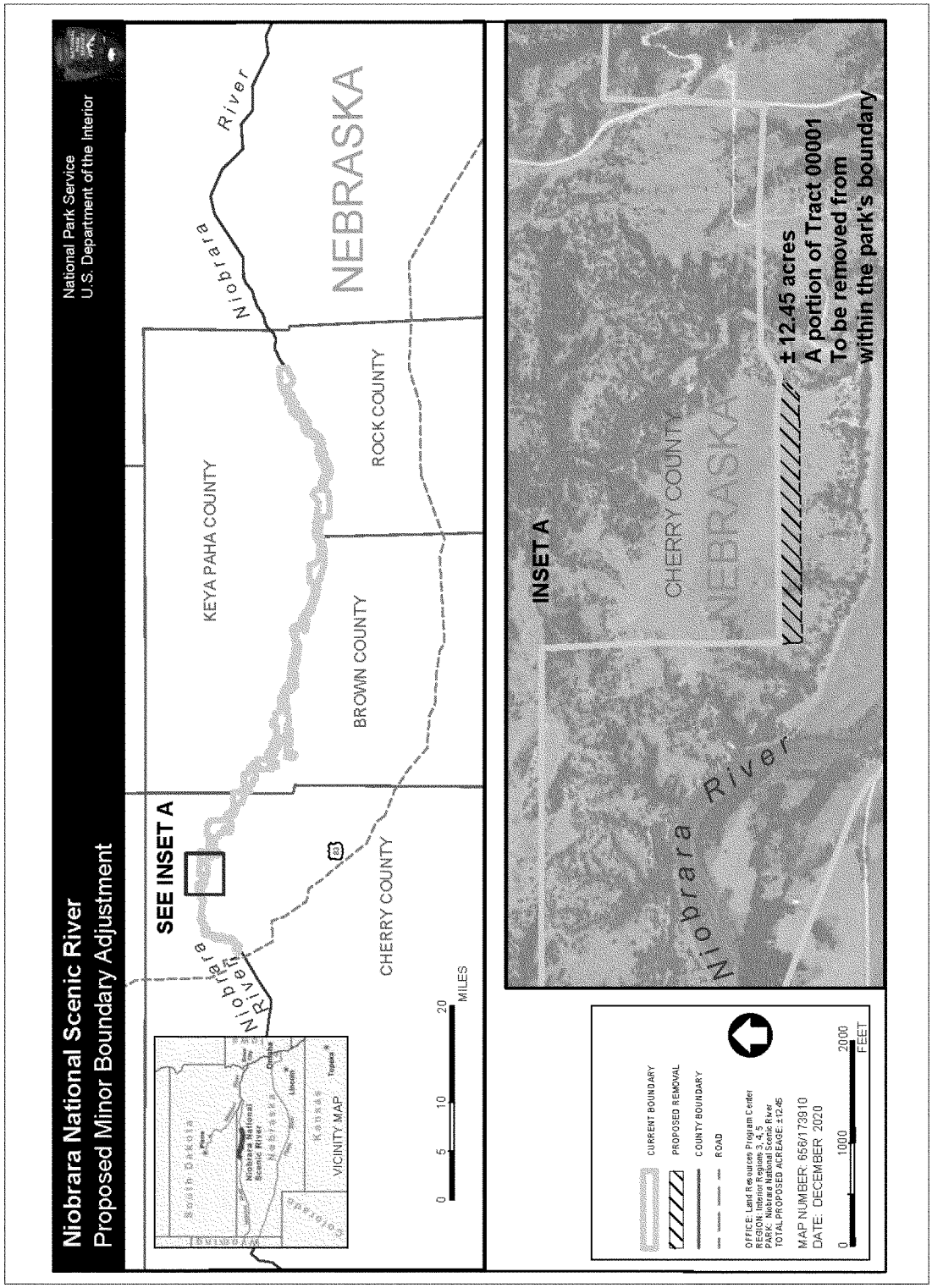
FOR FURTHER INFORMATION CONTACT: Acting Chief, Land Resources Program Michael Bockman, National Park Service, Interior Regions 3, 4 & 5, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone (402) 661–1780.

SUPPLEMENTARY INFORMATION: The Niobrara Scenic River Designation Act of 1991, (Pub. L. 102–50, 105 Stat. 254), designated certain segments of the Niobrara River in Nebraska as components of the Wild and Scenic Rivers System. Included within the boundary of the designated river are 12.45 acres of unimproved non-Federal land.

The Niobrara Scenic River Designation Act is subject to the Wild and Scenic Rivers Act of October 2, 1968, (Pub. L. 90–542, 82 Stat. 906), as amended, 16 U.S.C. 1271–1287. Section 3(b) of that Act, 16 U.S.C. 1274(b), provides that ''Notice of availability of the boundaries and classification, and of subject boundary amendments shall be published in the **Federal Register** and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.'' Minor technical boundary changes to System units are authorized by 54 U.S.C. 100506(c).

This boundary amendment will remove a portion of Tract 00001 containing 12.45 acres of unimproved, non-Federal land, more or less, from the Niobrara National Scenic River pursuant to the Judgment of the U.S. District Court in *Simmons* v. *Jarvis,* 8:13CV98, Doc #120 (D. Neb. 2016). The referenced tract for the boundary revision is depicted on Map No. 656/173910 dated, December 2020.

BILLING CODE 4312–52–P


Niobrara National Scenic River
Proposed Minor Boundary Adjustment
National Park Service
U.S. Department of the Interior
SEE INSET A
KEYA PAHA COUNTY
BROWN COUNTY
ROCK COUNTY
CHERRY COUNTY
NEBRASKA
Niobrara River
VICINITY MAP
0 5 10 20
MILES
INSET A
CHERRY COUNTY
NEBRASKA
Niobrara River
± 12.45 acres
A portion of Tract 00001
To be removed from
within the park's boundary
CURRENT BOUNDARY
PROPOSED REMOVAL
COUNTY BOUNDARY
ROAD
OFFICE: Land Resources Program Center
REGION: Interior Regions 3, 4, 5
PARK: Niobrara National Scenic River
TOTAL PROPOSED ACREAGE: ±12.45
MAP NUMBER: 656/173910
DATE: DECEMBER 2020
0 1000 2000
FEET

Herbert C. Frost,

Regional Director, Interior Regions 3, 4, 5.

[FR Doc. 2021–13754 Filed 6–25–21; 8:45 am]

BILLING CODE 4312–52–C

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0111]

Agency Information Collection Activities; Areas Designated by Act of Congress

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before July 28, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov*. Please reference OMB Control Number 1029–0111 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain*.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 24, 2021 (86 FR 15698). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: OSMRE and State regulatory authorities use the information collected for 30 CFR 761 to ensure that persons planning to conduct surface coal mining operations on the lands protected by § 522(e) of the Surface Mining Control and Reclamation Act of 1977 have the right to do so under one of the exemptions or waivers provided by this section of the Act .

Title of Collection: Areas Designated by Act of Congress.

OMB Control Number: 1029–0111.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses and State governments.

Total Estimated Number of Annual Respondents: 183.

Total Estimated Number of Annual Responses: 279.

Estimated Completion Time per Response: Varies from 1 hour to 40 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 2,795.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $17,100.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2021–13720 Filed 6–25–21; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0059]

Agency Information Collection Activities; Grants to States and Tribes

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before July 28, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the

search function. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0059 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on March 24, 2021 (86 FR 15698). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: State and Tribal reclamation and regulatory authorities are requested to provide specific budget and program information as part of the grant application and reporting processes authorized by the Surface Mining Control and Reclamation Act.

Title of Collection: Grants to States and Tribes.

OMB Control Number: 1029–0059.

Form Number: OSM–47, OSM–49, and OSM–51.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal governments.

Total Estimated Number of Annual Respondents: 27.

Total Estimated Number of Annual Responses: 169.

Estimated Completion Time per Response: Varies from 1 hour to 10 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 735.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2021–13719 Filed 6–25–21; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1267]

Certain Power Inverters and Converters, Vehicles Containing the Same, and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 21, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Arigna Technology Limited of Ireland. Supplements were filed on May 26, 2021, June 9, 2021, June 10, 2021, and June 11, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power inverters and converters, vehicles containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,247,867 (''the '867 patent'') and U.S. Patent No. 8,289,082 (''the '082 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 22, 2021, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 2, 8, and 9 of the '867 patent and claims 1–6, 13, 17–22, and 29 of the '082 patent; and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''power inverters and converters used in automobiles, components thereof, and automobiles containing those power inverters or converters'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. l337(d)(l), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Arigna Technology Limited, The Hyde Building, Carrickmines, Suite 23, Dublin 18, Ireland.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Volkswagen AG, Berliner Ring 2, 38440 Wolfsburg, Germany

Volkswagen Group of America, Inc., 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171

Audi AG, Auto-Union-Straße 1, 85057 Ingolstadt, Germany

Audi of America, LLC, 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171

Bentley Motors Limited, Pyms Lane, Crewe, Cheshire, CW1 3PL, United Kingdom

Bentley Motors, Inc., 2003 Edmund Halley Drive, Suite 300, Reston, Virginia 20191

Automobili Lamborghini America, LLC, 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171

Automobili Lamborghini S.p.A., Via Modena 12, 40019 Sant'Agata Bolognese, Italy

Porsche AG, Porscheplatz 1, D–70435 Stuttgart, Germany

Porsche Cars North America, Inc., One Porsche Drive, Atlanta, Georgia 30354

Daimler AG, Mercedesstrasse 120, 70372 Stuttgart, Germany

Mercedes-Benz USA, LLC, One Mercedes-Benz Drive, Sandy Springs, Georgia 30328

Bayerische Motoren Werke AG, Petuelring 130, D–80788 Munich, Germany

BMW of North America, LLC, 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677

General Motors Company, 300 Renaissance Center, Detroit, Michigan 48243

General Motors LLC, 300 Renaissance Center, Suite L1, Detroit, Michigan 48243

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 23, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–13699 Filed 6–25–21; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Appellate Rules will hold a meeting on October 7, 2021 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 7, 2021, 9 a.m.–5 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: Julie Wilson, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 21, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–13714 Filed 6–25–21; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Bankruptcy Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Bankruptcy Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Bankruptcy Rules will hold a meeting on September 14, 2021 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: September 14, 2021, 9 a.m.–5 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: Julie Wilson, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 21, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–13713 Filed 6–25–21; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Civil Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Civil Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Civil Rules will hold a meeting on October 5, 2021 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: October 5, 2021, 9 a.m.–5 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: Julie Wilson, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 21, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–13716 Filed 6–25–21; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Criminal Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Criminal Rules will hold a meeting on November 4, 2021 in San Diego, CA. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: November 4, 2021, 9 a.m.–5 p.m. (Pacific).

FOR FURTHER INFORMATION CONTACT: Julie Wilson, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 21, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–13715 Filed 6–25–21; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Evidence Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Evidence Rules; Notice of open meeting.

SUMMARY: The Advisory Committee on Evidence Rules will hold a meeting on November 5, 2021 in San Diego, CA. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: November 5, 2021, 9 a.m.–5 p.m. (Pacific).

FOR FURTHER INFORMATION CONTACT: Julie Wilson, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 21, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–13717 Filed 6–25–21; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Committee on Rules of Practice and Procedure; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Committee on Rules of Practice and Procedure; Notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting on January 4, 2022 in Miami, FL. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: January 4, 2022, 9 a.m.–5 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: Julie Wilson, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: June 21, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–13718 Filed 6–25–21; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–846]

Bulk Manufacturer of Controlled Substances Application: Chemic Laboratories

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Chemic Laboratories, has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before August 27, 2021. Such persons may also file a written request for a hearing on the application on or before August 27, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on April 30, 2021, Chemic Laboratories, 480 Neponset Street, Building 7, Canton, Massachusetts 02021–1971, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I

The company plans to manufacture small quantities of the listed controlled substances for research and development in preclinical studies for sale to its customers. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–13671 Filed 6–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–859]

Importer of Controlled Substances Application: AMRI Rensselaer, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: AMRI Rensselaer, Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 28, 2021. Such persons may also file a written request for a hearing on the application on or before July 28, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 20, 2021, AMRI Rensselaer, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Poppy Straw Concentrate	9670	II

The company plans to import the listed controlled substance to manufacture a bulk controlled substance for distribution to its customers.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–13672 Filed 6–25–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0292]

Agency Information Collection Activities; Proposed Collection Comments Requested; Extension of Currently Approved Collection: Survey of Sexual Victimization (SSV)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, allowing a 60-day comment period. Following publication of the 60-day notice, the Bureau of Justice Statistics received no substantive comments.

DATES: Comments are encouraged and will be accepted for an additional 30 days until July 28, 2021.

FOR FURTHER INFORMATION CONTACT: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;
—Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* Survey of Sexual Victimization [formerly the Survey of Sexual Violence].

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers for the questionnaire are SSV–1, SSV–2, SSV–3, SSV–4, SSV–5, SSV–6, SSV–IA, and SSV–IJ. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local, or Tribal Government correctional facilities. *Other:* Federal Government and businesses (privately operated correctional institutions, both for-profit and not-for-profit). The data will be used to develop national estimates of the incidence and prevalence of sexual assault within correctional facilities, as well as characteristics of substantiated incidents, as required under the Prison Rape Elimination Act of 2003 (Pub. L. 108–79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents is 1,581 adult and juvenile correctional systems and facilities. (This estimate assumes a response rate of 100%.) Federal and state correctional systems for adults and juveniles (102 respondents) will each take an estimated 60 minutes to complete the summary form; local, military, Immigrations and Customs Enforcement, tribal, and privately operated facilities (1,479 respondents) will each take an estimated 30 minutes to complete the summary form; and incident forms (an estimated 3,000 incident forms will be completed each year, one for each incident that was substantiated) will take about 30 minutes per form. The burden estimates are based on data from the prior administration of the SSV.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 2,342 total burden hours per year associated with this collection, with a combined total of 7,026 for the three years.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 23, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–13728 Filed 6–25–21; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0111]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 27, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Erika Harrell, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *Erika.Harrell@ojp.usdoj.gov;* telephone: 202–307–0758).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:
—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* National Crime Victimization Survey

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers for the questionnaire are NCVS–1 and NCVS–2. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The National Crime Victimization Survey (NCVS) is administered to persons 12 years or older living in sampled households located throughout the United States. The NCVS collects, analyzes, publishes, and disseminates statistics on the criminal victimization in the U.S. BJS plans to publish information from the NCVS in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated annual number of respondents is 124,663. It will take

the average interviewed respondent an estimated 25 minutes to respond; the average non-interviewed respondent an estimated 7 minutes to respond; the average follow-up interview is estimated at 15 minutes, and the average follow-up for a non-interview is estimated at 1 minute.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 117,535 annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 23, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–13729 Filed 6–25–21; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0365]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Death in Custody Reporting Act Collection

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Justice Assistance will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The Death in Custody Reporting Act (DCRA) requires states and federal law enforcement agencies to report certain information to the Attorney General regarding the death of any person occurring during interactions with law enforcement officers or while in custody. It further requires the Attorney General and the Department of Justice (Department) to collect the information, establish guidelines on how it should be reported, annually determine whether each state has complied with the reporting requirements, and address any state's noncompliance.

DATES: Comments are encouraged and will be accepted for 60 days until August 27, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Laura Wyckoff, Bureau of Justice Assistance, 810 Seventh Street NW, Washington, DC 20531 (email: *Laura.Wyckoff@usdoj.gov;* telephone: 202–595–3589).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of currently approved collection.

2. *The Title of the Form/Collection:* Death in Custody Reporting Act Collection.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): DCR–1

Quarterly Summary. This summary form requires States to either (1) identify all reportable deaths that occurred in their jurisdiction during the corresponding quarter and provide basic information about the circumstances of the death, or (2) affirm that no reportable death occurred in the State during the reporting period.

For each quarter in a fiscal year, a State must complete the Quarterly Summary (Form DCR–1) and submit it by the reporting deadline. The Quarterly Summary is a list of all reportable deaths that occurred in the State during the corresponding quarter with basic information about the circumstances of each death. If a State did not have a reportable death during the quarter, the State must so indicate on the Quarterly Summary. The reporting deadline to submit the Quarterly Summary is the last day of the month following the close of the quarter. For each quarter, BJA will send two reminders prior to the reporting deadline.

Example. The second quarter of a fiscal year is January 1–March 31. The deadline to submit the second quarter Quarterly Summary is April 30. BJA will send a reminder to States on March 31 and April 15.

Component: Bureau Justice Assistance, U.S. Department of Justice.

Form number (if applicable): DCR–1A

Incident Report. This incident report form requires States to provide additional information for each reportable death identified in the Quarterly Summary that occurred during interactions with law enforcement personnel or while in their custody.

For each reportable death identified in the Quarterly Summary, a State must complete and submit by the same reporting deadline an Incident Report (Form DCR–1A), which contains specific information on the circumstances of the death and additional characteristics of the decedent. These include:

- The decedent's name, year of birth, gender, race, and ethnicity.
- The date, time, and location of the death.
- The law enforcement or correctional agency involved.
- Description of the manner of death.

States must answer all questions on the Incident Report before they can submit the form. If the State does not have sufficient information to complete one of the questions, then the State may select the ''unknown'' answer, if available, and then identify when the information is anticipated to be obtained.

Component: Bureau Justice Assistance, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Abstract: To comply with the mandate of the DCRA, the Department of Justice, Bureau of Justice Assistance, is proposing a new data collection for

State Administering Agencies to collect and submit information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).

DOJ proposes the following plan to collect DCRA information at the end of fiscal year 2019 and beyond. The plan, which constitutes ''guidelines established by the Attorney General'' pursuant to section 2(a) of the DCRA, encompasses provisions specifically required by the statute.

For purposes of this notice, the term ''reportable death'' means any death that the DCRA or the Department's guidelines require States to report. Generally, these are deaths that occurred during interactions with law enforcement personnel or while the decedent was in their custody or in the custody, under the supervision, or under the jurisdiction of a State or local law enforcement or correctional agency, such as a jail or prison. Specifically, the DCRA requires States to report ''information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).'' 34 U.S.C. 60105(a).

Please note that the DCRA information that States submit to the Department must originate from official government records, documents, or personnel.

The DCRA requires quarterly reporting. Beginning with the first quarter of FY 2020 (October 2019), quarterly DCRA reporting to BJA will include all reportable deaths—deaths occurring during interactions with law enforcement personnel or while in their custody and deaths in jail, prison, or detention settings (*i.e.,* deaths reportable on Form DCR–1).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* For purposes of this collection, the term ''State'' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. Thus, the affected public that will be asked to respond on a quarterly basis each federal fiscal year includes 56 State and Territorial actors. These States will be requesting information from approximately 19,450 State and local law enforcement agencies (LEAs), 56 State and Territorial departments of corrections, and 2,800 local adult jail jurisdictions.

6. *An estimate of the total public burden (in hours) associated with the collection:* For purposes of this burden calculation, it is estimated that for each fiscal year there will be a total of 1,900 reportable deaths by 1,060 LEAs, 1,053 reportable deaths by 600 jails, and 3,483 reportable deaths by prisons.

For FY 2020 and beyond, the total projected respondent burden is 13,756.49 hours. States will need an estimated 4.00 hours to complete each Quarterly Summary for a total of 4,480.00 hours, 0.25 hours to complete each corresponding Incident Reports (DCR–1A) for a total of 1,713.49 hours. For LEAs, the estimated burden to assist States in completing the Quarterly Summaries is 0.40 hours per Report for a total of 1,696.00 hours, and a total of 1,425.00 hours, at 0.75 hours for each corresponding Incident Report. The estimated burden for jails is a total of 960.00 hours to assist States in completing the Quarterly Summaries and 789.75 hours in completing Incident Reports. Finally, the estimated burden for prisons to assist States in completing the Quarterly Summaries is a total of 80.00 hours, and a total of 2,612.25 hours to assist States in completing Incident Reports.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 22, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–13634 Filed 6–25–21; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Exemption Application No. D–12003]

Proposed Exemption for Certain Prohibited Transaction Restrictions Involving the Mitsubishi UJF Trust and Banking Corporation Located in New York, NY

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document provides notice of the pendency before the Department of Labor (the Department) of a proposed individual exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

DATES: If granted, the exemption will be in effect as of the date the grant notice is published in the **Federal Register**. Written comments and requests for a public hearing on the proposed exemption should be submitted to the Department by August 12, 2021.

ADDRESSES: All written comments and requests for a hearing should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Attention: Application No. D–12003 via email to *e-OED@dol.gov* or online through the Federal eRulemaking Portal: *http://www.regulations.gov.* Any such comments or requests should be sent by the end of the scheduled comment period. The application for exemption and the comments received will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW, Washington, DC 20210. See **SUPPLEMENTARY INFORMATION** below for additional information regarding comments.

FOR FURTHER INFORMATION CONTACT: Frank Gonzalez of the Department, telephone (202) 693–8553. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Comments

In light of the current circumstances surrounding the COVID–19 pandemic caused by the novel coronavirus which may result in disruption to the receipt of comments by U.S. Mail or hand delivery/courier, persons are encouraged to submit all comments

electronically and not to follow with paper copies. Comments should state the nature of the person's interest in the proposed exemption and the manner in which the person would be adversely affected by the exemption, if granted. Any person who may be adversely affected by an exemption can request a hearing on the exemption. A request for a hearing must state: (1) The name, address, telephone number, and email address of the person making the request; (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption; and (3) a statement of the issues to be addressed and a general description of the evidence to be presented at the hearing. The Department will grant a request for a hearing made in accordance with the requirements above where a hearing is necessary to fully explore material factual issues identified by the person requesting the hearing. A notice of such hearing shall be published by the Department in the **Federal Register**. The Department may decline to hold a hearing if: (1) The request for the hearing does not meet the requirements above; (2) the only issues identified for exploration at the hearing are matters of law; or (3) the factual issues identified can be fully explored through the submission of evidence in written (including electronic) form. WARNING: All comments received will be included in the public record without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential or other information whose disclosure is restricted by statute. If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. However, if EBSA cannot read your comment due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your comment. Additionally, the *http://www.regulations.gov* website is an ''anonymous access'' system, which means EBSA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EBSA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the internet.

Background: The Department is considering granting an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974, as amended (ERISA) and section 4975(c)(2) of the Internal Revenue Code of 1986, as amended (the Code), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[1] If the proposed exemption is granted, the restrictions of ERISA sections 406(a)(1)(A) through (D), and the sanctions resulting from the application of Code section 4975, by reason of Code sections 4975(c)(1)(A) through (D), shall not apply to certain transactions arising from credit arrangements involving Mitsubishi UJF Trust and Banking Corporation and its indirectly wholly-owned subsidiary MUFG Alternative Fund Services (Cayman) Limited and the investment funds in which employee benefit plans invest.

Summary of Facts and Representations [2]

1. Mitsubishi UJF Trust and Banking Corporation is a foreign banking corporation organized under the laws of Japan, and a subsidiary of Mitsubishi UFJ Financial Group. MUFG Alternative Fund Services (Cayman) Limited is an ordinary resident company organized under the laws of the Cayman Islands, and is an indirectly wholly-owned subsidiary of Mitsubishi UJF Trust and Banking Corporation (collectively, Mitsubishi Bank or the Applicant). Mitsubishi Bank may act as the sole lender (a Lender) or agent for a Lender (an Agent) in arranging revolving lines of credit (Credit Facilities) that are used by certain investment vehicles (the Funds). The Funds may be structured as limited partnerships, limited liability companies, or other business entities organized under applicable law. Investors in the Funds (the Investors) include employee benefit plans subject to ERISA and plans subject to Code section 4975 (the Covered Plans). The Covered Plans invest in the Funds, and the Funds, in turn, may invest directly or indirectly in private equity investments, real estate or real estate related investments, non-real estate operating company ventures, or other investment opportunities.[3]

2. The Funds may use capital calls to facilitate Fund investments. A capital call (Capital Call) is when a Fund exercises its right to call on Investors to make cash capital contributions to the Fund. These cash capital contributions from Investors to a Fund (Capital Contributions) enable the Fund to make its investments. Investors typically have 10 to 15 days after a Capital Call to make a Capital Contribution. A Fund's use of Capital Calls to make investments can take days, thereby reducing a Fund's investing flexibility and increasing costs to the Fund's Investors, including the Covered Plans.

3. In addition to Capital Calls, a Fund may use a Credit Facility to facilitate investments. For purposes of this proposed exemption, a Credit Facility is a secured revolving line of credit between Mitsubishi Bank, as sole Lender, or as Agent, and one or more Funds (or an entity through which a Fund invests). The Fund may use its credit under the Credit Facility for: (a) Direct or indirect borrowings; (b) requesting letters of credit; (c) other similar forms of credit arrangements; or (d) a combination of any of the foregoing.[4]

[1] For purposes of this proposed exemption, references to the provisions of section 406 of Title I of ERISA, unless otherwise specified, should be read to refer as well to the corresponding provisions of Code section 4975.

[2] The Department notes that availability of this exemption, is subject to the express condition that the material facts and representations contained in application D–12003 are true and complete, and accurately describe all material terms of the transactions covered by the exemption. If there is any material change in a transaction covered by the exemption, or in a material fact or representation described in the application, the exemption will cease to apply to the covered transactions as of the date of such change.

[3] This proposed exemption is not an endorsement by the Department of the transactions described herein. The fiduciary responsibility provisions of Part 4 of Title I of ERISA apply to a Covered Plan fiduciary's decision to invest in a Fund. Specifically, ERISA section 404(a)(1) requires, among other things, that a plan fiduciary act prudently, solely in the interest of the plan's participants and beneficiaries, and for the exclusive purpose of providing benefits to participants and beneficiaries when making investment decisions on behalf of the plan. Such an exemption would not constitute an opinion as to whether a particular investment strategy, or arrangement, would be considered prudent or in the best interests of a plan, as required by ERISA section 404. The determination of the prudence of a particular investment must be made by a plan fiduciary, after appropriate consideration of those facts and circumstances that, given the scope of such fiduciary's investment duties, the fiduciary knows or should know, are relevant to the particular investment involved, including the plan's potential exposure to losses, and the role a particular investment plays in that portion of the plan's investment portfolio with respect to which the fiduciary has investment duties and responsibilities (see 29 CFR 1550.404a–1).

[4] The phrase ''other similar forms of credit arrangements'' is a catch-all in the event the needs of the Fund change. Occasionally, a Credit Facility might provide variations on extensions of credit, for

Continued

4. Mitsubishi may be a party in interest to a Covered Plan investing in a Fund that uses a Credit Facility with respect to which Mitsubishi is a Lender or Agent for one or more Lenders. However, Mitsubishi will not be a fiduciary with respect to the Covered Plan when relying on the exemption.

5. In most instances, the Credit Facility will be a recourse obligation of a Covered Plan to the Fund that will not exceed the Covered Plan's capital commitment. The following will secure the Fund's repayments to the Credit Facility: (a) A pledge and assignment of all the rights of the Fund and its general partner (General Partner) or manager (Manager), including the right to call for and receive payments of capital committed by Investors, and rights against defaulting Investors; (b) the right to make Capital Calls on Investors, and apply the proceeds to the repayment obligations of the Fund under the Credit Facility, in the event of a default under the Credit Facility; (c) a pledge or first priority security interest in an account (the Collateral Account) that the Fund maintains with a financial institution or entity into which capital contributions are made; and (d) Investor agreements evidencing, among other things, the Investor's acknowledgement of the assignment of rights to the Lenders by the General Partner (or the Manager) and the Fund (the Investor Consent).

6. In connection with securing a Credit Facility, and to the extent Mitsubishi Bank requests or requires, either as sole Lender or Agent, an Investor will execute an Investor Consent consenting to, acknowledging, and confirming certain aspects of the Credit Facility. The Investor Consent may include the following documentation: (a) An acknowledgment and confirmation of the Investor's obligation to deliver the Investor's financial information statements to Mitsubishi Bank, as sole Lender or Agent; (b) an acknowledgment, and confirmation, of the Investor's unpaid, and owing, capital commitment amount, and of the Investor's obligation to contribute capital (up to its unfunded capital commitment amount) to satisfy the indebtedness the Fund incurred under the Credit Facility; (c) an Investor's acknowledgment of the Fund's, and its General Partner's (or Manager's), assignment and pledge to Mitsubishi Bank as sole Lender or Agent, of the right to make Capital Calls upon the Investors, and to collect and enforce the same; (d) an Investor's agreement to make Capital Contributions to the Fund without setoff, reduction, counterclaim, or defense of any kind or nature, for the purpose of repayment of the Credit Facility; (e) a representation that the Investor has no knowledge of claims, offsets, or defenses that would adversely affect its obligation to fund Capital Contributions under the Fund Agreements, or events, which with the passage of time would constitute a default, or would constitute a defense to, or right of offset against the Investor's obligation to fund its capital commitment to the Fund; and (f) an agreement that the Investor will fund Capital Contributions only into the Collateral Account (except in certain limited circumstances).

7. With respect to the Fund and its activities, the only direct contractual relationship between an Investor and Mitsubishi Bank, or any Lender, will be the execution of the Investor Consent. The Investor will separately agree in an ''Agreement to Fund'' that, in the event of default under the Credit Facility, the Investor will make its Capital Contribution to the Collateral Account in response to a Capital Call for repayment of the Credit Facility, without setoff, reduction, counterclaim, or defense of any kind or nature.

8. The Investor Consent acknowledges, and confirms, existing rights of the Lenders that are created by operation of the Fund Agreements. The Agreement to Fund does not limit the Investor's right to assert any claim, or defense, in a separate action against either the Fund or the General Partner (or Manager).

9. An executed Investor Consent is integral to the Credit Facility, and the Credit Facility is an integral part of the Fund's investment program. Prior to, or at the time of, a plan fiduciary's decision to invest in the Fund, the plan fiduciaries will be aware that the Fund will have: (a) The power to borrow money; (b) enter into a loan agreement in which the Fund may pledge its assets, including the capital commitments of the Investors; and (c) have the right to make Capital Calls, thereby giving the secured party the right, under certain circumstances, to make Capital Calls, directly.

10. A Fund Agreement is the written organizing and governing document forming a Fund that obligates each Investor to make Capital Contributions, with respect to capital commitments, upon receipt of a Capital Call from Mitsubishi Bank, either as sole Lender or as Agent. The Fund Agreement will also allow the Fund, or its general partner (the General Partner), or its manager (the Manager), to make Capital Calls for any lawful purpose of the Fund that is consistent with the terms of the Fund Agreement and other governing documents.

11. Generally, the Fund Agreement will allow the Fund to: (a) Incur indebtedness (including indebtedness related to a Credit Facility) for the acquisition of investments, and to provide the Fund with working capital, among other things; and (b) consummate investments quickly without having to finalize the debt/equity structure for an investment, or arrange, for interim or permanent financing, prior to making an investment, and will have additional advantages to the Investors and the Fund.

12. Some Fund Agreements contain an Agreement to Fund (or similar language) in which case the Investor Consent merely acknowledges and confirms the Investor's funding obligation. All other aspects of the transaction, including the negotiation of all terms of the Credit Facility, will be exclusively between Mitsubishi Bank, as sole Lender or Agent, and the Fund.

Exemption Request

13. The Applicant is requesting an exemption that would permit:

(a) The granting by the Funds to Mitsubishi Bank, as sole Lender or Agent for one or more Lenders (including Mitsubishi Bank) that will fund a Credit Facility, of a security interest in and lien on the Capital Commitments, reserve amounts, and Capital Contributions of Investors that are Covered Plans investing in the Fund;

(b) Any Fund's collateral assignment and pledge to Mitsubishi Bank, as sole Lender or Agent, of the Fund's security interest in an Investor/Covered Plan's equity interest in such Fund;

(c) The Fund's granting to Mitsubishi Bank, as sole Lender or Agent, of a security interest in a collateral account (Collateral Account) to which all Capital Contributions in the Fund will be deposited when paid (except in certain limited circumstances that do not involve Covered Plans); [5]

(d) The granting by the Fund and/or its General Partner or Manager to Mitsubishi Bank, as sole Lender or Agent, of its right to make Capital Calls under the operative Fund Agreements, to enforce the Capital Calls, collect the

example, banker's acceptances, which are similar to letters of credit and are commonly used in some non-U.S. jurisdictions.

[5] In most cases, all Investors will make Capital Contributions into the Collateral Account. However, in some cases, investors that are not Covered Plans may be directed to make Capital Contributions to the sole Lender or the Agent, for the benefit of the Lenders, after an event of default, in some other manner.

Capital Contributions, and apply them to any amount due under the Credit Facility; and

(e) A Covered Plan's execution of the Investor Consent, consenting to the assignment by the Fund and General Partner (or Manager) to Mitsubishi Bank, as sole Lender or Agent, of their right to make Capital Calls.

Prohibited Transactions

14. Absent an administrative exemption, these transactions may violate ERISA section 406(a)(l)(A) through (D), and the corresponding provisions of the Code. The Applicant represents that since the Lenders, including Mitsubishi Bank, will be generally large, national, and international financial institutions, it is likely that, in any given Credit Facility, one or more Lenders will have a relationship with a Covered Plan, making it a party in interest with respect to the Covered Plan. However, as a condition of this exemption, no Lender, including Mitsubishi Bank, will be a fiduciary for any of the Covered Plans in connection with their investment in the Fund.

15. ERISA section 406(a)(l)(A) prohibits a sale, exchange, or lease, of any property between a plan and a party in interest. Pursuant to the Investor Consent, a Covered Plan will make cash contributions to the Collateral Account for the benefit of a Lender. Because the cash contribution may come from the Covered Plan's assets, the execution of the Investor Consent agreement involves an exchange of property between the Covered Plan and the Lender, which includes Mitsubishi Bank, as sole Lender or Agent, in violation of section 406(a)(1)(A) of ERISA.

16. In addition, ERISA section 406(a)(1)(B) prohibits the lending of money, or other extension of credit, between a plan and a party in interest. The Credit Facility's direct extension of credit to the Fund, resulting in an indirect extension of credit to Covered Plans investing in that Fund, pursuant to the Investor Consent, violates section ERISA 406(a)(1)(B).

17. Further, ERISA section 406(a)(1)(C) prohibits the furnishing of goods, services, or facilities between a plan and a party in interest. By servicing the loans under the Credit Facility, Mitsubishi Bank provides indirect services to the Covered Plan Investor. Furthermore, from time to time, there may be interactions between Mitsubishi Bank Lenders and the Covered Plan Investors which involve Mitsubishi's provision of services. For example, Covered Plan Investors may inquire about the status and/or request information from Mitsubishi Bank Lenders with respect to the Credit Facility and the outstanding obligations thereunder, although, typically, such communications would be relayed by the Covered Plan Investors through the Fund to Mitsubishi Bank Lenders, and not made directly.

18. Finally, ERISA section 406(a)(l)(D) prohibits, the transfer to, or use by, or for the benefit of a party in interest of any assets of a plan. Because an Investor will make cash contributions to the Collateral Account for the benefit of the Lender, which includes Mitsubishi Bank, as sole Lender or Agent, cash contribution from Plan assets would be considered a transfer of Plan assets to a party in interest, in violation of ERISA section 406(a)(1)(D).

Benefits of the Credit Facility and Investor Consent

19. According to the Applicant, absent the requested exemption, the inability to use the financing structure described above will result in economic loss to Investors that are Covered Plans, and their participants and beneficiaries, due to more onerous, and expensive, financing terms and conditions that would be required for Plans to invest in these types of investment ventures. In this regard, the types of Funds involved in the Covered Transactions are an important element of a Covered Plan's diversified investment portfolio. Real estate investments can be valuable components of plan portfolios. However, investments in a large, diversified limited partnership or similar entity may have advantages over direct ownership of real estate properties, and other securities, including limited liability with respect to such property, if risks are minimized. Most diversified real estate and other investment programs are carried out through partnerships or limited liability companies that are substantially-similar to the Funds.

20. According to the Applicant, a Credit Facility will allow a Fund to manage its Capital Calls on a scheduled basis and to move quickly to fund desired investments likely resulting in a more favorable investment portfolio for the Fund and its Investors, and a potentially higher return, without appreciably higher risk. In addition, the ability of the Investors to delay payment on capital commitments allows such amounts to remain in other investments of the Investor and allows the Investor to achieve greater overall investment returns.

21. Mitsubishi Bank, as sole Lender or Agent, may receive a pledge of the Investors' capital commitments, and rights to make Capital Calls and to collect and enforce the same, in the event of default. The Investor Consent is an important component of the Credit Facility arrangement. Absent the Investor Consent, Mitsubishi Bank may be required to foreclose on the collateral in order to effect a Capital Call for repayment of the Credit Facility. The Investor Consent, which would be required by this exemption, enables Mitsubishi Bank, as sole Lender or Agent, to make a Capital Call immediately on the Investors for repayment, without the need to first foreclose on the collateral.

22. When the Fund Agreements do not contain the agreement of the Investors to make capital commitments without setoff, reduction, counterclaim, or defense of any kind or nature, the Investor Consent will contain this agreement, thereby permitting Lenders to be repaid for amounts that have been extended to the Fund prior to the time Capital Contributions are called, without the risk of repayment being challenged, or delayed, by claims the Investors may have against the Fund. This arrangement will keep the risk of the Fund's investment transactions between the Fund and the Investors.

Conditions for Exemptive Relief

23. The proposed exemption will be subject to a number of substantive conditions. The decision to invest in the Fund on behalf of each Covered Plan and to execute an Investor Consent in favor of Mitsubishi Bank, as sole Lender or Agent, will be made by fiduciaries of the Covered Plan that are not included among, are independent of, and are unaffiliated with, the Lenders (including Mitsubishi Bank) and the Fund. Further, in each Credit Facility covered under this proposed exemption, no Lender, including Mitsubishi Bank, will be a fiduciary for any of the Covered Plans in connection with their investment in the Fund. Relief in this proposed exemption does not extend to Funds that contain ''plan assets'' for purposes of ERISA or Code section 4975.[6]

[6] The Plan Assets Regulation describes what constitutes assets of a plan with respect to a plan's investment in another entity for purposes of subtitle A, and Parts 1 and 4 of subtitle 1 of ERISA, and Code section 4975. Should the Department approve this proposed exemption, such approval would not constitute an opinion regarding whether the underlying assets of any Fund would be considered the assets of a plan under such regulations. Further, this exemption, if granted, does not provide relief for either the internal transactions involving the operation of the Fund, or for transactions involving the Fund and third parties other than the specific relief proposed herein. Covered Plan Investors, and their independent fiduciaries, should examine

Continued

24. Each transaction must be on terms that are no less favorable to the Covered Plans than those which the Covered Plans could obtain in arm's-length transactions with unrelated parties. At the time of the execution of an Investor Consent, the Covered Plan must have assets of not less than $100 million. Not more than 5% of the assets of any Covered Plan, measured at the time of the execution of an Investor Consent, may be invested in the Fund.

25. The proposed exemption requires that the applicable fiduciaries for Covered Plans that are Investors provide a representation to Mitsubishi Bank, including a statement, that such fiduciary is responsible for making the Covered Plan's decision to invest in the Fund, and is and will be independent of, and unaffiliated with, the Lenders.

26. In addition, no Lender may have any influence, authority, or control over a Client Plan's investment in the Fund. No Covered Transaction may be part of an arrangement, agreement or understanding, designed to benefit a party in interest or disqualified person with respect to a Covered Plan. Finally, any service covered by the exemption must be necessary for the establishment or operation of the plan, and no more than reasonable compensation may be paid therefor. Finally, all the facts and representations set forth in the Summary of Facts and Representations must be true and accurate.

Statutory Findings

27. ''*The Proposed Exemption is Administratively Feasible.*'' The Department has tentatively determined that the requested exemption is administratively feasible because it would cover a class of transactions between Covered Plans and Lenders when each Covered Plan will be independently represented by a fiduciary and will have an independent investment advisor.

28. ''*The Proposed Exemption is in the Interests of.*'' The Department has tentatively determined that the proposed exemption is in the interest of Covered Plans because, absent the exemption, a Fund's use of Capital Calls to make investments may take days, thereby reducing the Fund's investing flexibility and increasing costs to the Fund's Investors, including the Covered Plans.

