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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0946; Project Identifier MCAI–2021–01020–E; Amendment 39–21793; AD 2021–22–20]

RIN 2120–AA64

Airworthiness Directives; Austro Engine GmbH Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Austro Engine GmbH E4 and E4P model diesel piston engines. This AD was prompted by reports of failure of the high-pressure pump (HPP) driving gear and a subsequent determination that a batch of HPP driving gears may have been damaged during assembly. This AD requires, for engines with an affected cylinder head, inspection of the HPP driving gear and, depending on the results of the inspection, replacement of the HPP driving gear with a part eligible for installation. This AD also requires, for engines with an affected HPP driving gear, replacement of the HPP driving gear either before further flight or within a certain number of flight hours after the effective date of this AD. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 16, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 16, 2021.

The FAA must receive comments on this AD by December 16, 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 final rule, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, 2700 Weiner Neustadt, Austria; phone: +43 2622 23000; website: *www.austroengine.at.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0946.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0946; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7134; fax: (781) 238–7199; email: *wego.wang@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, issued EASA AD 2021–0203R1, dated September 24, 2021 (referred to after this as ''the MCAI''), for Austro Engine GmbH E4 and E4P model diesel piston engines, to address the unsafe condition on these products. The MCAI states:

Occurrences were reported of HPP driving gear failure. Subsequent investigation determined that a certain batch of HPP driving gears was produced with a worn out assembly tool P/N AE300T012–1. Those HPP driving gears may have been damaged during assembly. Concurrently, it was determined that, for engines equipped with a certain cylinder head, a stack up of tolerances exists between the cylinder head, cylinder head cover, camshaft gear and HPP gear. Both scenarios could result in premature HPP gear failure.

This condition, if not corrected, could lead to engine in-flight shut-down with consequent forced landing, possibly resulting in damage to the aeroplane and injury to occupants. To address this potential unsafe condition, Austro Engine published the inspection SB, as defined in this [EASA] AD, to provide instructions for HPP gear inspection on engines equipped with an affected cylinder head, as defined in this [EASA] AD. Austro Engine also published the replacement SB, as defined in this [EASA] AD, to provide instructions for replacement of affected HPP gears, as defined in this [EASA] AD. For the reason described above, EASA issued Emergency AD 2021–0203–E to require inspection and/or replacement of HPP gears.

You may obtain further information by examining the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0946.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Austro Engine Mandatory Service Bulletin No. MSB–E4–035/1, Revision No. 1, dated September 30, 2021 (MSB–E4–035/1); and Austro Engine Mandatory Service Bulletin No. MSB–E4–034/3, Revision No. 3, dated September 30, 2021 (MSB–E4–034/3).

Austro Engine MSB–E4–035/1 specifies procedures for inspecting HPP driving gears installed on E4 and E4P

model diesel piston engines equipped with an affected cylinder head.

Austro Engine MSB–E4–034/3 identifies the applicable part number and serial numbers of affected HPP driving gears installed on Austro Engine GmbH E4 and E4P model diesel piston engines.

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

AD Requirements

This AD requires, for engines with an affected cylinder head, inspection of the HPP driving gear and, depending on the results of the inspection, replacement of the HPP driving gear with a part eligible for installation. This AD also requires, for engines with an affected HPP driving gear, replacement of the HPP driving gear within a certain number of flight hours, depending on the airplane on which the affected engine is installed.

Differences Between This AD and the MCAI

The MCAI requires replacement of the HPP driving gear using the Accomplishment/Instructions, paragraph 2.1., of Austro Engine MSB–E4–034/3 while this AD does not require use of MSB–E4–034/3 to replace the HPP driving gear.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule. The FAA received a report of occurrences of failure of the HPP driving gear. The manufacturer subsequently determined that a certain batch of HPP driving gears was produced with a worn out assembly tool, and may have been damaged during assembly. The manufacturer also determined that, for engines equipped with a certain cylinder head, a stack up of tolerances exists between the cylinder head, cylinder head cover, camshaft gear and high pressure pump driving gear. Both conditions could result in failure of the HPP driving gear. Austro Engine subsequently issued service information providing instructions for inspection and replacement of certain HPP driving gears installed on E4 and E4P model diesel piston engines.

Failure of the HPP driving gear can result in in-flight engine shut-down, forced landing, and damage to the airplane. The FAA considers failure of the HPP driving gear to be an urgent safety issue that requires immediate action to avoid damage to the airplane. For engines with an affected cylinder head, if the HPP driving gear does not pass the inspection required by this AD, this AD requires replacement of the HPP driving gear before further flight. In addition, for engines with an affected HPP driving gear and with a certain number of hours accumulated on the HPP driving gear, this AD also requires replacement of the HPP driving gear before further flight. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0946 and Project Identifier MCAI–2021–01020–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 418 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect HPP driving gear	.5 work-hours × $85 per hour = $42.50	$0	$42.50	$17,765
Replace HPP driving gear (for engines with an affected HPP driving gear).	2 work-hours × $85 per hour = $170	145	315	131,670

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace HPP driving gear (for engines with an affected cylinder head).	2 work-hours × $85 per hour = $170	$145	$315

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–22–20 Austro Engine GmbH Engines: Amendment 39–21793; Docket No. FAA–2021–0946; Project Identifier MCAI–2021–01020–E.

(a) Effective Date

This airworthiness directive (AD) is effective November 16, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Austro Engine GmbH E4 and E4P model diesel piston engines equipped with either:

(1) A cylinder head having part number (P/N) E4A–12–500–000 (affected cylinder head), or

(2) A high-pressure pump (HPP) driving gear, having P/N E4A–30–000–201, with a serial number (S/N) listed in Chapter 1.4, Table 1 of Austro Engine Mandatory Service Bulletin No. MSB–E4–034/3, Revision No. 3, dated September 30, 2021 (MSB–E4–034/3) (affected HPP driving gear).

(d) Subject

Joint Aircraft System Component (JASC) Code 8520, Reciprocating Engine Power Section.

(e) Unsafe Condition

This AD was prompted by reports of failure of the HPP driving gear and a subsequent investigation by the manufacturer, which determined that a certain batch of HPP driving gears may have been damaged during assembly. The investigation also determined that affected engines equipped with an affected cylinder head were also subject to premature failure of the HPP driving gear. The FAA is issuing this AD to prevent the failure of the HPP driving gear. The unsafe condition, if not addressed, could result in in-flight engine shut-down, forced landing, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For engines with an affected cylinder head, before further flight after the effective date of this AD, perform all actions in the Accomplishment/Instructions, paragraph 2.1., of Austro Engine Mandatory Service Bulletin No. MSB–E4–035/1, Revision No. 1, dated September 30, 2021 (MSB–E4–035/1).

(2) If, during the performance of the actions required by paragraph (g)(1) of this AD, the HPP driving gear does not pass the inspection, as specified in paragraph 2.1. of Austro Engine MSB–E4–035/1, before further flight, replace the HPP driving gear with a part eligible for installation.

(3) For engines equipped with an affected HPP driving gear, within the compliance time specified in Table 1 to paragraph (g)(3) of this AD, as applicable, replace each affected HPP driving gear with a part eligible for installation.

Table 1 to Paragraph (g)(3) – HPP Driving Gear Replacement

Engine Group	Flight Hours (FHs) accumulated on the HPP since new	Compliance Time
1	40 FHs or more	Before next flight after the effective date of this AD
	Less than 40 FHs	Before exceeding 40 FHs since new
2	80 FHs or more	Before next flight after the effective date of this AD
	Less than 80 FHs	Before exceeding 80 FHs since new

(h) Definitions

(1) For the purpose of this AD, a part eligible for installation is an HPP driving gear that is not an affected HPP driving gear.

(2) For the purpose of this AD, engines in Engine Group 1 are Model E4 engines in configuration ''-A'' installed on single engine airplanes.

(3) For the purpose of this AD, engines in Engine Group 2 are Model E4 engines in configuration ''-B'' or ''-C'' and Model E4P engines installed on twin-engine airplanes.

(i) Special Flight Permit

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to permit a single ferry flight to a location where the actions required by this AD can be accomplished on a twin-engine airplane that has one or two Model E4 engines in configuration ''-B'' or ''-C'', or Model E4P engines, installed.

(j) Non-Required Actions

The requirements to fill out and send the execution report to Austro Engine, as well as the requirement to contact Austro Engine and provide pictures of the driving gear, as set forth in the Accomplishment/Instructions, paragraph 2.1., of MSB–E4–035/1, are not required by this AD.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

(1) For more information about this AD, contact Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7134; fax: (781) 238–7199; email: *wego.wang@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2021–0203R1, dated September 24, 2021, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0946.

(m) Material Incorporated by Reference

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

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

(i) Austro Engine Mandatory Service Bulletin (MSB) No. MSB–E4–035/1, Revision No. 1, dated September 30, 2021.

(ii) Austro Engine MSB No. MSB–E4–034/3, Revision No. 3, dated September 30, 2021.

(3) For Austro Engine service information identified in this AD, you may contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, 2700 Weiner Neustadt, Austria; phone: +43 2622 23000; website: *www.austroengine.at.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

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

Issued on October 27, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–23842 Filed 10–28–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0613; Project Identifier MCAI–2020–01431–T; Amendment 39–21801; AD 2021–23–03]

RIN 2120–AA64

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

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain De Havilland Aircraft of Canada Limited Model DHC–8–400, –401, and –402 airplanes. This AD was prompted by a report of cracking found on a main landing gear (MLG) drag strut assembly. This AD requires a records review to determine if an affected MLG drag strut assembly is installed, repetitive detailed inspections for cracking of affected strut assemblies, a one-time magnetic particle inspection for cracking, and on-condition actions if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 6, 2021.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0613; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of

Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–43, dated October 21, 2020 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain De Havilland Aircraft of Canada Limited Model DHC–8–400, –401, and –402 airplanes. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0613.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain De Havilland Aircraft of Canada Limited Model DHC–8–400, –401, and –402 airplanes. The NPRM published in the **Federal Register** on August 3, 2021 (86 FR 41794). The NPRM was prompted by a report of cracking found on an MLG drag strut assembly. The NPRM proposed to require a records review to determine if an affected MLG drag strut assembly is installed, repetitive detailed inspections for cracking of affected strut assemblies, a one-time magnetic particle inspection for cracking, and on-condition actions if necessary. The FAA is issuing this AD to address cracking of the MLG drag strut assembly and possible failure under compression loads during landing or ground operations, which could result in asymmetric MLG configuration and potential runway excursion. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA has considered the comment received. The Air Line Pilots Association, International (ALPA) indicated its support for the NPRM.

Conclusion

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

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

Costs of Compliance

The FAA estimates that this AD will affect 34 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 11 work-hours × $85 per hour = Up to $935	$0	Up to $935	Up to $31,790.

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 aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 10 work-hours × $85 per hour = Up to $850	* $	Up to $850	Up to $850.

* The FAA has received no definitive data that would enable the agency to provide parts cost estimates for the actions specified in this AD.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–03 De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–21801; Docket No. FAA–2021–0613; Project Identifier MCAI–2020–01431–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 6, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001, 4003, and subsequent.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of cracking found on a main landing gear (MLG) drag strut assembly. The FAA is issuing this AD to address cracking of the MLG drag strut assembly and possible failure under compression loads during landing or ground operations, which could result in asymmetric MLG configuration and potential runway excursion.

(f) Compliance

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

(g) Records Review, Repetitive Inspections, and On-Condition Actions

Within 30 days after the effective date of this AD: Review the applicable airplane maintenance records to determine if any affected MLG drag strut assembly identified in figure 1 to the introductory text of paragraph (g) of this AD is installed. If any affected MLG drag strut assembly is installed, do the actions specified in paragraphs (g)(1) and (2) of this AD.

FIGURE 1 TO THE INTRODUCTORY TEXT OF PARAGRAPH (g)—AFFECTED MLG DRAG STRUT ASSEMBLY

Part No.	Serial No.
46301–13	MBM0056 MBM0073 MBM0076 MBM0130 MBM0136 MBM0145 MBM0179 MBM0204 MBM0208 MBM0302 MBM0303 MBM0324 MBM0405 MBM0408 MBM0412 MBM0417 MBM0423

(1) Within 80 flight hours after accomplishing the records review required by paragraph (g) of this AD, do a detailed inspection for cracking of the affected MLG drag strut assembly, and do all applicable on-condition actions before further flight, in accordance with a method approved by the Manager, New York ACO Branch, FAA. Repeat the inspection thereafter at intervals not to exceed 80 flight hours until the magnetic particle inspection required by paragraph (g)(2) of this AD is done.

Note 1 to paragraph (g)(1): Guidance on the inspections and on-condition actions required by this AD can be found in Transport Canada Civil Aviation (TCCA) AD CF–2020–43, dated October 21, 2020.

(2) Within 1,600 flight hours or 12 months after the effective date of this AD, whichever occurs first, perform a magnetic particle inspection for cracks of the entire tubular section of the affected MLG drag strut assembly, and do all on-condition actions before further flight, in accordance with a method approved by the Manager, New York ACO Branch, FAA. Performing the magnetic particle inspection required by this paragraph terminates the repetitive detailed inspections required by paragraph (g)(1) of this AD.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install an affected MLG drag strut assembly identified in figure 1 to the introductory text of paragraph (g) of this AD on any airplane unless the inspections and applicable on-conditions specified in paragraphs (g)(1) and (2) of this AD are done before further flight.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–43, dated October 21, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0613.

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

(3) For information about TCCA AD CF–2020–43, dated October 21, 2020, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(k) Material Incorporated by Reference

None.

Issued on October 26, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–23656 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0674; Airspace Docket No. 21–ASW–14]

RIN 2120–AA66

Amendment Class D and Class E Airspace; Ardmore, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the final rule published in the **Federal Register** on October 26, 2021, amending the Class D and Class E airspace at Ardmore, OK. A duplicate line of text was included in the Class E airspace extending upward from 700 feet above the surface airspace legal description.