28. ''*The Proposed Exemption is Protective of.*'' The Department has tentatively determined that the proposed exemption is protective of the rights of the Plan participants and beneficiaries because, among other things, a fiduciary independent of Mitsubishi Bank and any other Lender will make the decision to invest in the Fund and determine whether to accept the credit facility arrangement and terms.

Summary

30. Based on the record developed in connection with this proposed exemption, the Department has tentatively determined that the relief sought by the Applicant satisfies the statutory requirements for an exemption under ERISA section 408(a).

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons within 15 days of the publication of the notice of proposed exemption in the **Federal Register**, by electronic mail (if electronic mail is the usual and customary method by which Mitsubishi Bank corresponds with the interested person) and/or first class U.S. mail to the last known address of these individuals. The notice will contain a copy of the notice of proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(a)(2). The supplemental statement will inform interested persons of their right to comment on the pending exemption. Written comments are due within 45 days of the publication of the notice of proposed exemption in the **Federal Register**.

All comments will be made available to the public. *Warning:* If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but *do not* submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Proposed Exemption

Section I. Transactions

If the proposed exemption is granted, the restrictions of ERISA sections 406(a)(1)(A)–(D), and the sanctions resulting from the application of Code section 4975, by reason of section Code section 4975(c)(l)(A)–(D), shall not apply to:

(a) The granting by the Funds to Mitsubishi UFJ Trust and Banking Corporation (Mitsubishi Bank), as an agent (Agent) for one or more financial institutions (Lender(s)), which may include, without limitation, Mitsubishi Bank) or as sole Lender, that will fund a credit facility (Credit Facility) providing credit to certain investment funds (Fund(s)), of a security interest in and lien on the capital commitments (Capital Commitments), reserve amounts, and capital contributions

carefully all aspects of the Fund's organization, operation, and investment programs in order to determine whether the requirements of the Department's regulations will be met. See 29 CFR part 2510.3–101 (51 FR 41280, Nov. 13, 1986), as amended at 51 FR 47226, (Dec. 31, 1986).

(Capital Contributions) of certain investors (Investors) that are employee benefit plans (Covered Plan(s), as defined in Section II(a)), investing in the Fund;

(b) Any Fund's collateral assignment and pledge to Mitsubishi Bank, as sole Lender or Agent, of the Fund's security interest in an Investor Covered Plan's equity interest in such Fund;

(c) The Fund's grant to Mitsubishi Bank, as sole Lender or Agent, of a security interest in a collateral account (Collateral Account) to which all Capital Contributions in the Fund will be deposited when paid (except in certain limited circumstances that do not involve Covered Plans); [7]

(d) The granting by the Fund and/or its general partner (General Partner) or manager (Manager) to Mitsubishi Bank, as sole Lender or Agent, of its right to make calls on Covered Plan Investors for Capital Contributions (the Capital Call), which shall be in cash, under the operative Fund Agreements (as defined in Section II(d)), enforce the Capital Calls, collect the Capital Contributions, and apply them to any amount due under the Credit Facility; and

(e) A Covered Plan's execution of an agreement (the Investor Consent) consenting to the assignment by the Fund and General Partner (or Manager) to Mitsubishi Bank, as sole Lender or Agent, of their right to make Capital Calls.

Section II. Definitions

(a) The terms ''Covered Plan'' or ''Covered Plans'' means an investor in a Fund (as defined below) that is an employee benefit plan, as defined in ERISA section 3(3) and that is covered by Title I, Part 4 of ERISA, and/or a plan defined in Code section 4975, that satisfies the conditions set forth herein in Section II;

(b) The terms ''Covered Transaction'' or ''Covered Transactions'' mean any combination of transactions described in Section I(a) through (d), in conjunction with the Investor Consent described in Section I(e);

(c) The terms ''Fund'' or ''Funds'' means an investment or venture capital fund (organized as a corporation, limited partnership, limited liability company, or another business entity authorized by applicable law) in which one or more investors invest, including employee benefit plans or special purpose entities holding ''plan assets'' subject to ERISA, as described herein, by making capital contributions in cash to such Fund, pursuant to specific Capital Commitments as established by the Fund Agreement(s) and other operative documents executed by the parties, for purposes of making certain real estate investments (including real estate-related investments, such as venture capital investments) or non-real estate investments (including, without limitation, assets and/or interests relating to infrastructure, maritime, energy, etc.).

Each Covered Plan investing in such special purpose entity must satisfy the conditions set forth herein in Section II. The term ''Fund'' includes an entity created by the Fund that may borrow, or receive, funds from the Credit Facility, provided that such entity is considered an affiliate of the Fund as a subsidiary or other controlled entity;

(d) The terms ''Fund Agreement'' or ''Fund Agreements'' mean the written agreements under which a Fund (as defined above) is formed (such as a limited partnership agreement, a limited liability company agreement, trust agreement, or articles of incorporation, together with ancillary related agreements, such as subscription agreements) that obligate each Investor to make cash contributions of capital with respect to Capital Commitments, upon receipt of a call for Capital Contributions;

(e) The term ''officer'' means a president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy-making function for the entity;

(f) The term ''Mitsubishi Bank'' means Mitsubishi UJF Trust and Banking Corporation, which is a foreign banking corporation organized under the laws of Japan, and its indirectly wholly-owned subsidiary named MUFG Alternative Fund Services (Cayman) Limited, an ordinary resident company incorporated and existing under the laws of the Cayman Islands. This exemption is intended to cover Mitsubishi Bank, and all of its current and future branches;

(g) For purposes of determining whether a fiduciary is not included among, is independent of, and unaffiliated with, a Fund, the term Fund shall be deemed, as appropriate, to include the governing entity of the Fund, or a member of the governing body of the Fund, as appropriate, *e.g.,* a general partner of a partnership, a manager of a limited liability company, a member of a member-managed limited liability company, or a member of the board of directors of a corporation. For purposes of this exemption request, a fiduciary of a Covered Plan is not included among, is independent of, and unaffiliated with, a Lender (including Mitsubishi Bank) or a Fund, as applicable, if:

(i) The fiduciary is not, directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such Lender or Fund;

(ii) The fiduciary is not an officer, director, employee or relative of, or partner in, such Lender or Fund; and

(iii) No officer, director, highly-compensated employee (within the meaning of Code Section 4975(e)(2)(H)), or partner of the Fund, or any officer, director or highly-compensated employee, or partner of the Lender who is involved in the transactions described in Section I of the exemption request, is also an officer, director, highly-compensated employee, or partner of the fiduciary. However, if such individual is a director of the Lender, and if he or she abstains from participation in, and is not otherwise involved with, the decision made by the Covered Plan to invest in the Fund, then this condition shall be deemed satisfied.

Section III. Conditions

(a) The decision to invest in the Fund on behalf of each Covered Plan and to execute an Investor Consent in favor of Mitsubishi Bank, as sole Lender or Agent, is made by fiduciaries of the Covered Plan that are not included among and are independent of and unaffiliated with, the Lenders (including Mitsubishi Bank) and the Fund;

(b) The transaction is on terms that are no less favorable to the Covered Plans than those which the Covered Plans could obtain in arm's-length transactions with unrelated parties;

(c) At the time of the execution of an Investor Consent, the Covered Plan has assets of not less than $100 million. In the case of multiple plans maintained by the same employer, or by members of a controlled group of corporations (within the meaning of Code Section 414(b)), or members of a group of trades or businesses under common control (within the meaning of Code Section 414(c)) (hereafter, referred to as ''members of a controlled group''), whose assets are invested on a commingled basis (*e.g.,* through a master trust), this $100 million threshold applies to the aggregate assets of the commingled entity;

(d) Not more than 5% of the assets of any Covered Plan, measured at the time of the execution of an Investor Consent,

[7] In most cases, all Investors will make Capital Contributions into the Collateral Account. However, in some cases, Investors that are not Covered Plans may be directed to make Capital Contributions to the sole Lender or the Agent, for the benefit of the Lenders, after an event of default, in some other manner.

is invested in the Fund. In the case of multiple plans maintained by the same employer, or by members of a controlled group, whose assets are invested on a commingled basis (*e.g.,* through a master trust), the 5% limit applies to the aggregate assets of the commingled entity;

(e) Neither Mitsubishi Bank, nor any Lender, has discretionary authority or control with respect to a Covered Plan's investment in the Fund nor renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to such investment;

(f) Upon request, the Covered Plan fiduciaries must receive from Mitsubishi Bank, a copy of this notice of proposed exemption and a copy of the final exemption, as published in the **Federal Register**;

(g) Mitsubishi Bank receives from the Covered Plan fiduciaries a written representation, or a written authorization, that permits Mitsubishi Bank to rely on a written representation made to the Fund, that the conditions set forth above in Section III(a), (c), and (d) are satisfied for such transaction with respect to the Covered Plan for which they are fiduciaries;

(h) No Covered Transaction is part of an arrangement, agreement or understanding, designed to benefit a party in interest or disqualified person with respect to a Covered Plan.

(i) The Funds will not hold ''plan assets'' for purposes of ERISA or Code section 4975; [8]

(j) Any service covered by the exemption must be necessary for the establishment or operation of the plan, and no more than reasonable compensation may be paid;

(k) No Lender will have any influence, authority, or control over a Client Plan's investment in the Fund; and

(l) All the facts and representations set forth in the Summary of Facts and Representations are true and accurate.

Effective Date: The proposed exemption, if granted, will be effective as of the date that the notice of final exemption is published in the **Federal Register**.

Signed at Washington, DC, this 22nd day of June, 2021.

Christopher Motta,

Chief, Division of Individual Exemptions, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2021–13676 Filed 6–25–21; 8:45 am]

BILLING CODE 4510–29–P

[8] See the Department's Plan Assets Regulation. 29 CFR part 2510.3–101 (51 FR 41280, Nov. 13, 1986), as amended at 51 FR 47226, (Dec. 31, 1986).

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2021–03; Exemption Application Nos. L–12000 & L–12001]

Exemption From Certain Prohibited Transaction Restrictions Involving the Electrical Insurance Trustees Insurance Fund and the Electrical Joint Apprenticeship and Training Trust (the Plans or the Applicants) Located in Alsip, Illinois

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of Exemption.

SUMMARY: This document contains a notice of an exemption issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act). The exemption permits: (a) The sale (the Sale) by the Electrical Joint Apprenticeship and Training Trust (the EJAT Trust) of 5.11 acres of unimproved real property (the Property) to the Electrical Insurance Trustees Insurance Fund (the EIT Fund), a party in interest with respect to the EJAT Trust; and (b) the EIT Fund's granting of a right of first offer (the Right of First Offer) to the EJAT Trust to purchase the Property back from the EIT Fund, provided all of the conditions described below are satisfied.

DATES: This exemption will be in effect on the date that this grant notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department at (202) 693–8456. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 22, 2021, the Department published a notice of proposed exemption in the **Federal Register** at 86 FR 15258, permitting: (a) The Sale by the EJAT Trust of the Property to the EIT Fund, a party in interest with respect to the EJAT Trust; and (b) the EIT Fund's granting of the Right of First Offer to the EJAT Trust to purchase the Property back from the EIT Fund.

This exemption provides only the relief specified in the text of the exemption. It provides no relief from violations of any law other than the prohibited transaction provisions of ERISA.

The Department makes the requisite findings under ERISA section 408(a) based on adherence to all of the conditions of the exemption. Accordingly, affected parties should be aware that the conditions incorporated in this exemption are, taken as a whole, necessary for the Department to grant the relief requested by the Applicants. Absent these or similar conditions, the Department would not have granted this exemption.

The Applicants requested an individual exemption pursuant to ERISA section 408(a) in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). Effective December 31, 1978, section 102 of the Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue administrative exemptions under section 4975(c)(2) of the Code to the Secretary of Labor. Accordingly, the Department grants this exemption under its sole authority.

Written Comments

In the proposed exemption, the Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption. All comments and requests for a hearing were due to the Department by May 6, 2021. The Department received one written comment and one request for a public hearing. The commenter raised no substantive issues regarding the proposed transactions, and the hearing requestor provided no reasons for requesting the hearing.[1] Accordingly, after considering the entire record developed in connection with the Applicants' exemption requests, the Department has determined to grant the exemption described below. The exemption contains minor clarifications to the proposal.

The complete application files (L–12000 & L–12001) are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on March 22, 2021, at 86 FR 15258.

General Information

The attention of interested persons is directed to the following:

[1] The Department made several attempts to contact the requestor for further information. However, no response was received.

(1) The fact that a transaction is the subject of an exemption under ERISA section 408(a) does not relieve a fiduciary or other party in interest from certain requirements of other ERISA provisions, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of ERISA section 404, which, among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with ERISA section 404(a)(1)(B).

(2) As required by ERISA section 408(a), the Department hereby finds that the exemption is (1) administratively feasible, (2) in the interests of affected plans and of their participants and beneficiaries, and (3) protective of the rights of participants and beneficiaries of such plans;

(3) The exemption is supplemental to, and not in derogation of, any other ERISA provisions, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of determining whether the transaction is in fact a prohibited transaction; and

(4) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describe all material terms of the transaction that are the subject of the exemption.

Accordingly, the following exemption is granted under the authority of ERISA section 408(a)and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011):

Exemption

Section I. Covered Transactions

The restrictions of ERISA sections 406(a)(1)(A), 406(a)(1)(D), 406(b)(1), and 406(b)(2) shall not apply to: (a) EJAT Trust's sale of the Property to the EIT Fund, which is a party in interest with respect to the EJAT Trust; [2] and (b) the EIT Fund's grant of the Right of First Offer to the EJAT Trust to purchase the Property back from the EIT Fund, provided conditions set forth in (a) through (l) below are satisfied:

(a) The Sale is a one-time transaction for cash;

(b) The terms and conditions of the Sale are at least as favorable to the EJAT Trust and the EIT Fund as an arm's-length transaction between unrelated and independent parties each of whom have full knowledge of the relevant facts and are not under any compulsion to buy or sell;

(c) The EJAT Trust Independent Fiduciary has not and will not enter into any agreement or instrument that violates section 410 of ERISA, and prudently:

(1) Represents the EJAT Trust's interests for all purposes with respect to the Sale;

(2) Determines that the Sale is in the interest and protective of the EJAT Trust and the EJAT Trust participants based on, among other things, an updated appraisal report described in (c)(5) below;

(3) Reviews and approves the terms and conditions of the Sale;

(4) Engages the EJAT Trust Independent Appraiser, ensures the Appraiser's independence, and ensures that the Appraiser bases its opinions upon complete, current, and accurate information;

(5) Ensures that the EJAT Trust's Independent Appraiser renders an updated fair market valuation of the Property, which is current as of the date of the Sale;

(6) Reviews the EJAT Independent Appraisal Report and the updated appraisal described in (c)(5), confirms that the underlying methodologies are reasonable and accurate, and prudently concludes that the appraisals can reasonably be relied upon; and

(7) Determines whether it is appropriate for the EJAT Trust to proceed with the Sale and whether the Sale is consistent with each condition of this exemption;

(d) The EIT Fund Independent Fiduciary has not and will not enter into any agreement or instrument that violates section 410 of ERISA, and prudently:

(1) Represents the EIT Fund's interests for all purposes with respect to the Sale;

(2) Determines that the Sale is in the interest and protective of the EIT Fund and the EIT Fund participants based on, among other things, an updated appraisal report described in (d)(5) below;

(3) Reviews and approves the terms and conditions of the Sale;

(4) Engages the EIT Fund Independent Appraiser for the Sale, ensures the Appraiser's Independence, and ensures that the Appraiser bases its opinions upon complete, current, and accurate information;

(5) Ensures that the EIT Fund's Independent Appraiser renders an updated fair market valuation of the Property, which is current as of the date of the Sale;

(6) Reviews the EIT Fund Independent Appraisal Report and the updated appraisal described in (d)(5), confirms that the underlying methodologies are reasonable and accurate, and prudently concludes that the appraisals can reasonably be relied upon; and

(7) Determines whether it is appropriate for the EIT Fund to proceed with the Sale consistent with each condition of this exemption;

(e) The Sale is not part of an agreement, arrangement, or understanding designed to benefit any party other than the EJAT Trust and the EIT Fund;

(f) Any use of the Property by the EIT Fund and the Related Plans that is described in PTEs 76–1 and 77–10 complies with the conditions of those exemptions;

(g) No later than 90 days after the Sale is completed, the EJAT Trust and the EIT Fund Independent Fiduciaries each will submit a written statement to the Department documenting that the Sale has met all of the exemption requirements;

(h) The EIT Fund Independent Fiduciary may not enter, and has not entered, into any agreement, arrangement or understanding regarding the Sale that indemnifies the EIT Fund Independent Fiduciary, in whole or in part, or waives any liability for negligence or for violation of state or federal law by the EIT Fund Independent Fiduciary;

(i) The Independent Appraiser selected by the EIT Fund Independent Fiduciary may not enter, and has not entered, into any agreement, arrangement or understanding regarding the Sale that indemnifies the EIT Fund Independent Appraiser, in whole or in part, or waives any liability for negligence or for any violation of state or federal law by the Independent Appraiser;

(j) The EJAT Trust Independent Fiduciary may not enter, and has not entered, into any agreement, arrangement or understanding regarding the Sale that indemnifies the EJAT Trust Independent Fiduciary, in whole or in part, or waives any liability for negligence or for any violation of state or federal law by the EJAT Trust Independent Fiduciary;

(k) The Independent Appraiser selected by the EJAT Trust Independent Fiduciary may not enter, and has not entered, into any agreement,

[2] The EIT Fund is a party in interest with respect to the EJAT Trust under section 3(14)(C) of the Act because it is an employer whose employees participate in the EJAT Fund.

arrangement or understanding regarding the Sale that indemnifies the Independent Appraiser, in whole or in part, for negligence or for any violation of state or federal law by the Independent Appraiser; and

(l) The EJAT Trust may not re-purchase the Property from the EIT Fund absent an individual exemption granted by the Department.

Effective Date: This exemption will become effective on the date that this grant notice is published in the **Federal Register**.

Signed at Washington, DC, this 22nd day of June, 2021.

Christopher Motta,

Chief, Division of Individual Exemptions, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2021–13680 Filed 6–25–21; 8:45 am]

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MORRIS K. AND STEWART L. UDALL FOUNDATION

Sunshine Act Meetings

TIME AND DATE: Electronic Board Meeting to be held via email exchanges Thursday, July 8, 2021, 8:00 a.m. (PDT), through Wednesday, July 21, 2021.

PLACE: Board of Trustees Meeting held via email.

STATUS: This special meeting of the Board of Trustees, to be held Electronically (in accordance with the Operating Procedures of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation), is open to the public. Members of the public who would like to participate in this electronic meeting should email Elizabeth E. Monroe, Executive Assistant, Morris K. Udall and Stewart L. Udall Foundation, at *monroe@udall.gov,* no later than Thursday, July 8, 2021, 8:00 a.m. (PDT).

MATTERS TO BE CONSIDERED: Draft Udall Foundation 2022–2026 Strategic Plan.

CONTACT PERSON FOR MORE INFORMATION: David P. Brown, Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 901–8500.

Dated: June 24, 2021.

David P. Brown,

Executive Director, Morris K. Udall and Stewart L. Udall Foundation, and Federal Register Liaison Officer.

[FR Doc. 2021–13871 Filed 6–24–21; 4:15 pm]

BILLING CODE 6820–FN–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Document Number NASA–21–038; Docket Number–NASA–2021–0002]

Request for Information on Advancing Racial Equity and Support for Underserved Communities in NASA Programs, Contracts and Grants; Correction Process

AGENCY: National Aeronautics and Space Administration.

ACTION: Request for information; correction.

SUMMARY: The National Aeronautics and Space Administration (NASA) published a document in the **Federal Register** of June 15, 2021, concerning a request for information on the Agency's mission directorates' programs, procurements, grants, regulations and policies. The document contained incorrect dates.

FOR FURTHER INFORMATION CONTACT: Issues regarding submission or questions on this RFI can be sent to Dorice Kenely, Procurement Analyst, Office of Procurement at (202) 358–0443 or *dorice.m.kenely@nasa.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 15, 2021, in FR Doc. 2021–12668, on page 31735, in the first column, correct the **DATES** caption to read:

DATES: Comments are requested on or before August 31, 2021. Early comments and responses to questions in the RFI are encouraged. Comments and responses received after this date will be considered for future advisory, communicative and outreach efforts to the extent practicable. A public meeting discussing the questions detailed in the RFI will be held on July 13, 2021, from 1:00 p.m. to 3:30 p.m.

On page 31738, in the third column, correct the second sentence of the last paragraph to read:

To that end, NASA will hold a public meeting on July 13, 2021, from 1:00 p.m. to 3:30 p.m.

Nanette Smith,

Team Lead, NASA Directives and Regulations.

[FR Doc. 2021–13725 Filed 6–25–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Virtual Site Review of construction progress of the ATLAS High Luminosity Detector Upgrade (1208).

Date and Time: August 18, 2021; 10:30 a.m.—6:30 p.m. EDT.

Place: Columbia University, 538 West 120th Street, 704 Pupin Hall, MC 5255, New York, NY 10027|Virtual Site Visit via Zoom.

Type of Meeting: Part-Open.

Contact Person: Mark Coles, Program Director, Division of Physics, National Science Foundation, 2415 Eisenhower Avenue, Room 9219, Alexandria, VA 22314; Telephone: (703) 292–4432.

Purpose of Meeting: Virtual site visit to provide an evaluation of the progress of the project at the host site for the Division of Physics at the National Science Foundation.

Agenda

NSF will provide the Zoom coordinates for each meeting (All times are Eastern Daylight Time (EDT)).

August 18, 2021

10:30 a.m.–11:00 a.m. Executive Session (Closed)
11:00 a.m.–5:00 p.m. Presentations on the ATLAS upgrade (Open)
5:00 p.m.–6:00 p.m. Executive (closed) Session (Closed)
6:00 p.m.–6:30 p.m. Closeout presentation by Review Panel (Open)

Reason for Closing: The work being reviewed during closed portions of the virtual site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 23, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–13674 Filed 6–25–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 28, July 5, 12, 19, 26, August 2, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of June 28, 2021

There are no meetings scheduled for the week of June 28, 2021.

Week of July 5, 2021—Tentative

There are no meetings scheduled for the week of July 5, 2021.

Week of July 12, 2021—Tentative

There are no meetings scheduled for the week of July 12, 2021.

Week of July 19, 2021—Tentative

There are no meetings scheduled for the week of July 19, 2021.

Week of July 26, 2021—Tentative

There are no meetings scheduled for the week of July 26, 2021.

Week of August 2, 2021—Tentative

There are no meetings scheduled for the week of August 2, 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 *Wendy.Moore@nrc.gov* or *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: June 23, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–13775 Filed 6–24–21; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0076]

Volcanic Hazards Assessment for Proposed Nuclear Power Reactor Sites

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 4.26, ''Volcanic Hazards Assessment for Proposed Nuclear Power Reactor Sites.'' This RG provides guidance for facilitating the NRC staff's review of volcanic hazards assessments performed by applicants to support the siting of new nuclear power reactors. The RG also provides applicants with the methods and approaches the NRC staff considers acceptable for the assessment of volcanic hazards in license applications for sites with Quaternary volcanoes within the site region or with Quaternary volcanic deposits within the site vicinity.

DATES: RG 4.26 is available on June 28, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0076 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0076. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

RG 4.26 and the regulatory analysis may be found in ADAMS under Accession Nos. ML20272A168 and ML20007D618, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Jenise Thompson, Office of Nuclear Reactor Regulation, telephone: 301–415–1811, email: *Jenise.Thompson@nrc.gov* and Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317, email: *Edward.Odonnell@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

RG 4.26 was issued with a temporary identification of Draft Regulatory Guide, DG–4028.

II. Additional Information

The NRC published a notice of the availability of DG–4028 in the **Federal Register** on March 20, 2020 (85 FR 16147) for a 60-day public comment period. The public comment period closed on May 19, 2020. Public comments on DG–4028 and the staff responses to the public comments are available in ADAMS under Accession No. ML20272A169.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Issuance of this RG does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR),

''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in this regulatory guide, applicants and licensees are not required to comply with the positions set forth in this regulatory guide.

Dated: June 23, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Project Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–13750 Filed 6–25–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0190]

Information Collection: US NRC Acquisition Regulation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''US NRC Acquisition Regulation.''

DATES: Submit comments by July 28, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0190 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2020–0190. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2020–0190 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML21168A186 and ML21168A187.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''US NRC Acquisition Regulation.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on March 9, 2021 (86 FR 13589).

1. *The title of the information collection:* ''US NRC Acquisition Regulation.''

2. *OMB approval number:* 3150–0169.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Monthly, once (at time of award), and on occasion (when changes occur).

6. *Who will be required or asked to respond:* Contractors and bidders.

7. *The estimated number of annual responses:* 6,258 (6,112 reporting responses + 146 recordkeepers).

8. *The estimated number of annual respondents:* 535.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 17,412 (14,834 reporting + 2,578 recordkeeping).

10. *Abstract:* The mandatory requirements of the Nuclear Regulatory Commission Acquisition Regulation (NRCAR) implement and supplement the government-wide Federal Acquisition Regulation (FAR) and

ensure that the regulations governing the procurement of goods and services with the NRC satisfy the needs of the agency. This includes reports and recordkeeping requirements for certain contractors or offerors to submit a monthly progress report that summarizes work performed during the previous month, and/or retain records of equipment, payroll, inspection and quality control records, as applicable. Because of differing statutory authorities among Federal agencies, the FAR permits agencies to issue a regulation to implement FAR policies and procedures internally to satisfy the specific need of the agency. The NRCAR includes policies, procedures, solicitation provisions and contract clauses needed to ensure effective and efficient evaluation, negotiation, and administration of agency acquisitions. Certain reports, such as reports of contractor organizational conflicts of interest or changes in key personnel are collected from contractors on as needed basis as changes occur, whether at the time of award or throughout the life of the contract. Some reports are required to be submitted monthly such as the Financial Status report and Technical Progress Report. There are also some reports that bidders are required to submit upon request, such as responses to pre-award questions that demonstrate their ability to meet minimum standards set forth in FAR.

Dated: June 22, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021–13661 Filed 6–25–21; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0033, Marital Status Certification Survey, RI 25–7

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an expiring information collection request (ICR) with minor edits, Marital Status Certification Survey, RI 25–7.

DATES: Comments are encouraged and will be accepted until July 28, 2021.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to: *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0033) was previously published in the **Federal Register** on September 21, 2020 at 85 FR 59334, allowing for a 60-day public comment period. No comments were received.

The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

RI 25–7 is used to determine whether widows, widowers, and former spouses receiving survivor annuities from OPM have remarried before reaching age 55 and, thus, are no longer eligible for benefits.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Marital Status Certification Survey.

OMB Number: 3206–0033.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 24,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 6,000.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–13733 Filed 6–25–21; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Request for Change to Unreduced Annuity, RI 20–120

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an expiring information collection request (ICR) with minor edits, Request for Change to Unreduced Annuity, RI 20–120.

DATES: Comments are encouraged and will be accepted until July 28, 2021.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or reached via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

The information collection (OMB No. 3206–0245) was previously published in the **Federal Register** on April 14, 2021, at 86 FR 19652, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

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 submissions of responses.

RI 20–120 is designed to collect information the Office of Personnel Management needs to comply with the wishes of the retired Federal employee whose marriage has ended. This form provides an organized way for the retiree to give us everything at one time.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Request for Change to Unreduced Annuity.

OMB Number: 3206–0245.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 5,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 2,500.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–13651 Filed 6–25–21; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Verification of Who is Getting Payments, RI 38–107 and RI 38–147, 3206–0197

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an expiring information collection request (ICR) with minor edits, Verification of Who is Getting Payments RI 38–107 and RI 38–147.

DATES: Comments are encouraged and will be accepted until July 28, 2021.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0197) was previously published in the **Federal Register** on March 18, 2021, at 86 FR 14771, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

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 submissions of responses.

RI 38–107 is designed for use by the Retirement Inspection Branch when OPM, for any reason, must verify that the entitled person is indeed receiving the monies payable. RI 38–147 collects the same information and is used by other groups within Retirement Operations. Failure to collect this information would cause OPM to pay monies absent the assurance of a correct payee.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Verification of Who is Getting Payments.

OMB Number: 3206–0197.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 25,400.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 4,234 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–13734 Filed 6–25–21; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0170, Application for Refund of Retirement Deductions, SF 3106 and Current/ Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS, SF 3106A

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an expiring information collection request (ICR) with minor edits,

Application for Refund of Retirement Deductions, SF 3106 and Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions under FERS, SF 3106A.

DATES: Comments are encouraged and will be accepted until July 28, 2021.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to: *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0170) was previously published in the **Federal Register** on December 30, 2020 at 85 FR 86583, allowing for a 60-day public comment period. One comment was received. Our response is as follows: ''*This is written in response to the comment on* ***Federal Register*** *Document #2020–28900 regarding the Application for Refund of Retirement Deductions, Standard Form (SF)–3106 and Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions Under FERS, SF–3106A.*

The Standard Form 3106 is used by former Federal employees under the Federal Employees Retirement System (FERS) to apply for a refund of retirement deductions withheld during Federal employment, plus any interest provided by law. Standard Form 3106A, Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions under FERS, is used by refund applicants to notify their current/former spouse(s) that they are applying for a refund of retirement deductions, which is required by law.

The Office of Personnel Management finds that the comments received are not relevant to the use of these forms. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) covers certain Federal employees in the armed forces, the reserves, the National Guard and commissioned corps of the Public Health Service. The USERRA law allows for restoration to the position he or she would have attained had the employee not entered the uniformed service provided certain conditions are met. Since enactment of the law, OPM has provided guidance to agencies on processing service credit deposits for such cases.

It appears that the comments are case specific to the processing of service credit deposits. If denied the opportunity to make the service credit deposit, the individual would have received a denial decision and provided information on his/her right to file a request for reconsideration.''

The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

Standard Form 3106, Application for Refund of Retirement Deductions under FERS is used by former Federal employees under FERS, to apply for a refund of retirement deductions withheld during Federal employment, plus any interest provided by law. Standard Form 3106A, Current/Former Spouse(s) Notification of Application for Refund of Retirement Deductions under FERS, is used by refund applicants to notify their current/former spouse(s) that they are applying for a refund of retirement deductions, which is required by law.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Refund of Retirement Deductions under FERS.

OMB Number: 3206–0170.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 3106 = 8,000; SF 3106A = 6,400.

Estimated Time per Respondent: SF 3106 = 30 minutes; SF 3106A = 5 minutes.

Total Burden Hours: 4,533 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–13662 Filed 6–25–21; 8:45 am]

BILLING CODE 6325–38–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Claimant Appeal Under the Railroad Retirement Act or and 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.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (86 FR 21361 on April 22, 2021) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Claimant Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act.

OMB Control Number: 3220–0007.

Form(s) submitted: HA–1.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 7(b)(3) of the Railroad Retirement Act and Section 5(c) of the Railroad Unemployment Insurance Act, a person aggrieved by a decision on his or her application for an annuity or other benefit has the right to appeal to the RRB. The collection provides the means for the appeal action.

Changes proposed: The RRB proposes minor changes to Form HA–1 to the reference citation and minor grammar on page 2.

The burden estimate for the ICR is as follows:

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.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (86 FR 21361 on April 22, 2021) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Application for Benefits Due but Unpaid at Death.

OMB Control Number: 3220–0055.

Form(s) submitted: UI–63.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: The collection obtains the information needed by the Railroad Retirement Board to pay benefits accrued under section 2(g) of the Railroad Unemployment Insurance Act, but not paid because of the death of the employee.

Changes proposed: The RRB proposes no changes to Form UI–63.

The burden estimate for the ICR is as follows:

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.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (86 FR 21361 on April 22, 2021) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Medicare.

OMB Control Number: 3220–0082.

Form submitted: AA–6, AA–7, AA–8 and RL–311–F.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or Households; Businesses or other for profits.

Abstract: The Railroad Retirement Board administers the Medicare program for persons covered by the

railroad retirement system. The forms in the collection obtain both information needed to enroll non-retired employees and survivor applicants in the plan and information from railroad employers needed to determine if a railroad retirement beneficiary is entitled to a special enrollment period when applying for supplemental medical coverage under Medicare.

Changes proposed: 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.

The burden estimate for the ICR is as follows:

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.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (86 FR 21362 on April 22, 2021) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Request to Non-Railroad Employer for Information About Annuitant's Work and Earnings.

OMB Control Number: 3220–0107.

Form(s) submitted: RL–231–F.

Type of request: Extension without change of a currently approved collection.

Affected public: Private Sector; Businesses or other for-profits, Not-for-profit institutions.

Abstract: Under the Railroad Retirement Act (RRA), benefits are not payable if an annuitant works for an employer covered under the RRA or last non-railroad employer. The collection obtains information regarding an annuitant's work and earnings from a non-railroad employer. The information is used to determine whether benefits should be withheld.

Changes proposed: The RRB proposes no changes to Form RL–231–F.

The burden estimate for the ICR is as follows:

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.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (86 FR 21362 on April 22, 2021) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Annual Earnings Questionnaire for Annuitants in Last Pre-Retirement Non-Railroad Employment.

OMB Control Number: 3220–0179.

Form submitted: G–19L.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 2(e)(3) of the Railroad Retirement Act, an annuity is not payable or is reduced for any month in which the beneficiary works for a railroad or earns more than the prescribed amounts. The collection obtains earnings information needed by the Railroad Retirement Board to determine possible reductions in annuities because of earnings.

Changes proposed: The RRB proposes no changes to Form G–19L.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–19L	300	15	75

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from 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 *Brian.Foster@rrb.gov.*

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.

Brian Foster,

Clearance Officer.

[FR Doc. 2021–13666 Filed 6–25–21; 8:45 am]

BILLING CODE 7905–01–P

EXECUTIVE OFFICE OF THE PRESIDENT

Request for Information To Improve Federal Scientific Integrity Policies

AGENCY: White House Office of Science and Technology Policy.

ACTION: Notice of request for information.

SUMMARY: The White House Office of Science and Technology Policy (OSTP) seeks information to help improve the effectiveness of Federal scientific integrity policies to enhance public trust in science. The January 27, 2021 Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking (Memorandum) directs OSTP to convene an interagency task force under the National Science and Technology Council to review the effectiveness of policies developed since the issuance of the Presidential Memorandum on scientific integrity issued on March 9, 2009 in preventing improper political interference in the conduct of scientific research and the collection of data; preventing the suppression or distortion of findings, data, information, conclusions, or technical results; supporting scientists and researchers of all genders, races, ethnicities, and backgrounds; and advancing the equitable delivery of the Federal Government's programs. To support this assessment, OSTP seeks information about: (1) The effectiveness of Federal scientific integrity policies and needed areas of improvement; (2) good practices Federal agencies could adopt to improve scientific integrity, including in the communication of scientific information, addressing emerging technologies and evolving scientific practices, supporting professional development of Federal scientists, and promoting transparency in the implementation of agency scientific integrity policies; and (3) other topics or concerns that Federal scientific integrity policies should address. Please note the purpose of this RFI is not to receive reports on alleged offenses that are in violation of Federal scientific integrity policies. If you have witnessed or experienced any harmful acts that may undermine scientific integrity and you would like to report these allegations, please contact the Scientific Integrity Officer or Office of the Inspector General at the relevant Federal agency.

DATES: Interested persons and organizations are invited to submit comments on or before 5:00 p.m. ET on July 28, 2021.

ADDRESSES: Interested individuals and organizations should submit comments electronically to *ScientificIntegrityRFI@ostp.eop.gov* and include ''SI–FTAC RFI'' in the subject line of the email. Due to time constraints, mailed paper submissions will not be accepted, and electronic submissions received after the deadline cannot be ensured to be incorporated or taken into consideration.

Instructions

Response to this RFI is voluntary. Each responding entity (individual or organization) is requested to submit only one response. OSTP welcomes any responses to inform and guide the work of the Scientific Integrity Fast-Track Action Committee (SI–FTAC). Please feel free to respond to one or as many prompts as you choose. Submission must not exceed 7 pages in 12-point or larger font, with a page number provided on each page. Responses should include the name of the person(s) or organization(s) filing the comment, as well as the respondent type (*e.g.,* academic, advocacy, professional society, community-based organization, industry, member of the public, government, other). Respondent's role in the organization may also be provided (*e.g.,* researcher, administrator, student, program manager, journalist) on a voluntary basis. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials. No business proprietary information, copyrighted information, or personally identifiable information should be submitted in response to this RFI. Please be aware that comments submitted in response to this RFI may be posted on OSTP's website or otherwise released publicly.

In accordance with FAR 15.202(3), responses to this notice are not offers and cannot be accepted by the Federal Government to form a binding contract. Additionally, those submitting responses are solely responsible for all expenses associated with response preparation.

FOR FURTHER INFORMATION CONTACT: For additional information, please direct questions to Ryan Donohue at *ScientificIntegrity@ostp.eop.gov.*

SUPPLEMENTARY INFORMATION:

Background: On January 27, 2021, President Biden issued a Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking (2021 Memorandum). The Memorandum asserts the

Administration's goal to develop sound policy to make evidence-based decisions guided by the best available science and data, recognizing that scientific and technological information, data, and evidence are central to the development and iterative improvement of sound policies and to the delivery of equitable programs across every area of government. It emphasizes that political interference in the work of Federal scientists and other scientists who support the work of the Federal government and in the communication of scientific facts undermines the welfare of the Nation, contributes to systemic inequities and injustices, and violates the trust that the public places in government to best serve its collective interests. The 2021 Memorandum reaffirms and builds on the Presidential Memorandum of March 9, 2009 (Scientific Integrity) and the Director of the Office of Science and Technology Policy's Memorandum of December 17, 2010 (Scientific Integrity), which together specify elements that scientific integrity policies of Federal Departments and Agencies are to address.

The 2009 Presidential Memorandum articulates 6 principles to guide recommendations for Presidential Action to guarantee scientific integrity throughout the executive branch: (1) Selection and retention of candidates for science and technology positions in the executive branch should be based on the candidate's knowledge, credentials, experience, and integrity; (2) Agencies should have appropriate rules and procedures to ensure the integrity of the scientific process within the agency; (3) Scientific and technical information used in agency decisions should be subject to established scientific processes, including peer review; (4) Agencies should make available to the public the scientific or technological findings or conclusions considered or relied upon in policy decisions (to the extent release is not restricted); (5) Agencies should have in place procedures to identify and address instances in which the scientific process or the integrity of scientific and technological information may be compromised; and (6) Agencies should adopt procedures, including whistleblower protections, needed to ensure the integrity of scientific and technological information and processes used for decision-making or otherwise prepared.

The 2010 OSTP Memorandum provides further guidance to executive departments and agencies for implementing scientific integrity policies. It identifies 4 foundations of scientific integrity in government: (1) Ensure a culture of scientific integrity by shielding scientific data and analyses from inappropriate political interference and preventing political officials from suppressing or altering scientific or technological findings; (2) Strengthen the actual and perceived credibility of government research through: Hiring decisions based on candidates' knowledge, credentials, experience, and integrity; ensuring data and research used to support policy decisions undergoes independent peer review; setting clear standards for governing conflicts-of-interest; and adopting whistleblower protections; (3) Facilitate the free flow of scientific and technological information, consistent with privacy and classification standards; and (4) Establish principles for conveying scientific and technological information to the public, including underlying assumptions and uncertainties. The 2010 OSTP Memorandum also establishes guidance for public communication about scientific and technological matters that maximizes openness and transparency with the media; use of Federal Advisory Committees tasked with providing scientific advice; and professional development of government scientists and engineers. It directs Agencies to report back to OSTP on actions taken to develop and implement policies specified in the memorandum.

By December 2016, 24 Federal departments and agencies had developed and published policies to support scientific integrity. These agencies and departments included all major U.S. science agencies (*i.e.,* those that conduct or fund scientific research), as well as departments and agencies that issue regulations or use scientific findings in agency decision-making. Most of the scientific integrity policies addressed all four components of the 2010 OSTP Memorandum, and some addressed additional topics not specified in the memorandum, such as the importance of scientific integrity to the department's or agency's mission. The report also noted considerable variation across departments and agencies in scientific integrity policies and practices, reflecting differences in their missions, fields of science and technology supported, and organizational structures.

The 2021 Presidential Memorandum calls for the establishment of an interagency task force (established as the SI–FTAC) of the National Science and Technology Council (NSTC) to conduct a thorough review of the effectiveness of agency integrity policies developed since the issuance of the Presidential Memorandum of March 9, 2009 on scientific integrity. Specifically, the 2021 Presidential Memorandum charges the task force to: (1) Consider whether existing Federal scientific integrity policies prevent improper political interference in the conduct of scientific research and the collection of scientific or technological data; prevent the suppression or distortion of scientific or technological findings, data, information, conclusions, or technical results; support scientists and researchers of all genders, races, ethnicities, and backgrounds; and advance the equitable delivery of the Federal Government's programs; (2) analyze instances in which existing scientific integrity policies have not been followed or enforced; and (3) identify effective practices for implementing scientific integrity policies in specific areas of particular interest, including improving the communication of scientific information, addressing emerging technologies and evolving scientific practices, supporting professional development of Federal scientists, and effective reporting practices that promote transparency in the implementation of agency scientific integrity policies and in the handling of any allegations of misconduct.

This request for information aims to support the task force's work by providing input from stakeholders on issues specified in the 2021 Presidential Memorandum and related topics. The information collected in response to this RFI will inform the task force (SI–FTAC), OSTP, and OMB as they work with Federal agencies and other stakeholders to review the effectiveness of agency scientific integrity policies and practices.

Information Requested: Respondents may provide information for one or as many topics below as they choose. Input is welcome from stakeholders, including members of the public, representing all backgrounds and perspectives. Through this RFI, the SI–FTAC seeks information on the current state of scientific integrity processes and practices and the effect of these on trust in Federal science, including on the following topics:

1. The effectiveness of Federal scientific integrity policies in promoting trust in Federal science:

Information about the strengths and weaknesses of Federal scientific integrity policies, including where additional efforts are needed to meet the broad ambition to establish trust in Federal science by protecting against: Political or other improper interference in the conduct of scientific research, the

collection of scientific or technological data, and the utilization of science in decision-making; suppression or distortion of scientific or technological findings, data, information, conclusions, or technical results; disproportionate harm to Federal scientists and researchers from groups that are historically underrepresented in science, technology, and related fields; or equitable delivery of the Federal Government's programs. Of interest is information about how perceived shortfalls in scientific integrity affect public trust in science and about mechanisms Federal agencies could use to detect or deter potential violations of scientific integrity policies before they occur. [Please note: We do not seek reports on alleged offenses that are in violation of Federal scientific integrity policies; we ask that you not provide names of individuals who have been or may be accused of engaging in or subjected to such practices, personally identifiable or sensitive information, or specific allegations that should be handled through other appropriate channels, such as law enforcement, Scientific Integrity Officers, or an Office of Inspector General].

2. Effective policies and practices Federal agencies could adopt to improve the communication of scientific and technological information:

Consider practices related but not limited to: Engagement of Federal scientists and contractors working on scientific matters with news media and on social media; protection of scientific independence during clearance and review processes; avoidance of political or other improper interference in research or data collection; differentiation in official government communications of references to scientific publications and peer-reviewed research versus science-based or science-informed policy statements and determinations.

3. Effective policies and practices Federal agencies could adopt to address scientific issues and the scientific workforce:

Consider practices related but not limited to: Handling scientific disagreements about research methods and conclusions; addressing gaps in current scientific integrity policies related to emerging technologies, such as artificial intelligence and machine-learning, and evolving scientific practices, such as citizen science and community-engaged research; supporting the professional development of Federal scientists; supporting scientists and researchers of all genders, races, ethnicities, and backgrounds and advance the equitable delivery of the Federal Government's programs; and Ensuring the independence, autonomy, and effectiveness of scientific integrity officials and chief science officers.

4. Effective practices Federal agencies could adopt to improve training of scientific staff about scientific integrity and the transparency into their scientific integrity practices:

Consider practices related but not limited to: Educating and informing employees, contractors, and grantees in scientific and technical positions, as well as those who manage, communicate, or make decisions based on science and technology, of their rights and responsibilities related to agency scientific integrity policies; reporting practices that promote transparency in the implementation of agency scientific integrity policies and in the handling of any allegations of misconduct; communicating to the public about alleged lapses in scientific integrity, substantiated violations of scientific integrity policies, and remedial actions taken; and minimizing conflicts of interest in Federal science and research misconduct.

5. Other important aspects of scientific integrity and effective approaches to improving trust in Federal science:

Consider other elements that should be included and addressed in the scientific integrity policies of Federal agencies, beyond those specified in the 2009 Presidential Memorandum, 2010 OSTP Memorandum, and 2021 Presidential Memorandum. Consider also effective practices, in addition to those specified above, that Federal agencies could put in place to improve scientific integrity and public trust in Federal science, including for proactively promoting rigorous, objective scientific research and streamlining implementation within and across Federal departments and agencies.

Dated: June 22, 2021.

Stacy Murphy,

Operations Manager.

[FR Doc. 2021–13640 Filed 6–25–21; 8:45 am]

BILLING CODE 3270–F1–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34309; 812–15212]

Capital Southwest Corporation

June 22, 2021.

AGENCY: Securities and Exchange Commission.

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 23(a), 23(b) and 63 of the Act, an pursuant sections 57(a)(4) and 57(i) of the Act and rule 17d–1 under the Act permitting certain joint transactions otherwise prohibited by section 57(a)(4) of the Act, and pursuant section 23(c)(3) of the Act for an exemption from section 23(c) of the Act.

SUMMARY OF THE APPLICATION: Capital Southwest Corporation (''Company'' or ''Applicant''), requests an order (''Order'') to permit it to (i) issue restricted shares of its common stock (''Restricted Stock'') under the terms of its 2021 Employee Restricted Stock Award Plan (the ''2021 Plan'') as part of the compensation package for certain of its employees in the 2021 Plan, and (ii) withhold shares of the Company's common stock or purchase shares of the Company's common stock from the participants to satisfy tax withholding obligations relating to the vesting of Restricted Stock pursuant to the 2021 Plan.

APPLICANT: Capital Southwest Corporation

FILING DATES: The application was filed on March 29, 2021, and amended on May 17, 2021 and on June 14, 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on July 16, 2021, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: *bdiehl@capitalsouthwest.com; msarner@capitalsouthwest.com.*

FOR FURTHER INFORMATION CONTACT: Asen Parachkevov, Senior Counsel, at (202) 551–6908 or Lisa Reid Ragen, Branch Chief, at (202) 551–6825

(Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. The Company, a Texas corporation, is an internally managed, non-diversified, closed-end investment company that has elected to be regulated as a business development company (''BDC'') under the Act.[1] The Company's investment objective is to produce attractive risk-adjusted returns by generating current income from its debt investments and capital appreciation from its equity and equity related investments.

2. Shares of the Company's common stock are traded on the NASDAQ Global Select Market under the symbol ''CSWC.'' As of March 31, 2021, there were 23,344,836 and 21,005,324 shares of the Company's common stock issued and outstanding, respectively. As of March 31, 2021, the Company had an aggregate of 21 employees.

3. The Company currently has a seven-member board of directors (the ''Board''), of whom one is an ''interested person'' of the Company within the meaning of section 2(a)(19) of the Act and six are not interested persons (the ''Non-interested Directors''). The Company has six directors who are neither officers nor employees of the Company.

4. The Company believes that its successful performance depends on its ability to offer fair compensation packages to its professionals that are competitive with those offered by other investment management businesses. The Company believes the highly specialized nature of its business, the competitiveness of its market and the small size of its employee base relative to its assets and revenue make such retentions even more critical for the Company, and that the ability to offer equity-based compensation to its professionals is vital to the Company's future growth and success.

5. The Commission previously issued certain exemptive orders (the ''Prior Orders''), which, among other things, (i) permit the Company to issue restricted shares of its common stock under the terms of the Company's 2010 Restricted Stock Award Plan (the ''2010 Plan'') as part of the compensation packages for certain of its employees and certain employees of its wholly-owned subsidiaries, and (ii) allow the Company to withhold shares of the Company's common stock or purchase shares of the Company's common stock from the Participants (as defined in the 2010 Plan) to satisfy tax withholding obligations relating to the vesting of Restricted Stock (as defined in the 2010 Plan) pursuant to the 2010 Plan.[2]

6. The Company states that the right to grant restricted stock awards under the 2010 Plan will terminate on July 18, 2021 and that in connection with the termination of the 2010 Plan, the Board approved the 2021 Plan as part of the compensation packages for certain of its employees, the terms of which are, in all material respects, identical to the 2010 Plan. The Company states that the relief that Applicant is requesting under the Order would provide the same relief with respect to the 2021 Plan as previously provided by the Commission in the Prior Orders with respect to the 2010 plan. The Order would supersede the Prior Orders, with the result that the Company will no longer rely on the Prior Orders if the Order is granted.

7. The 2021 Plan will authorize the issuance of shares of Restricted Stock by the Company to certain of its employees. The Company states that the Restricted Stock will be subject to restrictions on transferability and other restrictions as required by the Compensation Committee of the Board, which will be comprised solely of ''non-employee directors'' within the meaning of rule 16b–3 under the Securities Exchange Act of 1934 (the ''Exchange Act''), each of whom also is not an ''interested person'' of the Company within the meaning of section 2(a)(19) of the Act. The Company states that except to the extent restricted under the terms of the 2021 Plan, a Participant (as defined in the 2021 Plan) who is granted Restricted Stock will have all the rights of any other shareholder, including the right to vote the Restricted Stock and the right to receive dividends. The Company states that during the restriction period (*i.e.,* prior to the lapse of the applicable forfeiture restrictions), the Restricted Stock generally may not be sold, transferred, pledged, hypothecated, margined or otherwise encumbered by the Participant. The Company states that except as the Board otherwise determines, upon termination of a Participant's employment during the applicable restriction period, Restricted Stock for which forfeiture restrictions have not lapsed at the time of such termination shall be forfeited.

8. The Company states that the value of Restricted Stock generally will be taxable to the recipient as ordinary income in the years in which the restrictions on the shares lapse and that such value will be the fair market value of the shares on the dates the restrictions lapse. The Company states that the 2021 Plan authorizes the Company to withhold common stock (in whole or in part) from any award of restricted shares granted at the time the Restricted Stock is taxed in satisfaction of a Participant's tax obligations.

9. The Company states that maximum amount of Restricted Stock that may be issued and outstanding will not at the time of issuance of any Restricted Stock exceed 10% of the Company's outstanding voting securities.[3] In addition, the Company states that no Participant may be granted more than 25% of the shares reserved for issuance under the 2021 Plan.

10. The Company states that each issuance of Restricted Stock under the 2021 Plan will be approved by the required majority, as defined in section 57(o) of the Act,[4] of the Company's directors on the basis that the issuance is in the best interests of the Company and its shareholders. The Company states that the date on which the required majority approves an issuance of Restricted Stock will be deemed the date on which the subject Restricted Stock is granted.

11. The Company states that the 2021 Plan was approved by the Board as a whole, including the required majority as defined in section 57(o) of the Act, on

[1] Capital Southwest was incorporated in Texas in 1961. On March 30, 1988 Capital Southwest elected to be regulated as a BDC. Section 2(a)(48) of the Act defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[2] ''Prior Orders'' refers to the exemptive order issued by the Commission on October 26, 2010 (see Capital Southwest Corporation, Investment Company Act Release Nos. 29450 (notice) (September 29, 2010) and 29491 (order) (October 26, 2010)) and as amended by the exemptive order issued by the Commission on August 22, 2017 (see Capital Southwest Corporation, Investment Company Act Release Nos. 32742 (notice) (July 25, 2017) and 32787 (order) (August 22, 2017)).

[3] For purposes of calculating compliance with this limit, Capital Southwest counts as Restricted Stock all shares of its common stock that are issued pursuant to the 2021 Plan, less any shares that are forfeited back to Capital Southwest and cancelled as a result of forfeiture restrictions not lapsing.

[4] Section 57(o) of the Act provides that the term ''required majority,'' when used with respect to the approval of a proposed transaction, plan, or arrangement, means both a majority of a BDC's directors or general partners who have no financial interest in such transaction, plan, or arrangement and a majority of such directors or general partners who are not interested persons of such company.

March 26, 2021. The Company states that if the Commission issues the Order, the 2021 Plan will become effective upon receipt of the approval of the Company's shareholders.

Applicant's Legal Analysis

Sections 23(a) and (b), Section 63

1. Under section 63 of the Act, the provisions of section 23(a) of the Act generally prohibiting a registered closed-end investment company from issuing securities for services or for property other than cash or securities are made applicable to BDCs. This provision would prohibit the issuance of Restricted Stock as a part of the 2021 Plan.

2. Section 23(b) generally prohibits a registered closed-end management investment company from selling its common stock at a price below its current net asset value (''NAV''). Section 63(2) makes section 23(b) applicable to BDCs unless certain conditions are met. Because Restricted Stock that would be granted under the 2021 Plan would not meet the terms of section 63(2), sections 23(b) and 63 prohibit the issuance of the Restricted Stock.

3. Section 6(c) provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. The Company requests an order pursuant to section 6(c) of the Act granting an exemption from the provisions of sections 23(a) and (b) and section 63 of the Act. The Company states that the concerns underlying those sections include: (a) Preferential treatment of investment company insiders and the use of options and other rights by insiders to obtain control of the investment company; (b) complication of the investment company's structure that makes it difficult to determine the value of the company's shares; and (c) dilution of shareholders' equity in the investment company. The Company states that the 2021 Plan does not raise concerns about preferential treatment of the Company's insiders because the 2021 Plan is a bona fide compensation plan of the type common among corporations generally. In addition, section 61(a)(3)(B) of the Act permits a BDC to issue to its officers, directors and employees, pursuant to an executive compensation plan, warrants, options and rights to purchase the BDC's voting securities, subject to certain requirements. The Company states that, for reasons that are unclear, section 61 and its legislative history do not address the issuance by a BDC of restricted stock as incentive compensation. The Company states, however, that the issuance of Restricted Stock is substantially similar, for purposes of investor protection under the Act, to the issuance of warrants, options, and rights as contemplated by section 61 of the Act. The Company also asserts that the 2021 Plan would not become a means for insiders to obtain control of the Company because the number of shares of the Company issuable under the 2021 Plan would be limited as set forth in the application.

5. The Company further states that the 2021 Plan will not unduly complicate the Company's structure because equity-based compensation arrangements are widely used among corporations and commonly known to investors. The Company notes that the 2021 Plan will be submitted to its shareholders for their approval. The Company represents that a concise, ''plain English'' description of the 2021 Plan, including its potential dilutive effect, will be provided in the proxy materials that will be submitted to the Company's shareholders. The Company also states that it will comply with the proxy disclosure requirements in Item 10 of Schedule 14A under the Exchange Act. The Company further notes that the 2021 Plan will be disclosed to investors in accordance with the requirements of the Form N–2 registration statement for closed-end investment companies, and pursuant to the standards and guidelines adopted by the Financial Accounting Standards Board for operating companies. In addition, the Company will comply with the disclosure requirements for executive compensation plans applicable to BDCs.[5] The Company thus concludes that the 2021 Plan will be adequately disclosed to investors and appropriately reflected in the market value of the Company's shares.

6. The Company acknowledges that, while awards granted under the 2021 Plan would have a dilutive effect on the shareholders' equity in the Company, that effect would be outweighed by the anticipated benefits of the 2021 Plan to the Company and its shareholders. The Company asserts that it needs the flexibility to provide the requested equity-based employee compensation in order to be able to compete effectively with other financial services firms for talented professionals. These professionals, the Company suggests, in turn are likely to increase the Company's performance and shareholder value. The Company also asserts that equity-based compensation will help align the interests of the Company's employees with those of its shareholders. In addition, the Company states that its shareholders will be further protected by the conditions to the requested order that assure continuing oversight of the operation of the 2021 Plan by the Company's Board.

Section 57(a)(4), Rule 17d–1

7. Section 57(a) proscribes certain transactions between a BDC and persons related to the BDC in the manner described in section 57(b) (''57(b) persons''), absent a Commission order. Section 57(a)(4) generally prohibits a 57(b) person from effecting a transaction in which the BDC is a joint participant absent such an order. Rule 17d–1, made applicable to BDCs by section 57(i), proscribes participation in a ''joint enterprise or other joint arrangement or profit-sharing plan,'' which includes a stock option or purchase plan. Employees and directors of a BDC are 57(b) persons. Thus, the issuance of shares of Restricted Stock could be deemed to involve a joint transaction involving a BDC and a 57(b) person in contravention of section 57(a)(4). Rule 17d–1(b) provides that, in considering relief pursuant to the rule, the Commission will consider (i) whether the participation of the company in a joint enterprise is consistent with the Act's policies and purposes and (ii) the extent to which that participation is on a basis different from or less advantageous than that of other participants.

8. The Company requests an order pursuant to sections 57(a)(4) and 57(i) of the Act and under rule 17d–1 to permit the Company to issue Restricted Stock under the 2021 Plan. The Company states that the 2021 Plan, although benefiting the Participants and The Company in different ways, is in the interests of the Company's shareholders because the 2021 Plan will help align the interests of the Company's employees and officers with those of its shareholders, which will encourage conduct on the part of those employees and officers designed to produce a better return for the Company's shareholders.

[5] *See* Executive Compensation and Related Party Disclosure, Securities Act Release No. 8655 (Jan. 27, 2006) (proposed rule); Executive Compensation and Related Party Disclosure, Securities Act Release No. 8732A (Aug. 29, 2006) (final rule and proposed rule), as amended by Executive Compensation Disclosure, Securities Act Release No. 8765 (Dec. 22, 2006) (adopted as interim final rules with request for comments).

Additionally, section 57(j)(1) of the Act expressly permits any director, officer or employee of a BDC to acquire warrants, options and rights to purchase voting securities of such BDC, and the securities issued upon the exercise or conversion thereof, pursuant to an executive compensation plan which meets the requirements of section 61(a)(3)(B) of the Act. Applicant submits that the issuance of Restricted Stock pursuant to the 2021 Plan poses no greater risk to stockholders than the issuances permitted by section 57(j)(1) of the Act.

Section 23(c)

9. Section 23(c) of the Act, which is made applicable to BDCs by section 63 of the Act, generally prohibits a BDC from purchasing any securities of which it is the issuer except in the open market pursuant to tenders, or under other circumstances as the Commission may permit to ensure that the purchases are made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicant states that the withholding or purchase of shares of Restricted Stock and common stock in payment of applicable withholding tax obligations or of common stock in payment for the exercise price of a stock option might be deemed to be purchases by the Company of its own securities within the meaning of section 23(c) and therefore prohibited by the Act.

10. Section 23(c)(3) of the Act permits a BDC to purchase securities of which it is the issuer in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicant believes that the requested relief meets the standards of section 23(c)(3).

11. Applicant submits that these purchases will be made in a manner that does not unfairly discriminate against Applicant's stockholders because all purchases of Applicant's stock will be at the closing price of the common stock on the Nasdaq Global Market (or any primary exchange on which its shares of common stock may be traded in the future) on the relevant date (*i.e.,* the public market price on the date of grant of Restricted Stock). Applicant submits that because all transactions with respect to the 2021 Plan will take place at the public market price for the Applicant's common stock, these transactions will not be significantly different than could be achieved by any stockholder selling in a market transaction. Applicant represents that no transactions will be conducted pursuant to the requested order on days where there are no reported market transactions involving Applicant's shares.

12. Applicant represents that the withholding provisions in the 2021 Plan do not raise concerns about preferential treatment of Applicant's insiders because the 2021 Plan is a bona fide compensation plan of the type that is common among corporations generally. Furthermore, the vesting schedule is determined at the time of the initial grant of the Restricted Stock. Applicant represents that all purchases may be made only as permitted by the 2021 Plan, which will be approved by the Applicant's stockholders prior to any application of the relief. Applicant believes that granting the requested relief would be consistent with the policies underlying the provisions of the Act permitting the use of equity compensation as well as prior exemptive relief granted by the Commission under section 23(c) of the Act.

Applicant's Conditions

Applicant agrees that the order granting the requested relief will be subject to the following conditions:

1. The 2021 Plan will be authorized by the Company's shareholders.

2. Each issuance of Restricted Stock to officers and employees will be approved by the required majority, as defined in section 57(o) of the Act, of the Company's directors on the basis that such grant is in the best interests of the Company and its shareholders.

3. The amount of voting securities that would result from the exercise of all of the Company's outstanding warrants, options, and rights, together with any Restricted Stock issued and outstanding pursuant to the 2021 Plan and any other compensation plans of the Company, at the time of issuance shall not exceed 25% of the outstanding voting securities of the Company, except that if the amount of voting securities that would result from the exercise of all of the Company's outstanding warrants, options, and rights issued to the Company's directors, officers, and employees, together with any Restricted Stock issued pursuant to the 2021 Plan and any other compensation plans of the Company, would exceed 15% of the outstanding voting securities of the Company, then the total amount of voting securities that would result from the exercise of all outstanding warrants, options, and rights, together with any Restricted Stock issued pursuant to the 2021 Plan and any other compensation plans of the Company, at the time of issuance shall not exceed 20% of the outstanding voting securities of the Company.

4. The amount of Restricted Stock issued and outstanding will not at the time of issuance of any Restricted Stock exceed 10% of the Company's outstanding voting securities.

5. The Board will review the 2021 Plan at least annually. In addition, the Board will review periodically the potential impact that the issuance of Restricted Stock under the 2021 Plan could have on the Company's earnings and NAV per share, such review to take place prior to any decisions to grant Restricted Stock under the 2021 Plan, but in no event less frequently than annually. Adequate procedures and records will be maintained to permit such review. The Board will be authorized to take appropriate steps to ensure that the issuance of Restricted Stock under the 2021 Plan will be in the best interests of the Company's shareholders. This authority will include the authority to prevent or limit the granting of additional Restricted Stock under the 2021 Plan. All records maintained pursuant to this condition will be subject to examination by the Commission and its staff.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13664 Filed 6–25–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34 –92222; File No. SR–IEX–2021–09]

Self-Regulatory Organizations: Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Provide Temporary Remote Inspection Relief to IEX Members for Calendar Year 2021

June 22, 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 June 11, 2021, the Investors Exchange LLC (''IEX'' or the ''Exchange'') 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 self-regulatory organization. The

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] IEX is filing with the Commission a proposed rule change to amend IEX Rule 5.110 (Supervision) to provide temporary remote inspection relief to IEX Members for calendar year 2021.

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.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 the 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 these statement may be examined at the places specified in Item IV below. The self-regulatory organization 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

In light of the operational challenges that IEX Members [6] are facing due to the outbreak of the coronavirus disease (COVID–19), the Exchange proposes to amend IEX Rule 5.110 (Supervision) to adopt Supplementary Material .15 (Temporary Relief to Allow Remote Inspections for Calendar Year 2021) to provide member firms the option, subject to specified requirements under the proposed supplementary material, to complete remotely their calendar year 2021 inspection obligations under IEX Rule 5.110(c) (Internal Inspections), without an on-site visit to the office or location.[7] The proposed rule change would harmonize IEX Rule 5.110 with FINRA Rule 3110.17, which provides FINRA member firms with the option, subject to specified requirements under the supplementary material, to complete remotely their calendar year 2021 inspection obligations without an on-site visit to the office or location.[8] The proposed rule change is necessitated by the compelling health and safety concerns and the operational challenges that Members are facing due to the sustained COVID–19 pandemic.[9]

IEX Rule 5.110(c), Internal Inspections, requires, *inter alia,* that ''(1) [e]ach Member shall conduct a review, at least annually (on a calendar year basis), of the businesses in which it engages . . . .'' Subparagraph (1)(A) of the rule requires, in relevant part, that ''[e]ach Member shall inspect annually (on a calendar year basis) every [Office of Supervisory Jurisdiction or ''OSJ''] [10] and any branch office [11] that supervises one or more non-branch locations.'' Subparagraph (1)(B) of the rule requires, in relevant part, that ''[e]ach Member shall inspect at least every three years every branch office that does not supervise one or more non-branch locations . . . .'' Subparagraph (1)(B) further provides the criteria that a Member must consider when establishing the frequency of inspections for such branch locations.

On March 13, 2020 the United States declared a national emergency in response to the pandemic.[12] Around this time, many states issued stay-at-home orders and imposed restrictions on businesses, social activities, and travel to slow the spread of COVID–19 and reduce the burden on the U.S. health care system in accordance with the recommendations of public health experts.[13] In response, like many employers across U.S., Members closed their offices to the public, transitioned their employees to telework arrangements to comply with stay-at-home orders, and implemented other restrictive measures in an effort to slow the spread of COVID–19 such as curtailing or eliminating non-essential business travel, and significantly limiting or canceling in-person activities.[14]

These pandemic-related operational changes have made it impracticable for Members to conduct on-site inspections of OSJs, branch offices, and non-branch locations because this compliance function requires employees of the Member to travel to geographically dispersed locations. Such travel not only has been restricted at times by government orders, but also puts the health and safety of employees at great risk of contracting and spreading COVID–19.[15] By mid-year 2020, with many restrictive measures still in place, and in some instances additional quarantine requirements imposed on interstate travel, on-site inspections of offices or locations scheduled for calendar year 2020 continued to remain in abeyance.[16]

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[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* IEX Rule 1.160(s).

[7] SEC and Financial Industry Regulatory Authority, Inc. (''FINRA'') staff have stated in guidance that inspections must include a physical, on-site review component. *See* SEC National Examination Risk Alert, Volume I, Issue 2 (November 30, 2011) and FINRA Regulatory Notice 11–54 (November 2011) (joint SEC and FINRA guidance stating, a ''broker-dealer must conduct on-site inspections of each of its office locations; Office of Supervisory Jurisdictions ('OSJs') and non-OSJ branches that supervise non-branch locations at least annually, all non-supervising branch offices at least every three years; and non-branch offices periodically.'') (footnote defining an OSJ omitted). *See also* SEC Division of Market Regulation, Staff Legal Bulletin No. 17: Remote Office Supervision (March 19, 2004) (stating, in part, that broker-dealers that conduct business through geographically dispersed offices have not adequately discharged their supervisory obligations where there are no on-site routine or ''for cause'' inspections of those offices).

[8] *See* Securities Exchange Act Release No. 90454 (November 18, 2020), 85 FR 75097 (November 24, 2020) (SR–FINRA–2020–040). FINRA's rule change also permitted FINRA members to complete their 2020 remote inspections remotely, but IEX is only seeking to permit temporary remote inspections for calendar year 2021 because the applicable deadlines to complete the 2020 inspections have elapsed.

[9] The proposed rule change will automatically sunset on December 31, 2021. If IEX seeks to extend the duration of the temporary proposed rule beyond December 31, 2021, IEX will submit a separate rule filing to further renew the temporary relief.

[10] *See* IEX Rule 5.110(f)(1).

[11] *See* IEX Rule 5.110(f)(2).

[12] *See* Centers for Disease Control and Prevention (''CDC''), International Classification of Diseases, Tenth Revision, Clinical Modification, *https://www.cdc.gov/nchs/data/icd/Announcement-New-ICD-code-for-coronavirus-3-18-2020.pdf. See also* WHO Director-General, Opening Remarks at the Media Briefing on COVID–19 (March 11, 2020), *https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020.*

[13] *See* S.J. Lange et al., Potential Indirect Effects of the COVID–19 Pandemic on Use of Emergency Departments for Acute Life-Threatening Conditions—United States, January–May 2020, Morbidity and Mortality Weekly Report (June 26, 2020), *https://www.cdc.gov/mmwr/volumes/69/wr/mm6925e2.htm.*

[14] *See generally* FINRA Regulatory Notice 20–16 (May 2020) (describing practices implemented by FINRA member firms to transition to, and supervise in, a remote work environment during the COVID–19 pandemic).

[15] *See* CDC, Travel During the COVID–19 Pandemic (stating in part, ''Travel increases your chance of getting and spreading COVID–19. . . . Delay travel and stay home to protect yourself and others from COVID–19.''), *https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html* (updated February 16, 2021).

[16] *See, e.g.,* Government of the District of Columbia, Phase Two (June 22, 2020) (announcing certain businesses to reopen and activities to resume under specified conditions and stating that anyone coming into Washington, DC from states specified as high-risk is required to self-quarantine for 14 days), *https://coronavirus.dc.gov/phasetwo* (last visited March 2, 2021); New York Department of Health, Interim Guidance for Quarantine Restrictions on Travelers Arriving in New York State Following Out of State Travel (November 3,

In recognition of the logistical challenges firms were facing at that time to satisfy their on-site inspection obligations, FINRA adopted Rule 3110.16 (Temporary Extension of Time to Complete Office Inspections), extending the time by which firms must complete their calendar year 2020 inspection obligations under FINRA Rule 3110(c) to March 31, 2021, but emphasizing that the extension of time did not relieve firms from conducting the on-site portion of the inspections of their OSJs, branch offices, and non-branch locations.[17] As noted above, FINRA thereafter adopted Rule 3110.17 to allow for FINRA member firms to conduct calendar year 2020 inspections and calendar year 2021 inspections remotely, without an on-site visit to the office or location.[18]

The acute health and safety concerns related to COVID–19 persist, with the number of confirmed cases of COVID–19 in the U.S. continuing to increase since March 13, 2020.[19] While Members have continued to supervise OSJs, branch offices, and non-branch locations by, among other things, implementing remote supervisory practices through novel uses of technology as well as existing methods of supervision (*e.g.,* supervisory checklists, surveillance tools, incident trackers, email review, and trade exception reports),[20] Members are still experiencing logistical challenges related to conducting the on-site portion of their inspections due to continuing business and governmental restrictions and public health concerns.

Based on feedback described in FINRA's Regulatory Notice 20–16, in comment letters submitted in response to FINRA's proposed rule changes, and discussions with industry representatives, FINRA understood that beginning in or about March 2020, many firms had suspended the on-site component of their inspections scheduled for calendar year 2020. With no certainty as to when pandemic-related health concerns and restrictions will subside, firms will have a considerable backlog of 2020 inspections. Moreover, planning on-site inspections for calendar year 2021 for OSJs, branch offices, and non-branch locations in the current environment may be impacted as well. In light of pandemic-related developments, IEX believes further sensible and tailored temporary relief is warranted for Members to meet their inspection obligations under IEX Rule 5.110(c) for calendar year 2021.

Proposed Supplementary Material .15 to IEX Rule 5.110

In order to proactively address these concerns and to align its Supervision rule with corresponding FINRA rules covered by its regulatory services agreement with FINRA, IEX is proposing to adopt Supplementary Material .15. As proposed, Supplementary Material .15 would provide Members, subject to specified requirements therein, the option to conduct remotely the inspections of their OSJs, branch offices, and non-branch locations for any inspections to be conducted in calendar year 2021, without the requirement to conduct an on-site visit to such office or location. As described further below, the proposed rule change would set forth the dates by which inspections for calendar year 2021 are due, the requirement to amend or supplement written supervisory procedures for remote inspections, the use of remote inspections as part of an effective supervisory system, and documentation requirements. The Exchange believes this temporary remote inspection option is a reasonable alternative to provide to Members to fulfill their IEX Rule 5.110(c) obligations during these pressing times, and is designed to achieve the investor protection objectives of the inspection requirements under these unique circumstances.

The responsibility of Members to supervise their associated persons is a critical component of broker-dealer regulation. IEX Rule 5.110(a) requires that ''[e]ach Member . . . establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable IEX Rules . . . .'' The proposed Supplementary Material is not intended to alter this core responsibility. The advent of technology and automation in the financial industry has significantly changed the way in which Members and their associated persons conduct their business, communicate, and meet their regulatory obligations. IEX recognizes that Members generally use an array of technological tools to facilitate their supervisory practices (*e.g.,* surveillance systems; electronic tracking programs or applications; and electronic communications, including video conferencing tools), which many firms have leveraged to create and implement remote inspection plans, on a temporary basis, in response to pandemic-related operational challenges.[21]

IEX believes that proposed Supplementary Material .15 to IEX Rule 5.110 would provide a sensibly tailored regulatory alternative for Members to fulfill their obligations under IEX Rule 5.110(c) that would not materially diminish, and is reasonably designed to achieve, the investor protection objectives of the inspection requirements under these unique circumstances. IEX further notes that the proposed relief would be limited in duration to align with the extended date set forth under FINRA Rule 3110.16 of December 31, 2021 for calendar year 2021 inspections.[22]

A. Deadlines To Complete Calendar Year 2021 Inspections

Currently, IEX Rule 5.110(c)(1) provides that an inspection of an office or location must occur on a designated frequency, and the periodicity of the required inspection varies depending on the classification of the location or the nature of the activities that take place. OSJs and supervisory branch offices must be inspected at least annually (on a calendar-year basis); non-supervisory branch offices, at least every three years; and non-branch locations, on a periodic schedule at least once every three years.

Proposed Supplementary Material .15(a) would provide that a Member that is obligated to complete a 2021 inspection of an OSJ, branch office or non-branch location, pursuant to the applicable periodicity set forth under

2020), available at *https://coronavirus.health.ny.gov/system/files/documents/2020/11/interm_guidance_travel_advisory.pdf* (last visited March 2, 2021); and Chicago Department of Public Health, Emergency Travel Order (issued July 2, 2020 and last updated February 23, 2021, requiring travelers from states and territories meeting certain daily test metrics to test negative for COVID–19 pre-arrival and quarantine for 10 days), *https://www.chicago.gov/city/en/sites/covid-19/home/emergency-travel-order.html.*

[17] *See* Securities Exchange Act Release No. 89188 (June 30, 2020), 85 FR 40713 (July 7, 2020) (SR–FINRA–2020–19). In this rule filing, FINRA stated, among other things, that FINRA would consider whether additional relief may be warranted to address any backlog of 2020 inspections that may continue to exist in light of ongoing public health and safety concerns).

[18] *See supra* note 8.

[19] *See* Johns Hopkins, Coronavirus Resource Center, COVID–19 Dashboard by the Center for Systems Science and Engineering at Johns Hopkins University, *https://coronavirus.jhu.edu/map.html* (last visited March 2, 2021).

[20] *See* FINRA Regulatory Notice 20–16.

[21] *See* FINRA Regulatory Notice 20–16. *See generally* FINRA White Paper, ''Technology Based Innovations for Regulatory Compliance (''RegTech'') in the Securities Industry'' (September 2018) (reporting, among other things, that as financial services firms seek to keep pace with regulatory compliance requirements, they are turning to new and innovative regulatory tools to assist them in meeting their obligations in an effective and efficient manner), *https://www.finra.org/sites/default/files/2018_RegTech_Report.pdf.*

[22] *See supra* note 8.

IEX Rule 5.110(c)(1), may satisfy such obligation by conducting the applicable inspection remotely, without an on-site visit to the office or location subject to the other requirements set forth under the proposed supplementary material. In addition, the proposed Supplementary Material would expressly provide that inspections for calendar year 2021 must be completed on or before December 31, 2021. IEX believes that providing firms with the option to satisfy the inspection component of IEX Rule 5.110(c) remotely would enable firms to finish their calendar year 2021 inspections on or before December 31, 2021, particularly given the uncertainty surrounding planning inspections at this time. Further, proposed Supplementary Material .15(a) would affirm that a Member would remain subject to the other requirements of IEX Rule 5.110(c).[23]

B. Written Supervisory Procedures for Remote Inspections

IEX Rule 5.110(a) requires that Members establish and maintain a supervisory system that is tailored specifically to the member firm's business and addresses the activities of all its associated persons. The Rule requires that a Member's supervisory system shall include a number of elements, including ''[t]he establishment and maintenance of written procedures required by this IEX Rule 5.110 . . . .'' Under IEX Rule 5.110(b) (Written Procedures) a Member must establish, maintain, and enforce written procedures to supervise the types of business in which it engages and the activities of its associated persons that are reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable IEX rules.

To underscore the importance of this existing requirement in the context of remote inspections, proposed Supplementary Material .15(b) would expressly provide that consistent with a Member's obligation under Rule 5.110(b)(1), a Member that elects to conduct its calendar year 2021 inspections remotely must amend or supplement its written supervisory procedures to provide for remote inspections that are reasonably designed to assist in detecting and preventing violations of and achieving compliance with applicable securities laws and regulations, and with applicable IEX rules. As proposed by the Exchange, reasonably designed procedures for conducting remote inspection of offices or locations should include, among other things, a description of the methodology, including technologies permitted by the member, that may be used to conduct remote inspections. In addition, such procedures should include the use of other risk-based systems employed generally by the Member to identify and prioritize for review those areas that pose the greatest risk of potential violations of applicable securities laws and regulations, and of applicable IEX rules.[24]

C. An Effective Supervisory System

Internal inspections are a critical component of a Member's fundamental obligation under IEX Rule 5.110 to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable IEX rules. Proposed Supplementary Material .15(c) would expressly affirm this principle that: (i) The requirement to conduct inspections of offices and locations is one part of the Member's overall ongoing obligation to have an effective supervisory system; and (ii) a Member must continue with its reviews of the activities and functions occurring at all offices and locations, whether or not such offices or locations are due for an inspection under IEX Rule 5.110(c) in a given year or the Member's election to conduct such inspections remotely. In addition, under the proposed Supplementary Material, a Member's remote inspection of an office or location, like the traditional on-site inspection, would be held to the same standards for review as set forth under IEX Rule 5.110, Supplementary Material .12 (Standards for Reasonable Review).[25] Further, in accordance with this obligation, proposed Supplementary Material .15(c) would provide that where a Member's remote inspection of an office or location identifies any indicators of irregularities or misconduct (*i.e.,* ''red flags''),[26] the Member may need to impose additional supervisory procedures for that office or location, or may need to provide for more frequent monitoring or oversight of that office or location, or both, including potentially a subsequent physical, on-site visit on an announced

[23] In addition to requiring firms to conduct inspections of their offices and locations on a designated frequency, IEX Rule 5.110(c) generally requires a member to retain a written record of the date upon which each review and inspection occurred, reduce a location's inspection to a written report and keep each inspection report on file either for a minimum of three years or, if the location's inspection schedule is longer than three years, until the next inspection report has been written. If applicable to the location being inspected, the inspection report must include, without limitation, the testing and verification of the member's policies and procedures, including supervisory policies and procedures, in specified areas. *See* IEX Rule 5.110(c)(2). In addition, to prevent compromising the effectiveness of inspections due to conflicts of interest, IEX Rule 5.110(c)(3)(B) requires a Member to ensure that the person conducting the inspection is not an associated person assigned to the location or is not directly or indirectly supervised by, or otherwise reporting to, an associated person assigned to that location.

[24] Offices or locations that may present a higher risk profile would include, for example, those that have associated persons engaging in activities that involve handling customer funds or securities, maintaining books and records as described under applicable federal securities laws and IEX rules, order execution or other activities that may be more susceptible to higher risks of operational or sales practice wrongdoing, or have associated persons assigned to an office or location who may be subject to additional or heightened supervisory procedures.

[25] IEX Rule 5.110, Supplementary Material .12 provides: ''In fulfilling its obligations under IEX Rule 5.110(c), each Member must conduct a review, at least annually, of the businesses in which it engages. The review must be reasonably designed to assist in detecting and preventing violations of and achieving compliance with applicable securities laws and regulations and with IEX rules. Each Member shall establish and maintain supervisory procedures that must take into consideration, among other things, the firm's size, organizational structure, scope of business activities, number and location of the firm's offices, the nature and complexity of the products and services offered by the firm, the volume of business done, the number of associated persons assigned to a location, the disciplinary history of registered representatives or associated persons, and any indicators of irregularities or misconduct (*i.e.,* 'red flags'), etc. The procedures established and reviews conducted must provide that the quality of supervision at remote locations is sufficient to ensure compliance with applicable securities laws and regulations and with IEX rules. A Member must be especially diligent in establishing procedures and conducting reasonable reviews with respect to a non-branch location where a registered representative engages in securities activities. Based on the factors outlined above, Members may need to impose reasonably designed supervisory procedures for certain locations or may need to provide for more frequent reviews of certain locations.''