DATES: Effective date 0901 UTC, January 27, 2022. The Director of the Federal Register approves this incorporation by reference action under Title 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (86 FR 59015; October 26, 2021) for FR Doc. 2021–23008 amending the Class D and Class E airspace at Ardmore, OK. Subsequent to publication, the FAA identified that a duplicate line of text was included in the Class E airspace extending upward from 700 feet above the surface airspace legal description. This action corrects that error.

Class D and Class E airspace designations are published in paragraph 5000, 6002, and 6005, respectively, of FAA Order JO 7400.11F dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be subsequently published in FAA Order JO 7400.11.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Amendment Class D and Class E Airspace; Ardmore, OK, published in the **Federal Register** of October 26, 2021 (86 FR 59015), FR Doc. 2021–23008, is corrected as follows:

71.1 [Amended]

■ On page 59016, column 2, remove line 66.

■ On page 59016, column 2, line 67, amend to read, ''to 8.4 miles southwest of the airport,''.

Issued in Fort Worth, Texas, on October 26, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–23648 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice: 11486]

RIN 1400–AF32

International Traffic in Arms Regulations: Addition of Ethiopia and Amendment to Eritrea Country Policy

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to add and update entries for Ethiopia and Eritrea, respectively. These changes codify that it is the policy of the United States to deny licenses and other approvals for exports of defense articles and defense services to certain end-users in those countries as described herein.

DATES: The rule is effective on November 1, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Engda Wubneh, Foreign Affairs Officer, Office of Defense Trade Controls Policy, U.S. Department of State, telephone (202) 663–1809; email *DDTCCustomerService@state.gov* ATTN: Regulatory Change, ITAR Section 126.1: Ethiopia and Eritrea.

SUPPLEMENTARY INFORMATION: The United States has deepening concerns about the ongoing crisis in northern Ethiopia as well as other threats to the sovereignty, national unity, and territorial integrity of Ethiopia. People in northern Ethiopia continue to suffer human rights violations, abuses, and atrocities, and urgently needed humanitarian relief is being blocked by the Ethiopian and Eritrean militaries as well as other armed actors. On May 23, 2021, the Secretary of State announced restrictions with respect to Ethiopia and Eritrea, including certain restrictions related to security assistance. The Department is updating ITAR § 126.1, consistent with the Secretary's announcement, by adding Ethiopia in paragraph (n) and updating the existing entry for Eritrea in paragraph (h). The policy of denial applies to licenses or other approvals for exports of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of either Ethiopia or Eritrea. Further, the Department is amending ITAR § 126.1(d)(2) to clarify that the prohibitions and exceptions for each country are specified in each respective paragraph, and not in ITAR § 126.1(d)(2). Lastly, the Department is making an administrative change to paragraph (d)(1).

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act (APA), pursuant to 5 U.S.C. 553(a)(1) and 5 U.S.C. 554(a)(4). Since the Department is of the opinion that this rule is exempt from 5 U.S.C. 553, it is the view of the Department that the provisions of Section 553(d) do not apply to this rulemaking.

Regulatory Flexibility Act

Since this rule is exempt from the notice-and-comment provisions of 5 U.S.C. 553(b), the rule does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rulemaking does not involve a mandate that will 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 are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

The Department does not believe this rulemaking is a major rule within the definition of 5 U.S.C. 804.

Executive Orders 12372 and 13132

This rulemaking 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 Executive Order 13132,

it is determined that this amendment does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

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, distributed impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Because the scope of this rule implements a governmental policy limiting defense trade with a country, and does not impose additional regulatory requirements or obligations, the Department believes costs associated with this rule will be minimal. This rule has been designated as a nonsignificant regulatory action by the Office and Information and Regulatory Affairs under Executive Order 12866.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, Executive Order 13175 does not apply to this rulemaking.

Paperwork Reduction Act

This rulemaking does not impose or revise any information collections subject to 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

For the reasons set forth above, title 22, chapter I, subchapter M, part 126 is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: 22 U.S.C. 2752, 2778, 2780, 2791, and 2797; 22 U.S.C. 2651a; 22 U.S.C. 287c; Sec. 1225, Pub. L. 108–375; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Sections 7045 and 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 2. Section 126.1 is amended by adding a heading for the table in paragraph (d)(1), revising paragraphs (d)(2) and (h), and adding paragraph (n) to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

* * * * *

(d) * * *

(1) * * *

Table 1 to Paragraph (d)(1)

* * * * *

(2) For defense articles and defense services, a policy of denial applies as specified in the associated paragraphs in the following table:

TABLE 2 TO PARAGRAPH (d)(2)

Country	Country specific paragraph location
Afghanistan	See also paragraph (g) of this section.
Central African Republic	See also paragraph (u) of this section.
Cyprus	See also paragraph (r) of this section.
Democratic Republic of Congo	See also paragraph (i) of this section.
Ethiopia	See also paragraph (n) of this section.
Eritrea	See also paragraph (h) of this section.
Haiti	See also paragraph (j) of this section.
Iraq	See also paragraph (f) of this section.
Lebanon	See also paragraph (t) of this section.
Libya	See also paragraph (k) of this section.
Russia	See also paragraph (l) of this section.
Somalia	See also paragraph (m) of this section.
South Sudan	See also paragraph (w) of this section.
Sudan	See also paragraph (v) of this section.
Zimbabwe	See also paragraph (s) of this section.

* * * * *

(h) *Eritrea.* It is the policy of the United States to deny licenses or other approvals for exports of defense articles or defense services destined to or for the armed forces, police, intelligence, or other internal security forces of Eritrea.

* * * * *

(n) *Ethiopia.* It is the policy of the United States to deny licenses or other approvals for exports of defense articles or defense services destined to or for the armed forces, police, intelligence, or other internal security forces of Ethiopia.

* * * * *

Bonnie Jenkins,

Under Secretary, Arms Controls and International Security, Department of State.

[FR Doc. 2021–23450 Filed 10–29–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 44

[Docket ID: DOD–2020–OS–0041]

RIN 0790–AL00

Screening the Ready Reserve

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: As part of the continuing response to coronavirus disease 2019 (COVID–19), DoD has revised the Code of Federal Regulations (CFR) to aid civilian employers in more quickly identifying key employees so the Department can better understand the capacity and capability available to support the response to the current pandemic and to avoid military-civilian manpower conflicts in future Declarations of National Emergency or in military mobilizations.

DATES: This final rule is effective on December 1, 2021.

FOR FURTHER INFORMATION CONTACT: CAPT Richard Howell, (703) 697–3837.

SUPPLEMENTARY INFORMATION: DoD's internal policy, DoD Directive 1200.07, ''Screening the Ready Reserve'' (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/120007p.pdf*) establishes requirements for Federal Government employers and the rule parallels those requirements for application to non-Federal employers, *i.e.,* all employers not of the Federal Government (State, local, non-profit, private, self-employed, etc.), hereafter referred to as ''employer.''

Legal Authority

Title 10 U.S.C. 12302 authorizes the President to recall up to 1 million reservists for up to 2 years in times of national emergency. Title 10 U.S.C. 10149, ''Ready Reserve: continuous screening'' requires the Secretary to provide a system of continuous screening of units and members of the Ready Reserve to ensure:

(1) No significant attrition of those members or units during a mobilization.

(2) a proper balance of military skills.

(3) those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

(4) recognition will be given to participation in combat and national security and military requirements.

(5) members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

Background

The Ready Reserve is the category of reservists most often called to active duty. It consists of three subcategories: Selected Reserve, Individual Ready Reserve (IRR), and Inactive National Guard.

The Selected Reserve are the first to be activated. Most reservists are in this category.

The IRR is made up mainly of those who have had training and served in an Active Component.

The Inactive National Guard are those who leave active drilling status in the Army National Guard before completing their enlistment and will be put in this category unless they specifically request a transfer to the IRR. Only the Army maintains an Inactive National Guard.

If a reservist is unable to meet the requirements to be recalled, the respective Military Service shall discharge, retire, or transfer the member to the Standby Reserve. The Standby Reserve are reservists who maintain their military affiliation but are not members of the Ready Reserve. This may include reservists who fill key Federal positions as well as members whose civilian employers designate their job as crucial to national security.

Title 10 U.S.C.12302 also states recall consideration will be given to:

(1) The length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

(2) family responsibilities; and

(3) employment necessary to maintain the national health, safety, or interest.

For example, if a health care professional can do society more good as a civilian, that individual may be exempted from recall. If reservists have serious family responsibilities, they may be exempted. The law may also exempt veterans with some disabilities, medical conditions, or certain separation codes from any involuntary recall.

On March 27, 2020, Executive Order 13912, *National Emergency Authority To Order the Selected Reserve and Certain Members of the Individual Ready Reserve of the Armed Forces to Active Duty* (available at *https://www.federalregister.gov/documents/2020/04/01/2020-06985/* national-emergency-authority-to-order-the-selected-reserve-and-certain-members-of-the-individual) was issued. While other authorizations are available for recall of the Ready Reserve, this Executive order was required to allow the Secretary of Defense the maximum flexibility for this national emergency to call up Ready Reserve members to help in the country's response to COVID–19. On April 2, 2020, the Secretary of Defense issued *Guidance on Activating the National Guard, Reserve, and Individual Ready Reserve for Coronavirus Disease Response* (available at *https://prhome.defense.gov/Portals/52/Guidance%20on%20Activating%20the%20National%20Guard%20Reserve%20and%20IRR%20for%20COVID-19%20OSD003539-20%20RES%20Final%201.pdf*) describing how the Military Services can activate the National Guard and the Ready Reserve to support the domestic response to COVID–19.

Expected Impact of the Changes Finalized by This Rule

DoD's revisions support military mobilization without diminishing the civilian national coronavirus response. The rule is meant to enhance civilian employer awareness of the need to provide early identification of critical civilian positions within their organizations and, in coordination with the Military Services, allow the Service member to be considered for service not as a Ready Reserve member who is factored into military mobilization planning.

This rule only discusses employee and employer actions before a mobilization. After a mobilization is ordered, no deferment, delay, or exemption from mobilization will be granted because of civilian employment. The Uniformed Services Employment and Reemployment Rights Act (USERRA), 1994, Public Law 103–353, as amended at 38 U.S.C. 4301–4335, affords reservists and employers various rights and responsibilities regarding reemployment of their civilian position. Employers must ensure key position determinations are not undertaken in a manner that would violate USERRA, its implementing regulations at 20 CFR part 1002, or other Federal statutes and regulations.

Civilian employers, usually through their onboarding programs, identify key employees to ensure the Military Services have an accurate assessment of Ready Reserve members. This assessment of employees who have a Ready Reserve affiliation is meant to preclude conflicts between a member's mobilization requirements and non-Federal civilian employment obligations during times of war or national emergency. Ready Reserve members with critical civilian skills should work with their employer before mobilization. The efforts of civilian employers and their employees pre-mobilization will help identify employees who are required for the ongoing civilian response to the pandemic. While Ready Reserve members are already required to be screened by their respective Military Service per 10 U.S.C. 10149 and to work with their employer to ensure those with critical civilian skills are identified, these updates to the CFR will ensure a more accurate accounting of capability and capacity of the specialties required for COVID–19 response.

This rule updates the naming of current offices within the Office of the Secretary of Defense (OSD), provides current information on service points of contact, and removes previous language pertaining to Federal Government employers to more succinctly clarify employer responsibilities to petition the respective Military Service of Ready Reserve members that may have a conflict with their employment prior to a military mobilization. These changes highlight how a civilian employer, based on their capability and capacity during either normal or extenuating circumstances such as the ongoing COVID–19 response, petitions a Military Service on behalf of a Ready Reserve employee who occupies a key position within a company or occupies a position where military mobilization would create an extreme personal or community hardship. Employers are encouraged to assess the internal capabilities of their own positions and the organic capacity to sustain emergency manpower needs prior to a military mobilization which can produce an accurate listing of what they consider key positions to their organization.

Comments and Responses

On Monday, December 28, 2020 (85 FR 84237–84243), the DoD published an interim final rule titled ''Screening the Ready Reserve'' for a 60-day public comment period. No public comments were received and this rule is being finalized with no changes from the published in interim final rule.

Regulatory Analysis

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

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, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The final rule is not a significant regulatory action under Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

Costs

DoD believes the economic impact to civilian employers is minimal, estimating a cumulative total of $11K across all employers nationwide. Employers are already required to identify employees who are Ready Reserve members. The cost to employers of screening is already imbedded in their HR processes. The estimated costs if an employer submits a petition to a Military Service is calculated below and will vary based on the automation of human resource processes and the number of employees of an organization who are Ready Reserve members with critical skills. Ready Reserve members are already required to be screened by their respective Military Service per 10 U.S.C. 10149 and to work with their employers to address any concerns. The benefit of screening to the employer is to ensure those with critical civilian skills are identified in order to prevent conflicts between the emergency manpower needs of civilian and military activities during a mobilization.

The following describes how the estimated sum total of $11K was derived using existing costs to project costs of a petition. Using data from the U.S. Bureau of Labor Statistics, U.S. Census, DoD Total Military Strength report, and the DoD Status of Forces survey, less than 0.3 percent of the U.S. population is in the Reserve, including the National Guard, with 51 percent employed by the public [Federal (36 percent), State (9 percent), or Local (6 percent)]. There were 1,020,156 Military Service members in the Ready Reserve as of March 2020 and over 782,000 of those members are estimated to have civilian employment. Approximately 0.3 percent of the 782,000, or 2,346 members, may be identified as key civilian employees and may require a petition. The 2019 median hourly wage for an HR professional or manager is $34.92 an hour. The cost to screen one employee as part of an onboarding process questionnaire or through an annual recertification process, which is estimated at less than 10 minutes or $5.82, is already imbedded in their HR processes and thus not included here. The cost to prepare a petition on one employee is estimated at 2 hours, or $69.84. Applying a more appropriate and realistic planning factor of 0.3 percent to reflect key positions in civilian organizations reflects a projected annual cost, collectively from all employers, of $11,095.

Cost Benefit Analysis Assumptions and Sources

It should be noted, not every Ready Reserve member in a company would be considered in a ''key position'' and therefore, a petition would not be needed on every member. The estimated cost presented encompasses all 1,020,156 Ready Reserve members and a 0.3 percent planning factor.