[26] Red flags that suggest the increased risk or occurrence of violations may include, among other events: Customer complaints; an unexplained increase or change in the types of investments or trading concentration that a representative is recommending or trading; an unexpected improvement in a representative's production, lifestyle, or wealth; questionable or frequent transfers of cash or securities between customer or third party accounts, or to or from the representative; a representative that serves as a power of attorney, trustee or in a similar capacity for a customer or has discretionary control over a customer's account(s); representative with disciplinary records; customer investments in one or a few securities or class of securities that is inconsistent with firm policies related to such investments; churning; trading that is inconsistent with customer objectives; numerous trade corrections, extensions, liquidations; or significant switching activity of mutual funds or variable products held for short time periods. *See generally* SEC Division of Market Regulation, Staff Legal Bulletin No. 17: Remote Office Supervision (March 19, 2004); *see also* FINRA Regulatory Notices 98–38 and 99–45.

or unannounced basis when the Member's operational difficulties associated with COVID–19 meetings abate, nationally or locally as relevant, and the challenges the Member is facing in light of the public health and safety concerns make such physical, on-site visits feasible, using reasonable best efforts. Finally, to underscore the limited duration of proposed supplementary material expressly states that the temporary relief would not extend to a Member's inspection requirements beyond calendar year 2021 and that such inspections must be conducted in compliance with IEX Rule 5.110(c).

D. Documentation Requirement

In general, IEX Rule 5.110(c)(2) describes the documentation requirements associated with conducting internal inspections. The rule requires a member to reduce the inspection and review conducted under IEX Rule 5.110(c)(1) to a written report and specifies how long the member must keep the report on file.[27] If applicable to the location being inspected, IEX Rule 5.110(c)(2)(A) specifies that the inspection report must include, without limitation, the testing and verification of the member's policies and procedures, including supervisory policies and procedures for: (i) Safeguarding of customer funds and securities; (ii) maintaining books and records; (iii) supervision of supervisory personnel; (iv) transmittals of funds from customers to third party accounts, from customer accounts to outside entities, from customer accounts to locations other than a customer's primary residence, and between customers and registered representatives, including the hand delivery of checks; and (v) changes of customer account information, including address and investment objectives changes, and validation of such changes. In addition to the requirements under IEX Rule 5.110(c)(2), proposed Supplementary Material .15(d) would require supplemental documentation by a Member that avails itself of the remote inspection option. The Member must maintain and preserve a centralized record for calendar year 2021 that separately identifies: (1) All offices or locations that had inspections that were conducted remotely; and (2) any offices or locations that the Member determined to impose additional supervisory procedures or more frequent monitoring, as provided in Supplementary Material .15(c). A Member's documentation of the results of a remote inspection for an office or location must identify any additional supervisory procedures or more frequent monitoring for that office or location that were imposed as a result of the remote inspection. IEX believes that this documentation requirement would help readily distinguish the offices and locations that underwent remote inspections and their attendant supervisory procedures, and their more frequent monitoring, as applicable. IEX notes that even in the current environment, Members have an ongoing obligation to establish and maintain a system to supervise the activities of their associated persons that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable IEX rules. IEX emphasizes that its proposed rule change is not intended to lessen the core obligations prescribed under IEX Rule 5.110. IEX believes that proposed Supplementary Material .15, which would permit firms to remotely inspect, subject to specified requirements described above, their offices and locations for any calendar year 2021 inspections, instead of an on-site visit to the office or location would provide Members a way to comply with IEX Rule 5.110(c) that would not materially diminish, and is reasonably designed to achieve, the investor protection objectives of the inspection requirements under these unique circumstances. IEX notes that potential risks that may arise from providing Members the option to conduct their inspections remotely are mitigated by Members' use of technology to meet their supervisory obligations on an ongoing basis, the unique circumstances under which they are operating, and the temporary nature of proposed rule change, which would remain in place through December 31, 2021.[28] IEX will continue to monitor the situation and engage with Members, other financial regulators, and governmental authorities to determine whether further regulatory relief or guidance related to IEX Rule 5.110(c) may be appropriate.

In addition, during the time that proposed Supplementary Material .15 remains in effect, IEX will closely monitor the effectiveness of remote inspections and their impacts—positive or negative—on Members' overall supervisory systems to assess whether to propose to make permanent a remote inspection option for some or all locations that would not materially diminish, and is reasonably designed to achieve, the investor protection objectives underpinning the requirement to inspect branch offices or locations in accordance with IEX Rule 5.110(c).

IEX has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, so IEX can implement the proposed rule change immediately.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b)[29] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act[30] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange's rule proposal is intended to harmonize IEX's supervision rules, specifically with respect to the requirements for inspections of Members' branch offices and other locations, with those of FINRA, on which they are based. Consequently, the proposed change will conform the Exchange's rules to changes made to corresponding FINRA rules, thus promoting application of consistent regulatory standards with respect to rules that FINRA enforces pursuant to its regulatory services agreement with the Exchange.

In recognition of the impact of COVID–19 on performing on-site inspections, the proposed rule change is intended to provide firms a temporary regulatory option to conduct inspections of offices and locations remotely for

[27] In addition to requiring Members to conduct inspections of their offices and locations on a designated frequency, IEX Rule 5.110(c) generally requires a Member to retain a written record of the date upon which each review and inspection occurred, reduce a location's inspection to a written report and keep each inspection report on file either for a minimum of three years or, if the location's inspection schedule is longer than three years, until the next inspection report has been written. If applicable to the location being inspected, the inspection report must include, without limitation, the testing and verification of the member's policies and procedures, including supervisory policies and procedures, in specified areas. *See* IEX Rule 5.110(c)(2). In addition, to prevent compromising the effectiveness of inspections due to conflicts of interest, the rule requires a Member to ensure that the person conducting the inspection is not an associated person assigned to the location or is not directly or indirectly supervised by, or otherwise reporting to, an associated person assigned to that location. *See* IEX Rule 5.110(c)(3).

[28] *See supra* note 9.

[29] 15 U.S.C. 78f.

[30] 15 U.S.C. 78f(b)(5).

calendar year 2021 inspections. This proposed supplementary material does not relieve firms from meeting the core regulatory obligation to establish and maintain a system to supervise the activities of each associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable IEX rules that directly serve investor protection. In a time when faced with unique challenges resulting from the COVID–19 pandemic, IEX believes that the proposed rule change provides sensibly tailored relief that will afford firms the ability to observe the recommendations of public health officials to provide for the health and safety of their personnel, while continuing to serve and promote the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issue but to align the Exchange's rules with those of FINRA, which will assist FINRA in its oversight work done pursuant to a regulatory services agreement with IEX. The proposed rule change will also provide for consistent application of the Exchange's supervision rules with those of FINRA, on which they are based. Consequently, the Exchange does not believe that the proposed change implicates competition at all.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [31] of the Act and Rule 19b–4(f)(6) [32] thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) 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 under Section 19(b)(2)(B) [33] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–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–IEX–2021–09. This file number should be included in 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 Section, 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 will also be available for inspection and copying at the IEX's principal office and on its internet website at *www.iextrading.com.* 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–IEX–2021–09 and should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13652 Filed 6–25–21; 8:45 am]

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[31] 15 U.S.C. 78s(b)(3)(A).

[32] 17 CFR 240.19b–4(f)(6).

[33] 15 U.S.C. 78s(b)(2)(B).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92230; File No. SR–BX–2021–028]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees, at Equity 7, Section 118(e)

June 22, 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 June 10, 2021, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees, at Equity 7, Section 118(e), as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange operates on the ''taker-maker'' model, whereby it generally pays credits to members that take liquidity and charges fees to members that provide liquidity. Currently, the Exchange has a schedule, at Equity 7, Section 118(e), which consists of several different credits and fees for Retail Orders [3] and Retail Price Improvement Orders [4] under Rule 4780 (Retail Price Improvement Program).

Currently, the Exchange charges a fee of $0.0025 per share executed for RPI Orders that provide liquidity. The Exchange proposes to adopt a new fee of $0.0018 per share executed for RPI Orders entered by a member that (i) quotes Retail Price Improvement Orders in at least 2,500 symbols on average per day and (ii) provides liquidity through Retail Price Improvement Orders equal to or exceeding an average daily volume of 2,500,000 shares. The Exchange will continue to charge a fee of $0.0025 per share executed for all other RPI Orders that provide liquidity. The Exchange hopes that the proposed lower fee will encourage member organizations to increase liquidity providing activity on RPI Orders on the Exchange. If the proposal is effective in achieving this purpose, then the quality of the Exchange's market will improve, particularly with respect to RPI and retail orders to the benefit of all participants, especially those who submit RPI and Retail Orders.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposal is also consistent with Section 11A of the Act relating to the establishment of the national market system for securities.

The Proposal Is Reasonable and Is an Equitable Allocation of Charges

The Exchange's proposed change to its schedule of credits and charges is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [7]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [8]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several 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 tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.[9]

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.[10] Within the foregoing context, the proposal represents a reasonable attempt by the Exchange to increase its market share relative to its competitors.

The Exchange believes it is reasonable and equitable to adopt a new $0.0018 per share executed fee for RPI Orders entered by a member that (i) quotes Retail Price Improvement Orders in at least 2,500 symbols on average per day and (ii) provides liquidity through Retail Price Improvement Orders equal to or exceeding an average daily volume of 2,500,000 shares. As discussed above, the Exchange's goal is to increase liquidity adding activity in RPI Orders on its platform. It is reasonable and equitable to address this need by

[3] Retail Orders shall mean an order type with a Non-Display Order Attribute submitted to the Exchange by a Retail Member Organization (as defined in Rule 4780). A Retail Order must be an agency Order, or riskless principal Order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology. *See* Rule 4702(b)(6).

[4] Retail Price Improving (''RPI'') Orders shall mean an Order Type with a Non-Display Order Attribute that is held on the Exchange Book in order to provide liquidity at a price at least $0.001 better than the NBBO through a special execution process described in Rule 4780. A Retail Price Improving Order may be entered in price increments of $0.001. RPI Orders collectively may be referred to as ''RPI Interest.'' *See* Rule 4702(b)(5).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *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)).

[8] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[9] *See* CBOE BYX Fee Schedule, at *http://markets.cboe.com/us/equities/membership/fee_schedule/byx/;* NYSE National Fee Schedule, at *https://www.nyse.com/publicdocs/nyse/regulation/nyse/NYSE_National_Schedule_of_Fees.pdf.*

[10] The Exchange perceives no regulatory, structural, or cost impediments to market participants shifting order flow away from it. In particular, the Exchange notes that these examples of shifts in liquidity and market share, along with many others, have occurred within the context of market participants' existing duties of Best Execution and obligations under the Order Protection Rule under Regulation NMS.

providing a lower fee to member organizations that meet the proposed thresholds as an incentive for them to increase their liquidity activity in RPI Orders on the Exchange. If the proposal is effective in achieving this purpose, then the quality of the Exchange's market will improve, particularly with respect to RPI and Retail orders to the benefit of all participants, especially those who submit RPI and Retail Orders.

The Proposed Fee Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it incentivizes customer activity that increases liquidity, enhances price discovery, and improves the overall quality of the equity markets.

The Exchange intends for its proposal to improve market quality for all members that submit RPI and Retail Orders on the Exchange and by extension attract more liquidity to the market, improving market wide quality and price discovery. Although net adders of liquidity for RPI Orders will benefit most from the proposal, this result is fair insofar as increased liquidity adding activity in RPI Orders will help to improve market quality and the attractiveness of the Nasdaq BX market to all existing and prospective retail participants.

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.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage. As noted above, all member organizations of the Exchange will benefit from any increase in market activity that the proposal effectuates. Member organizations may modify their businesses so that they can meet the required thresholds and pay lower charges. Moreover, members are free to trade on other venues to the extent they believe that the fees assessed, and credits provided, are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. The Exchange notes that the tier structure is consistent with broker-dealer fee practices as well as the other industries, as described above.

Intermarket Competition

The Exchange believes that its proposed modifications to its schedule of credits and charges will not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition from the other live exchanges and from off-exchange venues, which include alternative trading systems that trade national market system stock. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The proposed charge for adding liquidity is reflective of this competition because, as a threshold issue, the Exchange is a relatively small market so its ability to burden intermarket competition is limited. In this regard, even the largest U.S. equities exchange by volume has less than 17–18% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprised more than 40% of industry volume in recent months.

In sum, the Exchange intends for the proposed change to its fees for RPI Orders, in the aggregate, to increase member incentives to engage in the addition of liquidity on the Exchange. If the additional fee proposed herein is unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2021–028 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.

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

All submissions should refer to File Number SR–BX–2021–028. 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–BX–2021–028 and should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13657 Filed 6–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92229; File No. SR–MRX–2021–07]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Options 2, Section 4 (Obligations of Market Makers)

June 22, 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 June 15, 2021, Nasdaq MRX, LLC (''MRX'' or ''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 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 Options 2, Section 4, Obligations of Market Makers. The Exchange also proposes to add a new Options 4C.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/MRX/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 Options 2, Section 4, Obligations of Market Makers. The Exchange also proposes to add a new Options 4C.

Options 2, Section 4(a)

The Exchange proposes to remove the following rule text from Options 2, Section 4(a), which has been in place since MRX's inception: [3]

. . . Ordinarily, Market Makers are expected to:

(1) Refrain from purchasing a call option or a put option at a price more than $0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security.

(2) The $0.25 amount above may be increased, or the provisions of this Rule may be waived, by the Exchange on a series-by-series basis.

This proposed rule text also previously existed on Cboe Exchange, Inc. within prior Rule 8.7 [4] and was removed from Cboe's Rulebook in 2019.[5] The Exchange likewise desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[6] The proposed rule text is currently waived on MRX pursuant to Options 2, Section 4(a)(2). The Exchange proposes to remove this rule text from Options 2, Section 4 as the Exchange does not desire to enforce this provision in the future. The Exchange believes that this market maker provision is no longer necessary. Today, MRX incentivizes Market Makers through allocation [7] to quote tightly in their assigned options series. Primary Market Makers and Competitive Market Makers also have other obligations with respect to market making [8] in addition to other quoting

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (Application of Topaz Exchange, LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

[4] Prior Interpretation and Policy .02 to Rule 8.7 provided, ''Market-Makers are expected ordinarily to refrain from purchasing a call option or a put option at a price more than $0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security. The $0.25 amount above may be increased, or the provisions of this Interpretation may be waived, by the Exchange on a series-by-series basis.''

[5] Cboe's rule change merely noted, with respect to the removal of Cboe's parity rule, that the filing makes non-substantive changes to the rule governing a Market-Maker's general obligations (current Rule 8.7, in part), most of which remove redundant provisions that are already covered under the umbrella of a Market-Maker's obligation to engage in dealing to maintain fair and orderly markets. No specific argument is provided with respect to removing this provision. *See* Securities Exchange Act 87024 (September 19, 2019), 84 FR 50545 (September 25, 2019) (SR–CBOE–2019–059) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain Rules Relating To Market-Makers Upon Migration to the Trading System Used by Cboe Affiliated Exchanges).

[6] *See* Nasdaq Phlx LLC, The Nasdaq Options Market LLC and Nasdaq BX, Inc. at Options 2, Section 4 (Obligations of Market Makers).

[7] *See* Options 3, Section 10 (Priority of Quotes and Orders). Primary Market Makers are offered an enhanced allocation provided the Primary Market Maker is quoting at same price as a non- Priority Customer Order or Market Maker quote.

[8] *See* Options 2, Section 4. MRX Market Makers must for example: (1) Compete with other Market Makers to improve the market in all series of options classes to which the Market Maker is appointed; (2) make markets that, absent changed market conditions, will be honored for the number of contracts entered into the Exchange's System in all series of options classes to which the Market

Continued

obligations [9] that they must abide by when quoting on MRX. Also, since the adoption of the rule, the Exchange has adopted the obvious error rule [10] which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price. Also, MRX orders are subject to trade-through compliance, thereby limiting the prices at which orders may execute.[11] Market Makers are relied upon to provide liquidity on MRX, which benefits other Members who have the opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on MRX Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation.

Bid/Ask Differentials

The Exchange proposes to amend Options 2, Section 4(b)(4) and Options 4A, Section 12(b)(i) to centralize the bid/ask differentials. Specifically, the Exchange proposes to state within new Options 2, Section 4(b)(4)(iii) that,

> Bid/ask differentials shall not apply to any options series until the time to expiration is less than nine (9) months for equity options and exchange-traded products. Bid/ask differentials shall not apply to any options series until the time to expiration is less than twelve (12) months for index options.

Currently, MRX Options 4 and Options 4A rules are incorporated by reference to Nasdaq ISE, LLC (''ISE''). The Exchange recently filed a rule change [12] to amend ISE Options 4 and Options 4A rules to relocate text concerning bid/ask differentials for long-term option series from ISE Options 4, Section 8(a) [13] and ISE Options 4A, Section 12(b)(i).[14] The ISE Rule Change added citations to Options 2, Section 4(b)(4)(iii) to ISE Options 4, Section 8(a) and ISE Options 4A, Section 12(b)(i). The ISE Rule Change indicated that ISE believes relocating the bid/ask differentials to Options 2, Section 4(b)(4)(iii) will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange proposes to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved. The Exchange proposes to title General 2, Section 12 as ''Business Continuity and Disaster Recovery Plan Testing Requirements for Members Pursuant to Regulation SCI.'' The rule text is being relocated without change. The Exchange proposes to relocate this rule text to harmonize MRX's rules with that of Nasdaq PHLX LLC (''Phlx''), Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[15] The Exchange also proposes to reserve Sections 7–11 and 13–22 within General 2. Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market.

Technical Amendments

The Exchange proposes to add new Options 4C and mark it as reserved. Phlx added a 4C to its Rulebook and this rule change will harmonize MRX's Rulebook structure to Phlx's Rulebook Structure.[16]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Options 2, Section 4(a)

The Exchange's proposal to remove certain rule text from Options 2, Section 4(a) that refrains Market Makers from purchasing a call option or a put option at a price more than $0.25 below parity is consistent with the Act. The Exchange desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[19] The proposed rule text is currently waived on MRX pursuant to Options 2, Section 4(a)(2). The Exchange believes that this market maker provision is no longer necessary. Today, MRX incentivizes Market Makers through allocation [20] to quote tightly in their assigned options series. Primary Market Makers and Competitive Market Makers also have other obligations with respect to market making [21] in addition to other quoting obligations [22] that they must abide by when quoting on MRX. Also, since the adoption of the rule, the Exchange has adopted the obvious error rule [23] which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price. Also, MRX orders are subject to trade-through compliance, thereby limiting the prices at which orders may execute.[24] Market Makers are relied upon to provide liquidity on MRX, which benefits other Members who have the opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on MRX Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation and the removal of this provision would remove an impediment to and perfect the mechanism of a free and open market and a national market system.

Maker is appointed; (3) update market quotations in response to changed market conditions in all series of options classes to which the Market Maker is appointed; and (4) price options contracts fairly by, among other things, bidding and offering so as to create differences of no more than $5 between the bid and offer following the opening rotation in an equity or index options contract. *See* Options 2, Section 4(b).

[9] *See* Options 2, Section 5 (Electronic Market Maker Obligations and Quoting Requirements). Further, Options 3, Section 8(c)(3) requires Primary Market Makers to submit a Valid Width Quote during the Opening Process.

[10] *See* Options 3, Section 20 (Nullification and Adjustment of Options Transactions including Obvious Errors).

[11] *See* Options 3, Section 4(b)(6).

[12] *See* SR–ISE–2021–14 (''ISE Rule Change'').

[13] ISE Options 4, Section 8(a) describes the bid/ask differentials for long-term options series for equity options and exchange-traded funds.

[14] ISE Options 4A, Section 12(b)(i) describes the bid/ask differentials for long-term options series for indexes.

[15] Similar rule changes will also be made for Nasdaq ISE, LLC and Nasdaq MRX, LLC.

[16] *See* Securities Exchange Act Release No. 91488 (April 6, 2021), 86 FR 19037 (April 12, 2021) (SR–Phlx–2021–14) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Phlx Options Rules at Options 4 Under the Options 4 Title in the Exchanges Rulebooks Shell Structure).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *See supra* note 6.

[20] *See supra* note 7.

[21] *See supra* note 8.

[22] *See supra* note 9.

[23] *See supra* note 10.

[24] *See supra* note 11.

Bid/Ask Differentials

The Exchange's proposal to amend Options 2, Section 4(b)(4)(i) and Options 4A, Section 12(b)(i) to centralize the bid/ask differentials is consistent with the Act. Currently, MRX Options 4 and Options 4A rules are incorporated by reference to ISE. The Exchange recently filed a rule change [25] to amend ISE Options 4 and Options 4A rules to relocate text concerning bid/ask differentials for long-term option series from ISE Options 4, Section 8(a) and ISE Options 4A, Section 12(b)(i). The ISE Rule Change added citations to Options 2, Section 4(b)(4)(i) to ISE Options 4, Section 8(a) and ISE Options 4A, Section 12(b)(i). MRX believes centralizing the bid/ask differentials within new Options 2, Section 4(b)(4)(i) will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange's proposal to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved, is consistent with the Act. This rule text will harmonize MRX's rules with that of Phlx, Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[26] Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market. The Exchange also proposes to reserve Sections 7–10 and 13–22 within General 2. These changes are non-substantive as the rule text is not being amended.

Technical Amendments

Adding Options 4C and reserving it is a non-substantive amendment which will harmonize MRX's Rulebook structure to Phlx's Rulebook Structure.[27]

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.

[25] *See supra* note 12.

[26] *See supra* note 15.

[27] *See supra* note 16.

Options 2, Section 4(a)

The Exchange's proposal to remove certain rule text from Options 2, Section 4(a) that refrains Market Makers from purchasing a call option or a put option at a price more than $0.25 below parity does not impose an undue burden on competition. The Exchange desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[28] The proposed rule text is currently waived on MRX pursuant to Options 2, Section 4(a)(2). Market Makers are relied upon to provide liquidity on MRX, which benefits other Members who have the opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on MRX Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation.

Bid/Ask Differentials

The Exchange's proposal to amend Options 2, Section 4(b)(4) and Options 4A, Section 12(b)(i) to relocate text concerning bid/ask differentials for long-term option series does not impose an undue burden on competition. The Exchange's proposal will centralize the bid/ask differentials within new Options 2, Section 4(b)(4)(iii) and add a sentence to both Options 4, Section 8(a) and Options 4A, Section 12(b)(i) that cites to Options 2, Section 4(b)(4)(iii) for information on bid/ask differentials for the various products. The Exchange believes that this relocation will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange's proposal to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved, does not impose an undue burden on competition. This rule text will harmonize MRX's rules with that of Phlx, Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[29] Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market. This change is non-substantive as the rule text is not being amended.

Technical Amendments

Adding Options 4C and reserving it is a non-substantive amendment which will harmonize MRX's Rulebook structure to Phlx's Rulebook Structure.[30]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [31] and subparagraph (f)(6) of Rule 19b–4 thereunder.[32]

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:

[28] *See supra* note 5.

[29] *See supra* note 6.

[30] *See supra* note 16.

[31] 15 U.S.C. 78s(b)(3)(A)(iii).

[32] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–MRX–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–MRX–2021–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2021–07 and should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13656 Filed 6–25–21; 8:45 am]

BILLING CODE 8011–01–P

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, July 1, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: June 24, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–13845 Filed 6–24–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92234; File No. SR–NYSE–2021–36]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List Regarding Ports

June 22, 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 June 10, 2021, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to extend the end of the Decommission Period from June 2021 to August 2021. The Exchange proposes to implement these changes to its Price List effective June 10, 2021.[4] The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Price List on May 28, 2021 (SR–NYSE–2021–34). SR–NYSE–2021–34 was subsequently withdrawn and replaced by this filing.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to provide additional time for member organizations to finalize their transition from older to newer and more efficient Pillar technology. The Exchange is not proposing to adjust the amount of the port fees or the fees charged to offset the Exchange's continuing costs of supporting legacy ports, which will remain at the current level for all market participants.

Effective July 3, 2019, the Exchange introduced transition pricing designed to provide member organizations an extended transition period to connect to the Exchange using Pillar technology with no fee increase. Specifically, the Exchange (1) adopted a cap on monthly fees for the use of certain ports connecting to the Exchange for the billing months July 2019 through March 2020 (the ''Transition Period''); (2) adopted a Decommission Extension Fee applicable for the billing months April 2020 through September 2020 (the ''Decommission Period'') for legacy port connections; and (3) prorated the monthly fee for certain ports activated after July 1, 2019, effective April 1, 2020.[5]

Effective March 2, 2020, the Exchange (1) extended the end of the Transition Period from March 2020 to August 2020 for member organizations to transition to the utilization of ports that connect to the Exchange using Pillar technology; (2) shortened the Decommission Period from six months (April 2020–September 2020) to four months (September–December 2020); (3) extended the effective date that the Exchange would prorate the monthly fee for certain ports activated on or after July 1, 2019 from April 1, 2020 to September 1, 2020; and (4) revised the fees charged for legacy port connections during the Decommission Period.[6]

Effective August 1, 2020, the Exchange (1) extended the end of the Transition Period from August 2020 to October 2020; (2) extended the beginning of the Decommission Period from September 2020 to November 2020 and the end of the Decommission Period from December 2020 to February 2021; and (3) extended the effective date that the Exchange would prorate the monthly fee for ports activated on or after July 1, 2019 from September 1, 2020 to November 1, 2020.[7]

Effective October 1, 2020, the Exchange (1) extended the end of the Transition Period from October 2020 to December 2020; (2) extended the beginning of the Decommission Period from November 2020 to January 2021 and the end of the Decommission Period from February 2021 to April 2021; and (3) extended the effective date that the Exchange would prorate the monthly fee for ports activated on or after July 1, 2019 from November 1, 2020 to January 1, 2021.[8]

Effective December 1, 2020, the Exchange (1) extended the end of the Transition Period from December 2020 to February 2021; (2) extended the beginning of the Decommission Period from January 2021 to March 2021 and the end of the Decommission Period from April 2021 to June 2021; and (3) extended the effective date that the Exchange would prorate the monthly fee for ports activated on or after July 1, 2019 from January 1, 2021 to March 1, 2021.[9]

The Exchange proposes to extend the end of the Decommission Period two months from June 2021 to August 2021 in order to allow member organizations that did not complete the transition during the Transition Period the ability to choose to continue using Phase I ports until August 2021.

The Exchange proposes to implement these changes to its Price List effective June 1, 2021.

Competitive Environment

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.'' [10]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [11] Indeed, equity trading is currently dispersed across 16 exchanges,[12] 31 alternative trading systems,[13] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange has more than 16% market share.[14] The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, including ports, in response to fee changes. Accordingly, the Exchange's fees, including port fees, are reasonably constrained by competitive alternatives and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange is proposing these changes in the context of a competitive environment in which market participants can and do shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Because ports are used by member organizations to trade electronically on the Exchange, fees associated with ports are subject to these same competitive forces. The Exchange believes that the proposal represents a reasonable attempt to provide member organizations with additional time to finalize an orderly transition to upgraded technology.

Proposed Rule Change

Member organizations enter orders and order instructions, and receive information from the Exchange, by

[5] *See* Securities Exchange Act Release No. 86360 (July 11, 2019), 84 FR 34210 (July 17, 2019) (SR–NYSE–2019–39).

[6] *See* Securities Exchange Act Release No. 88373 (March 12, 2020), 85 FR 15533 (March 18, 2020) (SR–NYSE–2020–14).

[7] *See* Securities Exchange Act Release No. 89591 (August 18, 2020), 85 FR 52159 (August 24, 2020) (SR–NYSE–2020–14).

[8] *See* Securities Exchange Act Release No. 90180 (October 14, 2020), 85 FR 66612 (October 20, 2020) (SR–NYSE–2020–82).

[9] *See* Securities Exchange Act Release No. 90661 (December 14, 2020), 85 FR 82532 (December 18, 2020) (SR–NYSE–2020–99).

[10] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[11] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[12] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[13] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[14] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

establishing a connection to a gateway that uses communication protocols that map to the order types and modifiers described in Exchange rules. These gateway connections, also known as logical port connections, are referred to as ''ports'' on the Exchange's Price List. Legacy ports connect with the Exchange via a Common Customer Gateway (known as ''CCG'') that accesses its equity trading systems (''Phase I ports''). Beginning July 1, 2019, the Exchange began making available ports using Pillar gateways to its member organizations (''Phase II ports'').

Currently, member organizations that have not transitioned to Phase II ports and are still utilizing Phase I ports during the billing months of March 2021 through June 2021 (*i.e.,* the Decommission Period), would, in addition to the current port fees, be charged a Decommission Extension Fee of $1,000 per port per month, increasing by $1,000 per port for each month for any ports that communicate using Pillar phase I protocols. As per the Price List, ports using Pillar phase I protocols would no longer be available beginning July 1, 2021.

The Exchange proposes that the Decommission Period would end two months later, in August 2021. As proposed, the Price List would also be amended to provide that ports using Pillar phase I protocols would no longer be available beginning September 1, 2021.

As noted above, the Exchange believes that, to the extent that member organizations do not complete the transition during the Transition Period, the proposed rule change will offer member organizations the ability to choose to continue using Phase I ports until August 2021.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations 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,[15] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[16] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

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.'' [17]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [18] Indeed, equity trading is currently dispersed across 16 exchanges,[19] 31 alternative trading systems,[20] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange has more than 16% market share.[21] The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, including ports, in response to fee changes. Accordingly, the Exchange's fees, including port fees, are reasonably constrained by competitive alternatives and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, including ports, in response to fee changes. Accordingly, the Exchange's fees, including port fees, are reasonably constrained by competitive alternatives and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

If a particular exchange charges excessive fees for connectivity, impacted members and non-members may opt to terminate their connectivity arrangements with that exchange, and adopt a possible range of alternative strategies, including routing to the applicable exchange through another participant or market center or taking that exchange's data indirectly. Accordingly, if the Exchange charges excessive fees, it would stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity.

Given this competitive environment, the proposal represents a fair and reasonable attempt to provide member organizations with additional time to finalize an orderly transition to upgraded technology. As of April 2021, 16.2% of legacy ports have not been cancelled. The pricing is designed so that these few remaining member organizations utilizing legacy ports would pay for the Exchange to continue to support their Phase I ports through August 2021.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes its proposal equitably allocates its fees among its market participants. The Exchange is not proposing to adjust the amount of the port fees or the fees charged fees to offset the Exchange's continuing costs of supporting legacy ports, which will remain at the current level for all market participants. Rather, the proposal would provide additional time for member organizations to transition from older to newer and more efficient Pillar technology and would charge the same fee for those few member organizations that choose not to transition to Phase II ports during the extended Transition Period.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4) & (5).

[17] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[18] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[19] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[20] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[21] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

The proposal constitutes an equitable allocation of fees because all similarly situated member organizations and other market participants that, following the transition period, choose to connect to the Exchange through the use of Phase I ports during the Decommission Period would continue to be charged the same, unchanged Decommission Extension Fee.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, member organizations are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value, and are free to discontinue to connect to the Exchange through its ports. As noted, the Exchange is offering upgraded connections in an effort to keep pace with changes in the industry and evolving customer needs as new technologies emerge and products continue to develop and change.

The proposal neither targets nor will it have a disparate impact on any particular category of market participant. The Exchange believes that the proposal does not permit unfair discrimination because the proposal would be applied to all similarly situated member organizations and other market participants would be charged the same rates, which will remain unchanged.

The Exchange believes that the proposal does not permit unfair discrimination because the Decommission Extension Fee would apply equally to all member organizations that require additional time to complete their transition to the Phase II ports. At any point during the Decommission Period, a member organization could cease to be subject to the Decommission Fee by expediting its transition to the new ports. The Decommission Fee would thus apply equally to all member organizations during the proposed extended Decommission Period that choose to continue to connect to the Exchange through the use of legacy ports. As noted, to the extent a member organization continues to use ports activated before July 1, 2019 to connect to the Exchange during the proposed extended Decommission Period, the Exchange believes it is fair, equitable and not unfairly discriminatory to continue to charge flat fees for such ports until such time that connection to the Exchange through the use of old ports is no longer available beginning, as proposed, on September 1, 2021.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[22] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would provide additional time for member organizations to finalize the transition from older to newer and more efficient Pillar technology with no fee increase and offset the Exchange's continuing costs of supporting the Phase I ports for the few firms that do not transition to the new ports during the longer transition period without any change to the fees currently charged by the Exchange for the use of ports to connect to the Exchange's trading systems.

Intramarket Competition. The Exchange does not believe the proposed rule change would impose any burden on intramarket competition that is not necessary or appropriate because it would apply to all member organizations equally that connect to the Exchange. All member organizations, regardless of size, that did not complete the transition to Phase II ports by the end of February 2021 date are subject to the Decommission Fee on an equal basis and would continue to be subject to the fee on an equal basis for the proposed additional two months if they do not complete the transition to Phase II ports. As noted, as of April 2021, 16.2% of legacy ports have not been cancelled. The pricing is designed so that these few remaining member organizations utilizing legacy ports would pay for the Exchange to continue to support their Phase I ports through August 2021.

Intermarket Competition. The Exchange does not believe the proposed rule change would impose any burden on intermarket competition that is not necessary or appropriate because the Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. The Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets.

As noted, the no single exchange has more than 16% of the market share of executed volume of equity trades (whether excluding or including auction volume).[23] The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, including ports, in response to fee changes. Accordingly, the Exchange's fees, including port fees, are reasonably constrained by competitive alternatives and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange is proposing these changes in the context of a competitive environment in which market participants can and do shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Because ports are used by member organizations to trade electronically on the Exchange, fees associated with ports are subject to these same competitive forces. The Exchange therefore believes that the proposal would not impose an undue burden on intermarket competition because the purpose of this filing is not to change the rates charged for ports or to offset the Exchange's continuing costs of supporting legacy ports but rather to provide member organizations with more time to effect an orderly transition to upgraded technology without needing to incur any additional costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [24] of the Act and subparagraph (f)(2) of Rule 19b–4 [25] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the

[22] 15 U.S.C. 78f(b)(8).

[23] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f)(2).

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [26] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2021–36 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–2021–36. 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–2021–36, and should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13660 Filed 6–25–21; 8:45 am]

BILLING CODE 8011–01–P

[26] 15 U.S.C. 78s(b)(2)(B).

[27] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 32993, June 23, 2021.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, June 24, 2021 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, June 24, 2021 at 2:00 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: June 24, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–13813 Filed 6–24–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92225; File No. SR–FINRA–2021–016]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 2165 (Financial Exploitation of Specified Adults)

June 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 9, 2021, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend Rule 2165 (Financial Exploitation of Specified Adults) to permit member firms to: (1) Extend a temporary hold on a disbursement of funds or securities or a transaction in securities for an additional 30-business days if the member firm has reported the matter to a state regulator or agency or a court of competent jurisdiction; and (2) place a temporary hold on a securities transactions where there is a reasonable belief of financial exploitation.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Protection of Senior Investors

The protection of senior investors is a top priority for FINRA. FINRA has prioritized protecting senior investors and addressed financial exploitation of senior investors in numerous ways, including:

- Identifying senior investor issues as an examination priority; [3]
- Launching the dedicated FINRA Securities Helpline for Seniors®—available at 844–57–HELPS—to provide

[3] *See* 2019 Risk Monitoring and Examination Priorities Letter (January 2019) available at *https://www.finra.org/industry/2019-annual-risk-monitoring-and-examination-priorities-letter.*

senior investors and their family members with a supportive place to get assistance from specially trained FINRA staff related to concerns they have with their brokerage accounts and investments; [4]

- Creating national standards that give member firms tools—including permitting firms to place temporary holds on disbursements when they have a reasonable belief of financial exploitation and requiring firms to request information from customers about a trusted contact—to address suspected financial exploitation of senior investors and other vulnerable adults (*i.e.,* FINRA Rules 2165 and 4512 (Customer Account Information)); [5]
- Collaborating with the North American Securities Administrators Association (NASAA) and the SEC to address senior investor protection, including issuing a Senior Safe Act Fact Sheet designed to raise awareness among member firms, investment advisers and transfer agents about the Act and its immunity provisions; [6]
- Issuing alerts and articles educating investors about important issues and highlighting risks facing senior investors; [7]
- Conducting and funding research on senior investors and financial fraud, and engaging with national, state and grassroots partners to develop and distribute fraud prevention resources, educate consumers, and provide training for law enforcement professionals, victim advocates, and other people on the front lines of fighting financial fraud;
- Issuing *Regulatory Notices* emphasizing member firms' obligations to senior investors and providing guidance on how to fulfill those obligations; [8] and
- Bringing disciplinary actions for misconduct against senior investors.[9]

Retrospective Review

In August 2019, FINRA launched a retrospective review to assess the effectiveness and efficiency of its rules and administrative processes that help protect senior investors from financial exploitation. The retrospective review process has two phases: The assessment phase and the action phase.[10] During the assessment phase, FINRA first sought comment in *Regulatory Notice* 19–27 (August 2019) on several questions with respect to addressing financial exploitation and other circumstances of financial vulnerability for senior investors. FINRA received 22 comment letters to *Regulatory Notice* 19–27.[11]

In addition, FINRA obtained input from several advisory committees comprising member firms of different sizes and business models, investor protection advocates, member firms, and trade associations. FINRA also obtained the perspective of its operating departments that touch the rules and their administration. Moreover, FINRA considered examination observations and findings involving senior issues. In this regard, FINRA previously had identified as an examination priority reviewing member firms' controls regarding Rule 2165, to the extent firms anticipated using the rule's safe harbor, and Rule 4512's trusted-contact provision.[12] As part of these reviews, FINRA looked at whether member firms had clearly defined policies and procedures and sought information about firms' early experiences with these provisions.[13]

Finally, FINRA developed an anonymous survey that was distributed to all member firms in the first quarter of 2020. The purpose of the survey was to collect information in order to validate the feedback received and to provide an additional opportunity for all member firms to provide their views.[14]

[4] *See http://www.finra.org/investors/highlights/finra-securities-helpline-seniors.*

[5] *See Regulatory Notice* 17–11 (March 2017).

[6] *See http://www.finra.org/sites/default/files/senior_safe_act_factsheet.pdf.*

[7] *See, e.g.,* articles such as Protecting Seniors from Financial Exploitation; Investor Alerts such as Power of Attorney and Your Investments—10 Tips, Plan for Transition: What You Should Know About the Transfer of Brokerage Account Assets on Death; Seniors Beware: What You Should Know About Life Settlements; *and* FINRA's Retirement web page for investors.

[8] *See, e.g., Regulatory Notice* 07–43 (Sept. 2007) (reminding member firms of their obligations relating to senior investors and highlighting industry practices to serve these customers); *Regulatory Notice* 09–42 (July 2009) (reminding member firms of their obligations with variable life settlement activities); *Regulatory Notice* 11–52 (Nov. 2011) (reminding member firms of their obligations regarding the supervision of associated persons using senior designations); *Regulatory Notice* 16–12 (Apr. 2016) (providing guidance on member firm responsibilities for sales of pension income stream products); and *Regulatory Notice* 17–11 (Mar. 2017) (discussing new senior rules and potential financial exploitation of seniors).

[9] *See, e.g.,* John W. Cutshall, Order Accepting Offer of Settlement, Case ID 2014041590801 (April 11, 2019); Steven Anthony Olejniczak, Letter of Acceptance, Waiver and Consent, Case ID 2016050107901 (May 8, 2017).

[10] The stakeholders who provided input during the assessment phase of the retrospective review are collectively referred to herein as the ''Retrospective Review Stakeholders.''