Assumptions in cost calculation include: U.S. population: 329,648,880 (as of May 14, 2020, source: *https://www.census.gov/*); Ready Reserve: 1,020,156 (as of March 31, 2020, source: Total Military Strength report obtained from the Defense Manpower Data Center from each Military Service HR system of record); Percent of U.S. population in the Ready Reserve (Reserve/U.S. population): 0.0030947 or 0.3 percent. Based on these data points, a projected 0.3 percent of employers in the country employ a Ready Reserve member. The Bureau of Labor Statistics at the end of March 2020 reported a U.S. working population of 155,167,000 with 16,294,000 working office/admin (human resources/HR). Applying the projected 0.3 percent of employers with Ready Reserve members (HR*0.3 percent) reflects 48,882 HR employees to address Ready Reserve members for their employer. With a median salary for HR Manager/Specialist of $34.92/hour, an annual screening is estimated to take 10 min (Rate/6) or $5.82 and to prepare a petition package to take 2 hours (Rate*2) or $69.84. Only the petition calculation is include as the annual screening is already imbedded in HR processes.

Data from 2018 DoD Status of Forces Survey reflects the following breakdown of principal civilian employment before most recent activation: Federal Government 36 percent; State government 9 percent; Local government 6 percent; Private/public company 43 percent; Non-profit 3 percent; Self-employed 2 percent; and Family business/farm/unemployed 1 percent. The below table reflects the costs of the 48,882 HR employees who would be preparing petitions on the Ready Reserve members in their organization.

SCREENING READY RESERVE/NATIONAL GUARD COST ANALYSIS

	%	Number of employees	2-hr at 0.3% planning factor
Private	49	23,952	$5,018.46
Federal	36	17,598	3,687.03
State	9	4,399	921.76
Local	6	2,933	614.51
Grand Total	100	48,882	11,095.24

Cost to the DoD. These estimates (0.3 percent of 782,000 Ready Reserve members fill key positions) indicate the Military Services would adjudicate approximately 2,346 members, a number well within the normal processing by all Military Service Reserve centers and therefore would not add additional costs.

Benefits

Civilian Employer processes and military screening actions ensure civilian employers and the Military Services have the appropriate balance of civilian and military skills required for both parties in case of a mobilization. The challenges faced today in communities as well as in the DoD require dynamic and timely employment of our service members while reducing the conflict of those members to meet both military and or civilian requirements. Ultimately, the response to military mobilization and civilian planning will be greatly enhanced when the essential projected response needs have been equitably calculated for a Ready Reserve member and employee. Military Service annual screening provides a vital Ready Reserve force composed of members who meet Military Service readiness standards of mental, moral, professional, and physical fitness and possess the military qualifications required in the various grades, ratings, and specialties of their Military Service; and are available immediately for active duty during a mobilization or as otherwise required by law. The tasking of a Ready Reserve member who is known to be critical to civilian response in a key position that was not previously adjudicated through the Military Service could create a delay in the civilian response and in turn create potential harm to the local community. The benefit of this rule fosters a partnership in the appropriate balance of civilian and military assessments to meet needed requirements for a response while not decrementing each other's capacity and capability.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

The DoD certifies that this final rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact creating a substantial cost to a number of small entities. There are a small percentage of defined critical employees in the civilian sector, regardless of the national emergency, that are required to support their civilian employer. As the response to the pandemic evolved, the need for certain specialties in the response evolved. In the case of COVID–19, the immediate need was for medical providers and the situation evolved requiring additional specialties for support. In other non-Federal employment areas, a critical employee may stay consistent, as in the example of a sole nuclear reactor chief within a plant who should not be in the Ready Reserve as he or she would be required to mobilize if called upon and not be able to perform the critical civilian skill. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Congressional Review Act

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

Sec. 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $167 million in 2019 dollars, updated annually for inflation. It is estimated this final rule will not substantially affect State, local, or tribal governments and private sector costs any more than the previous rule requirements.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that 32 CFR part 44 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates an interim final rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. It is estimated this final rule will not have a substantial effect on State and local governments, where 9 percent and 6 percent respectively employ Ready Reserve, including the National Guard, members.

List of Subjects in 32 CFR Part 44

Armed forces reserves.

PART 44—SCREENING THE READY RESERVE

■ Accordingly, the interim final rule revising 32 CFR part 44, which published at 85 FR 84237 on December 28, 2020, is adopted as final without change.

Dated: October 26, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–23639 Filed 10–29–21; 8:45 am]

BILLING CODE 5001–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0598; FRL–9062–02–R3]

Air Plan Approval; Pennsylvania; Reasonably Available Control Technology (RACT) Determinations for Case-by-Case Sources Under the 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving multiple state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. These revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for individual major sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X) pursuant to the Commonwealth of Pennsylvania's conditionally approved RACT regulations. In this rule action, EPA is approving source-specific RACT determinations (''case-by-case'' or alternative NO_X emissions limits) for sources at nine major NO_X and VOC emitting facilities located in Philadelphia County. These RACT evaluations were submitted to meet RACT requirements for the 2008 8-hour ozone national ambient air quality standard (NAAQS). EPA is approving these revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA) and EPA's implementing regulations.

DATES: This final rule is effective on December 1, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0598. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Mr. Riley Burger, Permits Branch (3AD10), Air and Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2217. Mr. Burger can also be reached via electronic mail at *burger.riley@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On February 9, 2021, EPA published a notice of proposed rulemaking (NPRM). 86 FR 8743. In the NPRM, EPA proposed approval of case-by-case RACT determinations or alternative NO_X emissions limits for sources at nine facilities in Philadelphia County, as EPA found that the RACT controls for these sources met the CAA RACT requirements for the 2008 8-hour ozone NAAQS. PADEP, on behalf of Philadelphia Air Management Services (AMS), submitted the SIP revisions for sources at these facilities on May 7, 2020.

Under certain circumstances, states are required to submit SIP revisions to address RACT requirements for both major sources of NO_X and VOC and any source covered by control technique guidelines (CTG) for each ozone NAAQS. Which NO_X and VOC sources in Pennsylvania are considered ''major,'' and are therefore subject to RACT, is dependent on the location of each source within the Commonwealth. Sources located in nonattainment areas would be subject to the ''major source'' definitions established under the CAA based on the area's current classification(s). In Pennsylvania, sources located in any ozone nonattainment areas outside of moderate or above are subject to source thresholds of 50 tons per year (tpy) because of the Ozone Transport Region (OTR) requirements in CAA section 184(b)(2).

On May 16, 2016, PADEP submitted a SIP revision addressing RACT for both the 1997 and 2008 8-hour ozone NAAQS in Pennsylvania. PADEP's May 16, 2016 SIP revision intended to address certain outstanding non-CTG VOC RACT, VOC CTG RACT, and major source VOC and NO_X RACT requirements for both standards. The SIP revision requested approval of Pennsylvania's 25 Pa. Code 129.96–100, *Additional RACT Requirements for Major Sources of NO_X and VOCs* (the ''presumptive'' RACT II rule). Prior to the adoption of the RACT II rule, Pennsylvania relied on the NO_X and VOC control measures in 25 Pa. Code 129.92–95, *Stationary Sources of NO_X and VOCs,* (the RACT I rule) to meet RACT for non-CTG major VOC sources and major NO_X sources. The requirements of the RACT I rule remain as previously approved in Pennsylvania's SIP and continue to be implemented as RACT.[1] On September 26, 2017, PADEP submitted a letter, dated September 22, 2017, which committed to address various deficiencies identified by EPA in PADEP's May 16, 2016 ''presumptive'' RACT II rule SIP revision.

On May 9, 2019, EPA conditionally approved the RACT II rule based on the commitments PADEP made in its September 22, 2017 letter.[2] 84 FR 20274. In EPA's final conditional approval, EPA noted that PADEP would be required to submit, for EPA's approval, SIP revisions to address any facility-wide or system-wide NO_X emissions averaging plan approved under 25 Pa. Code 129.98 and any case-by-case RACT determinations under 25 Pa. Code 129.99. PADEP committed to submitting these additional SIP revisions within 12 months of EPA's final conditional approval (*i.e.,* by May 9, 2020). Through multiple submissions between 2017 and 2020, PADEP has submitted to EPA for approval various SIP submissions to implement its RACT II case-by-case determinations and NO_X averaging plan limits. This rule is based on EPA's review of one of these SIP submissions.

The SIP revisions in this action only establish 2008 8-hour ozone NAAQS RACT requirements. Applicable RACT requirements under the CAA for sources located in Philadelphia for the 1997 8-hour ozone NAAQS were previously satisfied. See 81 FR 69687 (October 7, 2016).

II. Summary of SIP Revision and EPA Analysis

A. Summary of SIP Revision

To satisfy a requirement from EPA's May 9, 2019 conditional approval, PADEP submitted to EPA SIP revisions addressing NO_X averaging plan limits and/or case-by-case RACT requirements for major sources in Pennsylvania

[1] The RACT I Rule was approved by EPA into the Pennsylvania SIP on March 23, 1998. 63 FR 13789. Through this rule, certain source-specific RACT I requirements will be superseded by more stringent requirements. See Section II of this preamble.

[2] On August 27, 2020, the Third Circuit Court of Appeals vacated three provisions of Pennsylvania's presumptive RACT II rule applicable to certain coal-fired power plants. *Sierra Club* v. *EPA,* No. 19–2562 (3rd Cir. August 27, 2020). None of the sources in this rule are subject to the presumptive RACT II provisions at issue in the *Sierra Club* decision.

subject to 25 Pa. Code 129.98 or 129.99. Among the Pennsylvania SIP revisions submitted by PADEP were case-by-case RACT determinations and alternative NO_X emissions limits for certain sources in Philadelphia County, which PADEP submitted on behalf of AMS. PADEP's submission included SIP revisions pertaining to source-specific RACT requirements for the existing emissions units at each of the major sources of NO_X and/or VOC that required a source-specific RACT determination or alternative NO_X emissions limits for major sources seeking such limits.

In the case-by-case RACT determinations submitted by PADEP on behalf of AMS, an evaluation was completed to determine if previously SIP-approved, case-by-case RACT emissions limits or operational controls were more stringent than the new RACT II presumptive or case-by-case requirements. If more stringent, the previously approved RACT requirements will continue to apply to the applicable source and are included in the new RACT II permit. If the new case-by-case RACT II requirements are more stringent than the previously approved RACT requirements, then the RACT II requirements will supersede the prior RACT requirements.[3]

In AMS' RACT determinations involving NO_X averaging, an evaluation was completed to determine that the aggregate NO_X emissions emitted by the air contamination sources included in the facility-wide or system-wide NO_X emissions averaging plan using a 30-day rolling average are not greater than the NO_X emissions that would be emitted by the group of included sources if each source complied with the applicable presumptive limitation in 25 Pa. Code 129.97 on a source-specific basis.

Here, EPA is approving SIP revisions pertaining to case-by-case RACT requirements and alternative NO_X emissions limits for sources at nine major NO_X and/or VOC emitting facilities in Philadelphia County, as summarized in Table 1 in this document.

TABLE 1—NINE MAJOR NO_X AND/OR VOC EMITTING FACILITIES IN PENNSYLVANIA SUBJECT TO SOURCE-SPECIFIC RACT II DETERMINATIONS UNDER THE 2008 8-HOUR OZONE NAAQS

Major source (county)	1997 8-hour ozone RACT source? (RACT I)	Major source pollutant (NO_X and/or VOC)	RACT II permit (effective date)
AdvanSix Resins & Chemicals LLC—Frankford Plant (formerly Honeywell International—Frankford Plant).	Yes	NO_X and VOC	IP16–000276 (3/5/2020).
Exelon Generation Company—Richmond Generating Station	Yes	NO_X	IP16–000246 (4/20/2020).
Grays Ferry Cogeneration Partnership—Schuylkill Station	Yes	NO_X	IP–16–000250 (3/4/2020).
Vicinity Energy Philadelphia—Schuylkill Station (formerly Veolia Energy Philadelphia—Schuylkill Station).	Yes	NO_X	IP16–000249 (3/4/2020).
Kinder Morgan Liquids Terminals, LLC—Philadelphia Terminal	Yes	VOC	IP16–000233 (4/20/2020).
Naval Surface Warfare Center—Philadelphia Division formerly Naval Surface Warfare Center—Carderock Division, Ship Systems Engineering Station).	Yes	NO_X	IP16–000235 (3/20/2020).
Newman and Company, Inc (formerly Paperworks Industries, Inc)	Yes	NO_X	IP–000223 (3/31/2020).
Philadelphia Energy Solutions Refining and Marketing LLC	Yes	NO_X and VOC	IP–16–00269 (4/24/2020).
Philadelphia Shipyard Inc	No	VOC	IP16–000300 (4/8/2020).

The case-by-case RACT determinations submitted by PADEP, on behalf of AMS, consist of an evaluation of all reasonably available controls at the time of evaluation for each affected emissions unit, resulting in an AMS determination of what specific emissions limit or control measures satisfy RACT for that particular unit. The adoption of new, additional, or revised emissions limits or control measures to existing SIP-approved RACT I requirements were specified as requirements in new or revised federally enforceable permits (hereafter RACT II permits) issued by AMS to the source. Similarly, AMS' determinations of alternative NO_X emissions limits are included in RACT II permits. These RACT II permits have been submitted as part of the Pennsylvania RACT SIP revisions for EPA's approval into the Pennsylvania SIP under 40 CFR 52.2020(d)(1). The RACT II permits submitted by PADEP are listed in the last column of Table 1 of this preamble, along with the permit effective date, and are part of the docket for this rule, which is available online at *https://www.regulations.gov,* Docket No. EPA–R03–OAR–2019–0657.[4] EPA is incorporating by reference in the Pennsylvania SIP, via the RACT II permits, source-specific RACT emissions limits and control measures and alternative NO_X emissions limits under the 2008 8-hour ozone NAAQS for certain major sources of NO_X and VOC emissions.

B. EPA's Final Action

PADEP's SIP revisions incorporate AMS' determinations of source-specific RACT II controls for individual emission units at major sources of NO_X and/or VOC in Philadelphia, where those units are not covered by or cannot meet Pennsylvania's presumptive RACT regulation or where included in a NO_X averaging plan. After thorough review and evaluation of the information provided by AMS in the SIP revision submittals for sources at nine major NO_X and/or VOC emitting facilities in Philadelphia, EPA found that: (1) AMS' case-by-case RACT determinations and conclusions establish limits and/or controls on individual sources that are reasonable and appropriately considered technically and economically feasible controls, (2) AMS' determinations on alternative NO_X emissions limits demonstrate that emissions under the averaging plan are equivalent to emissions if the individual sources were operating in accordance with the applicable presumptive limit, and (3) AMS' determinations are consistent with the CAA, EPA regulations, and applicable EPA guidance.

[3] While the prior SIP-approved RACT permit will remain part of the SIP, this RACT II rule will incorporate by reference the RACT II requirements through the RACT II permit, which will also contain any more stringent requirements from the previously approved RACT permit.

[4] The RACT II permits included in the docket for this rule are redacted versions of the facilities' federally enforceable permits. They reflect the specific RACT requirements being approved into the Pennsylvania SIP via this final action.

AMS, in its RACT II determinations, considered the prior source-specific RACT requirements and, where more stringent, retained those prior RACT requirements as part of its new RACT determinations. In the NPRM, EPA proposed to find that all the proposed revisions to previously SIP-approved RACT requirements would result in equivalent or additional reductions of NO_X and/or VOC emissions. The proposed revisions should not interfere with any applicable requirements concerning attainment of the NAAQS, reasonable further progress, or other applicable requirements under section 110(l) of the CAA.

Other specific requirements of the 2008 8-hour ozone NAAQS case-by-case RACT determinations and alternative NO_X emissions limits and the rationale for EPA's proposed action are explained more thoroughly in the NPRM, and its associated technical support document (TSD), and will not be restated here.

III. EPA's Response to Comments Received

EPA received comments from three commenters on the February 9, 2021 NPRM. 86 FR 8743. A summary of the comments and EPA's response are discussed in this section. A copy of the comments can be found in the docket for this rule action.

Comment 1: The commenter claims that EPA cannot approve the proposed Pennsylvania RACT II case-by-case (CbC) determinations under the 2008 8-hour ozone NAAQS because the CAA section 110(l) analysis is inadequate. In particular, the commenter focuses on the proposed NO_X limitations and whether they will cause or contribute to violations of the 2010 1-hour NO_X NAAQS. (The 2010 1-hour NAAQS is for oxides of nitrogen, as measured by nitrogen dioxide (NO_2).) The commenter argues that under CAA section 110(k)(1)(a) and 40 CFR part 51, appendix V, 2.2(d), a state must demonstrate that the NAAQS are protected if a SIP is to be approved and that Pennsylvania has not made an adequate demonstration under section 110(l) related to the potential impact of these RACT determinations on the 2010 1-hour NO_X NAAQS. The commenter then suggests that EPA is unable to approve Pennsylvania's CbC RACT II determinations unless such a demonstration has been made, even though the rules reduce NO_X emissions. The commenter highlights their concern by including results from air dispersion modeling of NO_X emissions from the Bighorn well pad in Colorado that they claim shows the potential impact of NO_X emissions on 1-hour NO_X NAAQS violations. The commenter states that EPA must undertake a modeling analysis to determine if the proposed CbC RACT II determinations will cause or contribute to 2010 1-hour NO_X NAAQS violations. The commenter indicates that EPA must repropose this action and allow for comment on any such modeling information or other information utilized in the demonstration that the NAAQS will be protected.[5]

Response 1: As described in the proposed rulemaking, Pennsylvania was required through implementation of the 1997 and 2008 8-hour ozone NAAQS to determine RACT II requirements for major NO_X and VOC emitting sources within the Commonwealth. PADEP had previously established CbC RACT requirements under the 1979 1-hour ozone NAAQS.[6] PADEP finalized its overall RACT II program, which included presumptive RACT for certain sources, and it was conditionally approved by EPA.[7] As part of the EPA's conditional approval, PADEP was required to complete source-specific RACT II determinations for subject NO_X or VOC sources that could not meet the presumptive requirements or for which a presumptive limit did not exist. For subject sources located in Philadelphia, the City of Philadelphia's AMS is the government agency responsible for making such determinations.

As required by Pennsylvania's RACT II regulations, AMS then conducted, for sources seeking a CbC determination, an analysis examining what air pollution controls were available for those individual sources to determine the lowest emissions limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technologically and economic feasibility.[8] For sources seeking an alternative NO_X emissions limit, AMS reviewed the NO_X averaging plan to determine that the alternative NO_X emissions limits demonstrated that the emissions under the averaging plan were equivalent to emissions as if the individual sources were operating in accordance with the applicable presumptive limit.

Through its source-specific RACT II determinations, AMS has established NO_X and VOC limits and requirements for various sources that either reaffirm existing emissions limits or makes the limits more stringent. PADEP, on behalf of AMS, submitted those determinations to EPA as bundled packages of individual SIP revisions. EPA is now approving the RACT II CbC SIP revisions for individual NO_X and VOC sources at nine facilities in Philadelphia County. For the reasons explained below, EPA concludes that the arguments presented by the commenter do not prohibit approval of these SIP revisions.

CAA section 110(l) prohibits EPA from approving a SIP revision if the revision would ''interfere with any applicable requirement concerning attainment and reasonable further progress . . . or any other applicable requirement of this chapter.'' 42 U.S.C. 7410(l). While EPA interprets section 110(l) as applying to all NAAQS that are in effect, including those for which a relevant SIP submission may not have been made, the level of rigor needed for any CAA section 110(l) demonstration will vary depending on the nature and circumstances of the revision. For example, an in-depth section 110(l) analysis is more appropriate where there is a reasonable expectation that an existing SIP standard is being weakened or that there will be a net emissions increase because of approval of the SIP revision under consideration. However, here, the Pennsylvania CbC RACT II SIP revisions are either retaining an existing standard or establishing a more stringent one. For these reasons, EPA did not include a detailed section 110(l) analysis at the proposal stage. Since the commenter raised the issue, EPA is responding in this final action by explaining why its approval is consistent with section 110(l).

In circumstances where an existing SIP standard is being weakened or a net emissions increase is expected, there are two generally recognized paths for satisfying CAA section 110(l). First, a state may demonstrate through an air quality modeling analysis that the revision will not interfere with the attainment of the NAAQS, reasonable further progress, or any other applicable requirement. This is the approach the commenter claims is required for the Pennsylvania CbC RACT II SIP revisions. Second, a state may substitute equivalent or greater emissions reductions to compensate for any change to a plan to ensure actual emissions to the air are not increased and thus preserve status quo air quality. A showing that the substitute measures

[5] This summary of the comment includes supplemental information provided by the commenter in a similar comment to EPA's proposed rulemaking in EPA–R03–OAR–2020–0597.

[6] 40 CFR 52.2020(d)(1).

[7] 84 FR 20274 (May 9, 2019).

[8] See December 9, 1976 memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas,'' and 44 FR 53762 (September 17, 1979).

preserve status quo air quality is generally sufficient to demonstrate noninterference through this alternative approach. Courts have upheld EPA's approval of a SIP revision based on a state's use of substitute measures. *Kentucky Resources Council, Inc.* v. *EPA,* 467 F.3d 986 (6th Cir. 2006); *Indiana* v. *EPA,* 796 F. 3d 803 (7th Cir. 2015).

Both the *Kentucky Resources* and *Indiana* cases involved circumstances where a state sought to revise provisions within its SIP related to its vehicle emissions testing program. In both situations, the petitioners were concerned with increased emissions that might occur due to the changes to the testing program. In both cases, the state justified its SIP revision, in part, by demonstrating that it had substitute emission reductions that would fully compensate for the expected emissions increase caused by the modifications to the testing program. In both *Kentucky Resources* and *Indiana,* the court upheld EPA's interpretation of section 110(l), which allows states to substitute equivalent emissions reductions to compensate for any change to a plan to ensure actual emissions to the air are not increased and thus preserve status quo air quality. However, again, these two cases are most relevant in circumstances where an existing SIP standard is being weakened or a net emissions increase is expected, which are not the circumstances presented by the SIP revisions that EPA is approving here.

In a more analogous case to the situation presented here, EPA's interpretation of section 110(l) was upheld in *WildEarth Guardians* v. *EPA,* 759 F.3d 1064 (9th Cir. 2014). There, the court rejected a challenge to an EPA action approving a regional haze plan and concluded that WildEarth Guardians had identified ''nothing in [the] SIP that weakens or removes any pollution controls. And even if the SIP merely maintained the status quo, that would not interfere with the attainment or maintenance of the NAAQS.'' [9] For that reason, the court concluded that WildEarth Guardians failed to show that EPA's approval of the SIP contravened section 110(l). The court's holding demonstrates that a SIP approval that does not weaken or remove pollution controls would not violate section 110(l). The *WildEarth Guardians* decision informs the approach to section 110(l) EPA is taking to approve the Pennsylvania CbC RACT SIP revisions. Here, contrary to the commenter's characterization, AMS is not relaxing standards or eliminating a program; rather, AMS is only re-evaluating the technical and economic feasibility of air pollution controls for subject air pollution sources as required by implementation of the 2008 8-hour NAAQS. Based on that review, AMS, as explained in more detail below, has made determinations that either retain or make more stringent existing NO_X emissions limits. Emissions are not expected to increase, and will likely decrease, as a result of AMS' RACT II NO_X CbC determinations and EPA's approval hereof. Under these circumstances, AMS' demonstration to meet the requirements of section 110(l) for its source-specific RACT II determinations is not one of modeling or identifying equivalent emissions reductions to compensate for or offset an emissions increase because the revisions are not resulting in emissions increases, but rather to establish that its new source-specific NO_X RACT determinations are preserving the status quo air quality or achieving additional reductions beyond the status quo.

With this rule action, EPA is only approving revisions that add specific NO_X and VOC source-specific RACT II determinations to the Pennsylvania SIP. In the subject RACT II source-specific determinations, AMS has made an adequate showing that its source-specific determinations for individual sources at the nine facilities at issue not only preserve the status quo air quality, but likely reduce the cumulative NO_X emissions from the subject sources. As described in its technical review memoranda and related documents, which are included in the docket for this rule, AMS evaluated both the technical and economic feasibility of various control equipment for these sources and used that evaluation to determine the RACT II requirements. AMS also considered the prior RACT I requirements to determine whether the RACT II requirements were as stringent as the previously established standards. In circumstances where the RACT I requirements were more stringent, they were retained and remain effective. Contrary to the commenter's assertion, this demonstration included in the documents in the docket satisfies the requirements of 40 CFR part 51, appendix V. The record supporting EPA's approval of AMS' source-specific RACT II SIP revisions is sufficient, so there is no need to supplement the record. As such, commenter's reference to EPA's inability to supplement the record, and to *Ober* v. *U.S. EPA,* 84 F.3d 304,312 (9th Cir. 1996), is not applicable to EPA's current action.

The facilities in this rule identified as objectionable in the comment break down into the categories listed below. As explained in the proposed rulemaking document, EPA views each facility as a separable SIP revision, and that should it receive comment on one facility but not others, EPA may take separate, final action on the remaining facilities.

Facilities with only VOC sources—Kinder Morgan Liquid Terminals, LLC is a major source VOC emitting facility that is a minor source of NO_X. As such, individual VOC sources at this facility must comply with RACT II requirements. EPA's approval in this rule for this facility only relates to specific CbC VOC RACT II determinations. EPA's approval of the Pennsylvania CbC RACT II SIP revision for sources at for this facility does not involve NO_X emissions, maintains the status quo in VOC emissions, and does not result in an increase in VOC or NO_X emissions. Therefore, as explained previously, EPA has determined this SIP revision will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the CAA pursuant to section 110(l).

Facilities with CbC NO_X Sources—The following facilities are major NO_X emitting sources and contain individual sources subject to CbC NO_X requirements that EPA is taking final action on here. More specific information on those individual facilities follows:

Exelon Generation Company—Richmond Generating Station—EPA proposed to approve AMS' RACT II CbC NO_X determination for two combustion turbines at this facility. After determining that there were no new technically and economically feasible NO_X controls for these sources, AMS has determined that the RACT II NO_X is continuing to comply with the existing NO_X emissions limits and capacity factor.[10] Through retention of the existing emissions limits and restrictions, AMS has demonstrated that the status quo in NO_X emissions has been maintained. As such, EPA's approval of the Pennsylvania SIP revision for the individual sources at this facility is adequately justified under section 110(l).

Grays Ferry Cogeneration Partnership—Schuylkill Station (GFCP) and Vicinity Energy Philadelphia—Schuylkill Station (Vicinity)—The two facilities hold separate operating permits, but they share a geographic

[9] 759 F.3d at 1074.

[10] See AMS' InterOffice Memo, dated April 20, 2020, which is part of the docket for this rule.

location and are considered a single source for title V and New Source Review purposes. EPA proposed to approve AMS' RACT II determination related to a facility-wide NO_X averaging plan for three sources at this facility pursuant to 25 Pa. Code 129.98(a). The averaging plan provision authorized in section 129.98 allows a facility to establish an alternative facility-wide or system-wide NO_X emissions limit as long as it demonstrates that the resulting NO_X emissions using a 30-day rolling average would not be greater than NO_X emissions from the group of included sources if they each complied with the applicable presumptive NO_X RACT emissions limit as individual sources. GFCP and Vicinity will be averaging the NO_X emissions for three sources to meet the RACT II requirements, an alternative emissions limit, that will be at least as stringent as the presumptive emissions limits, which were conditionally approved by EPA in a prior rule. Additionally, AMS has retained all of the individual emissions limits from the prior RACT approval.[11] AMS' approval of the alternative NO_X emissions limit ensures that total NO_X emissions from these sources will be no greater than the total individual emissions from each source if each were to comply with the existing presumptive emissions limit. The alternative NO_X emissions limit does not eliminate the prior individual emissions limits. Through these measures, AMS has demonstrated that the status quo for NO_X emissions has been maintained. As such, EPA's approval of the Pennsylvania SIP revision for the individual sources at these facilities is adequately justified under section 110(l).