[11] *See* Letter from Megan Valent, Legal Intern, and Teresa J. Verges, Director, University of Miami School of Law, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 1, 2019; Letter from Jennifer L. Szaro, Lara May & Associates, LLC, and Robert L. Hamman, President, First Asset Financial Inc., to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 4, 2019; Letter from William A. Jacobson, Esq., Clinical Professor of Law and Director, Securities Law Clinic Cornell Law School, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 7, 2019; Letter from Kathleen Quinn, Board President, National Adult Protective Services Association, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 7, 2019; Letter from Joe Snyder, Chair, Philadelphia Financial Exploitation Task Force dated Oct. 7, 2019; Letter from Seth A. Miller, General Counsel, Executive Vice President, and Chief Risk Officer, Cambridge Investment Research, Inc., to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Eric Arnold, Clifford Kirsch and Holly Smith of Eversheds Sutherland on behalf of the Committee of Annuity Insurers, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Christopher W. Bok, Director, Financial Information Forum, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Marc Fitapelli, Esq., Fitapelli Kurta, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Robin M. Traxler, Senior Vice President, Policy & Deputy General Counsel, Financial Services Institute, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Maureen K. Paparo, Legal Intern, Lincoln Square Legal Services, Inc., to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Courtney Rogers Reid, Lead Counsel, Broker-Dealer and Investment Adviser Practice Group, MML Investors Services, LLC, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Christopher Gerold, President, NASAA, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Nancy Brown, President and Co-Chair, and Dian VanderWell, Opportunity Alliance Nevada, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Christine Lazaro, President, and Samuel B. Edwards, Executive Vice President, Public Investors Advocate Bar Association, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Lisa J. Bleier, Managing Director, SIFMA, dated Oct. 8, 2019; Letter from Christine Lazaro, Professor of Clinical Legal Education and Director, St. John's University School of Law Securities Arbitration Clinic, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Alice L. Stewart, Director, and Rachael T. Shaw, Adjunct Professor, University of Pittsburgh School of Law—Securities Arbitration Clinic, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Ron Long, Head of Elder Client Initiatives Center of Excellence, Wells Fargo & Company, to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 8, 2019; Letter from Erin K. Lineham, Associate General Counsel—Compliance, Raymond James & Associates, Inc., to Jennifer Piorko Mitchell, Office of the Corporate Secretary, FINRA, dated Oct. 29, 2019; Letter from Marin E. Gibson, Managing Director and Associate General Counsel, SIFMA, dated Nov. 15, 2019; Letter from Anonymous dated Feb. 26, 2020.

[12] *See* 2019 Annual Risk Monitoring and Examination Priorities Letter (Jan. 22, 2019).

[13] *See id.*

[14] Survey respondents were permitted to skip survey questions. Information in this proposed rule change regarding the percentage of survey respondents for a particular question reflects the percentage of respondents for that question, not the percentage of respondents for the survey as a whole. Approximately 190 responses were received for

Continued

The review indicated that FINRA's steps to protect seniors have provided helpful and effective tools in the fight against financial exploitation, but it also suggested some additional tools, guidance and rule changes. In October 2020, FINRA published *Regulatory Notice* 20–34 (October 2020): (1) Summarizing the retrospective rule review process, including the predominant themes that emerged from Retrospective Review Stakeholder feedback; (2) seeking comment on proposed amendments to Rule 2165 to further address suspected financial exploitation of senior investors and other specified adults; and (3) providing guidance to aid member firms and senior investors and other specified adults.[15]

Rule 2165

Rule 2165 is the first uniform national standard for placing temporary holds on disbursements to address suspected financial exploitation.[16] Rule 2165 permits a member firm to place a temporary hold on a disbursement of funds or securities from the account of a ''specified adult'' [17] customer when the firm reasonably believes that financial exploitation of that adult has occurred, is occurring, has been attempted or will be attempted. Prior to the adoption of Rule 2165, some member firms expressed concern that placing a temporary hold on suspicious disbursements was not explicitly permitted by FINRA rules.

To address these concerns, Rule 2165 provides member firms and their associated persons with a safe harbor from FINRA Rules 2010 (Standards of Commercial Honor and Principles of Trade), 2150 (Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts) and 11870 (Customer Account Transfer Contracts) when member firms exercise discretion in placing temporary holds on disbursements of funds or securities from the accounts of specified adults consistent with the requirements of Rule 2165. FINRA encourages member firms to take advantage of the Rule 2165 safe harbor where there is a reasonable belief of customer financial exploitation.

Rule Safeguards

Rule 2165 also includes important safeguards that are designed to ensure that there is not a misapplication of the rule, including the requirements that:

(1) A member firm provide notification of the hold and the reason for the hold to all parties authorized to transact business on the account, including the customer and the customer's trusted contact person no later than two business days after the date that the member firm first placed the hold; [18]

(2) A member firm that places a hold pursuant to the rule immediately initiate an internal review of the facts and circumstances that caused the member to reasonably believe that the financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted; [19]

(3) In addition to the general supervisory and recordkeeping requirements of FINRA Rules 3110, 3120, 3130, 3150, and Rule 4510 Series, a member relying on the rule establish and maintain written supervisory procedures reasonably designed to achieve compliance with the rule, including, but not limited to, procedures related to the identification, escalation and reporting of matters related to the financial exploitation of specified adults; [20]

(4) Any request for a hold be escalated to a supervisor, compliance department or legal department rather than allowing an associated person handling an account to independently place a hold; [21]

(5) A member firm relying on the rule develop and document training policies or programs reasonably designed to ensure that associated persons comply with the requirements of the rule; [22] and

(6) A member firm relying on the rule retain records related to compliance with the rule, which shall be readily available to FINRA, upon request.[23]

Importantly, a temporary hold pursuant to Rule 2165 may be placed on a particular suspicious disbursement(s) (*e.g.,* a payment related to a commonly known scam, such as a lottery scam) but not on non-suspicious disbursements (*e.g.,* a regular mortgage payment or assisted living facility payment).

Responding to Suspected Financial Exploitation

Temporary holds on disbursements have played a critical role in providing member firms a way to quickly respond to suspicions of financial exploitation before potentially ruinous losses occur for the customer. For example, FINRA's report for the five-year anniversary of the FINRA Securities Helpline for Seniors® highlights several matters that illustrate the positive impact of placing temporary holds on disbursements to address financial exploitation.[24] The matters include temporary holds placed by member firms to prevent senior investors from losing:

- $200,000 (representing approximately two-thirds of the investor's account) related to a Central Intelligence Agency (CIA) lawsuit scam;
- $10,000 in a lottery scam;
- $60,000 in a romance scam; and
- $50,000 to financial exploitation by a brother-in-law.

Proposed Amendments to Rule 2165

The retrospective review indicated that Rule 2165 has been an effective tool in the fight against financial exploitation,[25] but supported amendments to permit member firms to: (1) Extend a temporary hold on a disbursement of funds or securities or a transaction in securities for an additional 30-business days if the member firm has reported the matter to a state regulator or agency or a court of

each top-level (non-nested) question. Therefore, unless indicated otherwise, the reader can assume that the percentages are based on approximately 190 responses.

[15] The proposed amendments to Rule 2165 set forth in *Regulatory Notice* 20–34 are referred to herein as the ''*Notice* 20–34 Proposal.''

[16] *See* Securities Exchange Act Release No. 79964 (Feb. 3, 2017), 82 FR 10059 (Feb. 9, 2017) (Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval of File No. SR–FINRA–2016–039).

[17] The definition of ''specified adult'' in Rule 2165 covers those investors who are particularly susceptible to financial exploitation. A ''specified adult'' is (A) a natural person age 65 and older or (B) a natural person age 18 and older who the member reasonably believes has a mental or physical impairment that renders the individual unable to protect his or her own interests. *See* Rule 2165(a)(1). Supplementary Material .03 to Rule 2165 provides that a member firm's reasonable belief that a natural person age 18 and older has a mental or physical impairment that renders the individual unable to protect his or her own interests may be based on the facts and circumstances observed in the member firm's business relationship with the person.

[18] *See* Rule 2165(b)(1)(B).

[19] *See* Rule 2165(b)(1)(C).

[20] *See* Rule 2165(c)(1).

[21] *See* Rule 2165(c)(2).

[22] *See* Supplementary Material .02 to Rule 2165.

[23] *See* Rule 2165(d).

[24] *See* Protecting Senior Investors 2015–2020: An Update on the FINRA Securities Helpline for Seniors, Other FINRA Initiatives and Member Firm Practices *(Apr. 2020) (Senior Helpline Anniversary Report).*

[25] During exams in 2019 focusing on Rule 2165, FINRA observed that large firms were more likely than small firms to place temporary holds pursuant to Rule 2165. Some member firms that declined to use the safe harbor cited litigation risks associated with placing temporary holds or in evaluating whether a customer is being financially exploited. This is consistent with FINRA's survey responses with large firms indicating that they had placed a temporary hold pursuant to the rule in a significantly larger percentage than mid-size or small firms. Thirty-one survey respondents had placed a temporary hold pursuant to Rule 2165. Eighty-four percent of large firm respondents had placed a hold pursuant to Rule 2165, while only 6% of all other sized firm respondents had placed a hold pursuant to Rule 2165.

competent jurisdiction; and (2) place a temporary hold on a securities transaction where there is a reasonable belief of financial exploitation.

Hold Period

Rule 2165 currently allows a member firm to place a temporary hold on a specified adult customer's account for up to 25-business days if the criteria in the rule are satisfied. More specifically, the temporary hold authorized by Rule 2165 would expire not later than 15-business days after the date that the member first placed the temporary hold on the disbursement of funds or securities, unless otherwise terminated or extended by a state regulator or agency or court of competent jurisdiction.[26] In addition, provided that the member firm's internal review of the facts and circumstances supports its reasonable belief that the financial exploitation of the specified adult has occurred, is occurring, has been attempted or will be attempted, the rule permits the member to extend the temporary hold for an additional 10-business days, unless otherwise terminated or extended by a state regulator or agency or court of competent jurisdiction.[27]

Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal generally supported extending the current 25-business day hold period to provide member firms with a longer period to resolve matters.[28] These Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal indicated that the current period may not be sufficient when a matter is under consideration by a state regulator, state agency or court. Notably, this view was shared by NAPSA and the Philadelphia Financial Exploitation Task Force in comments to *Regulatory Notice* 19–27 and the *Notice* 20–34 Proposal, with both commenters stating that adult protective services (APS) agencies, state regulators and law enforcement typically need more time to conduct thorough investigations. In contrast, in comments to *Regulatory Notice* 19–27 and the *Notice* 20–34 Proposal, NASAA supported retaining the current 25-business day period, which aligns with the hold period provided in the NASAA Model Act to Protect Vulnerable Adults from Financial Exploitation (NASAA Model Act).[29]

During exams in 2019 focusing on Rule 2165, member firms expressed to FINRA the need for additional time to conduct investigations and resolve matters.[30] Member firms were asked in the survey distributed to member firms about possible impediments to resolving a matter within the current 25-business day hold period provided by Rule 2165. Approximately 53% of survey respondents stated that they had been unable to resolve a matter within the 25-business day period. The most common reason was that the matter was under consideration by a state agency (such as APS) or a court. Other common reasons included: (1) The customer did not respond to inquiries from the firm; or (2) the customer did not believe that he or she was being financially exploited. For matters that took longer to resolve than the 25-business day period, approximately 35% of survey respondents indicated that it took on average 26–50 days to resolve the matter and approximately 59% of survey respondents indicated that it took on average 51–100 days to resolve the matter.

FINRA recognizes that placing or extending a temporary hold on a disbursement is a serious step for a member and the affected customer. While FINRA recognizes that customers may be affected by temporary holds, the costs of financial exploitation can be devastating to customers, particularly older customers who rely on their savings and investments to pay their living expenses and who may not have the ability to offset a significant loss over time. Furthermore, the rule's safeguards are designed to ensure that there is not a misapplication of the rule.

To provide member firms with additional time to resolve matters and for APS agencies, state regulators and law enforcement to conduct thorough investigations, FINRA is proposing amending Rule 2165 to permit extending a temporary hold on a disbursement of funds or securities or a transaction in securities for an additional 30-business days if the member firm has reported the matter to a state regulator or agency or a court of competent jurisdiction.[31]

In addition, Rule 2165(d) requires members to retain records related to compliance with the rule, which shall be readily available to FINRA, upon request. To evidence compliance with Rule 2165 in placing or extending a temporary hold, FINRA is proposing to require that a member firm retain records of the reason and support for any extension of a temporary hold, including information regarding any communications with or by a state regulator or agency of competent jurisdiction or a court of competent jurisdiction.[32]

Transactions in Securities

While placing a hold pursuant to Rule 2165 stops funds or securities from leaving a customer's account, the rule currently does not apply to transactions in securities.[33] Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal generally supported extending Rule 2165 to permit a member firm to place a temporary hold on a transaction in securities when the firm has a reasonable belief that the customer is being financially exploited.[34] Even if a temporary hold is placed on a disbursement out of the customer's account, these Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal noted that executing a related transaction may result in significant financial consequences for the customer (*e.g.,* adverse tax consequences, surrender charges, the inability to regain access to a sold investment that has been closed to new investors or trading by a perpetrator in inappropriate high risk or illiquid securities).

Currently, there are 34 states with laws that allow investment advisers or broker-dealers to place some form of hold. Several Retrospective Review

[26] *See* Rule 2165(b)(2).

[27] *See* Rule 2165(b)(3).

[28] *See, e.g.,* comments to the *Notice* 20–34 Proposal from CAI, Cambridge, Commonwealth, Edward Jones, Fidelity, FSI, IRI, Miami Investor Rights Clinic, MMLIS, NAPSA, Norcross, Philadelphia Financial Exploitation Task Force, SIFMA and Wells Fargo.

[29] The NASAA Model Act is available at *https://www.nasaa.org/industry-resources/senior-issues/model-act-to-protect-vulnerable-adults-from-financial-exploitation/.*

[30] In 2019, FINRA identified as an examination priority: (1) Reviewing member firms' controls regarding their obligations under trusted contact person-related amendments to FINRA Rule 4512 and Rule 2165, to the extent that firms anticipate placing temporary holds on disbursements pursuant to the Rule 2165 safe harbor, including whether firms have clearly defined policies and procedures or practices; and (2) learning about firms' early experiences with these provisions. *See* 2019 Annual Risk Monitoring and Examination Priorities Letter (Jan. 22, 2019).

[31] The 30-business day hold period in proposed Rule 2165(b)(4) would be in addition to the 15-business day hold in Rule 2165(b)(2) and the 10-business day hold in Rule 2165(b)(3).

[32] *See* proposed Rule 2165(d)(6).

[33] For example, Rule 2165 currently would not apply to a customer's order to sell his shares of a stock. However, if a customer requested that the proceeds of a sale of shares of a stock be disbursed out of his account at the member firm, then the rule could apply to the disbursement of the proceeds where the customer is a ''specified adult'' and there is reasonable belief of financial exploitation.

[34] *See, e.g.,* comments to the *Notice* 20–34 Proposal from CAI, Cambridge, Commonwealth, Edward Jones, Fidelity, FSI, IRI, LPL, Miami Investor Rights Clinic, MMLIS, NAPSA, Norcross, Philadelphia Financial Exploitation Task Force, SIFMA and Wells Fargo.

Stakeholders noted that while the NASAA Model Act does not extend to transactions, 20 of those 34 states (with approximately half of the U.S. population) have enacted laws permitting investment advisers and broker-dealers to place temporary holds on disbursements *and* transactions.[35]

While some state laws permit placing holds on transactions, FINRA is proposing to amend Rule 2165 to create the first uniform national standard for placing holds on securities transactions related to suspected financial exploitation. Under the safe harbor approach, a member firm would be permitted, but not required, to place a temporary hold on a transaction when there is a reasonable belief that the customer is being financially exploited.

FINRA recognizes that placing a temporary hold on a transaction is a serious step for a member firm and the affected customer. But FINRA also recognizes that placing a temporary hold on the underlying transaction may prevent significant negative financial consequences for the customer. These negative financial consequences can result even if a temporary hold is placed on any related disbursement of funds out of the customer's account. Moreover, as discussed above, the rule includes important safeguards designed to avoid misapplication of the rule.

Need for the Proposed Amendments

Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal consistently indicated the prevalence of and problems associated with financial exploitation of senior investors,[36] including the potential for significant and longstanding harm to customers.[37] Moreover, Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal generally agree that member firms need tools to address suspected financial exploitation.[38]

As discussed in greater detail in section C *infra,* some Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal expressed concern that a temporary hold could be harmful to customers or that Rule 2165 could be misused by member firms. Regarding the potential of customer harm, it is important to consider that Rule 2165 is available *only* if the member firm has a reasonable belief that the customer is being financially exploited. Moreover, the temporary hold may be placed *only* on the suspicious disbursement (or transaction if the proposed amendment to extend the rule to transactions is approved). Even if the member firm has placed a temporary hold on a suspicious disbursement or transaction pursuant to Rule 2165, a temporary hold may *not* be placed on non-suspicious disbursements or transactions (*e.g.,* a regular mortgage payment).

In evaluating concerns about potential misuse of Rule 2165, neither FINRA nor commenters were able to identify any reported customer complaints on Forms U4 or U5 or pursuant to Rule 4530 related to placing a temporary hold pursuant to Rule 2165. Moreover, respondents to FINRA's survey to member firms indicated that they had not reported a complaint on Form U4 or Form U5 or pursuant to Rule 4530 related to placing any temporary holds. In addition, neither FINRA nor the states have brought any disciplinary action due to misuse of Rule 2165 or any state temporary hold law.[39]

The demonstrated and potential benefits of Rule 2165 weigh in favor of the proposed rule change. Notably, Rule 2165 has been used by member firms to address suspected financial exploitation and these temporary holds have prevented significant financial harm to customers.[40] Moreover, Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal stressed that, even if a temporary hold is placed on a disbursement of funds or securities, a customer can experience significant negative financial consequences if a suspicious transaction is permitted.[41]

Some Retrospective Review Stakeholders and commenters to the *Notice* 20–34 Proposal believe that the proposed extension of the hold period is too long and could be harmful to customers.[42] Commenters to the *Notice* 20–34 Proposal stated that some matters can be quickly resolved after placing a temporary hold, but complex matters that involve investigations by state regulators or agencies or legal actions in a court (*e.g.,* financial exploitation of an elderly customer by a family member or caregiver) may need additional time to resolve.[43] In considering the appropriate time period, it is notable that NAPSA and the Philadelphia Financial Exploitation Task Force—representing APS programs which play a critical role in investigating suspicions of financial exploitation—also expressed in their comments to the *Notice* 20–34 Proposal the need for additional time to conduct investigations. NAPSA's comment letter to the *Notice* 20–34 Proposal also shared data in support of the need for a longer hold period in Rule 2165 that the average investigation duration of reported matters to the federal National Adult Maltreatment Reporting System (NAMRS) is 52.6 days.

In considering the proposed extension of Rule 2165 to securities transactions, it is notable that approximately 50% of the U.S. population lives in a state that permits broker-dealers and investment advisers to place holds on suspicious securities transactions pursuant to state law.

These state laws represent a patchwork where some customers may be afforded greater protection from financial exploitation than other customers. In contrast, Rule 2165 provides a uniform national standard for placing temporary holds when there is a reasonable belief of financial exploitation. Moreover, Rule 2165 incorporates numerous safeguards that apply to each temporary hold and that are designed to ensure that there is not a misapplication of the rule.

If the Commission approves the proposed rule change, FINRA will announce the implementation date of the proposed rule change in a *Regulatory Notice.* The implementation date will be no later than 180 days following publication of the *Regulatory*

[35] As of June 2021, the following states permit holds on disbursement and transactions: Arkansas, Arizona, California, Florida, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Dakota, Oklahoma, South Carolina, Texas, Utah, Virginia, Washington and West Virginia.

[36] *See, e.g.,* comments to the *Notice* 20–34 Proposal from PIABA. *See also* Consumer Financial Protection Bureau, Office of Financial Protection for Older Americans, Suspicious Activity Reports on Elder Financial Exploitation: Issues and Trends (Feb. 2019) (highlighting that SAR filings on elder financial exploitation quadrupled from 2013 to 2017). *See also* U.S. Securities and Exchange Commission, Office of the Investor Advocate, Elder Financial Exploitation (June 2018) (providing an overview of studies on the prevalence of senior financial exploitation).

[37] *See, e.g.,* discussion in the Senior Helpline Anniversary Report regarding a member firm placing a temporary hold to prevent a senior investor from losing $200,000 (representing approximately two-thirds of the investor's account) related to a CIA lawsuit scam.

[38] *See, e.g.,* in comments to the *Notice* 20–34 Proposal the Miami Investor Rights Clinic stated that it ''fully supports'' the proposed amendments as they will provide greater protection to seniors and vulnerable adults that may be victims of financial exploitation. IRI also stated that the proposed amendments will better enable firms to prevent the financial exploitation of vulnerable Americans.

[39] This lack of disciplinary action by FINRA and the states is also noted in the NASAA's comment letter to the *Notice* 20–34 Proposal.

[40] *See, e.g.,* Protecting Senior Investors 2015–2020: An Update on the FINRA Securities Helpline for Seniors, Other FINRA Initiatives and Member Firm Practices *(Apr. 2020).*

[41] *See, e.g.,* comments to the *Notice* 20–34 Proposal from Edward Jones and the Miami Investor Rights Clinic.

[42] *See, e.g.,* comments to the *Notice* 20–34 Proposal from NASAA and the Pittsburgh Clinic.

[43] *See, e.g.,* comments to the *Notice* 20–34 Proposal from Edward Jones.

Notice announcing Commission approval.

2. Statutory Basis

The proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[44] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change will promote investor protection by allowing for additional time for firms to resolve matters and for APS agencies, state regulators and law enforcement to conduct thorough investigations of suspected financial exploitation. Customers would benefit from this extension in instances where the additional time allows for a positive identification of financial exploitation and retention of the disbursement amount within the account. The proposed rule change also will allow firms to place temporary holds on transactions, which should prevent harm to exploited customers such as being subject to adverse tax consequences, early withdraw penalties or investments that do not align with their investor profiles. Moreover, the rule incorporates numerous safeguards that apply to each temporary hold and that are designed to ensure that there is not a misapplication of the rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. All member firms would be subject to the proposed rule change.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to further analyze the regulatory need for the proposed rule change, its potential economic impacts, including anticipated costs, benefits, and distributional and competitive effects, relative to the current baseline, and the alternatives FINRA considered in assessing how best to meet its regulatory objective.

Regulatory Need

FINRA is active in its efforts to protect senior investors from financial exploitation. In the context of these efforts, and with evidence of a growing trend of such exploitation,[45] FINRA conducted a review of relevant existing rules and administrative processes that help protect senior investors from financial exploitation. Through this review, FINRA has received feedback on the effectiveness and efficiency of Rule 2165.

Economic Baseline

The economic baseline for the proposed rule amendments is the current Rule 2165 and its use by member firms, as well as existing firm policies and state laws related to protecting senior investors. As discussed above, in August 2019, FINRA launched a retrospective review to assess the effectiveness and efficiency of its rules and administrative processes that help protect senior investors from financial exploitation. To conduct the assessment phase of the retrospective rule review, FINRA first sought comment in *Regulatory Notice* 19–27. FINRA obtained input from several advisory committees comprising member firms of different sizes and business models, investor protection advocates, and member firms, and from trade associations. In addition, FINRA obtained the perspective of its operating departments that touch the rules and their administration.

FINRA also distributed a survey to all member firms in the first quarter of 2020, to which a subset of firms, ranging from small to large firms, responded. The purpose of the survey was to collect information and to provide member firms an additional opportunity to provide their views. The economic baseline, regarding the current application of the rule by firms and the effectiveness and efficiency of the rule, is established using the information obtained during the assessment phase.

As noted above, with respect to the use of Rule 2165 in placing a temporary hold on disbursements, of the member firms that indicated having placed a temporary hold,[46] approximately 53% of survey respondents stated that the firm had been unable to resolve the matter within the 25-business day period provided by the rule. For firms responding that any matter took longer to resolve than the 25-business day period, approximately 35% indicated that it took on average 26–50 days to resolve the matter and approximately 59% indicated that it took on average 51–100 days to resolve the matter.

With respect to the issue of placing a temporary hold on transactions, currently 20 states (with approximately half of the U.S. population) have enacted laws permitting investment advisers and broker-dealers to place temporary holds on disbursements *and* transactions.

Economic Impacts

FINRA has analyzed the potential costs and benefits of the proposed amendments, and the different parties that are expected to be affected. FINRA has identified senior investors and member firms that serve senior investors as the main parties to be impacted by the proposed amendments.

The proposed amendments to Rule 2165 would permit extending a temporary hold for an additional 30-business days if the member firm has reported the matter to a state agency or a court of competent jurisdiction. FINRA believes that allowing an extension to the temporary hold period would provide firms additional time to resolve matters and for APS agencies, state regulators and law enforcement to conduct thorough investigations of suspected financial exploitation. Moreover, extensions may allow for greater collaboration and interaction between the member firm placing the hold and other authorities or regulators, on a local, state or national level. Customers would benefit from this extension in instances where the additional time allows for a positive identification of financial exploitation and retention of the disbursement amount within the account. Alternatively, if the additional time leads to a determination that no financial exploitation occurred, customers may incur costs from the extended delay in access to the funds.

The proposed amendments would also extend Rule 2165 to permit a member firm to place a temporary hold on a transaction in securities when the firm has a reasonable belief that the customer is being financially exploited. Twenty states, together containing approximately half of the U.S. population, already permit firms to place temporary holds on transactions. The proposed amendments would impact firms in all states by providing a safe harbor under FINRA rules for firms to place holds on transactions. The extent of the impact would vary across firms depending on their decision to take advantage of the proposed extension of Rule 2165 to

[44] 15 U.S.C. 78*o*–3(b)(6).

[45] *See supra* note 36.

[46] Thirty-one firms responded in the survey that they had placed a temporary hold. Out of the 31 firms that indicated that they had placed a temporary hold, 17 firms indicated that it took more than the 25-business day period to resolve the matter, as currently provided in Rule 2165.

transactions.[47] The proposed amendments would also impact the customers of those firms. In instances when a firm's hold on a transaction prevented financial exploitation, the customer whose transaction was held would benefit from not incurring the negative financial consequences of the transaction. In instances when a transaction hold was executed and no financial exploitation was found, the economic impact of the hold stems primarily from the magnitude of the security's price movement (positive or negative) between the time the hold was placed and the time it was lifted.

Alternatives Considered

FINRA considered various alternatives to the proposed rule amendments. First, FINRA considered different possible extensions of the temporary hold period, ranging from no extension to an extension of up to 75-business days. On the one hand, a longer temporary hold period would allow member firms more time to investigate and contact the relevant parties, as well as obtain input from a state regulator, agency, or court if needed. Alternatively, an extended temporary hold period could result in increased costs to both investors and firms.[48] These include increased costs to investors from lost investment opportunities or liquidity problems and increased costs to firms from legal challenges to investigations, all of which are anticipated to be related to the length of the hold on disbursements. Considering these factors, as well as information from the various outreach efforts and stakeholder engagements, FINRA believes that the proposal strikes a balance across the spectrum of possible options.

Second, FINRA considered not extending Rule 2165 to transactions, but rather keeping the temporary hold option only for disbursements. FINRA weighed the costs and benefits of doing so, as discussed above, also considering that some states already permit such a hold on transactions. Ultimately, FINRA has found the proposed amendment to expand Rule 2165 to transactions to strike an appropriate balance between regulatory burden, investor protection and investor choice.

Third, FINRA considered requiring firms to place temporary holds, for either disbursements or transactions, rather than permitting it. FINRA believes that providing firms with the discretion of placing a hold, versus a requirement, results in incentives to use the hold option in a way that ultimately benefits both the firm and its' customers.[49]

Finally, FINRA considered extending Rule 2165 to situations where a firm has a reasonable belief that one of its customers is exhibiting signs of diminished capacity or cognitive decline, affecting the customers' ability to protect their own financial interests, without any evidence of financial exploitation. FINRA believes that the associated costs with establishing such a standard outweigh the potential benefits. Such an extension would give discretion to member firms that could directly or indirectly impede informed investor choice, with potential costs that might exceed the potential benefits from investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was published for comment in *Regulatory Notice* 20–34. FINRA received 19 comment letters in response to the *Notice* 20–34 Proposal. A copy of the *Notice* 20–34 Proposal is attached [sic] as Exhibit 2a. Copies of the comment letters received in response to the *Notice* 20–34 Proposal are attached [sic] as Exhibit 2c.[50]

The comments and FINRA's responses are set forth in detail below.

Support for the Notice 20–34 Proposal

Fourteen commenters expressed support for the *Notice* 20–34 Proposal.[51] Several commenters stated that the proposed amendments will better protect vulnerable investors from financial exploitation. For example, Miami Investor Rights Clinic stated that it ''fully supports'' the proposed amendments as they will provide greater protection to seniors and vulnerable adults that may be victims of financial exploitation. IRI also stated that the proposed amendments will better enable firms to prevent the financial exploitation of vulnerable Americans.

LPL supported the proposed amendments but requested that the hold period be further extended to allow for holds of up to 100-business days. Regarding the hold period in Rule 2165, FINRA has tried to strike a reasonable balance in giving member firms adequate time to investigate and contact the relevant parties, as well as seek input from a state regulator or agency or a court if needed, but also not permitting an open-ended hold period in recognition of the seriousness of placing a temporary hold. Rule 2165 would continue to permit the temporary hold to be terminated or extended by a state regulator, state agency or court of competent jurisdiction. In addition, if the proposed hold period does not provide member firms adequate time to investigate and contact the relevant parties, as well as seek input from a state regulator or agency or a court if needed, FINRA may consider extending the temporary hold period in future rulemaking.

Opposition to or Concerns With the Notice 20–34 Proposal

PIABA supports enhanced protections for investors but expressed concern that member firms could misuse the proposed amendments. PIABA recommended that FINRA require in Rule 2165 that the member firm: (1) Update its written supervisory manuals to include training and review transactions suspected of elder abuse; (2) include in its retained records documentation of the firm's reasonable efforts to quickly investigate the matter; and (3) file a report with the appropriate APS agency and state regulator as soon as reasonably practical but no later than seven business days from the initial hold period.

Regarding PIABA's suggested requirements, Rule 2165 currently includes several safeguards designed to prevent misapplication of the rule, including requiring that member firms that intend to place a hold pursuant to Rule 2165 must: (1) Retain records related to the firm's internal investigation; [52] and (2) develop and document training policies or programs reasonably designed to ensure that associated persons comply with the requirements of the rule.[53] FINRA also expects member firms to comply with

[47] When asked in the survey about FINRA extending Rule 2165 to transactions, respondents were evenly split with 50% anticipating that the member firm would place holds on transactions pursuant to amended Rule 2165 and 50% anticipating that the firm would not place holds.

[48] *See* discussion in ''Economic Impacts'' section above in section B, ''Hold Period'' section below in section C, and *Regulatory Notice* 20–34.

[49] *See* Bruce I. Carlin, Tarik Umar, and Hanyi Yi, *Deputization,* National Bureau of Economic Research Working Paper No. 27225 (May 2020) (discussing the benefits of providing financial institutions tools to address suspected financial exploitation versus requiring specific actions).

[50] *See* Exhibit 2b for a list of abbreviations assigned to commenters.

[51] *See* CAI, Cambridge, Commonwealth, Edward Jones, Fidelity, FSI, IRI, Miami Investor Rights Clinic, MMLIS, NAPSA, Norcross, Philadelphia Financial Exploitation Task Force, SIFMA and Wells Fargo.

[52] *See* Rule 2165(d).

[53] *See* Supplementary Material .02 to Rule 2165.

all applicable state requirements, including reporting requirements.

NASAA's letter acknowledges that neither FINRA nor the states have brought disciplinary action due to misuse of Rule 2165 or any state temporary hold laws by a member firm. However, as discussed in greater detail below, NASAA does not support extending the temporary hold period and expressed concern about the potential impact of a longer hold period on customers. FINRA's responses to NASAA's detailed concerns are included below in section C under ''Hold Period'' and ''Transactions in Securities.''

Pittsburgh Clinic does not support current Rule 2165 or the proposed amendments because it believes that member firms could misuse temporary holds for their financial benefit. FINRA has extensively addressed the concerns of potential misuse above in section A under the ''Need for the Proposed Amendments.''

Pittsburgh Clinic also said that the survey of member firms should not be relied on to assess Rule 2165 or the proposed amendments because: (1) The survey respondents are member firms that stand to benefit from an increase to the extension of the hold period, as well as the rule's safe harbor provisions; (2) the survey respondents were not required to provide any information to support their claims; and (3) the survey respondents represent an inadequate and unrepresentative sample size (the survey was provided to 3,516 member firms, of which only 238 member firms responded).

FINRA engaged in extensive internal and external stakeholder outreach during the assessment phase of the retrospective review to assess the effectiveness and efficiency of FINRA's rules and administrative processes that help protect senior investors from financial exploitation. This outreach included: (1) Seeking comment in *Regulatory Notice* 19–27 on several questions with respect to addressing financial exploitation and other circumstances of financial vulnerability for senior investors; (2) obtaining input from several advisory committees comprising member firms of different sizes and business models, investor protection advocates, member firms, and trade associations; (3) obtaining the perspective of FINRA's operating departments that administer the rules and their administration; (4) considering FINRA examination observations and findings involving senior issues; and (5) developing an anonymous survey that was distributed to all member firms in the first quarter of 2020. In addition, as part of the action phase of the retrospective review, FINRA sought comment on the proposed amendments to Rule 2165 in *Regulatory Notice* 20–34. FINRA considered the collective feedback from the Retrospective Review Stakeholders and comments to the *Notice* 20–34 Proposal in assessing Rule 2165 and the proposed amendments.

The purpose of the survey distributed to all member firms was to collect information in order to validate the feedback received and to provide an additional opportunity for all member firms to provide their views. There were 238 firms that responded to the survey, and the breakdown of these firm survey respondents according to firm size, as measured by the number of registered representatives, and the comparison to the general population of member firms, is provided in Table 1 below. With respect to the Pittsburgh Clinic comment letter, FINRA notes that: (1) The membership survey is one tool frequently used by FINRA in its outreach efforts to solicit information from its members; (2) the response rate mentioned is a lower bound when considering relevant member firms; and (3) the breakdown of survey respondents by firm size is mostly representative with respect to the full member firm population, as summarized in Table 1.

Firm Size	# RRs	Industry		Survey Respondents	
		Count	% Total	Count	% Total
Small	1 - 150	3,153	90%	141	59%
Medium	151 - 499	198	5%	12	5%
Large	500+	168	5%	24	10%
Unknown	N/A	N/A	N/A	61	26%
Total		**3,519**	**100%**	**238**	**100%**

Hold Period

The majority of commenters supported the proposed amendment to extend a temporary hold for an additional 30 business days if the member firm has reported the matter to a state regulator or agency or a court of competent jurisdiction.[54] For example, Edward Jones stated that the firm is often able to quickly resolve matters where it suspects financial exploitation of a senior or vulnerable investor by engaging the customer's trusted contact person or using other tools, but the firm has experienced situations where the current 25-day period provided under Rule 2165 is insufficient. Edward Jones notes having experienced this situation when working with state agencies, such as APS, to investigate a case of suspected financial exploitation. Edward Jones stated that some APS agencies are not adequately resourced to quickly review these matters and yet are hesitant to request an extension of a hold until they determine whether exploitation exists.

While NAPSA and Philadelphia Financial Exploitation Task Force previously supported a 60-business day extension in their comments to *Regulatory Notice* 19–27, they supported the proposed extension of the temporary hold period in the *Notice* 20–34 Proposal. NAPSA and Philadelphia Financial Exploitation Task Force noted that the latest data submitted to the NAMRS indicates that the average investigation duration of all reported cases is 52.6 days. Recognizing that financial exploitation investigations are often more complicated and time consuming, NAPSA and Philadelphia Financial Exploitation Task Force expressed appreciation for the additional days as a starting point, with the ability to revisit as more data becomes available.

While acknowledging that an adequate period for review of the facts and circumstances must be allowed,

[54] *See* CAI, Cambridge, Commonwealth, Edward Jones, Fidelity, FSI, IRI, Miami Investor Rights Clinic, MMLIS, NAPSA, Norcross, Philadelphia Financial Exploitation Task Force, SIFMA and Wells Fargo.

Pittsburgh Clinic stated that the proposed longer hold period increases the possibility that a member firm could misuse a hold to harm an investor. Pittsburgh Clinic stated that the proposed hold period is too long because customers may need the funds to pay for living expenses. Pittsburgh Clinic also expressed concern that Rule 2165 does not include a reporting requirement unless a member firm wants to avail itself of the additional 30-business day extension.

NASAA believes that the current 25-business day hold period, with the authority for state regulators or agencies or the courts to terminate or extend, is the better approach as it provides time to conduct the investigation and avoids unintended hardships from lengthy delays. Moreover, NASAA supports involving state regulators or agencies or the courts within the initial 15-business day hold period specified in Rule 2165(b)(2).

Information gathered during the assessment phase of the retrospective review, including discussions during exams in 2019 focusing on Rule 2165 and a survey to FINRA membership, supports the need for additional time to conduct investigations and resolve matters. NAPSA—representing APS programs which play a critical role in investigating suspicions of financial exploitation—also expressed the need for additional time to conduct investigations. NAPSA's data that the average investigation duration of reported matters to the NAMRS is 52.6 days also highlights the need for a longer period to conduct investigations and resolve matters.

Retrospective Review Stakeholders and comments to the *Notice* 20–34 Proposal indicated that some matters can be quickly resolved after placing a temporary hold (*e.g.,* by explaining to the customer that the activity and requested disbursement fits a commonly known scam). However, complex matters that involve investigations by state regulators or agencies or legal actions in a court (*e.g.,* financial exploitation of an elderly customer by a family member or caregiver) may need additional time to resolve. These complex matters often involve information gathering and sharing by the firm and the state agency or regulatory investigating the matter.

To provide member firms with additional time to resolve matters and for APS agencies, state regulators and law enforcement to conduct thorough investigations, FINRA is proposing amending Rule 2165 to permit extending a temporary hold for an additional 30 business days if the member firm has reported the matter to a state agency or a court of competent jurisdiction. Extending the hold period as proposed is intended to address the complex matters that need additional time to resolve. In addition, some states mandate reporting of suspected financial exploitation by financial institutions, including broker-dealers, within a specified period of time. FINRA expects member firms to comply with all applicable state requirements, including reporting requirements.

In addition, FINRA agrees with the commenters who stressed the need for a temporary hold not to interfere with non-suspicious disbursements that are needed for the customer's expenses. A temporary hold pursuant to Rule 2165 may be placed *only* on the suspicious disbursement (or transaction if the proposed amendment to extend the rule to transactions is adopted). A temporary hold may *not* be placed on non-suspicious disbursements or transactions (*e.g.,* a regular mortgage payment).

Commonwealth supported the proposed extension of the temporary hold period and stated that there should be some additional remedy when a matter is not resolved at the end of the hold period. As previously addressed in the rule filing to adopt Rule 2165, if a member firm is unable to resolve an issue due to circumstances beyond its control, there may be circumstances in which a member firm may extend a temporary hold after the period provided under the safe harbor.[55]

NAPSA and the Philadelphia Financial Exploitation Task Force requested clarification on whether ''a state regulator or agency of competent jurisdiction'' would include state or local law enforcement. For purposes of Rule 2165, FINRA would interpret state or local law enforcement to be ''a state regulator or agency of competent jurisdiction'' and, accordingly, state or local law enforcement may terminate or extend a temporary hold pursuant to Rule 2165.

SIFMA noted that, depending on the jurisdiction, APS may be a state or local agency and suggested revising proposed Rule 2165(b)(4) to refer to a ''state regulator, or an agency of competent jurisdiction'' to more clearly cover local APS. The inclusion of ''a state regulator or agency of competent jurisdiction'' in proposed Rule 2165(b)(4) is consistent with the language in current Rule 2165(b)(2) and (3). For purposes of Rule 2165, FINRA would interpret state or local APS to be ''a state regulator or agency of competent jurisdiction'' and, accordingly, state or local APS may terminate or extend a temporary hold pursuant to Rule 2165.

Transactions in Securities

The majority of commenters supported the proposed amendment to permit member firms to place a temporary hold on a securities transactions where there is a reasonable belief of financial exploitation.[56] For example, NAPSA and the Philadelphia Financial Exploitation Task Force applauded the creation of a uniform national standard for placing holds on transactions related to suspected financial exploitation. Miami Investor Rights Clinic stated that substantial damage can result from securities transactions due to financial exploitation and that appropriate policies, procedures, and training can minimize any misapplication Rule 2165. Edward Jones stated that the financial harm resulting from exploitative transactions can take many forms, including selling long-held investments with low cost basis resulting in a significant tax liability, the sale of fixed income investments with yields more attractive than current rates, and the sale of variable annuities, which could lead to surrender charges. Edward Jones stated that the perpetrator of the exploitation could also utilize the proceeds of these sales to invest in high-risk securities further jeopardizing the financial security of the senior or vulnerable investor. Edward Jones stated that when balanced against the potential financial devastation to the senior or vulnerable investor, the proposal is a natural extension of the current rule that will further minimize the risk of financial harm and provide greater protection for senior and vulnerable investors.