Philadelphia Energy Solutions Refining and Marketing LLC (PES)—EPA proposed to approve AMS' RACT II CbC NO_X determinations for numerous sources at this facility and its alternative NO_X emissions limits for a number of heaters and boilers. At the time AMS issued the current RACT Plan Approval to PES in April 2020, which incorporated its RACT II NO_X determinations, refining operations at the PES facility had been shut down. The refinery has been closed since June 2019, and the facility has been sold to a new owner. AMS' proposed RACT II SIP revision does not authorize new operations at the facility, but rather incorporates RACT requirements for major NO_X and VOC sources in operation as of 2012 into the SIP.

For the CbC NO_X sources at the facility, AMS has determined that all proposed 2008 NO_X RACT requirements (such as emissions limits, control technologies like selective catalytic reduction (SCR) and low NO_X burners, continuous emissions monitoring systems (CEMs), combustion tuning, and good combustion practices), are at least as stringent as the prior 1997 8-hour NO_X RACT requirements and has included them in the new 2020 RACT permit, which will be incorporated into the Pennsylvania SIP through this action. At the same time, AMS also approved for a group of heaters and boilers alternative NO_X emissions limits through the use of three NO_X averaging plans pursuant to 25 Pa. Code 129.98(a). The averaging plan provision authorized in section 129.98 allows a facility to establish an alternative facility-wide or system-wide NO_X emissions limit as long as it demonstrates that the resulting NO_X emissions using a 30-day rolling average would not be greater than the NO_X emissions from the group of included sources if they each complied with the applicable presumptive NO_X RACT emissions limit as individual sources. The facility is required to average the NO_X emissions for three groups of sources to meet the RACT II requirements, an alternative emissions limit, that will be at least as stringent as the presumptive emissions limit, which was conditionally approved by EPA in a prior rule.[12]

Through retention of the existing emissions limits and the approval of the alternative NO_X emissions limits at the facility, AMS has demonstrated that the status quo in NO_X emissions has been maintained. As such, EPA's approval of the Pennsylvania SIP revision for the individual sources at this facility is adequately justified under section 110(l).

As described above, EPA determined that AMS adequately justified its RACT II CbC NO_X determinations and alternative NO_X emissions limits. EPA also concluded, under section 110(l), that the status quo in NO_X emissions had been maintained, if not improved, and that there is no need to conduct the modeling suggested by the commenter. As noted previously, the commenter included an air dispersion modeling analysis of NO_X emissions from a well pad at the Bighorn Pad Facility in Colorado to highlight an alleged potential of NO_X emissions to cause or contribute to violations of the 2010 1-hour NO_X NAAQS. The NAAQS for nitrogen oxides is a 1-hour standard at a level of 100 ppb based on the 3-year average of 98th percentile of the yearly distribution of 1-hour daily maximum NO_2 concentrations. In 2012, EPA designated areas within Pennsylvania as attainment/unclassifiable for the 2010 standard.[13] The modeling analysis provided by the commenter indicated that NO_X emissions from the well pad area in Colorado could have NO_2 impacts within 50 kilometers of the source.

This modeling data analysis from Colorado does not trigger a need for EPA, Pennsylvania, or AMS to conduct modeling on the impact of NO_X emissions from each individual source at issue in this rule in order for EPA to approve these SIP revisions. First, as discussed previously, modeling is not the sole method available to satisfy section 110(l) requirements. Second, the differences in the meteorology, terrain, and facility configurations between the Bighorn well pad and the Philadelphia RACT II sources are too significant to rely on the Bighorn facility modeling results to serve as surrogate modeling indicating that the Philadelphia RACT II sources have the potential to cause exceedances of the 2010 1-hour NO_X NAAQS in Pennsylvania. The commenter has not provided any comparison or information to show why the Bighorn Pad Facility modeling results should apply to these specific RACT II sources in Philadelphia. Further, the commenter has not presented any specific information suggesting the RACT II CbC NO_X determinations or alternative NO_X emissions limits for these specific sources could somehow lead to violations of the 2010 1-hour NO_X NAAQS. Without a more specific allegation from the commenter about the sources in question, the commenter's allegations are too speculative in nature to prevent EPA from approving AMS' RACT II CbC NO_X determinations or alternative NO_X emissions limits for sources at the five subject facilities.

Comment 2: The commenter states that minor errors are present in the technical and economic feasibility analysis of available controls throughout the proposed rulemaking. The commenter asserts that in several instances, the discussion of costs incorrectly led to the conclusion that certain controls were technically infeasible, rather than identifying those controls as technically feasible and then evaluating the cost issues in the economic analysis. The specific

[11] See 84 FR 20274 (May 9, 2019) as to EPA's conditional approval of the presumptive limit and AMS' Inter Office Memo, dated March 4, 2020, which is part of the docket for this rule.

[12] See 84 FR 20274 (May 9, 2019) as to EPA's conditional approval of the presumptive limit and AMS' Inter Office Memo, dated April 24, 2020, which is part of the docket for this rule.

[13] 77 FR 9532 (February 17, 2012).

instances in which commenter claims there are minor errors are in the evaluation of a fuel switch to natural gas, water/steam injection, and SCR for boilers.

The commenter also raises concern with the use, in the economic feasibility analysis, of outdated interest rates that are not reflective of current economic conditions and the consumer price index (CPI) to adjust air pollution control costs to current dollar values.

Ultimately, the commenter acknowledges that if the RACT evaluations were redone in a manner to address the identified concerns, the control technologies determined to be RACT would not change.

Response 2: The commenter correctly asserts that an evaluation of the technical feasibility of available controls should be conducted before evaluating the economic feasibility of the remaining available controls. 25 Pa. Code 129.92(b) and 129.99(d)(1). The TSD, which is included in the docket file for this action, explains the basis for EPA's approval of the RACT determinations included in this rule. From its review of the specific RACT determinations made by AMS in this rule, EPA cannot locate a source where there was a determination where water/steam injection was identified as technically infeasible. Similarly, except for two heaters at the PES facility, there are no determinations where SCR on a boiler was identified as technically infeasible. For the two exceptions, Heaters 860–2H8 and 864–PH7, SCR was determined to be infeasible because of physical space constraints, not due to the use of ammonia or urea as identified by the commenter.

As to the commenter's remarks about fuel switching, it appears that they may apply to the Exelon Generating Company—Richmond Station where a fuel switch to natural gas was determined to be technically infeasible for Combustion Turbine #91 and #92. In this instance, Exelon identified the large-scale costs and related regulatory requirements as technical impediments to installing a natural gas line to the facility, and AMS agreed with this analysis and determined that it was not technically feasible. Whether or not AMS' conclusion on the technical feasibility analysis was sufficient does not change the final conclusion on the overall feasibility of the potential use of fuel switching for the sources at this facility. EPA agrees with the commenter that determining fuel switching as a technically feasible control would not change the determination that this control is ultimately infeasible as RACT for the sources at hand and is finalizing AMS' proposed RACT requirements.

EPA also agrees with the commenter that choosing suitable interest rates and cost escalation factors is a requirement of RACT determinations. Per 25 Pa. Code 129.92(b)(4), the cost effectiveness evaluation must be consistent with the *OAQPS Control Cost Manual* (Fourth Edition) EPA 450/3–90–006 January 1990 (Control Cost Manual) and subsequent revisions.[14] The Control Cost Manual addresses appropriate use of the CPI and lays out general principals to make accurate escalation calculations and choose appropriate interests rates. However, the Control Cost Manual in its current form does not specifically prohibit use of the CPI.

The commenter did not specify which economic feasibility determinations in this rule contain questionable interest rates or cost escalations but recognizes that updates to such factors in the economic analysis would not necessarily change the final RACT determinations. These factors are among many other values used in a complex, multi-factor cost analysis. EPA agrees it is not clear that revised interest rate or cost escalations in the economic analysis would change the final conclusions of the determinations contained in this rule. Without a more specific allegation from the commenter about the sources in question, the commenter's allegations are too general and speculative in nature to prevent EPA from approving AMS' RACT II CbC determinations for sources at the nine subject facilities.

Comment 3: The commenter raises concern with the Grays Ferry Cogeneration Partnership and Vicinity Energy NO_X averaging plan and the Philadelphia Energy Solutions Refining and Marketing LLC (PES) NO_X averaging plan. Specifically the commenter asserts: (1) In order to be protective of the 8-hour average of the 2008 ozone NAAQS, particularly during ozone season, these RACT determinations should include short term emissions limits on a calendar day basis (as is done in New Jersey and other states), rather than a 30 operating day rolling average; (2) Grays Ferry Cogeneration Partnership and Vicinity Energy should be required to evaluate control options of combusting only natural gas, replacing No. 6 oil with No. 2 oil, and additional NO_X controls; and (3) due to the recent events at PES, including shutting down operations, bankruptcy, and sale, EPA should not approve the proposed SIP revision until a new owner begins operations at the facility.

More generally, the commenter asserts that EPA should establish term limits for RACT plan approvals and ensure that facilities re-evaluate RACT plans to incorporate any future advancements in technology as is required by New Jersey RACT rules.

Response 3: In its conditional approval of Pennsylvania's overall RACT II program at 25 Pa. Code 129.96–129.100 (84 FR 20274, May 9, 2019), EPA explained that under 25 Pa. Code 129.98, affected major sources unable to meet the applicable presumptive RACT emissions limitation may choose to comply with alternative NO_X requirements based on averaging NO_X emissions from multiple sources. Specifically, EPA explained that averaging plans pursuant to Pennsylvania's RACT II regulations are intended to demonstrate that the resulting NO_X emissions using a 30-day rolling average would not be greater than NO_X emissions from the group of included sources if they each complied with the applicable presumptive NO_X RACT emissions limit. Thus, the use of a 30-day rolling average for NO_X averaging plans under Pennsylvania's RACT II program was previously approved by EPA.

EPA guidance does highlight the need for emission controls that are reasonably consistent with protecting a short-term NAAQS such as ozone. However, in those cases where an emissions limit for a RACT control can be quantified, EPA guidance states that averaging periods for such limits should be as short as practicable and in no case longer than 30 days. See the January 20, 1984 EPA guidance memorandum titled ''Averaging Times for Compliance with VOC Emissions Limits—SIP Revision Policy.''

In the instance of Grays Ferry Cogeneration Partnership and Vicinity Energy, the facilities are using an averaging plan to limit NO_X emissions from the combustion turbine, Boiler #25, and Boiler #26 to no greater than the NO_X emissions that would have resulted had each individual source complied with the presumptive RACT limits of 25 Pa. Code 129.97(g)(2)(i)(A) and (B) and 129.97(g)(1)(i) and (ii). PES is using averaging plans to limit emissions from Heaters 137 F–1, 137 F–2, 137 F–3, 1332 H–400, and 1332 H–401 and #3 Boilerhouse Boilers #37, #39, and #40 to no greater than the NO_X emissions that would have resulted had each individual source complied with the presumptive RACT limits of 25 Pa. Code 129.97(g)(1)(iv). In each instance,

[14] The *OAQPS Control Cost Manual* referenced in 25 Pa. Code 129.92(b)(4) is also known as the *EPA Air Pollution Control Cost Manual*. OAQPS is the acronym for EPA's Office of Air Quality Planning and Standards.

the 30-day rolling average used for demonstrating compliance is consistent with the requirements contained in Pennsylvania's previously approved RACT II program.

EPA disagrees with the commenter that Grays Ferry Cogeneration Partnership and Vicinity Energy should evaluate the technical and economic feasibility of certain alternative control options. The evaluation of alternative controls is only a requirement for sources opting for case-by-case RACT evaluation under 25 Pa. Code 129.99. Sources at the subject facilities are complying with RACT through the NO_X emission averaging plan provisions under 25 Pa. Code 129.98. Accordingly, they are not required to evaluate potential alternative control options as required by the case-by-case option.

EPA also disagrees with the commenter's recommendation to disapprove the NO_X averaging plan for the PES facility and wait for action by a new owner. EPA acknowledges the commenter's references to the shutdown of refining operations at the PES facility in June 2019, the subsequent bankruptcy filing by PES, and the prospective sale of the facility. Nevertheless, Pennsylvania's RACT II requirements apply to major NO_X and VOC emitting facilities that were in existence on or before July 20, 2012. 25 Pa. Code 129.96. Proposed NO_X averaging plans were required to be submitted to the government by October 24, 2016. 25 Pa. Code 129.98. As AMS' approval of the NO_X averaging plans for certain sources at PES was submitted to EPA as a SIP revision, meets the requirements of Pennsylvania's RACT II NO_X averaging provisions, and has not been withdrawn, EPA is finalizing the proposed RACT II requirements for those sources.

Finally, EPA declines to establish term limits for RACT plan approvals to ensure the periodic re-evaluation of technologies as required by New Jersey's RACT rules. The Clean Air Act and the requirements to implement RACT are designed to protect public health and the environment. However, the only factors EPA is legally required to consider for approving RACT are those in the statute, EPA's regulations, and the SIP-approved Pennsylvania implementing regulations. Term limits for RACT plan approvals for periodic re-evaluation of technologies is not a statutory or regulatory requirement for approval of these RACT determinations. Even without such term limits, RACT is periodically reevaluated in non-attainment areas after the promulgation of a new ozone NAAQS.

IV. Final Action

EPA is approving the case-by-case RACT determinations and/or alternative NO_X emissions limits for sources at nine major NO_X and VOC emitting facilities in Philadelphia, as required to meet obligations pursuant to the 2008 8-hour ozone NAAQS, as revisions to the Pennsylvania SIP.

V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of source-specific RACT determinations and NO_X averaging plan limits under the 2008 8-hour ozone NAAQS for certain major sources of VOC and NO_X in Philadelphia County. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[15]

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule

[15] 62 FR 27968 (May 22, 1997).

report regarding this action under section 801.

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 3, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving Pennsylvania's NO_X and VOC RACT requirements for nine facilities for 2008 8-hour ozone NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 8, 2021.

Diana Esher,

Regional Administrator, Region III.

For the reasons set out in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (d)(1) is amended by:

■ a. Revising the entries ''Exelon Generation Company—Richmond Generating Station''; ''Grays Ferry Cogeneration Partnership—Schuylkill Station''; ''Honeywell International—Frankford Plant''; ''Kinder Morgan Liquid Terminals, LLC''; ''Naval Surface Warfare Center—Carderock Division, Ship Systems Engineering Station (NSWCCD–SSES)''; ''Paperworks Industries, Inc''; ''Philadelphia Energy Solutions—Refining and Marketing, LLC''; and ''Veolia Energy Philadelphia—Schuylkill Station'';

■ b. Adding entries at the end of the table for ''AdvanSix Resins & Chemicals LLC—Frankford Plant (formerly referenced as Honeywell International—Frankford Plant)''; ''Vicinity Energy Philadelphia—Schuylkill Station (formerly referenced as Veolia Energy Philadelphia—Schuylkill Station)''; ''Kinder Morgan Liquid Terminals, LLC—Philadelphia Terminal (formerly referenced as Kinder Morgan Liquid Terminals, LLC)''; ''Naval Surface Warfare Center—Philadelphia Division (formerly referenced as Naval Surface Warfare Center—Carderock Division, Ship Systems Engineering Station) (NSWCCD–SSES))''; ''Newman and Company, Inc (formerly referenced as Paperworks Industries, Inc)''; ''Philadelphia Energy Solutions Refining and Marketing LLC (formerly referenced as Philadelphia Energy Solutions—Refining and Marketing, LLC)''; and ''Philadelphia Shipyard Inc.''; and

■ c. Adding additional entries at the end of the table for ''Exelon Generation Company—Richmond Generating Station'' and ''Grays Ferry Cogeneration Partnership—Schuylkill Station''.

The revisions and additions read as follows:

§ 52.2020 Identification of plan.

* * * * *

(d) * * *

(1) * * *

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanations/§§ 52.2063 and 52.2064 citations [1]
*	*	*	*	*	*
Exelon Generation Company—Richmond Generating Station.	PA–51–4903	Philadelphia	02/09/16	10/07/16, 81 FR 69691	Supersedes previously approved RACT permit. See also 52.2064(f)(2).
Grays Ferry Cogeneration Partnership—Schuylkill Station.	PA–51–4944	Philadelphia	1/09/15	10/7/16, 81 FR 69691	Source is aggregated with Veolia Energy Efficiency, LLC and Veolia Energy—Schuylkill Station. See also 52.2064(f)(3).
Honeywell International—Frankford Plant	PA–51–1151	Philadelphia	02/09/16	10/07/16, 81 FR 69691	Supersedes previously approved RACT permit. Source was formerly Sunoco Chemicals, Frankford Plant. See also 52.2064(f)(1).
Kinder Morgan Liquid Terminals, LLC	PA–51–5003	Philadelphia	02/09/16	10/7/16, 81 FR 69691	Supersedes previously approved RACT permit. Source was formerly GATX Terminal Corporation. See also 52.2064(f)(5).
Naval Surface Warfare Center—Carderock Division, Ship Systems Engineering Station (NSWCCD–SSES).	PA–51–9724	Philadelphia	02/09/16	10/7/16, 81 FR 69691	Supersedes previously approved RACT permits. Source was formerly U.S. Navy, Naval Surface Warfare Center, Carderock Division (NSWCCD). See also 52.2064(f)(6).
Paperworks Industries, Inc	PA–51–1566	Philadelphia	1/09/15	10/7/16, 81 FR 69691	Supersedes previously approved RACT permit. Source was formerly Jefferson Smurfit, Corp./Container Corp. of America. See also 52.2064(f)(7).
Philadelphia Energy Solutions—Refining and Marketing, LLC.	PA–51–01501; PA–51–01517.	Philadelphia	02/09/16	10/7/2016, 81 FR 69691	Supersedes previously approved RACT permit. Source was formerly Sunoco Inc. (R&M)—Philadelphia. See also 52.2064(f)(8).
*	*	*	*	*	*
Veolia Energy Philadelphia—Schuylkill Station.	PA–51–4942	Philadelphia	02/09/16	10/7/16, 81 FR 69691	Supersedes previously approved RACT permit. Source was formerly TRIGEN—Schuylkill Station. Source is aggregated with Grays Ferry Cogeneration Partnership and Veolia Energy Efficiency, LLC. See also 52.2064(f)(4).

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanations/§§ 52.2063 and 52.2064 citations [1]
* *	*	*	*	*	* *
AdvanSix Resins & Chemicals LLC—Frankford Plant (formerly referenced as Honeywell International—Frankford Plant).	IP16–000276 ...	Philadelphia	3/5/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(1).
Vicinity Energy Philadelphia—Schuylkill Station (formerly referenced as Veolia Energy Philadelphia—Schuylkill Station).	IP16–000249 ...	Philadelphia	3/4/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(4).
Kinder Morgan Liquid Terminals, LLC—Philadelphia Terminal (formerly referenced as Kinder Morgan Liquid Terminals, LLC).	IP16–000233 ...	Philadelphia	4/20/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(5).
Naval Surface Warfare Center—Philadelphia Division (formerly referenced as Naval Surface Warfare Center—Carderock Division, Ship Systems Engineering Station (NSWCCD–SSES)).	IP16–000235 ...	Philadelphia	3/20/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(6).
Newman and Company, Inc (formerly referenced as Paperworks Industries, Inc).	IP16–000223 ...	Philadelphia	3/31/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(7).
Philadelphia Energy Solutions Refining and Marketing LLC (formerly referenced as Philadelphia Energy Solutions—Refining and Marketing, LLC).	IP–16–00269 ...	Philadelphia	4/24/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(8).
Philadelphia Shipyard Inc	IP16–000300 ...	Philadelphia	4/8/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(9).
Exelon Generation Company—Richmond Generating Station.	IP16–000246 ...	Philadelphia	4/20/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(2).
Grays Ferry Cogeneration Partnership—Schuylkill Station.	IP–16–000250	Philadelphia	3/4/2020	11/1/2021, [insert **Federal Register** citation].	52.2064(f)(3).

[1] The cross-references that are not § 52.2064 are to material that pre-date the notebook format. For more information, see § 52.2063.

* * * * *

■ 3. Amend § 52.2064 by adding paragraph (f) to read as follows:

§ 52.2064 EPA-Approved Source Specific Reasonably Available Control Technology (RACT) for Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_X).

* * * * *

(f) Approval of source-specific RACT requirements for the 2008 8-hour ozone national ambient air quality standard for the facilities listed in this paragraph are incorporated as specified. (Rulemaking Docket No. EPA–OAR–2020–0598).

(1) AdvanSix Resins & Chemicals LLC—Frankford Plant—Incorporating by reference RACT Plan Approval No. IP16–000276, revised and effective March 5, 2020, which supersedes the prior RACT Plan Approval effective February 9, 2016. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(2) Exelon Generation Company—Richmond Generating Station—Incorporating by reference RACT Plan Approval No. IP16–000246, effective April 20, 2020 which supersedes the prior RACT Plan Approval, effective February 9, 2016. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(3) Grays Ferry Cogeneration Partnership—Incorporating by reference RACT Plan Approval No. IP–16–000250, effective March 4, 2020, which supersedes RACT Plan Approval, effective January 9, 2015. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(4) Vicinity Energy Philadelphia—Schuylkill Station—Incorporating by reference RACT Plan Approval No. IP16–000249, effective March 4, 2020, which supersedes RACT Plan Approval, effective February 9, 2016. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(5) Kinder Morgan Liquids Terminals, LLC—Philadelphia Terminal—Incorporating by reference RACT Plan Approval No. IP16–000233, effective April 20, 2020, which supersedes RACT Plan Approval, effective February 9, 2016. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(6) Naval Surface Warfare Center—Philadelphia Division—Incorporating by reference RACT Plan Approval No. IP16–000235, effective March 20, 2020, which supersedes the prior RACT Plan Approval, effective February 9, 2016. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(7) Newman and Company, Inc.—Incorporating by reference RACT Plan Approval No. IP16–000223, effective March 31, 2020, which supersedes RACT Plan Approval, effective January 9, 2015. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(8) Philadelphia Energy Solutions Refining and Marketing LLC.—Incorporating by reference RACT Plan Approval No. IP–16–00269, effective April 24, 2020, which supersedes the RACT Plan Approval effective February 9, 2016. See also the **Federal Register** of October 7, 2016, for prior RACT approval.

(9) Philadelphia Shipyard Inc.—Incorporating by reference RACT Plan Approval No. IP16–000300, effective April 8, 2020.

[FR Doc. 2021–22571 Filed 10–29–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0601; FRL–9111–01–OCSPP]

Fluensulfone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes and removes tolerances for residues of fluensulfone in or on multiple crops that are identified later in this document. The Interregional Research Project Number 4 (IR–4) requested these tolerance actions under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective November 1, 2021. Objections and requests for hearings must be received

on or before January 3, 2022, 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–2020–0601, 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. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide customer service via email, phone, and webform. For the latest status information on EPA/DC services, docket access, visit *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@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 EPA's tolerance regulations at 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(g), 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–2020–0601 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 January 3, 2022. 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–2020–0601, 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/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of June 28, 2021 (86 FR 33922) (FRL–10025–08) EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 0E8861) by IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.680 be amended 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. The petition also requested to remove 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 following commodities: *Brassica,* head and stem, subgroup 5A at 1.5 ppm; *Brassica,* leafy greens, subgroup 5B at 20 ppm; and Vegetables, leafy, except *Brassica,* group 4 at 4 ppm because these commodities would be covered by the new tolerances established for the crop group conversions above. That document referenced a summary of the petition prepared by IR–4, the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is establishing one tolerance at a different level than petitioned for. A discussion of this revision to the petitioned-for tolerance can be found in section IV.C. In addition, IR–4 initially petitioned for tolerances for multiple sugar beet commodities but withdrew their request for these tolerances and the new use on sugar beet on April 8, 2021. EPA is therefore not establishing tolerances for the sugar beet commodities.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(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. Section 408(b)(2)(C) of FFDCA requires 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. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fluensulfone including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluensulfone follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemaking, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for fluensulfone, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to fluensulfone and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings that remain unchanged as described further in this rulemaking.

Toxicological profile. For a discussion of the Toxicological Profile of fluensulfone, see Unit III.A. of the fluensulfone tolerance rulemaking published in the **Federal Register** of April 13, 2018 (83 FR 15971) (FRL–9975–76).

Toxicological points of departure/Levels of concern. For a summary of the Toxicological Points of Departure/Levels of Concern for fluensulfone used for human risk assessment, see Unit III.B. of the fluensulfone tolerance rulemaking published in the **Federal Register** of June 1, 2016 (81 FR 34896) (FRL–9946–07).

Exposure assessment. This action converts existing crop group tolerances for *Brassica,* head and stem, subgroup 5A; *Brassica,* leafy greens, subgroup 5B; and Vegetables, leafy, except *Brassica,* group 4, which were established in the fluensulfone tolerance rulemaking published in the **Federal Register** of May 24, 2019 (84 FR 24042) (FRL–9992–69), to new tolerances for *Brassica,* leafy greens, subgroup 4–16B; Celtuce; Fennel, Florence, fresh leaves and stalk; Kohlrabi; Leaf petiole vegetable subgroup 22B; Leafy greens subgroup 4–16A; and Vegetable, *Brassica,* head and stem, group 5–16. Although tolerance levels for some commodities have changed as a result of these crop group conversions, they have not impacted the residue estimates or Estimated Drinking Water Concentrations (EDWCs) used in the dietary exposure assessment for the May 24, 2019 rulemaking for these commodities. Therefore, the dietary exposure assessment remains the same. For a description of the rest of the EPA approach to and assumptions for the exposure assessment, including with respect to dietary exposure, residential exposure, and cumulative effects, see Unit III.C. of the May 24, 2019 rulemaking.

Safety factor for infants and children. EPA continues to conclude that there are reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the May 24, 2019 rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate risks and determination of safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD; they are 21% of the aPAD for infants (<1 year old), the group with the highest estimated exposure. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 4.8% of the cPAD for infants (<1 year old), the group with the highest estimated exposure. EPA concluded that the combined food, water, and residential exposures result in aggregate MOEs above the level of concern of 100 for all relevant exposure scenarios and are not of concern. As the chronic dietary endpoint and dose are protective of potential cancer effects, fluensulfone is not expected to pose a dietary or aggregate cancer risk of concern.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to fluensulfone residues. More detailed information on this action can be found in the document entitled, ''Fluensulfone. Petition for Crop Group Conversions to *Brassica* Head and Stem Vegetable Group 5–16, *Brassica* Leafy Greens Subgroup 4–16B, Leafy Greens Subgroup 4–16A, Leaf Petiole Vegetable Subgroup 22B, Kohlrabi, Celtuce, and Florence Fennel'' by going to the docket established by this action, which is described under **ADDRESSES**.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the May 24, 2019 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The tolerance for crop subgroup 4–16B (20 ppm) is harmonized with the Codex MRLs for mizuna and mustard greens; all other Codex MRLs for crops within crop subgroup 4–16B are lower than 20 ppm. The tolerance for kohlrabi (1.5 ppm) is harmonized with the Codex MRL for kohlrabi. The tolerance for crop subgroup 4–16A (4 ppm) is harmonized with the Codex MRL for spinach; all other Codex MRLs for commodities within crop subgroup 4–16A are lower than 4 ppm. The tolerance for crop

subgroup 22B (2 ppm) is harmonized with the Codex MRL for celery. The tolerance for crop group 5–16 (1.5 ppm) is harmonized with all Codex commodities within the crop group except Chinese cabbage, napa, which has a Codex MRL of 1 ppm. There are no Codex MRLs for Florence fennel and celtuce.

C. Revisions to Petitioned-For Tolerances

The petitioner proposed a tolerance value of 4 ppm for leaf petiole vegetable subgroup 22B based on the existing tolerance for vegetables, leafy, except *Brassica,* crop group 4. Instead, EPA is establishing a tolerance value of 2 ppm for crop subgroup 22B to harmonize with the Codex MRL for celery. EPA analyzed the existing celery data, which supports a tolerance of 2 ppm according to the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedure.