In its comment to *Regulatory Notice* 19–27, PIABA cautioned FINRA against substantive changes to Rule 2165 that might conflict with state laws. However, PIABA noted that the recently adopted state laws allow for holds on securities transactions and disbursements. Pittsburgh Clinic expressed concern that the proposed extension gives too much authority to member firms with limited oversight and that the customer may bear the risk of loss if firm makes the wrong call in placing a hold.

NASAA stated that if FINRA extends Rule 2165 to permit placing holds on securities transactions, the supervision and documentation requirements under

[55] *See* File No. SR–FINRA–2016–039.

[56] *See* CAI, Cambridge, Commonwealth, Edward Jones, Fidelity, FSI, IRI, LPL, Miami Investor Rights Clinic, MMLIS, NAPSA, Norcross, Philadelphia Financial Exploitation Task Force, SIFMA and Wells Fargo.

Rule 2165(c)–(d), and the training specified in Supplementary Material .02 to Rule 2165, should be enhanced to require a documented rationale stating why the customer's financial professional and the member firm believe that a transaction hold will protect the customer whereas a disbursement hold would not. NASAA stated that documentation should be reviewed as a part of FINRA examinations. NASAA believes that disbursement holds should be the default and that a transaction hold should be utilized only where a disbursement hold cannot adequately protect a customer. Furthermore, NASAA supports member firms establishing policies and procedures to address any harm that may result to the customer from a transaction hold.

FINRA recognizes that placing a temporary hold on a transaction is a serious step for a member and the affected customer. Requiring that a member firm make a disbursement hold the default and use transaction holds only where a disbursement hold cannot adequately protect the customer would add complexity and uncertainty into the decision to place a temporary hold as the member firm would be required to weigh the consequences to the customer of placing the hold at different stages. Moreover, placing a temporary hold on the underlying transaction may prevent significant negative financial consequences for the customer. These negative financial consequences can result even if a temporary hold is placed on any related disbursement of funds out of the customer's account.

Importantly, the ability to place a hold on a transaction pursuant to Rule 2165 would apply only if the firm had a reasonable belief that the customer was being financially exploited. As noted above, FINRA would pursue disciplinary action against a firm that uses Rule 2165 for inappropriate purposes. As discussed in *Regulatory Notice* 20–34 and NASAA's comment letter to *Regulatory Notice* 20–34, neither FINRA nor the states have brought an action against a member firm for misuse of a temporary hold to address suspected financial exploitation.

Some member firms already place holds on securities transactions pursuant to state law. As noted in section A of this filing, currently, 20 states (with approximately half of the U.S. population) have enacted laws permitting investment advisers and broker-dealers to place temporary holds on disbursements and transactions. Amending Rule 2165 as proposed would create the first uniform national standard for placing holds on transactions related to suspected financial exploitation. Moreover, extending Rule 2165 to transactions would allow for consistent, national safeguards to avoid misapplication of temporary holds.

NASAA also noted that the NASAA Model Act is limited to disbursements, in part, because a delay in a securities transaction could be deemed inconsistent with best execution requirements. Regarding whether the best execution obligation applies to a member firm's decision to place a temporary hold on a securities transaction where there is a reasonable belief of customer financial exploitation, ''[b]roker-dealers are reminded that nothing under the federal securities laws or FINRA rules obligates them to accept an order where they believe that the associated compliance or legal risks are unacceptable.'' [57]

Mandatory Holds

Miami Investor Rights Clinic noted that Rule 2165 is a safe harbor and that FINRA should consider amendments to Rule 2165 requiring that member firms place temporary holds. FINRA believes that a member firm using its discretion to place a temporary hold allows for the judicious use of temporary holds to protect customers from financial exploitation.

Cognitive Decline or Diminished Capacity

Some commenters supported extending Rule 2165 to situations where a firm has a reasonable belief that the customer has an impairment, such as diminished capacity, that renders the individual unable to protect his or her own interests, even though there is no evidence of financial exploitation.[58] Some Retrospective Review Stakeholders also supported extending Rule 2165 to these situations. However, other Retrospective Review Stakeholders expressed concerns that member firms are not well-positioned to determine if a customer is suffering from cognitive decline or diminished capacity in the absence of suspected financial exploitation. In addition, in comments to *Regulatory Notice* 19–27, the Cornell Clinic, NASAA, PIABA and Pittsburgh Clinic expressed concerns that such an extension would give member firms too much discretion or would unfairly impede customer autonomy.

FINRA has not proposed to extend Rule 2165 to situations where a member firm has a reasonable belief that the customer has cognitive decline or diminished capacity but there is no evidence of financial exploitation due to the concerns expressed that such an extension would give member firms too much discretion or would unfairly impede customer autonomy. Rather than rulemaking, FINRA summarized the information obtained about member firms' procedures and practices in this area in *Regulatory Notice* 20–34 to assist other member firms and investors.

Trusted Contact Person

Where a customer has not named a trusted contact person, Wells Fargo suggested that FINRA give member firms the flexibility to contact a person ''reasonably associated'' with the customer's account.

Under Rule 2165 as originally proposed in *Regulatory Notice* 15–37 (October 2015) (*Notice* 15–37 Proposal), if the trusted contact person was unavailable, a member firm placing a hold would have been required to contact an immediate family member, unless the member reasonably believed that the immediate family member was financially exploiting the customer. Commenters to the *Notice* 15–37 Proposal expressed concerns that the proposed requirement would impinge upon customer privacy and would be operationally challenging for member firms in identifying the customer's immediate family members. Due to these concerns, FINRA removed the requirements in the *Notice* 15–37 Proposal with respect to notifying an immediate family member when a temporary hold is placed. In the rule filing to adopt Rule 2165, FINRA noted that Rule 2165 would not preclude a member firm from contacting an immediate family member or any other person if the member has customer consent to do so and that contacting such persons may be useful to member firms in administering customer accounts.[59]

NAPSA and the Philadelphia Financial Exploitation Task Force recommended that FINRA pursue efforts to promote use of trusted contact

[57] *See* SEC Staff Bulletin: Risks Associated with Omnibus Accounts Transacting in Low-Priced Securities (Nov. 12, 2020), available at *https://www.sec.gov/tm/risks-omnibus-accounts-transacting-low-priced-securities (SEC Staff Bulletin).* The SEC Staff Bulletin provides that, where the broker-dealer determines that the risks cannot be appropriately managed, and particularly in the context of low-priced securities transactions, a broker-dealer should consider, among other things, restricting or rejecting transactions effected on behalf of the customers of a foreign financial institution.

[58] *See* Miami Investor Rights Clinic, NAPSA, Philadelphia Financial Exploitation Task Force and Wells Fargo.

[59] *See* File No. SR–FINRA–2016–039.

persons by customers. FINRA has taken steps to encourage customers to name trusted contact persons. For example, the SEC's Office of Investor Education and Advocacy and FINRA collaborated on an Investor Bulletin that helps customers understand the purpose of designating a trusted contact person for brokerage accounts, and encourages customers to designate a trusted contact person.[60] In addition, in April 2018, FINRA published a similar article providing information on the trusted contact person-related amendments to Rule 4512 and Rule 2165 for investors and member firms.[61] FINRA and the FINRA Investor Education Foundation have highlighted these articles on FINRA-managed social media channels, including Facebook and Twitter, and staff regularly discuss the benefits of designating a trusted contact when speaking with individual investors.

Reporting Requirements

Several commenters expressed concern that Rule 2165's safe harbor does not extend to complaints reportable on Forms U4 (Uniform Application for Securities Industry Registration or Transfer) or U5 (Uniform Termination Notice for Securities Industry Registration), or pursuant to Rule 4530 about an associated person whose actions were within the safe harbor and stated that some member firms and associated persons may choose not to place a hold pursuant to Rule 2165 because of concerns about a possible customer complaint.[62] These commenters requested guidance on when a Rule 2165-related complaint would be reportable and supported developing a specific problem code for reporting any Rule 2165-related complaint to FINRA pursuant to FINRA Rule 4530. FSI suggested that FINRA consider additional protections for financial professionals so they can confidently act when there is possible exploitation that could have long-term negative consequences on a client's financial future and overall well-being.

As discussed in *Regulatory Notice* 20–34, to date, based on FINRA's review of reported complaints, member firms have not reported a complaint on Forms U4 or U5 or pursuant to Rule 4530 related to placing a temporary hold pursuant to Rule 2165. Moreover, survey respondents indicated that they had not reported a complaint on Form U4 or Form U5 or pursuant to Rule 4530 related to placing any temporary holds.

FINRA does not currently plan to propose guidance regarding when a Rule 2165-related complaint would be reportable or develop a specific problem code for reporting any Rule 2165-related complaint to FINRA pursuant to FINRA Rule 4530. In considering whether a complaint is reportable, member firms should use the existing publicly available guidance. FINRA may reconsider this issue or develop a specified problem code for reporting any Rule 2165-related complaint to FINRA pursuant to FINRA Rule 4530 if complaints are reported in the future and they appear to have a detrimental impact on the protection of seniors and other vulnerable adults.

Customer Actions

Cambridge supported extending the safe harbor provided by Rule 2165 to protecting member firms and registered representatives from customer actions as a result of steps taken by a member firm pursuant to Rule 2165. FINRA previously addressed this issue when adopting Rule 2165, noting that member firms today make judgments with regard to making or withholding disbursements and already face litigation risks with respect to these decisions.[63] Rule 2165 is designed to provide regulatory relief to member firms by providing a safe harbor from FINRA rules for a determination to place a hold. Some states may separately provide immunity to member firms under state law.

Scope of Rule 2165

Because some state temporary hold laws cover customers younger than 65 years of age, LPL suggested that FINRA amend the definition of ''specified adult'' in Rule 2165(a)(1) to include persons 60 years of age and older. In adopting Rule 2165, FINRA solicited feedback regarding whether the ages used in the definition of ''specified adult'' in proposed Rule 2165 should be modified or eliminated. As discussed in the rule filing proposing Rule 2165, some commenters suggested including an age lower than 65 and some commenters suggested including an age over 65 in the definition.[64] The inclusion of persons 65 and older in the definition reflects, in part, that federal agencies, FINRA and NASAA have focused on persons age 65 and older for various senior initiatives. In addition, the definition of ''specified adult'' in Rule 2165(a)(1) also includes persons age 18 and older who the member reasonably believes has a mental or physical impairment that renders the individual unable to protect his or her own interests.

Manabat stated that FINRA rules protecting senior investors should apply to non-U.S. investors. For clarity, FINRA rules apply to U.S. and non-U.S. customers of member firms.

NAPSA and the Philadelphia Financial Exploitation Task Force recommended that investment companies, such as mutual funds, be permitted to place temporary holds. In 2018, staff in the SEC's Division of Investment Management issued a no-action letter to the Investment Company Institute stating that the staff would not recommend enforcement action if, consistent with the conditions in the letter, a transfer agent, acting on behalf of a mutual fund, temporarily delayed for more than seven days the disbursement of redemption proceeds from the mutual fund account of a specified adult held directly with the transfer agent based on a reasonable belief that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted.[65] The no-action letter permits mutual fund transfer agents to protect specified adult shareholders from financial exploitation to the same extent that broker-dealers may do so currently under FINRA Rule 2165.

If a member firm places a temporary hold, Rule 2165 requires the member to immediately initiate an internal review of the facts and circumstances that caused the member to reasonably believe that financial exploitation of the specified adult has occurred, is occurring, has been attempted or will be attempted. FSI recommended that FINRA provide additional guidance to member firms on conducting these internal reviews. FSI stated that state regulators and agencies have the appropriate expertise to conduct these types of investigations and member firms work cooperatively to provide state regulators and agencies with requested information. FSI stated that member firms have access to internal records that evidence the customer's regular trading and account disbursement activity, but firms do not want to, for example, front-run and jeopardize a criminal investigation by trying to contact and interview witnesses.

[60] The Investor Bulletin was published in March 2020 and is available on the SEC's website at *https://www.investor.gov/introduction-investing/general-resources/news-alerts/alerts-bulletins/investor-bulletins-trusted-contact* and on FINRA's website at *https://www.finra.org/investors/insights/consider-adding-trusted-contact-to-your-account.*

[61] FINRA made a downloadable print version of the article available at *https://www.finra.org/sites/default/files/Protecting-Seniors-From-Financial-Exploitation_0.pdf.*

[62] *See* Cambridge, FSI and SIFMA.

[63] *See* File No. SR–FINRA–2016–039.

[64] *See* File No. SR–FINRA–2016–039.

[65] *See* Investment Company Institute, SEC No-Action Letter (June 1, 2018).

As stated in the rule filing proposing the adoption of Rule 2165, FINRA believes that the appropriate internal review will depend on the facts and circumstances of the situation.[66] Member firms have discretion in conducting a reasonable internal review under proposed Rule 2165. In addition, Rule 2165 gives member firms flexibility regarding notifying some parties when the member firm reasonably suspects that the party is involved in the financial exploitation. Specifically, Rule 2165(b)(1)(B)(i)–(ii) provides that a member firm is not required to provide notification of a temporary hold to a party authorized to transact business on the account or the trusted contact person if the member firm reasonably suspects that the authorized party or trusted contact person, respectively, may be engaged in the financial exploitation of the specified adult.

If Rule 2165 is extended to allow for temporary holds on transactions in securities, FSI suggested that FINRA expand the application of the safe harbor provided by Rule 2165 to cover both FINRA Rule 3260 (Discretionary Accounts) and FINRA Rule 5310.01 (Execution of Marketable Customer Orders).

Rule 3260's scope and purpose are distinguishable from permitting a member firm to place a temporary hold on a transaction when there is a reasonable belief that the customer is being financially exploited. Rules 3260 addresses the creation and maintenance of discretionary accounts and requires firms to have procedures to identify and prevent excessive trading or ''churning'' in such accounts. Rule 3260 is intended to protect customers from the misuse of discretionary power by firms and associated persons.

In considering whether Rule 2165's safe harbor needs to be extended to address rules relating to order execution, ''[b]roker-dealers are reminded that nothing under the federal securities laws or FINRA rules obligates them to accept an order where they believe that the associated compliance or legal risks are unacceptable.'' [67]

Outreach and Collaboration

CAI requested that FINRA coordinate with state authorities and SEC on measures to address financial exploitation. FINRA has and will continue to prioritize senior investors and address financial exploitation of senior investors, including through:

- Carrying out a multi-faceted investor protection campaign through the FINRA Foundation aimed at promoting awareness about, and support for, the prevention of financial fraud and exploitation, while simultaneously empowering financial consumers to protect themselves and their loved ones, using tactics including:
  - Training law enforcement and victim advocates to detect, investigate, and assist consumers with concerns of financial fraud and exploitation in collaboration with federal and state securities regulators, APS groups, NAPSA, the National Center for Victims of Crime, the National White Collar Crime Center, and staff from FINRA's National Cause and Financial Crimes Detection Programs;
  - Engaging in consumer outreach—often in coordination with the SEC, CFPB, state securities regulators, and nonprofits such as AARP and Better Business Bureaus—to empower financial consumers to spot, avoid, and report financial fraud;
  - Conducting, supporting, and disseminating research focused on financial exploitation and fraud as well as aging and financial decision-making, which is shared with internal and external stakeholders; [68]
  - Collaborating with Committees and Task Forces focused on issues of financial fraud and exploitation, including working with the Department of Justice's Elder Justice Initiative, serving on NAPSA's Financial Exploitation Advisory Board, serving on NASAA's Senior Issues and Diminished Capacity Committee Advisory Council, participating on various multi-disciplinary teams (MDTs) aimed at protecting and assisting vulnerable adults, and holding joint trainings with the CFPB's Office of Older Americans, and meeting periodically with state securities regulators and states' attorneys general to discuss senior investor protection issues; [69]
- Issuing alerts and articles that educate investors about important issues and highlighting risks facing senior investors; [70]
- Launching the dedicated FINRA Securities Helpline for Seniors®—available at (844) 57–HELPS—to provide senior investors and their family members with a supportive place to get assistance from specially trained FINRA staff related to concerns they have with their brokerage accounts and investments;
- Collaborating with NASAA and the SEC to address senior investor protection, including issuing a Senior Safe Act Fact Sheet designed to raise awareness among member firms, investment advisers and transfer agents about the Act and its immunity provisions; [71]
- Producing and presenting on in-person and virtual panels addressing senior investor protection with the SEC, state securities regulators, NASAA, APS offices, NAPSA, FBI and other agencies; and
- Meeting with adult protective services staff in multiple states, in part through NAPSA, to increase coordination of senior investor protection efforts and highlight FINRA Rule 2165's provision that APS can direct a member firm to terminate or extend a temporary hold authorized by the Rule.

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 within such longer period (i) as the Commission may designate up to 90 days of such date 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 such 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–FINRA–2021–016 on the subject line.

[66] *See* File No. SR–FINRA–2016–039.

[67] *See* SEC Staff Bulletin.

[68] *See* FINRA Investor Education Foundation Investor Protection Campaign Research, available at *www.finrafoundation.org/fraudresearch.*

[69] *See* Protecting Senior Investors 2015–2020: An Update on the FINRA Securities Helpline for Seniors, Other FINRA Initiatives and Member Firm Practices *(Apr. 2020).*

[70] *See, e.g.,* articles such as Protecting Seniors from Financial Exploitation and Don't Give in to Power of Attorney Pressure; Investor Alerts such as Power of Attorney and Your Investments–10 Tips, Plan for Transition: What You Should Know About the Transfer of Brokerage Account Assets on Death, *and* Seniors Beware: What You Should Know About Life Settlements; *and* FINRA's Retirement web page for investors.

[71] *See http://www.finra.org/sites/default/files/senior_safe_act_factsheet.pdf.*

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2021–016. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2021–016 and should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[72]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13653 Filed 6–25–21; 8:45 am]

BILLING CODE 8011–01–P

[72] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92226; File No. SR–ISE–2021–14]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 2, Section 4 (Obligations of Market Makers), Options 4, Section 3 (Criteria for Underlying Securities), Options 4, Section 8 (Long-Term Options Contracts), and Options 4A, Section 12 (Terms of Index Options Contracts)

June 22, 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 June 9, 2021, Nasdaq ISE, LLC (''ISE'' 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 Options 2, Section 4, Obligations of Market Makers; Options 4, Section 3, Criteria for Underlying Securities; Options 4, Section 8, Long-Term Options Contracts; and Options 4A, Section 12, Terms of Index Options Contracts.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 2, Section 4, Obligations of Market Makers; Options 4, Section 3, Criteria for Underlying Securities; Options 4, Section 8, Long-Term Options Contracts; and Options 4A, Section 12, Terms of Index Options Contracts. Each change will be described below.

Options 2, Section 4(a)

The Exchange proposes to remove the following rule text from Options 2, Section 4(a), which has been in place since ISE's inception: [3]

. . . Ordinarily, Market Makers are expected to:

(1) Refrain from purchasing a call option or a put option at a price more than $0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security.

(2) The $0.25 amount above may be increased, or the provisions of this Rule may be waived, by the Exchange on a series-by-series basis.

This proposed rule text also previously existed on Cboe Exchange, Inc. within prior Rule 8.7 [4] and was removed from Cboe's Rulebook in 2019.[5] The

[3] *See* Securities Exchange Act Release No. 42455 (February 24, 2000), 65 FR 11388 (March 2, 2000) (In the Matter of the Application of The International Securities Exchange LLC for Registration as a National Securities Exchange; Findings and Opinion of the Commission).

[4] Prior Interpretation and Policy .02 to Rule 8.7 provided, ''Market-Makers are expected ordinarily to refrain from purchasing a call option or a put option at a price more than $0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security. The $0.25 amount above may be increased, or the provisions of this Interpretation may be waived, by the Exchange on a series-by-series basis.''

[5] Cboe's rule change merely noted, with respect to the removal of Cboe's parity rule, that the filing makes non-substantive changes to the rule governing a Market-Maker's general obligations (current Rule 8.7, in part), most of which remove redundant provisions that are already covered under the umbrella of a Market-Maker's obligation to engage in dealing to maintain fair and orderly markets. No specific argument is provided with respect to removing this provision. *See* Securities Exchange Act 87024 (September 19, 2019), 84 FR 50545 (September 25, 2019) (SR–CBOE–2019–059) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain Rules Relating To Market-Makers Upon Migration to the Trading System Used by Cboe Affiliated Exchanges).

Exchange likewise desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[6] The proposed rule text is currently waived on ISE pursuant to Options 2, Section 4(a)(2). The Exchange proposes to remove this rule text from Options 2, Section 4 as the Exchange does not desire to enforce this provision in the future. The Exchange believes that this market maker provision is no longer necessary. Today, ISE incentivizes Market Makers through pricing[7] and allocation[8] to quote tightly in their assigned options series. Primary Market Makers and Competitive Market Makers also have other obligations with respect to market making[9] in addition to other quoting obligations[10] that they must abide by when quoting on ISE. Also, since the adoption of the rule, the Exchange has adopted the obvious error rule[11] which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price. Also, ISE orders are subject to trade-through compliance, thereby limiting the prices at which orders may execute.[12] Market Makers are relied upon to provide liquidity on ISE, which benefits other Members who have an opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on ISE Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation.

Bid/Ask Differentials

The Exchange proposes to amend Options 2, Section 4(b)(4) and Options 4A, Section 12(b)(i) to relocate text concerning bid/ask differentials for long-term option series. Currently, Options 4, Section 8(a) describes the bid/ask differentials for long-term options series for equity options and exchange-traded products and Options 4A, Section 12(b)(i) describes the bid/ask differentials for long-term options series for indexes. Currently, the bid/ask differentials shall not apply to any options series until the time to expiration is less than nine (9) months for equity options and exchange-traded funds as provided for within Options 4, Section 8(a). Currently, bid/ask differentials shall not apply to any options series until the time to expiration is less than twelve (12) months for index options as provided for within Options 4A, Section 12(b)(i).

The Exchange proposes to centralize the bid/ask differentials within new Options 2, Section 4(b)(4)(iii) and add a sentence to both Options 4, Section 8(a) and Options 4A, Section 12(b)(i) that cites to Options 2, Section 4(b)(4)(iii) for information on bid/ask differentials for the various products. The Exchange believes that this relocation will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements. The Exchange is not amending the bid/ask differentials; the rule text is simply being relocated.

Business Continuity and Disaster Recovery Plan

The Exchange proposes to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved. The Exchange proposes to title General 2, Section 12 as ''Business Continuity and Disaster Recovery Plan Testing Requirements for Members Pursuant to Regulation SCI.'' The rule text is being relocated without change. The Exchange proposes to relocate this rule text to harmonize ISE's rules with that of Nasdaq PHLX LLC (''Phlx''), Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[13] The Exchange also proposes to reserve Sections 7–10 and 13–22 within General 2.[14] Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market.

Options 4, Section 3

The Exchange proposes to remove the following products from Options 4, Section 3(h): The ETFS Silver Trust, the ETFS Palladium Trust, the ETFS Platinum Trust or the Sprott Physical Gold Trust. The Exchange no longer lists these products and proposes to remove them the products from its listing rules. The Exchange will file a proposal with the Commission if it determines to list these products in the future.

The Exchange proposes to amend Options 4, Section 3(h) by removing the rule text at the end of the paragraph which provides, ''all of the following conditions are met.'' Paragraph (h) would simply end with ''provided that:'' and direct market participants to subparagraphs (1) and (2). The Exchange also proposes to capitalize ''the'' at the beginning of Options 4, Section 3(h)(1) and remove ''; and'' at the end of the paragraph and instead at a period so that subparagraphs (1) and (2) are not linked, but rather read independently. Today, Options 4, Section 3(h)(1) applies to all Exchange-Traded Fund Shares. The Exchange proposes to clarify that Options 4, Section 3(h)(2) applies to only international or global Exchange-Traded Fund Shares. Specifically, the Exchange proposes to amend Options 4, Section 3(h)(2) to provide, ''Exchange-Traded Fund Shares based on international or global indexes, or portfolios that include non-U.S. securities, shall meet the following criteria.'' Phlx Options 4, Section 3(h) currently has similar rule text.[15] Proposed Options 4, Sections 3(h) generally concerns securities deemed appropriate for options trading. The proposed new rule text adds language stating that subparagraph (h)(2) of Options 4, Section 3 applies to the extent the Exchange-Traded Fund Share is based on international or global indexes, or portfolios that include non-U.S. securities. This language is

[6] *See* Nasdaq Phlx LLC, The Nasdaq Options Market LLC and Nasdaq BX, Inc. at Options 2, Section 4 (Obligations of Market Makers).

[7] *See* Options 7 (Option Pricing). ISE offers lower fees and rebates to Market Makers based on the percentage of time spent on the National Best Bid or National Best Offer (''NBBO'') for certain qualifying series.

[8] *See* Options 3, Section 10 (Priority of Quotes and Orders). Primary Market Makers are offered an enhanced allocation provided the Primary Market Maker is quoting at same price as a non-Priority Customer Order or Market Maker quote.

[9] *See* Options 2, Section 4. ISE Market Makers must for example: (1) Compete with other Market Makers to improve the market in all series of options classes to which the Market Maker is appointed; (2) make markets that, absent changed market conditions, will be honored for the number of contracts entered into the Exchange's System in all series of options classes to which the Market Maker is appointed; (3) update market quotations in response to changed market conditions in all series of options classes to which the Market Maker is appointed; and (4) price options contracts fairly by, among other things, bidding and offering so as to create differences of no more than $5 between the bid and offer following the opening rotation in an equity or index options contract. *See* Options 2, Section 4(b).

[10] *See* Options 2, Section 5 (Electronic Market Maker Obligations and Quoting Requirements). Further, Options 3, Section 8(c)(3) requires Primary Market Makers to submit a Valid Width Quote during the Opening Process.

[11] *See* Options 3, Section 20 (Nullification and Adjustment of Options Transactions including Obvious Errors).

[12] *See* Options 3, Section 4(b)(6).

[13] Similar rule changes will also be made for Nasdaq GEMX, LLC and Nasdaq MRX, LLC.

[14] General 2, Sections 5 and 6 are currently reserved. These sections are proposed to be deleted. The proposed text would instead reflect General 2, Sections 5–10 are reserved.

[15] Phlx will also file to conform its rule text to the proposed text within Options 4, Section 3(h)(2).

intended to serve as a guidepost and clarify that (1) subparagraph (h)(2) does not apply to an Exchange-Traded Fund Shares based on a U.S. domestic index or portfolio, and (2) subparagraph (h)(2) includes Exchange-Traded Fund Shares that track a portfolio and do not track an index.

The Exchange proposes to amend Options 4, Section 3(h)(2)(A) to remove the phrase ''for series of portfolio depositary receipts and index fund shares based on international or global indexes,''. Today, Options 4, Section 3(h), subparagraphs (h)(1) [16] and (h)(v) [17] permit the Exchange to list options on Exchange-Traded Fund Shares based on generic listing standards for portfolio depositary receipts and index fund shares without applying component based requirements in subparagraphs (h)(2)(B)–(D). By removing the proposed rule text, the Exchange would make clear that subparagraph (h)(2)(A) applies to Exchange-Traded Fund Shares based on international or global indexes, or portfolios that include non-U.S. securities, that are listed pursuant to generic listing standards and comply with Options 4, Section 3(h) and subparagraph (h)(1).

The Exchange also proposes to amend the term ''comprehensive surveillance agreement'' within Options 4, Section 3(h)(2)(A)–(D) to instead provide ''comprehensive surveillance sharing agreement.'' This amendment will bring greater clarity to the term.

Further, the Exchange proposes to add the phrase ''if not available or applicable, the Exchange-Traded Fund's'' within Options 4, Section 3(h)(2)(B), (C), and (D) to clarify that when component securities are not available, the portfolio of securities upon which the Exchange-Traded Fund Share is based can be used instead. The Exchange notes that ''not available'' is intended for cases where the Exchange does not have access to the index components, in those cases the Exchange would look to the portfolio components. The term ''not applicable'' is intended if the fund is active and does not track an index and only the portfolio is available. As noted above, this rule text currently exists within Phlx Options 4, Section 3(h).

The Exchange also proposes to wordsmith Options 4, Section 3(h)(2)(B) to amend the phrase to provide, ''any non-U.S. component securities of an index on which the Exchange-Traded Fund Shares are based or if not available or applicable, the Exchange-Traded Fund's portfolio of securities that are not subject to comprehensive surveillance sharing agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio;''. The Exchange believes that the revised wording will bring greater clarity to the rule text.

Similarly, the Exchange proposes to wordsmith Options 4, Section 3(h)(2)(C) and (D) to relocate the phrase ''on which the Exchange-Traded Fund Shares are based'' and add ''or portfolio'' to bring greater clarity to the rule text by conforming the rule text of (C) and (D) to the language within (B).

Technical Amendments

The Exchange proposes a non-substantive technical amendment to Options 4, Section 3(C)(2)(A)(ii) to correct a typographical error by changing a ''than'' to a ''that''. The Exchange proposes a non-substantive technical amendment to Options 4, Section 3(g)(2) to capitalize ''section''. The Exchange proposes a non-substantive technical amendment to Options 4, Section 3(h)(1) to change ''In'' to ''in''.

Finally, the Exchange proposes to add new Options 4C and mark it as reserved. Phlx added a 4C to its Rulebook and this rule change will harmonize ISE's Rulebook structure to Phlx's Rulebook Structure.[18]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Options 2, Section 4(a)

The Exchange's proposal to remove certain rule text from Options 2, Section 4(a) that refrains Market Makers from purchasing a call option or a put option at a price more than $0.25 below parity is consistent with the Act. The Exchange desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[21] The proposed rule text is currently waived on ISE pursuant to Options 2, Section 4(a)(2). The Exchange believes that this market maker provision is no longer necessary. Today, ISE incentivizes Market Makers through pricing [22] and allocation [23] to quote tightly in their assigned options series. Primary Market Makers and Competitive Market Makers also have other obligations with respect to market making [24] in addition to other quoting obligations [25] that they must abide by when quoting on ISE. Also, since the adoption of the rule, the Exchange has adopted the obvious error rule [26] which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price. Also, ISE orders are subject to trade-through compliance, thereby limiting the prices at which orders may execute.[27] Market Makers are relied upon to provide liquidity on ISE, which benefits other Members who have an opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or

[16] Subsection (h)(i) concerns passive Exchange-Traded Fund Shares. Subsection (h)(1) provides, ''represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities and/or financial instruments, including, but not limited to, stock index futures contracts, options on futures, options on securities and indices, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse repurchase agreements (the ''Financial Instruments''), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the ''Money Market Instruments'') comprising or otherwise based on or representing investments in broad-based indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments).''

[17] Subsection (h)(v) concerns active Exchange-Traded Fund Shares. Subsection (h)(v) Provides, ''represents an interest in a registered investment company (''Investment Company'') organized as an open-end management company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value (''NAV''), and when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV (''Managed Fund Share'').

[18] *See* Securities Exchange Act Release No. 91488 (April 6, 2021), 86 FR 19037 (April 12, 2021) (SR–Phlx–2021–14) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Phlx Options Rules at Options 4 Under the Options 4 Title in the Exchanges Rulebooks Shell Structure).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *See supra* note 5.

[22] *See supra* note 7.

[23] *See supra* note 8.

[24] *See supra* note 9.

[25] *See supra* note 10.

[26] *See supra* note 11.

[27] *See supra* note 12.

a put option at a price more than $0.25 below parity places yet another obligation on ISE Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation and the removal of this provision would remove an impediment to and perfect the mechanism of a free and open market and a national market system.

Bid/Ask Differentials

The Exchange's proposal to amend Options 2, Section 4(b)(4) and Options 4A, Section 12(b)(i) to relocate text concerning bid/ask differentials for long-term option series is consistent with the Act. The Exchange's proposal will centralize the bid/ask differentials within new Options 2, Section 4(b)(4)(iii) and add a sentence to both Options 4, Section 8(a) and Options 4A, Section 12(b)(i) that cites to Options 2, Section 4(b)(4)(iii) for information on bid/ask differentials for the various products. The Exchange is not amending the bid/ask differentials; the rule text is simply being relocated. The Exchange believes that this relocation will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange's proposal to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved, is consistent with the Act. This rule text will harmonize ISE's rules with that of Phlx, Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[28] Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market. The Exchange also proposes to reserve Sections 7–10 and 13–22 within General 2. These changes are non-substantive as the rule text is not being amended.

Options 4, Section 3

The Exchange's proposal to remove the following products from Options 4, Section 3(h): The ETFS Silver Trust, the ETFS Palladium Trust, the ETFS Platinum Trust or the Sprott Physical Gold Trust is consistent with the Act because the Exchange no longer lists these products and proposes to remove them the products from its listing rules. The Exchange will file a proposal with the Commission if it determines to list these products in the future.

The Exchange's proposal to amend Options 4, Section 3(h) by removing the rule text at the end of the paragraph which provides, ''all of the following conditions are met,'' and creating separate paragraphs for Options 4, Section 3(h)(1) and (2) is consistent with the Act. These amendments will de-link these subparagraphs so they are read independently. Today, Options 4, Section 3(h)(1) applies to all Exchange-Traded Fund Shares. The Exchange's proposal to clarify that Options 4, Section 3(h)(2) applies to only international or global indexes or portfolios that include non-U.S. securities will bring greater clarity to the qualification standards for listing options on Exchange-Traded Fund Shares. Phlx Options 4, Section 3(h) currently has similar rule text.[29] Proposed Options 4, Sections 3(h) generally concerns securities deemed appropriate for options trading. The proposed new rule text adds language stating that subparagraph (h)(2) of Options 4, Section 3 applies to the extent the Exchange-Traded Fund Share is based on international or global indexes or portfolios that include non-U.S. securities. This language is intended to serve as a guidepost and clarify that (1) subparagraph (h)(2) does not apply to an Exchange-Traded Fund Shares based on a U.S. domestic index or portfolio, and (2) subparagraph (h)(2) includes Exchange-Traded Fund Shares that track a portfolio and do not track an index.

The Exchange's proposal to amend Options 4, Section 3(h)(2)(A) to remove the phrase ''for series of portfolio depositary receipts and index fund shares based on international or global indexes,'' is consistent with the Act. Today, Options 4, Section 3(h), subparagraphs (h)(1)[30] and (h)(v)[31] permit the Exchange to list options on Exchange-Traded Fund Shares based on generic listing standards for portfolio depositary receipts and index fund shares without applying component based requirements in subparagraphs (h)(2)(B)–(D). By removing the proposed rule text, the Exchange would make clear that subparagraph (h)(2)(A) applies to Exchange-Traded Fund Shares based on international or global indexes, or portfolios that include non-U.S. securities, that are listed pursuant to generic listing standards and comply with Options 4, Section 3(h) and subparagraph (h)(1).

The Exchange's proposal to amend the term ''comprehensive surveillance agreement'' within Options 4, Section 3(h)(2) (A)–(D) to instead provide ''comprehensive surveillance sharing agreement'' is consistent with the Act as the amendment will bring greater clarity to the term.

The Exchange's proposal to add the phrase ''if not available or applicable, the Exchange-Traded Fund's'' to Options 4, Section 3(h)(2)(B), (C), and (D) is consistent with the Act as it will clarify that when component securities are not available, the portfolio of securities upon which the Exchange-Traded Fund Share is based can be used instead. This rule text currently exists within Phlx Options 4, Section 3(h).

The Exchange's proposal to amend and relocate the rule text within Options 4, Section 3(h)(2)(B), (C), and (D) will bring greater clarity to the current rule text by explicitly providing that the index being referenced is the one on which the Exchange-Traded Fund Shares is based. Also, adding ''or portfolio'' to Options 4, Section 3(h)(2)(C), and (D) will bring greater clarity to the rule text by conforming the rule text of (C) and (D) to the language within (B).

Technical Amendments

The Exchange's proposal to make certain non-substantive technical amendment to Options 4, Section 3(C)(2)(A)(ii), Options 4, Section 3(g)(2) and Options 4, Section 3(h)(1) are consistent with the Act. Also, adding Options 4C and reserving it within the rules is a non-substantive amendment which will harmonize ISE's Rulebook structure to Phlx's Rulebook Structure.[32]

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.

Options 2, Section 4(a)

The Exchange's proposal to remove certain rule text from Options 2, Section 4(a) that refrains Market Makers from purchasing a call option or a put option at a price more than $0.25 below parity

[28] *See supra* note 13.

[29] Phlx will also file to conform its rule text to the proposed text within Options 4, Section 3(h)(2).

[30] *See supra* note 16.

[31] *See supra* note 17.

[32] *See supra* note 18.

does not impose an undue burden on competition. The Exchange desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[33] The proposed rule text is currently waived on ISE pursuant to Options 2, Section 4(a)(2). Market Makers are relied upon to provide liquidity on ISE, which benefits other Members who have an opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on ISE Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation.

Bid/Ask Differentials

The Exchange's proposal to amend Options 2, Section 4(b)(4) and Options 4A, Section 12(b)(i) to relocate text concerning bid/ask differentials for long-term option series does not impose an undue burden on competition. The Exchange's proposal will centralize the bid/ask differentials within new Options 2, Section 4(b)(4)(iii) and add a sentence to both Options 4, Section 8(a) and Options 4A, Section 12(b)(i) that cites to Options 2, Section 4(b)(4)(iii) for information on bid/ask differentials for the various products. The Exchange believes that this relocation will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange's proposal to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved, does not impose an undue burden on competition. This rule text will harmonize ISE's rules with that of Phlx, Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[34] Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market. This change is non-substantive as the rule text is not being amended.

Options 4, Section 3

The Exchange's proposal to remove the following products from Options 4, Section 3(h): The ETFS Silver Trust, the ETFS Palladium Trust, the ETFS Platinum Trust or the Sprott Physical Gold Trust does not impose an undue burden on competition because the Exchange no longer lists these products and proposes to remove them the products from its listing rules. No Member will be permitted to trade these products on ISE.

The Exchange's proposal to amend Options 4, Section 3(h) by removing the rule text at the end of the paragraph which provides, ''all of the following conditions are met,'' and creating separate paragraphs for Options 4, Section 3(h)(1) and (2) does not impose an undue burden on competition. These amendments will de-link these subparagraphs so they are read independently. Today, Options 4, Section 3(h)(1) applies to all Exchange-Traded Fund Shares. The Exchange's proposal to clarify that Options 4, Section 3(h)(2) applies to only international or global Exchange-Traded Fund Shares that include non-U.S. securities will bring greater clarity to the qualification standards for listing options on Exchange-Traded Fund Shares. Specifically, this language is intended to serve as a guidepost and clarify that (1) subparagraph (h)(2) does not apply to an Exchange-Traded Fund Shares based on a U.S. domestic index or portfolio, and (2) subparagraph (h)(2) includes Exchange-Traded Fund Shares that track a portfolio and do not track an index. This amendment will uniformly apply the criteria within Options 4, Section 3 when it lists options products on ISE.

The Exchange's proposal to amend Options 4, Section 3(h)(2)(A) to remove the phrase ''for series of portfolio depositary receipts and index fund shares based on international or global indexes,'' does not impose an undue burden on competition. Today, Options 4, Section 3(h), subparagraphs (h)(1)[35] and (h)(v)[36] permit the Exchange to list options on Exchange-Traded Fund Shares based on generic listing standards for portfolio depositary receipts and index fund shares without applying component based requirements in subparagraphs (h)(2)(B)–(D). By removing the proposed rule text, the Exchange would make clear that subparagraph (h)(2)(A) applies to Exchange-Traded Fund Shares based on international or global indexes, or portfolios that include non-U.S. securities, that are listed pursuant to generic listing standards and comply with Options 4, Section 3(h) and subparagraph (h)(1). This amendment will uniformly apply the criteria within Options 4, Section 3 when it lists options products on ISE.