D. International Trade Considerations

In this rule, EPA is establishing tolerances for fluensulfone residues in or on the leaf petiole vegetable subgroup 22B at 2 ppm, which is lower than the existing tolerance in or on vegetables, leafy, except *Brassica,* group 4, which includes cardoon; celery; celery, Chinese; and rhubarb (all at 4 ppm and all part of the leaf petiole vegetable subgroup 22B). The Agency believes this revised, lower tolerance is appropriate because it is harmonized with the Codex MRL for celery and is supported by available residue data.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to notify the WTO of the changes to these tolerances in order to satisfy its obligations under the Agreement. In addition, the SPS Agreement requires that Members provide a ''reasonable interval'' between the publication of a regulation subject to the Agreement and its entry into force to allow time for producers in exporting Member countries to adapt to the new requirement. Accordingly, EPA is establishing an expiration date for the existing tolerance for residues of fluensulfone in or on vegetables, leafy, except *Brassica,* group 4 to allow it to remain in effect for a period of six months after the effective date of this final rule. After the six-month period ends, this tolerance will expire, as indicated in the regulatory text, and allowable residues on cardoon; celery; celery, Chinese; and rhubarb must conform to the new tolerance for leaf petiole vegetable subgroup 22B. This reduction in the tolerance level is not discriminatory; the same food safety standard contained in the FFDCA applies equally to domestically produced and imported foods. The new tolerance level is supported by available residue data.

V. Conclusion

Therefore, tolerances are established for residues of fluensulfone in or on *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; Leaf petiole vegetable subgroup 22B at 2 ppm; Leafy greens subgroup 4–16A at 4 ppm; and Vegetable, *Brassica,* head and stem, group 5–16 at 1.5 ppm.

Additionally, the following existing tolerances are unnecessary due to the establishment of the above tolerances: *Brassica,* head and stem, subgroup 5A; *Brassica,* leafy greens, subgroup 5B; and Vegetables, leafy, except *Brassica,* group 4. Therefore, existing tolerances for residues of fluensulfone in or on *Brassica,* head and stem, subgroup 5A and *Brassica,* leafy greens, subgroup 5B are removed, and to satisfy international trade obligations, the existing tolerance for residues of fluensulfone in or on Vegetables, leafy, except *Brassica,* group 4 expires six months after the effective date of this final rule.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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 to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). 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 tolerances 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).

VII. 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: October 22, 2021.

Catherine Aubee,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter 1 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. In § 180.680, amend table 1 to § 180.680 following paragraph (a) by:

■ a. Adding in alphanumerical order to the table entries for ''*Brassica,* leafy greens, subgroup 4–16B''; ''Celtuce''; ''Fennel, Florence, fresh leaves and stalk''; ''Kohlrabi''; ''Leaf petiole vegetable subgroup 22B''; ''Leafy greens subgroup 4–16A''; and ''Vegetable, *Brassica,* head and stem, group 5–16'';

■ b. Removing the entries for ''*Brassica,* head and stem, subgroup 5A''; and ''*Brassica,* leafy greens, subgroup 5B''; and

■ c. Revising the entry for ''Vegetables, leafy, except *Brassica,* group 4''.

The additions read as follows:

§ 180.680 Fluensulfone; tolerances for residues.

(a) * * *

TABLE 1 TO § 180.680

Commodity	Parts per million
* * * * *	
Brassica, leafy greens, subgroup 4–16B	20
Celtuce	4
Fennel, Florence, fresh leaves and stalk	4
* * * * *	
Kohlrabi	1.5
Leaf petiole vegetable subgroup 22B	2
Leafy greens subgroup 4–16A	4
* * * * *	
Vegetable, *Brassica,* head and stem, group 5–16	1.5
* * * * *	
Vegetables, leafy, except *Brassica,* group 4[1]	4

TABLE 1 TO § 180.680—Continued

Commodity	Parts per million
* * * * *	

[1] This tolerance expires on May 2, 2022.

* * * * *

[FR Doc. 2021–23628 Filed 10–29–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 211025–0216]

RIN 0648–BK29

Pacific Island Fisheries; Electronic Logbooks for Hawaii and American Samoa Pelagic Longline Fisheries; Correction

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

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an inadvertent drafting error in final regulations published in the **Federal Register** on August 5, 2021, and effective on September 7, 2021. NMFS is reinstating a reporting requirement for the main Hawaiian Islands (MHI) non-commercial bottomfish fishery that was removed inadvertently in the final rule. The intent of this rule is to ensure continued timely monitoring and reporting of catch and other information.

DATES: Effective on November 1, 2021, and applicable beginning September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Heather Cronin, Sustainable Fisheries, NMFS Pacific Islands Regional Office, 808–725–5179.

SUPPLEMENTARY INFORMATION: On August 5, 2021, NMFS published a final rule that required the use of electronic logbooks in the Hawaii pelagic longline fisheries and on Class C and D vessels in the American Samoa pelagic longline fishery (86 FR 42744). In that final rule, NMFS inadvertently removed an unrelated regulation at 50 CFR 665.14(b)(2)(ii). That section requires permit holders in the MHI non-commercial bottomfish fishery to submit logbook reports within 72 hours of the end of the fishing trip. That reporting requirement was established in Amendment 14 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (replaced in part by the Fishery Ecosystem Plan for the Hawaiian Archipelago). The requirement has been in place since 2008 and should not have been removed (see 73 FR 18450, April 4, 2008; 73 FR 41296, July 18, 2008; and 75 FR 2198, January 10, 2010). This correcting amendment reinstates the requirement.

List of Subjects in 50 CFR 665

Administrative practice and procedure, Bottomfish, Fisheries, Fishing, Hawaii, Pacific Islands, Reporting and recordkeeping requirements.

Dated: October 26, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

■ 2. In § 665.14, add paragraph (b)(2)(ii) to read as follows:

§ 665.14 Reporting and recordkeeping.

* * * * *

(b) * * *

(2) * * *

(ii) If fishing was authorized under a permit pursuant to § 665.203(a)(2), the vessel operator or vessel owner must submit the original logbook form for each day of the fishing trip to the Regional Administrator within 72 hours of the end of each fishing trip.

* * * * *

[FR Doc. 2021–23636 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 208
Monday, November 1, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0914; Airspace Docket No. 21–ASO–10]

RIN 2120–AA66

Proposed Amendment and Establishment of Area Navigation (RNAV) Routes T–354, and T–421; Eastern United States.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation (RNAV) route T–354, and establish RNAV route T–421 in the eastern United States. The proposed changes to the routes would expand the availability of RNAV routing in support of transitioning the National Airspace System (NAS) from ground-based to satellite-based navigation. Additionally, a portion of the RNAV routes would provide en route structure where VHF Omnidirectional Range (VOR) Federal airway segments would be removed due to VORs scheduled for decommissioning under the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before December 16, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0914; Airspace Docket No. 21–ASO–10 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in the eastern United States and improve the efficient flow of air traffic within the NAS by lessening the dependency on ground-based navigation.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2021–0914; Airspace Docket No. 21–ASO–10) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0914; Airspace Docket No. 21–ASO–10.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace

Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV route T–354, and establish T–421.

T–354: T–354 currently extends between the BYZIN, MN, waypoint (WP) and the Cunningham, KY, (CNG) VOR/Distance Measuring Equipment (VOR/DME). This action would extend T–354 southward from the Cunningham VOR/DME to the Dyersburg, TN, (DYR) VOR Tactical Air Navigation (VORTAC). T–354 would overlay that portion of VOR Federal airway V–47 between the Cunningham VOR/DME and the Dyersburg VORTAC. Additionally, due to planned VOR decommissionings, the Cunningham VOR/DME would be replaced by the MESSR, KY, WP (located 60 feet southwest of the Cunningham VOR/DME), and the Dyersburg VORTAC would be replaced by the HAUSS, TN, WP (located 60 feet northeast of the Dyersburg VORTAC). As amended, T–354 would extend between the BYZIN, MN, WP, and the HAUSS, TN, WP.

T–421: T–421 is a proposed new RNAV route that would extend between the LYFEE, AL, WP, and the HAGIE, AL, WP. T–421 would overlay that portion of VOR Federal airway V–7 between the Wiregrass, AL, (RRS) VORTAC, and the Muscle Shoals, AL, (MSL) VORTAC. Due to planned VOR decommissionings, the Wiregrass VORTAC would be replaced by the LYFEE WP (located 60 feet northwest of the Wiregrass VORTAC) and the Muscle Shoals VORTAC would be replaced by the HAGIE WP (located 118 feet northwest of the Muscle Shoals VORTAC).

United States RNAV T-routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–354 BYZIN, MN to HAUSS, TN [Amended]

BYZIN, MN	WP	(Lat. 47°29′03.97″ N, long. 096°13′28.09″ W)
Park Rapids, MN (PKD)	DME	(Lat. 46°53′53.34″ N, long. 095°04′15.21″ W)
BRNRD, MN	WP	(Lat. 46°20′53.81″ N, long. 094°01′33.54″ W)
SSKYY, WI	WP	(Lat. 45°49′13.60″ N, long. 092°22′28.26″ W)
TONOC, WI	FIX	(Lat. 45°03′47.56″ N, long. 091°38′11.87″ W)
KOETZ, WI	WP	(Lat. 44°13′15.00″ N, long. 091°28′14.00″ W)
HRMNN, WI	WP	(Lat. 43°55′32.51″ N, long. 090°58′04.07″ W)
FOMAG, WI	WP	(Lat. 43°29′38.44″ N, long. 089°46′09.53″ W)
MAYSE, WI	WP	(Lat. 43°10′14.18″ N, long. 089°42′46.52″ W)
HOMRC, IL	WP	(Lat. 41°34′04.67″ N, long. 089°30′20.55″ W)
CPTON, IL	WP	(Lat. 41°06′51.57″ N, long. 089°11′58.93″ W)
BLLUE, IL	WP	(Lat. 40°07′09.20″ N, long. 088°32′45.48″ W)
BOSTN, IL	WP	(Lat. 39°53′46.57″ N, long. 088°26′18.96″ W)
Bible Grove, IL (BIB)	VORTAC	(Lat. 38°55′13.24″ N, long. 088°28′54.50″ W)
MESSR, KY	WP	(Lat. 37°00′30.44″ N, long. 088°50′13.16″ W)
HAUSS, TN	WP	(Lat. 36°01′07.37″ N, long. 089°19′03.41″ W)

* * * * * * *

T–421 LYFEE, AL to HAGIE, AL [New]

LYFEE, AL	WP	(Lat. 31°17′05.04″ N, long. 085°25′52.67″ W)
CLIOS, AL	FIX	(Lat. 31°41′34.39″ N, long. 085°40′16.19″ W)
BANBI, AL	FIX	(Lat. 31°50′04.30″ N, long. 085°45′35.30″ W)
ZOREL, AL	WP	(Lat. 32°26′31.62″ N, long. 086°11′20.06″ W)
GUMMP, AL	WP	(Lat. 33°04′32.55″ N, long. 086°37′06.44″ W)
VLKNN, AL	WP	(Lat. 33°40′12.47″ N, long. 086°53′58.83″ W)
HAGIE, AL	WP	(Lat. 34°42′25.87″ N, long. 087°29′29.76″ W)

* * * * *

Issued in Washington, DC, on October 25, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–23566 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0918; Airspace Docket No. 21–ACE–11]

RIN 2120–AA66

Proposed Amendment of United States Area Navigation (RNAV) Route T–251; Central United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation (RNAV) route T–251 in the central United States due to the decommissioning of the Malden, MO, (MAW) VHF Omnidirectional Range Tactical Air Navigation (VORTAC), in support of the VHF Omnidirectional Range (VOR) Minimum Operational Network (MON) program for improved efficiency of the National Airspace System (NAS) while reducing the dependency on ground based navigational systems.

DATES: Comments must be received on or before December 16, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0918; Airspace Docket No. 21–ACE–11 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV routes in the NAS, increase airspace capacity, and reduce complexity in high air traffic volume areas.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2021–0918; Airspace Docket No. 21–ACE–11 and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0918; Airspace Docket No. 21–ACE–11.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021 and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV route T–251 by extending the route further south in the central United States.

T–251: T–251 currently extends from the Farmington, MO, (FAM) VORTAC, north to the KOETZ, WI, waypoint (WP). The proposed amendment would extend T–251 by 69 nautical miles to the south of the Farmington, MO, VORTAC, to the new FRNIA, MO, WP. The FRNIA WP will replace the Malden, MO, VORTAC, which is scheduled to be decommissioned. As amended, T–251 would extend between the FRNIA, MO, WP, and the KOETZ, WI, WP.

United States Area Navigation routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document would be subsequently published in FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–251 FRNIA, MO TO KOETZ, WI [AMENDED]

FRNIA, MO	WP	(Lat. 36°33′18.69″ N, long. 089°54′40.47″ W)
Farmington, MO (FAM)	VORTAC	(Lat. 37°40′24.46″ N, long. 090°14′02.62″ W)
Foristell, MO (FTZ)	VORTAC	(Lat. 38°41′39.60″ N, long. 090°58′16.57″ W)
RIVRS, IL	FIX	(Lat. 39°25′21.41″ N, long. 090°55′56.70″ W)
KAYUU, MO	WP	(Lat. 40°19′05.81″ N, long. 091°41′36.59″ W)
MERKR, IA	WP	(Lat. 40°49′16.02″ N, long. 092°08′26.88″ W)
AGENS, IA	FIX	(Lat. 41°01′43.78″ N, long. 092°20′50.25″ W)
PICRA, IA	WP	(Lat. 41°35′00.72″ N, long. 092°32′34.29″ W)
HAVOS, IA	WP	(Lat. 42°04′16.32″ N, long. 092°28′29.38″ W)
Waterloo, IA (ALO)	VOR/DME	(Lat. 42°33′23.39″ N, long. 092°23′56.13″ W)
ZEZDU, IA	FIX	(Lat. 42°49′29.02″ N, long. 092°04′58.05″ W)
FALAR, MN	FIX	(Lat. 43°34′26.04″ N, long. 091°30′18.32″ W)
KOETZ, WI	WP	(Lat. 44°13′15.00″ N, long. 091°28′14.00″ W)

* * * * *

Issued in Washington, DC, on October 25, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–23564 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0920; Airspace Docket No. 21–ASW–7]

RIN 2120–AA66

Proposed Establishment of United States Area Navigation (RNAV) Routes; South and Central United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish three United States Area Navigation (RNAV) routes, designated T–370, T–398, and T–419, in the south and central United States. These routes would supplement certain VHF Omnidirectional Range (VOR) Federal airways in support of the VOR Minimum Operational Network (MON) program, and would expand the availability of RNAV routing in the National Airspace System (NAS).