The Exchange's proposal to amend the term ''comprehensive surveillance agreement'' within Options 4, Section 3(h)(2) (A)–(D) to instead provide ''comprehensive surveillance sharing agreement'' does not impose an undue burden on competition as the amendment will bring greater clarity to the term.

The Exchange's proposal to add the phrase ''if not available or applicable, the Exchange-Traded Fund's'' to Options 4, Section 3(h)(2)(B), (C), and (D) does not impose an undue burden on competition as it will clarify that when component securities are not available, the portfolio of securities upon which the Exchange-Traded Fund Share is based can be used instead.

The Exchange's proposal to amend and relocate the rule text within Options 4, Section 3(h)(2)(B), (C), and (D) will bring greater clarity to the current rule text by explicitly providing that the index being referenced is the one on which the Exchange-Traded Fund Shares is based. Also, adding ''or portfolio'' to Options 4, Section 3(h)(2)(C), and (D) will bring greater clarity to the rule text by conforming the rule text of (C) and (D) to the language within (B).

Technical Amendments

The Exchange's proposal to make certain non-substantive technical amendment to Options 4, Section 3(C)(2)(A)(ii), Options 4, Section 3(g)(2) and Options 4, Section 3(h)(1) does no impose an undue burden on competition. Also, adding Options 4C and reserving it within the rules is a non-substantive amendment which will harmonize ISE's Rulebook structure to Phlx's Rulebook Structure.[37]

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.

[33] *See supra* note 5.

[34] *See supra* note 13.

[35] *See supra* note 16.

[36] *See supra* note 17.

[37] *See supra* note 18.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [38] and Rule 19b–4(f)(6) [39] thereunder. Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [40] and Rule 19b–4(f)(6) [41] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [42] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[43] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange's proposal does not raise any new or novel issues. Therefore, the Commission believes that waving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission designates the proposed rule change to be operative on upon filing.[44]

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.

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [45] and subparagraph (f)(6) of Rule 19b–4 thereunder.[46]

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–ISE–2021–14 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–ISE–2021–14. 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–ISE–2021–14 and should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[47]

J. Matthew DeLesDernier,

Assistant Secretary.

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[38] 15 U.S.C. 78(b)(3)(A).

[39] 17 CFR 240.19b–4(f)(6).

[40] 15 U.S.C. 78s(b)(3)(A).

[41] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[42] 17 CFR 240.19b–4(f)(6).

[43] 17 CFR 240.19b–4(f)(6).

[44] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[45] 15 U.S.C. 78s(b)(3)(A)(iii).

[46] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[47] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92231; File No. SR–Phlx–2021–37]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Equity 7, Section 3

June 22, 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 June 11, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Exchange's pricing schedule at Equity 7, Section 3, as described further below. The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these 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 pricing schedule, at Equity 7, Section 3, to adopt a new $0.0033 per share executed credit for member organizations that provide displayed liquidity to the Exchange and receive an execution priced at or between $1.00 and $5.00. The Exchange proposes to add this new credit and target it at securities executed at prices between $1.00 and $5.00 because the Exchange observes that, at present, liquidity in securities in this lower price segment is less robust on the Exchange than it is in other price segments.[3] The Exchange hopes that the proposed credit will encourage member organizations to increase the extent to which they quote or place orders on the Exchange for securities priced at or between $1.00 and $5.00. If the proposal is effective in achieving this purpose, then the quality of the Exchange's market will improve, to the benefit of all participants.[4]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposal Is Reasonable and Is an Equitable Allocation of Credits

The Exchange's proposed change to its schedule of credits is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [7]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [8]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.[9] Within the foregoing context, the proposal represents a reasonable attempt by the Exchange to increase its market share relative to its competitors.

The Exchange believes that it is reasonable and equitable to adopt a new $0.0033 per share executed credit for member organizations that provide displayed liquidity in securities that execute at prices at or between $1.00 and $5.00 per share. As discussed above, the Exchange observes a particular need to increase displayed liquidity in securities at these prices because liquidity on the Exchange in such lower priced securities is less robust than it is in other market segments. It is reasonable and equitable to address this need by allocating its limited resources to offer member organizations a credit to incent them to provide the liquidity needed. If the proposal is effective in achieving this purpose, then the quality of the Exchange's market will improve, to the benefit of all participants.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. The Exchange intends for its proposal to increase displayed liquidity in securities executed at or between $1.00 and $5.00 per share, where the Exchange observes that liquidity in such lower securities is less robust than it is in other market segments. Additional liquidity is needed for the Exchange to maintain and improve its market quality. Although member organizations that are able to provide liquidity in such securities are likely to benefit directly

[3] The Exchange notes that the threshold for prices at or below $5.00 tracks the SEC's definition of a ''penny stock.'' *See* 17 CFR 240.3a5–1–1.

[4] Although there may be value in offering credits to members that provide liquidity in securities executed at other prices, or that satisfy other criteria, the Exchange has limited resources available to it to offer its members market-improving incentives, and it allocates those limited resources to those segments of the market where it perceives the need to be greatest and/or where it determines that the incentive is likely to achieve its intended objective.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *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)).

[8] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[9] The Exchange perceives no regulatory, structural, or cost impediments to market participants shifting order flow away from it. In particular, the Exchange notes that such shifts in liquidity and market share occur within the context of market participants' existing duties of Best Execution and obligations under the Order Protection Rule under Regulation NMS.

from this proposal, any improvement in market quality that it facilitates will ultimately benefit all market participants.

Although there may be value in offering credits to members that provide liquidity in securities executed at other prices, or that satisfy other criteria, the Exchange has limited resources available to it to offer its members market-improving incentives, and it allocates those limited resources to those segments of the market where it perceives the need to be greatest and/or where it determines that the incentive is likely to achieve its intended objective.

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.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participants at a competitive disadvantage. As noted above, all member organizations of the Exchange will benefit from an increase in the addition of liquidity in securities priced at or between $1.00 and $5.00. Moreover, member organizations are free to trade on other venues to the extent they believe that the credit provided is not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

Intermarket Competition

The Exchange believes that its proposed new credit will not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from the other live exchanges and from off-exchange venues, which include alternative trading systems that trade national market system stock. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The proposed credit for adding liquidity is reflective of this competition because, as a threshold issue, the Exchange is a relatively small market so its ability to burden intermarket competition is limited. In this regard, even the largest U.S. equities exchange by volume only has 17–18% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises more than 40% of industry volume in recent months.

In sum, the Exchange intends for the proposed credit to incent member organizations to add displayed liquidity to the Exchange in securities within a certain price range, and to thereby contribute to market quality, which is reflective of fierce competition for order flow noted above; however, if the proposed credit is unattractive to market participants, it is likely that the Exchange will either fail to increase its market share or even lose market share as a result. Accordingly, the Exchange does not believe that the proposed new credit will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2021–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2021–37. 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

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

Number SR–Phlx–2021–37 and should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13658 Filed 6–25–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92227; File No. SR–GEMX–2021–05]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Options 2, Section 4 (Obligations of Market Makers)

June 22, 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 June 9, 2021, Nasdaq GEMX, LLC (''GEMX'' or ''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 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 Options 2, Section 4, Obligations of Market Makers. The Exchange also proposes to add a new Options 4C.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 Options 2, Section 4, Obligations of Market Makers. The Exchange also proposes to add a new Options 4C.

Options 2, Section 4(a)

The Exchange proposes to remove the following rule text from Options 2, Section 4(a), which has been in place since GEMX's inception: [3]

. . . Ordinarily, Market Makers are expected to:

(1) Refrain from purchasing a call option or a put option at a price more than $0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security.

(2) The $0.25 amount above may be increased, or the provisions of this Rule may be waived, by the Exchange on a series-by-series basis. This proposed rule text also previously existed on Cboe Exchange, Inc. within prior Rule 8.7 [4] and was removed from Cboe's Rulebook in 2019.[5] The Exchange likewise desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[6] The proposed rule text is currently waived on GEMX pursuant to Options 2, Section 4(a)(2). The Exchange proposes to remove this rule text from Options 2, Section 4 as the Exchange does not desire to enforce this provision in the future. The Exchange believes that this market maker provision is no longer necessary. Today, GEMX incentivizes Market Makers through allocation [7] to quote tightly in their assigned options series. Primary Market Makers and Competitive Market Makers also have other obligations with respect to market making [8] in addition to other quoting obligations [9] that they must abide by when quoting on GEMX. Also, since the adoption of the rule, the Exchange has adopted the obvious error rule [10] which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price. Also, GEMX orders are subject to trade-through compliance, thereby limiting the prices at which orders may execute.[11] Market Makers are relied upon to provide liquidity on GEMX, which benefits other Members who have the opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on GEMX Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation.

Bid/Ask Differentials

The Exchange proposes to amend Options 2, Section 4(b)(4) and Options 4A, Section 12(b)(i) to centralize the bid/ask differentials. Specifically, the Exchange proposes to state within new Options 2, Section 4(b)(4)(iii) that,

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70050 (July 26, 2013), 78 FR 46622 (August 1, 2013) (Application of Topaz Exchange, LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission).

[4] Prior Interpretation and Policy .02 to Rule 8.7 provided, ''Market-Makers are expected ordinarily to refrain from purchasing a call option or a put option at a price more than $0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security. The $0.25 amount above may be increased, or the provisions of this Interpretation may be waived, by the Exchange on a series-by-series basis.''

[5] Cboe's rule change merely noted, with respect to the removal of Cboe's parity rule, that the filing makes non-substantive changes to the rule governing a Market-Maker's general obligations (current Rule 8.7, in part), most of which remove redundant provisions that are already covered under the umbrella of a Market-Maker's obligation to engage in dealing to maintain fair and orderly markets. No specific argument is provided with respect to removing this provision. *See* Securities Exchange Act 87024 (September 19, 2019), 84 FR 50545 (September 25, 2019) (SR–CBOE–2019–059) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Certain Rules Relating To Market-Makers Upon Migration to the Trading System Used by Cboe Affiliated Exchanges).

[6] *See* Nasdaq Phlx LLC, The Nasdaq Options Market LLC and Nasdaq BX, Inc. at Options 2, Section 4 (Obligations of Market Makers).

[7] *See* Options 3, Section 10 (Priority of Quotes and Orders). Primary Market Makers are offered an enhanced allocation provided the Primary Market Maker is quoting at same price as a non-Priority Customer Order or Market Maker quote.

[8] *See* Options 2, Section 4. GEMX Market Makers must for example: (1) Compete with other Market Makers to improve the market in all series of options classes to which the Market Maker is appointed; (2) make markets that, absent changed market conditions, will be honored for the number of contracts entered into the Exchange's System in all series of options classes to which the Market Maker is appointed; (3) update market quotations in response to changed market conditions in all series of options classes to which the Market Maker is appointed; and (4) price options contracts fairly by, among other things, bidding and offering so as to create differences of no more than $5 between the bid and offer following the opening rotation in an equity or index options contract. *See* Options 2, Section 4(b).

[9] *See* Options 2, Section 5 (Electronic Market Maker Obligations and Quoting Requirements). Further, Options 3, Section 8(c)(3) requires Primary Market Makers to submit a Valid Width Quote during the Opening Process.

[10] *See* Options 3, Section 20 (Nullification and Adjustment of Options Transactions including Obvious Errors).

[11] *See* Options 3, Section 4(b)(6).

Bid/ask differentials shall not apply to any options series until the time to expiration is less than nine (9) months for equity options and exchange-traded products. Bid/ask differentials shall not apply to any options series until the time to expiration is less than twelve (12) months for index options.

Currently, GEMX Options 4 and Options 4A rules are incorporated by reference to Nasdaq ISE, LLC (''ISE''). The Exchange recently filed a rule change [12] to amend ISE Options 4 and Options 4A rules to relocate text concerning bid/ask differentials for long-term option series from ISE Options 4, Section 8(a) [13] and ISE Options 4A, Section 12(b)(i).[14] The ISE Rule Change added citations to Options 2, Section 4(b)(4)(iii) to ISE Options 4, Section 8(a) and ISE Options 4A, Section 12(b)(i). The ISE Rule Change indicated that ISE believes relocating the bid/ask differentials to Options 2, Section 4(b)(4)(iii) will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange proposes to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved. The Exchange proposes to title General 2, Section 12 as ''Business Continuity and Disaster Recovery Plan Testing Requirements for Members Pursuant to Regulation SCI.'' The rule text is being relocated without change. The Exchange proposes to relocate this rule text to harmonize GEMX's rules with that of Nasdaq PHLX LLC (''Phlx''), Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[15] The Exchange also proposes to reserve Sections 7–11 and 13–22 within General 2. Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market.

Technical Amendments

The Exchange proposes to add new Options 4C and mark it as reserved. Phlx added a 4C to its Rulebook and this rule change will harmonize GEMX's Rulebook structure to Phlx's Rulebook Structure.[16]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Options 2, Section 4(a)

The Exchange's proposal to remove certain rule text from Options 2, Section 4(a) that refrains Market Makers from purchasing a call option or a put option at a price more than $0.25 below parity is consistent with the Act. The Exchange desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[19] The proposed rule text is currently waived on GEMX pursuant to Options 2, Section 4(a)(2). The Exchange believes that this market maker provision is no longer necessary. Today, GEMX incentivizes Market Makers through allocation [20] to quote tightly in their assigned options series. Primary Market Makers and Competitive Market Makers also have other obligations with respect to market making [21] in addition to other quoting obligations [22] that they must abide by when quoting on GEMX. Also, since the adoption of the rule, the Exchange has adopted the obvious error rule [23] which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price. Also, GEMX orders are subject to trade-through compliance, thereby limiting the prices at which orders may execute.[24] Market Makers are relied upon to provide liquidity on GEMX, which benefits other Members who have the opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on GEMX Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation and the removal of this provision would remove an impediment to and perfect the mechanism of a free and open market and a national market system.

Bid/Ask Differentials

The Exchange's proposal to amend Options 2, Section 4(b)(4)(i) and Options 4A, Section 12(b)(i) to centralize the bid/ask differentials is consistent with the Act. Currently, GEMX Options 4 and Options 4A rules are incorporated by reference to ISE. The Exchange recently filed a rule change [25] to amend ISE Options 4 and Options 4A rules to relocate text concerning bid/ask differentials for long-term option series from ISE Options 4, Section 8(a) and ISE Options 4A, Section 12(b)(i). The ISE Rule Change added citations to Options 2, Section 4(b)(4)(i) to ISE Options 4, Section 8(a) and ISE Options 4A, Section 12(b)(i). GEMX believes centralizing the bid/ask differentials within new Options 2, Section 4(b)(4)(i) will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange's proposal to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved, is consistent with the Act. This rule text will harmonize GEMX's rules with that of Phlx, Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[26] Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market. The Exchange also proposes to reserve Sections 7–10 and 13–22 within General 2. These changes are non-substantive as the rule text is not being amended.

[12] *See* SR–ISE–2021–14 (''ISE Rule Change'').

[13] ISE Options 4, Section 8(a) describes the bid/ask differentials for long-term options series for equity options and exchange-traded funds.

[14] ISE Options 4A, Section 12(b)(i) describes the bid/ask differentials for long-term options series for indexes.

[15] Similar rule changes will also be made for Nasdaq ISE, LLC and Nasdaq MRX, LLC.

[16] *See* Securities Exchange Act Release No. 91488 (April 6, 2021), 86 FR 19037 (April 12, 2021) (SR–Phlx–2021–14) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Phlx Options Rules at Options 4 Under the Options 4 Title in the Exchanges Rulebooks Shell Structure).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *See supra* note 6.

[20] *See supra* note 7.

[21] *See supra* note 8.

[22] *See supra* note 9.

[23] *See supra* note 10.

[24] *See supra* note 11.

[25] *See supra* note 12.

[26] *See supra* note 15.

Technical Amendments

Adding Options 4C and reserving it is a non-substantive amendment which will harmonize GEMX's Rulebook structure to Phlx's Rulebook Structure.[27]

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.

Options 2, Section 4(a)

The Exchange's proposal to remove certain rule text from Options 2, Section 4(a) that refrains Market Makers from purchasing a call option or a put option at a price more than $0.25 below parity does not impose an undue burden on competition. The Exchange desires to remove this restriction on Market Makers which does not exist on Cboe or other Nasdaq affiliated markets.[28] The proposed rule text is currently waived on GEMX pursuant to Options 2, Section 4(a)(2). Market Makers are relied upon to provide liquidity on GEMX, which benefits other Members who have the opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than $0.25 below parity places yet another obligation on GEMX Market Makers that is not required on Cboe or other Nasdaq markets. The Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and notes the Exchange has waived this obligation.

Bid/Ask Differentials

The Exchange's proposal to amend Options 2, Section 4(b)(4) and Options 4A, Section 12(b)(i) to relocate text concerning bid/ask differentials for long-term option series does not impose an undue burden on competition. The Exchange's proposal will centralize the bid/ask differentials within new Options 2, Section 4(b)(4)(iii) and add a sentence to both Options 4, Section 8(a) and Options 4A, Section 12(b)(i) that cites to Options 2, Section 4(b)(4)(iii) for information on bid/ask differentials for the various products. The Exchange believes that this relocation will provide Primary Market Makers and Competitive Market Makers with centralized information regarding their bid/ask differential requirements.

Business Continuity and Disaster Recovery Plan

The Exchange's proposal to relocate Supplementary Material .02 to Options 2, Section 4, concerning business continuity and disaster recovery plans, to General 2, Section 12, which is currently reserved, does not impose an undue burden on competition. This rule text will harmonize GEMX's rules with that of Phlx, Nasdaq BX, Inc. and The Nasdaq Stock Market LLC which all have business continuity and disaster recovery plans located within General 2, Section 12 of their respective rulebooks.[29] Harmonizing the rule locations of the rules of the Nasdaq affiliated markets will make it easier for market participants to review and compare the rules of each Nasdaq market. This change is non-substantive as the rule text is not being amended.

Technical Amendments

Adding Options 4C and reserving it is a non-substantive amendment which will harmonize GEMX's Rulebook structure to Phlx's Rulebook Structure.[30]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[31] and subparagraph (f)(6) of Rule 19b–4 thereunder.[32]

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–GEMX–2021–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2021–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2021–05 and

[27] *See supra* note 16.

[28] *See supra* note 5.

[29] *See supra* note 6.

[30] *See supra* note 16.

[31] 15 U.S.C. 78s(b)(3)(A)(iii).

[32] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

should be submitted on or before July 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13655 Filed 6–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–92233; File No. SR–NYSEArca–2021–31]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Valkyrie Bitcoin Fund Under NYSE Arca Rule 8.201–E

June 22, 2021.

On April 23, 2021, NYSE Arca, Inc. (''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the Valkyrie Bitcoin Fund under NYSE Arca Rule 8.201–E. The proposed rule change was published for comment in the **Federal Register** on May 12, 2021.[3] The Commission has received comments on the proposed rule change.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within 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 shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 26, 2021. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates August 10, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2021–31).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–13659 Filed 6–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34308; File No. 812–15097]

Lord Abbett Floating Rate High Income Fund, et al.

June 22, 2021.

AGENCY: Securities and Exchange Commission.

ACTION: Notice.

Notice of application for an order under sections 6(c) and 23(c)(3) of the Investment Company Act of 1940 (the ''Act'') for an exemption from rule 23c–3 under the Act.

SUMMARY OF APPLICATION: Applicants request an order under sections 6(c) and 23(c)(3) of the Act for an exemption from certain provisions of rule 23c–3 to permit certain registered closed-end investment companies to make repurchase offers on a monthly basis.

APPLICANTS: Lord Abbett Floating Rate High Income Fund (the ''Fund''), Lord Abbett & Co. LLC (the ''Adviser'') and Lord Abbett Distributor LLC (the ''Distributor'').

FILING DATES: The application was filed on February 21, 2020 and amended on September 11, 2020 and February 23, 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on July 16, 2021, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Pamela P. Chen, Associate General Counsel, *PCHEN@LordAbbett.com.*

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 551–6817 or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Fund is a Delaware statutory trust that is registered under the Act as a non-diversified, closed-end management investment company that will be operated as an interval fund. The Adviser is a Delaware limited liability company and is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Fund. The Distributor, a New York limited liability company and subsidiary of the Adviser, is a registered broker-dealer and is the Fund's principal underwriter and distributor.

2. Applicants request that any relief granted also apply to any registered closed-end management investment company that operates as an interval fund pursuant to rule 23c–3 for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser (the ''Future Funds,'' and together with the Fund, the ''Funds,'' and each, individually, a ''Fund'').[2]

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 91771 (May 6, 2021), 86 FR 26073 (May 12, 2021).

[4] Comments received on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nysearca-2021-31/srnysearca202131.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] All entities currently intending to rely on the requested relief have been named as applicants.

Continued

3. The Fund's common shares are not offered or traded in the secondary market and are not listed on any exchange or quoted on any quotation medium.

4. Applicants request an order to permit each Fund to offer to repurchase a portion of its common shares at one-month intervals, rather than the three, six, or twelve-month intervals specified by rule 23c–3. Each Fund will disclose in its prospectus and annual reports its fundamental policy to make monthly offers to repurchase a portion of its common shares at net asset value, less deduction of a repurchase fee, if any, as permitted by rule 23c–3(b)(1).[3] The fundamental policy will be changeable only by a majority vote of the holders of such Fund's outstanding voting securities. Under the fundamental policy, the repurchase offer amount will be determined by the board of trustees of the applicable Fund (''Board'') prior to each repurchase offer. Each Fund will comply with rule 23c–3(b)(8)'s requirements with respect to its trustees who are not interested persons of such Fund, within the meaning of section 2(a)(19) of the Act (''Disinterested Trustees'') and their legal counsel. Each Fund will make monthly offers to repurchase not less than 5% of its outstanding shares at the time of the repurchase request deadline. The repurchase offer amounts for the then-current monthly period, plus the repurchase offer amounts for the two monthly periods immediately preceding the then-current monthly period, will not exceed 25% of the outstanding common shares of the applicable Fund.

5. Each Fund's fundamental policies will specify the means to determine the repurchase request deadline and the maximum number of days between each repurchase request deadline and the repurchase pricing date. Each Fund's repurchase pricing date normally will be the same date as the repurchase request deadline and pricing will be determined after close of business on that date.

6. Pursuant to rule 23c–3(b)(1), each Fund will repurchase shares for cash on or before the repurchase payment deadline, which will be no later than seven calendar days after the repurchase pricing date. The Fund (and any Future Fund) currently intends to make payment by the fifth business day or seventh calendar day (whichever period is shorter) following the repurchase pricing date. Each Fund will make payment for shares repurchased in the previous month's repurchase offer at least five business days before sending notification of the next repurchase offer. The Fund and a Future Fund may deduct a repurchase fee in an amount not to exceed 2% from the repurchase proceeds payable to tendering shareholders, in compliance with rule 23c–3(b)(1).

7. Each Fund will provide common shareholders with notification of each repurchase offer no less than seven days and no more than fourteen days prior to the repurchase request deadline. The notification will include all information required by rule 23c–3(b)(4)(i). Each Fund will file the notification and the Form N–23c–3 with the Commission within three business days after sending the notification to its respective common shareholders.

8. Each Fund will not suspend or postpone a repurchase offer except pursuant to the vote of a majority of its Trustees, including a majority of its Disinterested Trustees, and only under the limited circumstances specified in rule 23c–3(b)(3)(i). Each Fund will not condition a repurchase offer upon tender of any minimum amount of shares. In addition, each Fund will comply with the pro ration and other allocation requirements of rule 23c–3(b)(5) if common shareholders tender more than the repurchase offer amount. Further, each Fund will permit tenders to be withdrawn or modified at any time until the repurchase request deadline, but will not permit tenders to be withdrawn or modified thereafter.

9. From the time a Fund sends its notification to shareholders of the repurchase offer until the repurchase pricing date, a percentage of such Fund's assets equal to at least 100% of the repurchase offer amount will consist of: (a) Assets that can be sold or disposed of in the ordinary course of business at approximately the price at which such Fund has valued such investment within a period equal to the period between the repurchase request deadline and the repurchase payment deadline; or (b) assets that mature by the next repurchase payment deadline. In the event the assets of a Fund fail to comply with this requirement, the Board will cause such Fund to take such action as it deems appropriate to ensure compliance.

10. In compliance with the asset coverage requirements of section 18 of the Act, any senior security issued by, or other indebtedness of, a Fund will either mature by the next repurchase pricing date or provide for such Fund's ability to call, repay or redeem such senior security or other indebtedness by the next repurchase pricing date, either in whole or in part, without penalty or premium, as necessary to permit that Fund to complete the repurchase offer in such amounts determined by its Board.

11. The Board of each Fund will adopt written procedures to ensure that such Fund's portfolio assets are sufficiently liquid so that it can comply with its fundamental policy on repurchases and the liquidity requirements of rule 23c–3(b)(10)(i). The Board of each Fund will review the overall composition of the portfolio and make and approve such changes to the procedures as it deems necessary.

Applicants' Legal Analysis

1. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Section 23(c) of the Act provides in relevant part that no registered closed-end investment company shall purchase any securities of any class of which it is the issuer except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

3. Rule 23c–3 under the Act permits a registered closed-end investment company to make repurchase offers for its common stock at net asset value at periodic intervals pursuant to a fundamental policy of the investment company. ''Periodic interval'' is defined in rule 23c–3(a)(1) as an interval of three, six, or twelve months. Rule 23c–3(b)(4) requires that notification of each repurchase offer be sent to shareholders no less than 21 calendar days and no more than 42 calendar days before the repurchase request deadline.

4. Applicants request an order pursuant to sections 6(c) and 23(c) of the Act exempting them from rule 23c–3(a)(1) to the extent necessary to permit the Funds to make monthly repurchase offers. Applicants also request an

Any entity that relies on the requested order in the future will do so only in accordance with the terms and conditions of the application.

[3] Applicants also note that the Fund has exemptive relief that permits the Fund to issue multiple classes of shares and to impose asset-based distribution fees and early withdrawal fees. *See* In the Matter of Lord Abbett Credit Opportunities Fund, et al., Investment Company Act Rel. Nos. 33513 (June 19, 2019) (notice) and 33558 (July 16, 2019) (order).

exemption from the notice provisions of rule 23c–3(b)(4) to the extent necessary to permit each Fund to send notification of an upcoming repurchase offer to shareholders at least seven days but no more than fourteen calendar days in advance of the repurchase request deadline.

5. Applicants contend that monthly repurchase offers are in the public interest and in the common shareholders' interests and consistent with the policies underlying rule 23c–3. Applicants assert that monthly repurchase offers will provide investors with more liquidity than quarterly repurchase offers. Applicants assert that shareholders will be better able to manage their investments and plan transactions, because if they decide to forego a repurchase offer, they will only need to wait one month for the next offer. Applicants also contend that the portfolio of each Fund will be managed to provide ample liquidity for monthly repurchase offers.

6. Applicants propose to send notification to shareholders at least seven days, but no more than fourteen calendar days, in advance of a repurchase request deadline. Applicants assert that, because each Fund intends to make payment on the fifth business day or seventh calendar day (whichever period is shorter) following the repurchase pricing date, the entire procedure will be completed before the next notification is sent out to shareholders, thus avoiding any overlap. Applicants believe that these procedures will eliminate any possibility of investor confusion. Applicants also state that monthly repurchase offers will be a fundamental feature of the Funds, and their prospectuses will provide a clear explanation of the repurchase program.

7. Applicants submit that for the reasons given above the requested relief is appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. The Fund (and any Future Fund relying on this relief) will make a repurchase offer pursuant to rule 23c–3(b) for a repurchase offer amount of not less than 5% in any one-month period. In addition, the repurchase offer amount for the then-current monthly period, plus the repurchase offer amounts for the two monthly periods immediately preceding the then-current monthly period, will not exceed 25% of the Fund's (or Future Fund's, as applicable) outstanding common shares. The Fund (and any Future Fund relying on this relief) may repurchase additional tendered common shares pursuant to rule 23c–3(b)(5) only to the extent the percentage of additional common shares so repurchased does not exceed 2% in any three-month period.

2. Payment for repurchased common shares will occur at least five business days before notification of the next repurchase offer is sent to common shareholders of the Fund (or any Future Fund relying on this relief).

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DesLesDernier,

Assistant Secretary.

[FR Doc. 2021–13663 Filed 6–25–21; 8:45 am]

BILLING CODE 8011–01–P

SURFACE TRANSPORTATION BOARD

60-Day Notice of Intent To Seek Extension of Approval of Collections: Rail Carrier Financial Reports

AGENCY: Surface Transportation Board.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (Board) gives notice of its intent to request from the Office of Management and Budget (OMB) approval without change of the six existing collections described below.

DATES: Comments on these information collections should be submitted by August 27, 2021.

ADDRESSES: Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to *PRA@stb.gov.* When submitting comments, please refer to ''Paperwork Reduction Act Comments, Rail Carrier Financial Reports.'' For further information regarding these collections, contact Pedro Ramirez at (202) 245–0333 or *pedro.ramirez@stb.gov.* Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. Submitted comments will be included and summarized in the Board's request for OMB approval.

Subjects: In this notice, the Board is requesting comments on the following information collections:

Description of Collection 1

Title: Quarterly Report of Revenues, Expenses, and Income—Railroads (Form RE&I).

OMB Control Number: 2140–0013.

Form Number: Form RE&I.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: Six hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection is a report of railroad operating revenues, operating expenses, and income items. It is also a profit and loss statement, disclosing net railway operating income on a quarterly and year-to-date basis for current and prior years. *See* 49 CFR 1243.1. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to monitor and assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Some of the information from these reports is compiled by the Board in our quarterly Selected Earnings Data Report, which is published on the Board's website, *https://www.stb.gov/stb/industry/econ_reports.html.* The information contained in these reports is not available from any other source.

Description of Collection 2

Title: Quarterly Condensed Balance Sheet—Railroads (Form CBS).

OMB Control Number: 2140–0014.

Form Number: Form CBS.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: Six hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection shows the balance, quarterly and cumulative, for the current and prior year of the carrier's assets and liabilities, gross capital expenditures, and revenue tons carried. *See* 49 CFR 1243.2. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through specific regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Revenue ton-miles, which are reported in these reports, are compiled and published by the Board in its quarterly Selected Earnings Data Report, which is published on the Board's website, *https://www.stb.gov/stb/industry/econ_reports.html.* The information contained in these reports is not available from any other source.

Description of Collection 3

Title: Report of Railroad Employees, Service and Compensation (Wage Forms A and B).

OMB Control Number: 2140–0004.

Form Number: Wage Form A; and Wage Form B.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: No more than 3 hours per quarterly report and 4 hours per annual summation.

Frequency of Response: Quarterly, with an annual summation.

Total Annual Hour Burden: No more than 112 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection shows the number of employees, service hours, and compensation, by employee group (*e.g.,* executive, professional, maintenance-of-way and equipment, and transportation), of the reporting railroads. *See* 49 CFR 1245. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate proposed regulated transactions that may impact rail employees, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board (RRB), Bureau of Labor Statistics (BLS), and Association of American Railroads (AAR), use the information contained in the reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's website, *https://www.stb.gov/stb/industry/econ_reports.html.* The information contained in these reports is not available from any other source.

Description of Collection 4

Title: Monthly Report of Number of Employees of Class I Railroads (Wage Form C).

OMB Control Number: 2140–0007.

Form Number: STB Form C.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: 1.25 hours.

Frequency of Response: Monthly.

Total Annual Hour Burden: 105 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection shows, for each reporting carrier, the average number of employees at mid-month in the six job-classification groups that encompass all railroad employees. *See* 49 CFR 1246. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate the impact on rail employees of proposed regulated transactions, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the RRB, BLS, and AAR, use the information contained in these reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's website, *https://www.stb.gov/stb/industry/econ_reports.html.* The information contained in these reports is not available from any other source.

Description of Collection 5

Title: Annual Report of Cars Loaded and Cars Terminated.

OMB Control Number: 2140–0011.

Form Number: Form STB–54.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: Four hours.

Frequency of Response: Annual.

Total Annual Hour Burden: 28 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection reports the number of cars loaded and cars terminated on the reporting carrier's line. *See* 49 CFR 1247. Information in this report is entered into the Board's Uniform Rail Costing System (URCS), which is a cost measurement methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings, in accordance with 49 U.S.C. 10707(d), to calculate the variable costs associated with providing a particular service. The Board also uses URCS to carry out more effectively other of its regulatory responsibilities, including: Acting on railroad requests for authority to engage in Board-regulated financial transactions such as mergers, acquisitions of control, and consolidations, *see* 49 U.S.C. 11323–11324; analyzing the information that the Board obtains through the annual railroad industry waybill sample, *see* 49 CFR 1244; measuring off-branch costs in railroad abandonment proceedings, in accordance with 49 CFR 1152.32(n); developing the ''rail cost adjustment factors,'' in accordance with 49 U.S.C. 10708; and conducting investigations and rulemakings. This collection is compiled and published on the Board's website, *https://www.stb.gov/stb/industry/econ_reports.html.* There is no other source for the information contained in this report.

Description of Collection 6

Title: Quarterly Report of Freight Commodity Statistics (Form QCS).

OMB Control Number: 2140–0001.

Form Number: Form QCS.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: One hour.

Frequency of Response: Quarterly, with an annual summation.

Total Annual Hour Burden: 35 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection, which is based on information contained in carload waybills used by railroads in the ordinary course of business, reports car loadings and total revenues by commodity code for each commodity that moved on the railroad during the reporting period. *See* 49 CFR 1248. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 5. This collection is compiled and published on the Board's website, *https://www.stb.gov/stb/industry/econ_reports.html.* There is no other source for the information contained in this report.

The Board makes this submission because, under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: June 22, 2021.

Eden Besera,

Clearance Clerk.

[FR Doc. 2021–13665 Filed 6–25–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–1998–4334; FMCSA–2000–7918; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2005–20027; FMCSA–2005–21254; FMCSA–2006–26066; FMCSA–2006–26653; FMCSA–2008–0106; FMCSA–2008–0340; FMCSA–2009–0086; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0102; FMCSA–2012–0279; FMCSA–2012–0337; FMCSA–2013–0022; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0169; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0008; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0055; FMCSA–2015–0350; FMCSA–2016–0024; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0019; FMCSA–2018–0018; FMCSA–2018–0208; FMCSA–2018–0209; FMCSA–2019–0004; FMCSA–2019–0005; FMCSA–2019–0011]

Qualification of Drivers; Exemption Applications; Vision

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 59 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before July 28, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–1998–4334, Docket No. FMCSA–2000–7918, Docket No. FMCSA–2003–14504, Docket No. FMCSA–2003–15268, Docket No. FMCSA–2004–17984, Docket No. FMCSA–2004–18885, Docket No. FMCSA–2005–20027, Docket No. FMCSA–2005–21254, Docket No. FMCSA–2006–26066, Docket No. FMCSA–2006–26653, Docket No. FMCSA–2008–0106, Docket No. FMCSA–2008–0340, Docket No. FMCSA–2009–0086, Docket No. FMCSA–2010–0385, Docket No. FMCSA–2011–0010, Docket No. FMCSA–2011–0102, Docket No. FMCSA–2012–0279, Docket No. FMCSA–2012–0337, Docket No. FMCSA–2013–0022, Docket No. FMCSA–2013–0027, Docket No. FMCSA–2013–0028, Docket No. FMCSA–2013–0029, Docket No. FMCSA–2013–0169, Docket No. FMCSA–2014–0004, Docket No. FMCSA–2014–0006, Docket No. FMCSA–2014–0008, Docket No. FMCSA–2014–0298, Docket No. FMCSA–2014–0300, Docket No. FMCSA–2014–0301, Docket No. FMCSA–2014–0304, Docket No. FMCSA–2014–0305, Docket No. FMCSA–2015–0055, Docket No. FMCSA–2015–0350, Docket No. FMCSA–2016–0024, Docket No. FMCSA–2016–0213, Docket No. FMCSA–2016–0377, Docket No. FMCSA–2017–0014, Docket No. FMCSA–2017–0019, Docket No. FMCSA–2018–0018, Docket No. FMCSA–2018–0208, Docket No. FMCSA–2018–0209, Docket No. FMCSA–2019–0004, Docket No. FMCSA–2019–0005, or Docket No. FMCSA–2019–0011 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number, FMCSA–1998–4334, FMCSA–2000–7918, FMCSA–2003–14504, FMCSA–2003–15268, FMCSA–2004–17984, FMCSA–2004–18885, FMCSA–2005–20027, FMCSA–2005–21254, FMCSA–2006–26066, FMCSA–2006–26653, FMCSA–2008–0106, FMCSA–2008–0340, FMCSA–2009–0086, FMCSA–2010–0385, FMCSA–2011–0010, FMCSA–2011–0102, FMCSA–2012–0279, FMCSA–2012–0337, FMCSA–2013–0022, FMCSA–2013–0027, FMCSA–2013–0028, FMCSA–2013–0029, FMCSA–2013–0169, FMCSA–2014–0004, FMCSA–2014–0006, FMCSA–2014–0008, FMCSA–2014–0298, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2014–0304, FMCSA–2014–0305, FMCSA–2015–0055, FMCSA–2015–0350, FMCSA–2016–0024, FMCSA–2016–0213, FMCSA–2016–0377, FMCSA–2017–0014, FMCSA–2017–0019, FMCSA–2018–0018, FMCSA–2018–0208, FMCSA–2018–0209, FMCSA–2019–0004, FMCSA–2019–0005, or FMCSA–2019–0011 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, 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, DOT, 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–1998–4334; FMCSA–2000–7918; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2004–17984; FMCSA–2004–18885; FMCSA–2005–20027; FMCSA–2005–21254; FMCSA–2006–26066; FMCSA–2006–26653; FMCSA–2008–0106; FMCSA–2008–0340; FMCSA–2009–0086; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0102; FMCSA–2012–0279; FMCSA–2012–0337; FMCSA–2013–0022; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0169; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0008; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0055; FMCSA–2015–0350; FMCSA–2016–0024; FMCSA–2016–0213; FMCSA–2016–0377; FMCSA–2017–0014; FMCSA–2017–0019; FMCSA–2018–0018; FMCSA–2018–0208; FMCSA–2018–0209; FMCSA–2019–0004; FMCSA–2019–0005; FMCSA–2019–0011), 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–1998–4334, FMCSA–2000–7918, FMCSA–2003–14504, FMCSA–2003–15268, FMCSA–2004–17984, FMCSA–2004–18885, FMCSA–2005–20027, FMCSA–2005–21254, FMCSA–2006–26066, FMCSA–2006–26653, FMCSA–2008–0106, FMCSA–2008–0340, FMCSA–2009–0086, FMCSA–2010–0385, FMCSA–2011–0010, FMCSA–2011–0102, FMCSA–2012–0279, FMCSA–2012–0337, FMCSA–2013–0022, FMCSA–2013–0027, FMCSA–2013–0028, FMCSA–2013–0029, FMCSA–2013–0169, FMCSA–2014–0004, FMCSA–2014–0006, FMCSA–2014–0008, FMCSA–2014–0298, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2014–0304, FMCSA–2014–0305, FMCSA–2015–0055, FMCSA–2015–0350, FMCSA–2016–0024, FMCSA–2016–0213, FMCSA–2016–0377, FMCSA–2017–0014, FMCSA–2017–0019, FMCSA–2018–0018, FMCSA–2018–0208, FMCSA–2018–0209, FMCSA–2019–0004, FMCSA–2019–0005, or FMCSA–2019–0011 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–1998–4334, FMCSA–2000–7918, FMCSA–2003–14504, FMCSA–2003–15268, FMCSA–2004–17984, FMCSA–2004–18885, FMCSA–2005–20027, FMCSA–2005–21254, FMCSA–2006–26066, FMCSA–2006–26653, FMCSA–2008–0106, FMCSA–2008–0340, FMCSA–2009–0086, FMCSA–2010–0385, FMCSA–2011–0010, FMCSA–2011–0102, FMCSA–2012–0279, FMCSA–2012–0337, FMCSA–2013–0022, FMCSA–2013–0027, FMCSA–2013–0028, FMCSA–2013–0029, FMCSA–2013–0169, FMCSA–2014–0004, FMCSA–2014–0006, FMCSA–2014–0008, FMCSA–2014–0298, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2014–0304, FMCSA–2014–0305, FMCSA–2015–0055, FMCSA–2015–0350, FMCSA–2016–0024, FMCSA–2016–0213, FMCSA–2016–0377, FMCSA–2017–0014, FMCSA–2017–0019, FMCSA–2018–0018, FMCSA–2018–0208, FMCSA–2018–0209, FMCSA–2019–0004, FMCSA–2019–0005, FMCSA–2019–0011 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 vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40

(Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 59 individuals listed in this notice have requested renewal of their exemptions from the vision standard in § 391.41(b)(10), 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 59 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 63 FR 66226, 64 FR 16517, 65 FR 66286, 66 FR 13825, 66 FR 17994, 68 FR 13360, 68 FR 15037, 68 FR 19598, 68 FR 33570, 68 FR 37197, 68 FR 48989, 69 FR 33997, 69 FR 53493, 69 FR 61292, 69 FR 62742, 70 FR 2701, 70 FR 12265, 70 FR 14747, 70 FR 16887, 70 FR 25878, 70 FR 30999, 70 FR 42615, 70 FR 46567, 71 FR 62148, 71 FR 63379, 72 FR 184, 72 FR 1051, 72 FR 8417, 72 FR 11425, 72 FR 11426, 72 FR 12665, 72 FR 28093, 72 FR 36099, 72 FR 40359, 72 FR 40360, 73 FR 35197, 73 FR 48275, 73 FR 61925, 73 FR 75803, 73 FR 78423, 74 FR 6209, 74 FR 8302, 74 FR 9329, 74 FR 11991, 74 FR 15586, 74 FR 19267, 74 FR 20253, 74 FR 26466, 74 FR 28094, 74 FR 34074, 74 FR 34632, 75 FR 44051, 75 FR 77492, 75 FR 77942, 75 FR 77949, 75 FR 79083, 76 FR 4413, 76 FR 5425, 76 FR 9856, 76 FR 11215, 76 FR 15360, 76 FR 17483, 76 FR 20076, 76 FR 21796, 76 FR 29022, 76 FR 29026, 76 FR 32016, 76 FR 37173, 76 FR 44082, 76 FR 44653, 76 FR 49531, 77 FR 46153, 77 FR 60008, 77 FR 68202, 77 FR 70534, 77 FR 71671, 77 FR 74734, 78 FR 797, 78 FR 800, 78 FR 9772, 78 FR 12815, 78 FR 12822, 78 FR 16035, 78 FR 16762, 78 FR 18667, 78 FR 22596, 78 FR 22602, 78 FR 24798, 78 FR 27281, 78 FR 30954, 78 FR 32703, 78 FR 34143, 78 FR 41188, 78 FR 46407, 78 FR 51268, 78 FR 52602, 78 FR 57679, 78 FR 64274, 78 FR 77778, 79 FR 4531, 79 FR 18392, 79 FR 29498, 79 FR 35212, 79 FR 41737, 79 FR 46153, 79 FR 47175, 79 FR 56102, 79 FR 65759, 79 FR 65760, 79 FR 69985, 79 FR 73686, 80 FR 603, 80 FR 2473, 80 FR 3305, 80 FR 3308, 80 FR 6162, 80 FR 8927, 80 FR 13070, 80 FR 14220, 80 FR 14223, 80 FR 15859, 80 FR 15863, 80 FR 16500, 80 FR 16502, 80 FR 18693, 80 FR 20562, 80 FR 22773, 80 FR 25766, 80 FR 25768, 80 FR 31957, 80 FR 33007, 80 FR 33011, 80 FR 36395, 80 FR 36398, 80 FR 41547, 80 FR 44185, 80 FR 44188, 80 FR 45573, 80 FR 62161, 80 FR 67481, 81 FR 14190, 81 FR 21655, 81 FR 39100, 81 FR 66718, 81 FR 80161, 81 FR 81230, 81 FR 90050, 81 FR 96165, 81 FR 96180, 82 FR 13043, 82 FR 13045, 82 FR 13048, 82 FR 13187, 82 FR 15277, 82 FR 17736, 82 FR 18949, 82 FR 18956, 82 FR 22379, 82 FR 23712, 82 FR 26224, 82 FR 32919, 82 FR 33542, 82 FR 35043, 82 FR 37499, 82 FR 47295, 83 FR 2306, 83 FR 15195, 83 FR 28325, 83 FR 34661, 83 FR 40638, 83 FR 53727, 83 FR 60954, 84 FR 2305, 84 FR 2311, 84 FR 2314, 84 FR 2323, 84 FR 2326, 84 FR 2328, 84 FR 5550, 84 FR 10389, 84 FR 12665, 84 FR 16320, 84 FR 16327, 84 FR 16336, 84 FR 21393, 84 FR 21397, 84 FR 21401, 84 FR 33801, 84 FR 47045, 84 FR 47057, 84 FR 52166). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at § 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely 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.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of August and are discussed below. As of August 8, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 51 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 66226, 64 FR 16517, 65 FR 66286, 66 FR 13825, 66 FR 17994, 68 FR 13360, 68 FR 15037, 68 FR 19598, 68 FR 33570, 69 FR 33997, 69 FR 53493, 69 FR 61292, 69 FR 62742, 70 FR 2701, 70 FR 12265, 70 FR 14747, 70 FR 16887, 70 FR 25878, 71 FR 62148, 71 FR 63379, 72 FR 184, 72 FR 1051, 72 FR 8417, 72 FR 11425, 72 FR 11426, 72 FR 12665, 72 FR 28093, 72 FR 36099, 73 FR 35197, 73 FR 48275, 73 FR 61925, 73 FR 75803, 73 FR 78423, 74 FR 6209, 74 FR 8302, 74 FR 9329, 74 FR 11991, 74 FR 15586, 74 FR 19267, 74 FR 20253, 74 FR 26466, 74 FR 28094, 75 FR 44051, 75 FR 77492, 75 FR 77942, 75 FR 77949, 75 FR 79083, 76 FR 4413, 76 FR 5425, 76 FR 9856, 76 FR 11215, 76 FR 15360, 76 FR 17483, 76 FR 20076, 76 FR 21796, 76 FR 29022, 76 FR 29026, 76 FR 32016, 76 FR 37173, 76 FR 44082, 77 FR 46153, 77 FR 60008, 77 FR 68202, 77 FR 70534, 77 FR 71671, 77 FR 74734, 78 FR 797, 78 FR 800, 78 FR 9772, 78 FR 12815, 78 FR 12822, 78 FR 16035, 78 FR 16762, 78 FR 18667, 78 FR 22596, 78 FR 22602, 78 FR 24798, 78 FR 27281, 78 FR 30954, 78 FR 32703, 78 FR 41188, 78 FR 46407, 78 FR 51268, 78 FR 57679, 78 FR 64274, 78 FR 77778, 79 FR 18392, 79 FR 29498, 79 FR 35212, 79 FR 41737, 79 FR 46153, 79 FR 47175, 79 FR 56102, 79 FR 65759, 79 FR 65760, 79 FR 69985, 79 FR 73686, 80 FR 603, 80 FR 2473, 80 FR 3305, 80 FR 3308, 80 FR 6162, 80 FR 8927, 80 FR 13070, 80 FR 14220, 80 FR 14223, 80 FR 15859, 80 FR 15863, 80 FR 16500, 80 FR 16502, 80 FR 18693, 80 FR 20562, 80 FR 22773, 80 FR 25766, 80 FR 25768, 80 FR 31957, 80 FR 33007, 80 FR 33011, 80 FR 36395, 80 FR 36398, 80 FR 45573, 80 FR 67481, 81 FR 14190, 81 FR 21655, 81 FR 39100, 81 FR 66718, 81 FR 80161, 81 FR 81230, 81 FR 90050, 81 FR 96165, 81 FR 96180, 82 FR 13043, 82 FR 13045, 82 FR 13048, 82 FR 13187, 82 FR 15277, 82 FR 17736, 82 FR 18949, 82 FR 18956, 82 FR 22379, 82 FR 23712, 82 FR 26224, 82 FR 32919, 82 FR 33542, 82 FR 37499, 83 FR 2306, 83 FR 15195, 83 FR 28325, 83 FR 34661, 83 FR 40638, 83 FR 53727, 83 FR 60954, 84 FR 2305, 84 FR 2311, 84 FR 2314, 84 FR 2323, 84 FR 2326, 84 FR 2328, 84 FR 5550, 84 FR 10389, 84 FR 12665, 84 FR 16320, 84 FR 16327, 84 FR 16336, 84 FR 21393, 84 FR 21397, 84 FR 21401, 84 FR 47057, 84 FR 52166):

Marvin D. Bass (KY)
Raymond L. Bradshaw (TX)
Joel A. Cabrera (FL)
Richard D. Carlson (MN)
David F. Cialdea (MA)
Peter R. Clarke (WA)
Marcus L. Conner (TX)
Jon R. Davidson (CO)
Donald W. Donaldson (GA)
David L. Dykman (ID)
Terry J. Edwards (MO)
Barry J. Ferdinando (NH)
Riche Ford (CO)
Dale R. Goodell (SD)
Thomas A. Grigsby (AR)

Matthew J. Hahn (PA)
Jay A. Harding (OR)
Johnny K. Hiatt (NC)
William G. Holland (AR)
Abdalla M. Jalili (IL)
Francisco J. Jimenez (TX)
Curtis L. Lamb (KS)
David C. Leoffler (CO)
Richard D. Livingston (WI)
Robert R. Martin (VA)
Carl M. McIntire (OH)
Edgar H. Meraz Gardea (NM)
Leonard Morris (NJ)
Timothy L. Morton (NC)
George M. Nelson (OH)
William L. Paschall (MD)
John P. Perez (FL)
Zeljko Popovac (VT)
Roberto A. Ramos (TX)
Donald W. Randall (OR)
Larry F. Reber (OH)
Larry D. Robinson (MO)
Cory W. Schell (WA)
Lynn R. Schraeder (IA)
Leverne F. Schulte, Jr. (OH)
Richie J. Schwendy (IL)
Martin Serrano (IL)
Kyle C. Shover (NJ)
Sammie Q. Soles, Jr. (MI)
Charles T. Spears (VA)
George R. Tieskoetter (IA)
Jaime Valdez (TX)
James K. Waites (AR)
Robert A. Wegner (MN)
Bryon L. Wright (DE)
Dana J. York (PA)

The drivers were included in docket numbers FMCSA–1998–4334, FMCSA–2000–7918, FMCSA–2003–14504, FMCSA–2004–17984, FMCSA–2004–18885, FMCSA–2005–20027, FMCSA–2006–26066, FMCSA–2006–26653, FMCSA–2008–0106, FMCSA–2008–0340, FMCSA–2009–0086, FMCSA–2010–0385, FMCSA–2011–0010, FMCSA–2011–0102, FMCSA–2012–0279, FMCSA–2012–0337, FMCSA–2013–0022, FMCSA–2013–0027, FMCSA–2013–0028, FMCSA–2013–0169, FMCSA–2014–0004, FMCSA–2014–0006, FMCSA–2014–0008, FMCSA–2014–0298, FMCSA–2014–0300, FMCSA–2014–0301, FMCSA–2014–0304, FMCSA–2014–0305, FMCSA–2015–0350, FMCSA–2016–0024, FMCSA–2016–0213, FMCSA–2016–0377, FMCSA–2017–0014, FMCSA–2018–0018, FMCSA–2018–0208, FMCSA–2018–0209, FMCSA–2019–0004, and FMCSA–2019–0005. Their exemptions are applicable as of August 8, 2021 and will expire on August 8, 2023.

As of August 10, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 30999, 70 FR 46567, 72 FR 40359, 74 FR 34074, 76 FR 44653, 79 FR 4531, 80 FR 41547, 82 FR 32919, 84 FR 52166):

Carl V. Murphy, Jr. (TX)

The driver was included in docket number FMCSA–2005–21254. The exemption is applicable as of August 10, 2021 and will expire on August 10, 2023.

As of August 15, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 37197, 68 FR 48989, 70 FR 42615, 72 FR 40360, 74 FR 34632, 76 FR 49531, 79 FR 4531, 80 FR 44185, 82 FR 32919, 84 FR 33801, 84 FR 47045, 84 FR 52166):

Christopher G. Jarvela (MI)
Guillermo Rocha (CA)
Paul S. Yocum (IN)

The drivers were included in docket numbers FMCSA–2003–15268 and FMCSA–2019–0011. Their exemptions are applicable as of August 15, 2021 and will expire on August 15, 2023.

As of August 23, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 34143, 78 FR 52602, 82 FR 32919, 84 FR 52166):

Twila G. Cole (OR)

The driver was included in docket number FMCSA–2013–0029. The exemption is applicable as of August 23, 2021 and will expire on August 23, 2023.

As of August 25, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 44188, 80 FR 62161, 82 FR 32919, 84 FR 52166):

Robert J. Falanga (FL)
Duane S. Lozinski (IA)

The drivers were included in docket number FMCSA–2015–0055. Their exemptions are applicable as of August 25, 2021 and will expire on August 25, 2023.

As of August 29, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (82 FR 35043, 82 FR 47295, 84 FR 52166):

Patrick J. Conner (OK)

The driver was included in docket number FMCSA–2017–0019. The exemption is applicable as of August 29, 2021 and will expire on August 29, 2023.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified medical examiner (ME), as defined by § 390.5, who attests that the driver is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) 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 if he/her 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.

VI. Conclusion

Based upon its evaluation of the 59 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in § 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for two years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–13633 Filed 6–25–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0028; Notice 1]

Volvo Group North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Volvo Group North America, LLC (''Volvo''), has determined that certain Model Year (MY) 2015–2021 Volvo VHA, VHD, VNL, VNM, and VNR class 8 trucks and truck-tractors do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays*. Volvo filed a noncompliance report dated March 5, 2021. Subsequently, Volvo petitioned NHTSA on March 26, 2021, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of Volvo's petition.

DATES: Send comments on or before July 28, 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: Neil Dold, General Engineer, NHTSA, Office of Vehicle Safety Compliance, 202–366–7352, *neil.dold@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Overview

Volvo has determined that certain Volvo VHA, VHD, VNL, VNM, and VNR class 8 trucks and truck-tractors, do not fully comply with the requirements of paragraph S5.2.8 of FMVSS No. 101, *Controls and Displays* (49 CFR 571.101). Volvo filed a noncompliance report dated March 5, 2021, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Volvo subsequently petitioned NHTSA on March 26, 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*. Following submission of the petition, Volvo supplemented the petition on May 11, 2021.

This notice of receipt of Volvo'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. Trucks and Truck-Tractors Involved

Approximately 72,239 Volvo VAH, VHD, VNL, VNM, and VNR class 8 trucks and truck-tractors manufactured between December 16, 2014, and December 21, 2020, are potentially involved.

III. Noncompliance

Volvo explains that the noncompliance is that the subject vehicles are equipped with a steering-wheel-mounted automatic vehicle speed system control switch (cruise control) that is not properly identified and, therefore, does not comply with paragraph S5.2.8 of FMVSS No. 101.

IV. Rule Requirements

Paragraph S5.2.8 of FMVSS No. 101 includes the requirements relevant to this petition. Each control for an automatic vehicle speed system (cruise control) and each control for heating and air conditioning systems must have identification provided for each function of each such system.

V. Summary of Volvo's Petition

The following views and arguments presented in this section, ''V. Summary of Volvo's Petition,'' are the views and arguments provided by Volvo. They have not been evaluated by the Agency and do not reflect the views of the Agency. Volvo describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Volvo submitted the following reasoning:

1. The cruise on and off button is just to the right of the switch in question. Considering the proximity of the switch to the cruise control on-and-off and cancel-and-resume buttons, the switch's function is self-explanatory.

2. This type of switch is commonly used for this function.

3. The function of the switch is explained in the operator's manual.

4. There are no warranty claims, consumer complaints, field reports, property damage or death and injury notices associated with the subject noncompliance.

Volvo 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 trucks and truck-tractors that Volvo 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 trucks and truck-tractors under their control after Volvo 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. 2021–13462 Filed 6–25–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Privacy Act of 1974; System of Records

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Transportation (DOT) proposes a new system of records titled ''Entry-Level Driver Training Provider Registry'' (TPR). This system of records will allow DOT to collect and maintain registered training provider information and entry-level driver training certification information. The information in the system will be used to establish training provider accounts, act as a central repository for entry level-driver training (ELDT) certification information and transmit that information to State Driver Licensing Agencies (SDLAs).

DATES: Comments on the system will be accepted on or before 30 days from the date of publication of this notice. The system will be effective 30 days after publication of this notice. Routine uses will be effective at that time.

ADDRESSES: You may submit comments, identified by docket number OST–2021–0037 by one of the following methods:

Federal e-Rulemaking Portal: https://www.regulations.gov.

Mail: Karyn Gorman, Acting Departmental Chief Privacy Officer, Department of Transportation, Washington, DC 20590.

All submissions received must include the agency name and docket number OST–2021–0037. All comments received will be posted without change to *https://www.regulations.gov* and may include any personal information provided.''

Docket: For access to the docket to read background documents or comments received, to *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: For general and privacy questions, please contact: Karyn Gorman, Acting Departmental Chief Privacy Officer, Department of Transportation, S–81, Washington, DC 20590, Email: *privacy@dot.gov,* Tel. (202) 366–3140.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Privacy Act of 1974, the Department of Transportation is proposing a new system of records titled ''Department of Transportation (DOT)/Federal Motor Carrier Safety Administration (FMCSA)—012, Entry-Level Driver Training Provider Registry'' (TPR). This system will collect information related to registered training providers and entry level-driver training (ELDT) certification information pertaining to individual applicants for commercial driver's licenses (CDLs) or certain endorsements. The Moving Ahead for Progress in the 21st Century Act (MAP–21) requires DOT to regulate ELDT (Pub. L. 112–141, section 32304, 126 Stat. 405, 791 (July 6, 2012)). MAP–21 modified 49 U.C 31305 by adding paragraph (c), which required FMCSA to issue ELDT regulations addressing the knowledge and skills that an individual must acquire before obtaining a CDL or specified endorsement for the first time. MAP–21 also required training providers to demonstrate, by providing certification information, that the individual meets the ELDT requirements. Section 32304(a) allows the Secretary to establish the process by which a training provider must provide certification information. These ELDT regulations are currently located in 49 CFR part 380. The TPR is the tool that training providers and SDLAs will use to meet the ELDT requirements.

Training providers, as defined in 49 CFR 380.605, wishing to provide ELDT must be listed on the TPR. Training providers include, but are not limited to, training schools, educational institutions, rural electric cooperatives, motor carriers, State/local governments, school districts, joint labor management programs, owner-operators, and individuals. To be listed on the TPR, a training provider must certify that it meets the applicable eligibility requirements listed in 49 CFR 380.703(a), including completion of FMCSA's registration process. Registration is accomplished by accessing FMCSA's TPR website and electronically transmitting a completed Training Provider Registration Form (TPRF) affirming, under penalties of perjury, that the provider will teach the FMCSA-prescribed curriculum that is appropriate for the CDL class or endorsement. When a provider meets the applicable requirements, FMCSA will issue the provider a unique TPR number and, as applicable, add the provider's information to the TPR website. The information maintained in the system of records on training providers, some of whom are individuals, includes, but is not limited to, the training entity's legal name, location, phone number, website address, and the type of ELDT offered. Except as noted below, this information will be located on the publicly available portion of the TPR website, which will allow driver-trainees to locate and contact registered training providers. In addition, FMCSA may use the training providers' contact information to communicate with them regarding their registration information on the TPR, or to initiate an audit or investigation of the training provider pursuant to 49 CFR 380.703(a)(6) and 380.719(a)(5). FMCSA acknowledges that some training providers, including those who provide ELDT only for their own employees or prospective employees, may wish to keep their contact information private and therefore not have it publicly displayed on the TPR website. Accordingly, training providers who do not intend to make their services available to all driver-trainee applicants can elect not to include their contact information in the public listing that appears on the TPR website; however, these training providers will be publicly identified by name, city, and State. This option will be made available at the time of initial registration and can be changed anytime the provider so chooses.

The system of records will also serve as a central repository of driver-trainee ELDT certification information.

Each ELDT training provider is responsible for collecting certain information from its driver trainees, to include the driver-trainee's name, permit or driver license number, State of licensure, license class and/or endorsements, the type of training completed (*e.g.,* Class A or B theory and behind-the-wheel (BTW) training), total number of BTW clock hours (if applicable), and date of completion. Upon a driver's completion of the ELDT training administered by a provider listed on the TPR, providers must, by midnight of the second business day following completion, electronically transmit training certification information through the TPR website. 49 CFR 380.717. The purpose of maintaining these records in the TPR system is two-fold: First, it allows users (SDLAs or third-party skills test examiners authorized by the SDLA) to query the TPR and verify electronically that the applicant completed applicable training prior to conducting the skills test, as required in 49 CFR 383.73(b)(11), or administering the knowledge test to an applicant for the hazardous materials (H) endorsement, as required in 49 CFR 383.73(e)(9). (This use of ELDT information by SDLAs is a routine use, discussed further below.) Second, FMCSA intends to use the ELDT certification information to analyze the safety impact of ELDT and to monitor the efficacy, competence, and performance of training providers. If the audits or investigations conducted by FMCSA, or its authorized representatives, identifies material deficiencies pertaining to the training provider's program, operations, or eligibility, FMCSA may consider the removal of the training provider from the TPR pursuant to 49 CFR 380.721.

The Department is proposing three routine uses for this system of records tied directly to the purpose of the system. The first routine use would allow the provision of the training provider's legal name, location, phone number, website address, and the type of ELDT offered, to members of the public to allow entry-level drivers the necessary information to locate a provider in his or her locality. The second proposed routine use would allow the transmission of a driver's ELDT certification information in response to mandatory queries made by SDLAs (and third-party skills testers authorized by the SDLA) prior to conducting the applicable skills test. This routine use will allow CDL skills examiners to verify the driver's eligibility to take the required test(s) as outlined in the ELDT regulations. The third proposed routine use would allow the transmission of a driver's ELDT certification information in response to mandatory queries made by SDLAs prior to conducting the knowledge test for the H endorsement. This routine use will allow SDLAs to verify the driver's eligibility to take the test.

FMCSA has also included DOT General Routine Uses, to the extent they are compatible with the purposes of this System. As recognized by the Office of Management and Budget (OMB) in its Privacy Act Implementation Guidance and Responsibilities (65 FR 19746 (July 9, 1975)), the routine uses include proper and necessary uses of information in the system, even if such uses occur infrequently. FMCSA has included in this notice routine uses for disclosures to law enforcement when the record, on its face, indicates a violation of law, to DOJ for litigation purposes, or when necessary in investigating or responding to a breach of this system or other agencies' systems. DOT may disclose to Federal, State, local, or foreign agency information relevant to law enforcement, litigation, and proceedings before any court or adjudicative or administrative body. OMB has long recognized that these types of routine uses are ''proper and necessary'' uses of information and qualify as compatible with agency systems (65 FR 19476, April 11, 2000). In addition, OMB Memorandum M–17–12, directed agencies to include routine uses that will permit sharing of information when needed to investigate, respond to, and mitigate a breach of a Federal information system. DOT also has included routine uses that permit sharing with the National Archives and Records Administration when necessary for an inspection, to any federal government agency engaged in audit or oversight related to this system, or when DOT determines that the disclosure will detect, prevent, or mitigate terrorism activity. These types of disclosures are necessary and proper uses of information in this system because they further DOT's obligation to fulfil its records management and program management responsibilities by facilitating accountability to agencies charged with oversight in these areas, and DOT's obligation under Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–456, and Executive Order 13388 (Oct. 25, 2005) to share information necessary and relevant to detect, prevent, disrupt, preempt, or mitigate the effects of terrorist activities against the territory, people, and interests of the United States.

Privacy Act

The Privacy Act (5 U.S.C. 552a) governs the means by which the federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act extends rights and protections to individuals who are U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides a covered person with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the Training Provider Registry System of Records. In accordance with *5 U.S.C. 552*a(r), DOT has provided a report of this system of records to the OMB and to Congress.

SYSTEM NAME AND NUMBER:

DOT/FMCSA 012—Entry-Level Driver Training Provider Registry (TPR).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained in a FedRAMP-certified third-party cloud environment. The contracts are maintained by DOT at 1200 New Jersey Avenue SE, Washington, DC 20590.

SYSTEM MANAGER(S):

System Manager, Commercial Driver License Division, Office of Safety Programs, FMCSA, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, section 32304, 126 Stat. 405, 791 (July 6, 2012)).

PURPOSE(S) OF THE SYSTEM:

The purpose of the system is to (1) collect and maintain information on training providers listed on the TPR; (2) collect and maintain certification

information on drivers who have completed entry-level training; and (3) allow access to entry-level driver training certification information by SDLAs and third-party examiners for the purposes of ensuring entry-level drivers have completed required training prior to seeking a CDL or endorsement.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals within this system include: Entry-level drivers and training providers operating as individuals (*i.e.,* not affiliated with a motor carrier or independent commercial driver training school).

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system include:

Training Provider Information:

- Training provider legal name
- Training provider mailing address
- Training provider location of training and required records
- Training provider telephone number
- Training provider email address
- Unique training provider identification number

ELDT Certification Information:

- Entry-level driver legal name
- Entry-level driver's license/commercial learner's permit/commercial driver's license (as applicable)
- State of licensure
- Commercial driver's license class and/or endorsement and type of training (theory and/or BTW) the driver-trainee completed
- Total number of clock hours the driver-trainee spent to complete the BTW training, as applicable
- Name of the training provider and its unique TPR identification number
- Date(s) of training completion

RECORD SOURCE CATEGORIES:

Training providers submit both records about themselves and of driver-trainees who complete required entry-level driver training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOT as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

System Specific Routine Uses

1. To the public, the training provider's legal name, location, phone number, website address, and the type of ELDT offered to allow entry-level drivers the necessary information to locate a provider in his or her locality.

2. To SDLAs, including third-party skills test examiners authorized by the State, the driver's training record, for verification that an applicant seeking a Class A or Class B CDL, and/or a P or S endorsement, has completed the required ELDT before administering requisite skills test(s) to the individual.

3. To SDLAs, the driver's training record, for verification that an applicant seeking a H endorsement has completed the required ELDT before administering the knowledge test for that endorsement.

Department General Routine Users

1. In the event that a system of records maintained by DOT to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2a. Routine Use for Disclosure for Use in Litigation. It shall be a routine use of the records in this system of records to disclose them to the Department of Justice or other federal agency conducting litigation when—(a) DOT, or any agency thereof, or (b) Any employee of DOT or any agency thereof, in his/her official capacity, or (c) Any employee of DOT or any agency thereof, in his/her individual capacity where the Department of Justice has agreed to represent the employee, or (d) The United States or any agency thereof, where DOT determines that litigation is likely to affect the United States, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or other federal agency conducting the litigation is deemed by DOT to be relevant and necessary in the litigation, provided, however, that in each case, DOT determines that disclosure of the records in the litigation is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

2b. Routine Use for Agency Disclosure in Other Proceedings. It shall be a routine use of records in this system to disclose them in proceedings before any court or adjudicative or administrative body before which DOT or any agency thereof, appears, when—(a) DOT, or any agency thereof, or (b) Any employee of DOT or any agency thereof in his/her official capacity, or (c) Any employee of DOT or any agency thereof in his/her individual capacity where DOT has agreed to represent the employee, or (d) The United States or any agency thereof, where DOT determines that the proceeding is likely to affect the United States, is a party to the proceeding or has an interest in such proceeding, and DOT determines that use of such records is relevant and necessary in the proceeding, provided, however, that in each case, DOT determines that disclosure of the records in the proceeding is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

3. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In such cases, however, the Congressional office does not have greater rights to records than the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or actual information or other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional oversight or legislative purposes; release is authorized under 49 CFR 10.35(9).

4. One or more records from a system of records may be disclosed routinely to the National Archives and Records Administration (NARA) in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

5. DOT may make available to another agency or instrumentality of any government jurisdiction, including State and local governments, listings of names from any system of records in DOT for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims, regardless of the stated purpose for the collection of the information in the system of records. These enforcement activities are generally referred to as matching programs because two lists of names are checked for match using automated assistance. This routine use is advisory in nature and does not offer unrestricted access to systems of records for such law enforcement and related antifraud activities. Each request will be

considered on the basis of its purpose, merits, cost effectiveness and alternatives using Instructions on reporting computer matching programs to the Office of Management and Budget, OMB, Congress, and the public, published by the Director, OMB, dated September 20, 1989.

6. DOT may disclose records from this system, as a routine use, to appropriate agencies, entities, and persons when (1) DOT suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) DOT has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DOT or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOT's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

7. DOT may disclose records from this system, as a routine use, to the Office of Government Information Services for the purpose of (a) resolving disputes between FOIA requesters and federal agencies and (b) reviewing agencies' policies, procedures, and compliance in order to recommend policy changes to Congress and the President.

8. DOT may disclose records from the system, as a routine use, to contractors and their agents, experts, consultants, and others performing or working on a contract, service, cooperative agreement, or other assignment for DOT, when necessary to accomplish an agency function related to this system of records.

9. DOT may disclose records from this system, as a routine use, to an agency, organization, or individual for the purpose of performing audit or oversight operations related to this system of records, but only such records as are necessary and relevant to the audit or oversight activity. This routine use does not apply to intra-agency sharing authorized under Section (b)(1) of the Privacy Act.

10. DOT may disclose from this system, as a routine use, records consisting of, or relating to, terrorism information (6 U.S.C. 485(a)(5)), homeland security information (6 U.S.C. 482(f)(1)), or Law enforcement information (Guideline 2 Report attached to White House Memorandum, ''Information Sharing Environment'', November 22, 2006) to a Federal, State, local, tribal, territorial, foreign government and/or multinational agency, either in response to its request or upon the initiative of the Component, for purposes of sharing such information as is necessary and relevant for the agencies to detect, prevent, disrupt, preempt, and mitigate the effects of terrorist activities against the territory, people, and interests of the United States of America, as contemplated by the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108–458) and Executive Order 13388 (October 25, 2005).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically on a contractor-maintained cloud storage service.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records of training providers may be retrieved by the following data elements: Training provider's name, location, city, state, type of CDL training offered, and training provider number. Records of driver-trainees may be retrieved by the following data elements: CDL holder's name, license number, and commercial learner's permit number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

FMCSA proposes to maintain training records of individual drivers for 60 years or until notified that the driver is deceased. This retention period is consistent with other CDL driver records maintained by SDLAs. FMCSA proposes to maintain training provider registration information for 60 years. This retention period is consistent with the proposed record scheduled for training records of individuals and allows FMCSA to maintain a complete and accurate history. The records schedule for the TPR records is currently being developed and will be submitted for approval by the National Archives and Records Administration (NARA). All records maintained in the system of records will not be disposed of and will be treated as permanent records until the schedule is approved by NARA.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Appropriate controls have been imposed to minimize the risk of compromising the information that is being stored and ensuring confidentiality of communications using tools such as encryption, authentication of sending parties, and compartmentalizing databases; and employing auditing software. TPR data is encrypted at rest and in transit. Access to records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. All personnel with access to data are screened through background investigations commensurate with the level of access required to perform their duties.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request to the System Manager in writing in writing to the address provided under ''System Manager and Address.'' Individuals may also search the public docket at *www.regulations.gov* by their name.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 49 CFR part 10. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you should provide the following:

- An explanation of why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DOT component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records. Without this bulleted information, the Department may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

FMCSA depends upon training providers to submit data as accurately as possible. If a driver finds inaccurate information pertaining to ELDT Certification Information in the TPR, or inaccurate information was transmitted to the SDLA, drivers must contact the training provider that conducted the training to request that corrections be submitted to the TRP as appropriate. Once the corrections have been made, the training provider should resubmit the Training Certification Information form to the TPR, noting the corrections made. Upon receipt of the updated certification, the TPR will automatically retain a record of the information. In the event the driver-trainee wishes to obtain the revised training certification information, they will need to contact the training provider that conducted the training.

If a training provider discovers that information contained in the TPR is inaccurate, the training provider may make corrections by accessing their TPR account on the TPR and submitting an updated Training Provider Registration form (OMB Control number 2126–0028).

Individuals seeking to contest the content of any record pertaining to him or her in this system may also contact the System Manager following the Privacy Act procedures in 49 CFR part 10, subpart E, Correction of Records. Written requests for correction must conform with the Privacy Act regulations set forth in 49 CFR part 10. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the FMCSA Freedom of Information Act Officer *https://www.fmcsa.dot.gov/foia/foia-requestsorfoia2@dot.gov.*

NOTIFICATION PROCEDURES:

Individuals seeking to contest the content of any record pertaining to him or her in the system may contact the System Manager following the procedures described in ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Issued in Washington, DC.

Karyn Gorman,

Acting Departmental Chief Privacy Officer.

[FR Doc. 2021–13643 Filed 6–25–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Office of Foreign Assets Control's Reporting, Procedures, and Penalties Regulations

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on this request.

DATES: Comments must be received on or before July 28, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: Reporting, Procedures and Penalties Regulations.

OMB Control Number: 1505–0164.

Type of Review: Extension without change of a currently approved collection.

Description: The collections of information are contained in sections 501.601 through 501.605, 501.801, and 501.805 through 501.807 of the Office of Foreign Assets Control's (OFAC) Reporting, Procedures and Penalties Regulations, 31 CFR part 501 (the ''Regulations''), and certain other parts, and pertain to the operation of various economic sanctions programs administered by OFAC under 31 CFR chapter V. Section 501.601 addresses the maintenance of records and § 501.602 relates to OFAC demands for information relative to any transaction or property subject to the provisions of 31 CFR chapter V. Section 501.603 imposes reporting requirements pertaining to blocked property and retained funds, as well as property that is released from blocked status (unblocked property). This information is required by OFAC to monitor compliance with regulatory requirements, to support diplomatic negotiations concerning the targets of sanctions, and to support settlement negotiations addressing U.S. claims. Section 501.604 requires the filing of reports for compliance purposes by U.S. persons where a transaction is not required to be blocked but where processing or otherwise engaging in the transaction would nonetheless violate, or facilitate a transaction that is prohibited under, other provisions in 31 CFR chapter V. Section 501.605 requires reporting of information pertaining to litigation, arbitration, and other binding alternative dispute resolution proceedings in the United States to prevent the intentional or inadvertent transfer through such proceedings of blocked property or retained funds. Sections 501.801 and 501.805 relate, respectively, to license requests and records requests. Section 501.806 sets forth the procedures to be followed by a person seeking to have funds unblocked at a financial institution if the person believes that the funds were blocked due to mistaken identity. Section 501.807 sets forth the procedures to be followed by a person seeking administrative reconsideration of a designation or that of a vessel as blocked, or who wishes to assert that the circumstances resulting in the designation or blocking no longer apply.

Forms: OFAC requires the submission of the Annual Report of Blocked Property (ARBP) through approved form: TD–F 90–22.50. OFAC also maintains voluntary forms for submission of certain other information required as a part of the information collections covered by this notice including the following approved forms: Report on Blocked Property—Financial, TD–F 93.02; Report on Blocked Property—Tangible/Real/Other Non-Financial Property, TD–F 93.08; Report on Rejected Transaction, TD–F 93.07; TSRA License Application, TD–F 93.04; and Licensing Cover Sheet, TD–F 98–22.61. Any other information collections covered by this notice do not have mandatory or voluntary forms.

The reports covered by this information collection will be reviewed by the U.S. Department of the Treasury and may be used for compliance, civil penalty, and enforcement purposes by the agency.

Affected Public: Financial institutions, business organizations, individuals, and legal representatives.

Estimated Number of Respondents: OFAC's estimate for the number of unique reporting respondents is

approximately 5,600. The significant decrease in the number of unique respondents since OFAC's last information collection submission regarding the Regulations in 2019 is due to OFAC's increased use of technology, which has enabled it to consolidate multiple filers within a single institution under one unique identification number assigned to the institution for all reports submitted to OFAC. Previously, OFAC did not have the ability to easily ascertain the number of unique respondents due to different identification numbers being selected for reports filed by different individuals within the same institution, or different branches or offices of the same institution. This inability to uniquely identify all reports associated with one institution led to counting numerous filers that were all associated with the same institution instead of counting the institutions themselves as unique respondents, resulting in an inflated number of respondents in past information collection submissions. OFAC is now adjusting its number of unique reporting respondents based on its more accurate data set.

Frequency of Response: The estimated annual frequency of responses is between 1 and 4,641, varying greatly by entity depending on the size, nature, and scope of business activities of each respondent, with the majority of filers providing a small number of responses and a small number of filers submitting a higher number of responses.

Estimated Total Number of Annual Responses: 30,051.

Estimated Time per Response: OFAC assesses that there is an average time estimate for reports associated with forms ranging from 15 minutes to 2 hours and for reports associated with general licenses and other miscellaneous reports ranging from 30 minutes to 5 hours.

Estimated Total Annual Burden Hours: 13,160 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: June 22, 2021.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2021–13669 Filed 6–25–21; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0821]

Agency Information Collection Activity Under OMB Review: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, and Specially Adaptive Housing Assistive Technology Grants Criteria and Responses

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0821.

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. 2900–0821'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Agency Information Collection Activity under OMB Review: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, and Specially Adaptive Housing Assistive Technology Grants Criteria and Responses.

OMB Control Number: 2900–0821.

Type of Review: Extension of a currently approved collection.

Abstract: The proposed regulations would require applicants to submit VA Form 26–0967, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion. These regulations would also require applicants to provide statements addressing six scoring criteria for grant awards as part of their application. The information will be used by Loan Guaranty personnel in deciding whether an applicant meets the requirements and satisfies the scoring criteria for award of an SAH Assistive Technology grant under 38 U.S.C. 2108. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 17891on April 6, 2021, page 17891.

Affected Public: Individuals or Households.

Estimated Annual Burden: 40.

Estimated Average Burden per Respondent: 2 hours.

Frequency of Response: One time.

Estimated Number of Respondents: 20.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer (Alternate), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–13744 Filed 6–25–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0073]

Agency Information Collection Activity Under OMB Review: Enrollment Certification

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0073.''

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. 2900–0073'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3034, 3241, 3323, 3680; and 3684, 10 U.S.C. 16136; 38 CFR 21.4203, 21.5200(d), 21.7152, 21.7652, and 21.9720.

Title: Enrollment Certification VA Form 22–1999.

OMB Control Number: 2900–0073.

Type of Review: Revision of a currently approved collection.

Abstract: VA uses the information collected on VA Form 22–1999 to determine the amount of educational benefits payable to the student during the period of enrollment or training. Additionally, VA also uses these forms to determine whether the student has requested an advance payment or accelerated payment of benefits. Without this information, VA would not have a basis upon which to make payment or to know if a person was requesting an advance or accelerated payment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 21809 on April 23, 2021, pages 21809 and 21810.

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,527,091 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Twice Annually.

Estimated Number of Respondents: 15,162,546.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alternate), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–13679 Filed 6–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0149]

Agency Information Collection Activity Under OMB Review: Application for Conversion

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0149.

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. 2900–0149'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Application for Conversion, VA Form 29–0152.

OMB Control Number: 2900–0149.

Type of Review: Revision of a currently approved collection.

Abstract: This form is used by Veterans to convert to a permanent plan of insurance. The information on the form is required by law, U.S.C. 1904 and 1942.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 20793 on June 21, 2021, pages 20793 and 20794.

Affected Public: Individuals and Households.

Estimated Annual Burden: 1,125 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 4,500.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer (Alternate), Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–13757 Filed 6–25–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0678]

Agency Information Collection Activity Under OMB Review: On-the-Job Training Agreement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Insert Administration name, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0678.

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:

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 training 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. 3014 and 38 U.S.C. 3116.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 76 on April 22, 2021, pages 21437 and 21438.

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 (Alternate), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–13752 Filed 6–25–21; 8:45 am]

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H.R. 49/P.L. 117–20
To designate the National Pulse Memorial located at 1912 South Orange Avenue, Orlando, Florida, 32806, and for other purposes. (June 25, 2021; 135 Stat. 291)

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