DATES: Comments must be received on or before December 16, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0920; Airspace Docket No. 21–ASW–7 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV routes in the NAS, increase airspace capacity, and reduce complexity in high air traffic volume areas.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2021–0920; Airspace Docket No. 21–ASW–7 and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0920; Airspace Docket No. 21–ASW–7.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.* You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021 and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish new RNAV routes T–370, T–398, and T–419 in the southern and central United States. These routes would overlay certain VOR Federal airways that are based on navigation aids (NAVAIDs) that are planned for decommissioning under the FAA's VOR MON program.

T–370: T–370 is a proposed a new route that would extend between the BURBIN, TX, waypoint (WP) and the VLKNN, AL, WP. T–370 would overlay VOR Federal airway V–278 that extends between the Bowie, TX, (UKW) VHF Omnidirectional Range Tactical Air Navigation (VORTAC), and the Vulcan, AL, (VUZ) VORTAC. A number of navigation aids (NAVAIDs) that currently form V–278 are planned for future decommissioning. Therefore, in the proposed T–370 description, those NAVAIDs would be replaced by WPs as follows. The BURBN, TX, WP replaces the Bowie, TX, (UKW) VORTAC. The RRORY, TX, WP replaces the Bonham, TX, (BYP) VORTAC. The TASEY, TX, WP replaces the Paris, TX, (PRX) VOR/DME. The SLOTH, TX, WP replaces the Texarkana, TX, (TXK) VORTAC. The RICKG, AR, WP replaces the Monticello, AR, (MON) VOR/DME. The EJKSN, MS, WP replaces the Greenville, MS, (GLH) VOR/DME. The IZAAC, MS, WP replaces the Sidon, MS, (SQS) VORTAC. The SKNNR, MS, WP replaces the Bigbee, MS, (IGB) VORTAC. The VLKNN, AL, WP replaces the Vulcan, AL, (VUZ) VORTAC.

T–398: T–398 is a proposed new route that would extend between the SLOTH, TX, WP, and the GMINI, NC, WP. T–398 would overlay VOR Federal airway V–54 that currently extends between the Texarkana, TX, (TXK) VORTAC, and the Sandhills, NC, (SDZ) VORTAC. A number of NAVAIDs that currently form V–54 are planned for future decommissioning. Therefore, in the proposed T–398 description, those NAVAIDs would be replaced by WPs as follows. The SLOTH, TX, WP replaces the Texarkana, TX, (TXK) VORTAC. The LITTR, AR, WP replaces the Little Rock, AR, (LIT) VORTAC. The EMEEY, AR, WP replaces the Marvell, AR, (UJM) VOR/DME. The GOINS, MS, WP replaces the Holly Springs, MS, (HLI) VORTAC. The HAGIE, AL, WP replaces the Muscle Shoals, AL, (MSL) VORTAC. The FILUN, AL, WP replaces the Rocket, AL, (RQZ) VORTAC. The JILIS, GA, WP replaces the Choo Choo, TN, (GQO) VORTAC. The BALNN, GA, WP replaces the Harris, GA, (HRS) VORTAC. The BURGG, SC, WP replaces the Spartanburg, SC, (SPA) VORTAC. The CRLNA, NC, WP replaces the Charlotte, NC, (CLT) VOR/DME. The GMINI, NC, WP replaces the Sandhills, NC, (SDZ) VORTAC.

T–419: T–419 is a proposed new route that would extend between the MAHTY, AR, WP, and the TERGE, IN, WP. T–419 would overlay those segments of VOR Federal airway V–305 that extends between the Walnut Ridge, AR, (ARG) VORTAC, and the Pocket City, IN, (PXV) VORTAC. A number of NAVAIDs that currently form V–305 are planned for future decommissioning. Therefore, in the proposed T–419 description, those NAVAIDs would be replaced by WPs as follows. The MAHTY, AR, WP replaces the Walnut Ridge, AR, (ARG) VORTAC. The FRNIA, MO, WP replaces the Malden, MO, (MAW) VORTAC. The MESSR, KY, WP replaces the Cunningham, KY, (CNG) VOR/DME. The TERGE, IN, WP replaces the Pocket City, IN, (PXV) VORTAC.

The full route legal descriptions of T–370, T–398, and T–419 are listed in ''The Proposed Amendment'' section, below.

These changes would provide RNAV routing to supplement VOR Federal airways that will be impacted by the VOR MON program, and support the

transition to a more efficient Performance Based Navigation route structure.

United States Area Navigation routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–370 BURBN, TX to VLKNN, AL [New]

BURBN, TX	WP	(Lat. 33°32′09.20″ N, long. 097°49′15.83″ W)
RRORY, TX	WP	(Lat. 33°32′14.95″ N, long. 096°14′03.45″ W)
TASEY, TX	WP	(Lat. 33°32′32.56″ N, long. 095°26′54.55″ W)
SLOTH, TX	WP	(Lat. 33°30′49.99″ N, long. 094°04′24.38″ W)
RICKG, AR	WP	(Lat. 33°33′43.12″ N, long. 091°42′56.29″ W)
EJKSN, MS	WP	(Lat. 33°31′24.65″ N, long. 090°58′57.87″ W)
IZAAC, MS	WP	(Lat. 33°27′49.87″ N, long. 090°16′37.75″ W)
SKNRR, MS	WP	(Lat. 33°29′07.75″ N, long. 088°30′49.63″ W)
BESOM, AL	FIX	(Lat. 33°35′10.73″ N, long. 087°39′23.49″ W)
NESTS, AL	WP	(Lat. 33°36′53.34″ N, long. 087°20′51.86″ W)
VLKNN, AL	WP	(Lat. 33°40′12.47″ N, long. 086°53′58.83″ W)

* * * * * * *

T–398 SLOTH, TX to GMINI, NC [New]

SLOTH, TX	WP	(Lat. 33°30′49.99″ N, long. 094°04′24.38″ W)
MUFRE, AR	FIX	(Lat. 34°05′31.32″ N, long. 093°10′43.80″ W)
LITTR, AR	WP	(Lat. 34°40′39.90″ N, long. 092°10′49.26″ W)
EMEEY, AR	WP	(Lat. 34°34′30.29″ N, long. 090°40′27.14″ W)
GOINS, MS	WP	(Lat. 34°46′12.64″ N, long. 089°29′46.81″ W)
HAGIE, AL	WP	(Lat. 34°42′25.87″ N, long. 087°29′29.76″ W)
FILUN, AL	WP	(Lat. 34°47′50.14″ N, long. 086°38′01.14″ W)
JILIS, GA	WP	(Lat. 34°57′23.98″ N, long. 085°08′03.46″ W)
CRAND, GA	FIX	(Lat. 34°57′28.88″ N, long. 084°51′20.59″ W)
BALNN, GA	WP	(Lat. 34°56′34.20″ N, long. 083°54′56.42″ W)
BURGG, SC	WP	(Lat. 35°02′00.55″ N, long. 081°55′36.86″ W)
GAFFE, SC	FIX	(Lat. 35°05′38.90″ N, long. 081°33′23.92″ W)
CRLNA, NC	WP	(Lat. 35°12′49.48″ N, long. 080°56′57.32″ W)
LOCAS, NC	FIX	(Lat. 35°12′05.18″ N, long. 080°26′44.89″ W)
RELPY, NC	FIX	(Lat. 35°12′45.70″ N, long. 079°47′28.76″ W)
GMINI, NC	WP	(Lat. 35°12′23.01″ N, long. 079°34′01.98″ W)

* * * * * * *

T–419 MAHTY, AR to TERGE, IN [New]

MAHTY, AR	WP	(Lat. 36°06′36.35″ N, long. 090°57′12.65″ W)
FRNIA, MO	WP	(Lat. 36°33′18.69″ N, long. 089°54′40.47″ W)
MESSR, KY	WP	(Lat. 37°00′30.44″ N, long. 088°50′13.16″ W)
TERGE, IN	WP	(Lat. 37°55′42.47″ N, long. 087°45′44.19″ W)

* * * * *

Issued in Washington, DC, on October 25, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–23565 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 12–129; PS Docket No. 21–343; FCC 21–108; FRS 53657]

Enhancing Security of Public Safety Answering Point Communications

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks to gather updated information and propose how best to fulfill Congress' goal of protecting Public Safety Answering Points (PSAPs) from disruptive robocalls in a manner that avoids the potential security risks of making registered PSAP numbers available to those claiming to be autodialer operators. Specifically, the Commission proposes that voice service providers be required to block autodialed calls made to PSAP telephone numbers on the PSAP Do-Not-Call registry. The Commission takes this action to satisfy its statutory obligations under the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Relief Act).

DATES: Comments are due on or before December 1, 2021, and reply comments are due on or before December 16, 2021.

ADDRESSES: You may submit comments, identified by CG Docket No. 12–129 and PS Docket No. 21–343, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, DA 20–304 (March 19, 2020), *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

FOR FURTHER INFORMATION CONTACT: Richard D. Smith of the Consumer and Governmental Affairs Bureau at (717) 338–2797 or *Richard.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (*FNPRM*), in CG Docket No. 12–129 and PS Docket No. 21–343, FCC 21–108, adopted on September 30, 2021 and released on October 1, 2021. The full text of the document is available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice).

This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 through 1.1216. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Initial Paperwork Reduction Act of 1995 Analysis

The *FNPRM* seeks comment on proposed rule amendments that may result in modified information collection requirements. If the Commission adopts any modified information collection requirements, the Commission will publish a notice in the **Federal Register** inviting the public to comment on the requirements, as required by the Paperwork Reduction Act. Public Law 104–13; 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198; 44 U.S.C. 3506(c)(4).

Synopsis

A. Extent of the Problem

1. In this *FNPRM,* the Commission seeks updated information since the PSAP Do-Not-Call registry was adopted in 2012 about the magnitude of the problem that the PSAP Do-Not-Call registry is intended to address—*i.e.,* the frequency of autodialer-initiated calls to PSAPs' telephone lines and the extent of the disruption and other harms that these calls cause. *See Implementation of the Middle Class Tax Relief and Job Creation Act of 2012, Establishment of a Public Safety Answering Point Do-Not-Call Registry,* CG Docket No. 12–129, Report and Order, 27 FCC Rcd 13615 (2012). In adopting the registry rules, the Commission noted that autodialers can tie up public safety lines, divert critical responder resources from emergency services, and impede the public's access to emergency lines.

2. The Commission seeks comment on the extent to which autodialed calls continue to be a problem for PSAPs. Has the number of such unwanted calls changed in any significant way since 2012? For example, have technological changes resulted in more unwanted autodialed calls being made to PSAPs or have any new technological or regulatory solutions, such as blocking technologies, arisen that allow PSAPs to better protect themselves from unwanted calls? Does the extent of this problem vary depending on whether the autodialed calls are voice calls or texts? Are there situations in which entities that intended to disrupt PSAP operations used autodialers or similar technologies in denial-of-service attacks to disrupt the provision of emergency services? How do those incidents shed light on the risk and potential harms that might result from the misuse of registered PSAP numbers? Have such incidents increased since 2012, as technology has changed? Are there new or evolving robocall threats to PSAPs

that the registry is not designed for or otherwise cannot address? If so, are there ways to adapt the registry to such threats?

3. To what extent does the recent Supreme Court decision addressing the Telephone Consumer Protection Act's (TCPA's) definition of ''automatic telephone dialing system'' impact the efficacy of the PSAP Do-Not-Call registry? *See Facebook, Inc.* v. *Duguid,* 141 S.Ct. 1163, 1168–73 (2021). For example, does the Supreme Court's decision potentially narrow the types of equipment that fall within that definition, and thus limit the number of callers subject to the prohibition on autodialing registered PSAP numbers? If fewer callers are deemed ''autodialers'' under the ruling than previously, does that have implications for the Commission's assessment of the security risk by potentially reducing the number of callers that will need to access the registry? Correspondingly, does it change the protections afforded to PSAPs by narrowing the types of callers that are prohibited from calling registered telephone numbers?

B. Call Blocking Proposal

4. In light of potential security concerns involved with granting access to the registered PSAP numbers to a broad range of autodialer operators as the means to facilitate compliance with the PSAP Do-Not-Call registry as contemplated in 2012, the Commission proposes that voice service providers block autodialed calls made to registered PSAP telephone numbers on the PSAP Do-Not-Call registry. As the means to identify the calls to be blocked, the Commission's rules already require autodialer operators seeking access to the registry to provide certain information including ''all outbound telephone numbers used to place autodialed calls, including both actual originating numbers and numbers that are displayed on caller identification services.'' *See* 47 CFR 64.1202(d). The Commission proposes that such registered ''outbound'' telephone numbers used to make autodialed calls be provided to voice service providers as the means to identify those autodialed calls that should be blocked when made to registered PSAP numbers.

5. The Commission proposes to give voice service providers access to the PSAP telephone numbers and outbound autodialer telephone numbers registered on the PSAP Do-Not-Call registry. The Commission further proposes to require voice service providers to block any calls that originate from a registered autodialer number when made to a registered PSAP telephone number. Under this approach, access to the registered PSAP telephone numbers is restricted to more easily verified voice service providers that can ensure compliance by blocking calls made to the PSAP telephone numbers rather than entrusting compliance to an unknown number of robocallers whose identity and intentions in seeking access to the database may be difficult to confirm. Specifically, the Commission seeks comment on whether such an approach would alleviate the security risks associated with allowing access to a centralized database of PSAP numbers to all autodialer users who register. Does granting voice service providers access to registered PSAP telephone numbers create any new security issues? If so, how should the Commission minimize those concerns? How can the Commission ensure the security of the PSAP Do-Not-Call registry database from malicious actors?

6. *Responsible Voice Service Providers.* The Commission seeks comment on which voice service providers should be subject to the blocking requirement. Should one voice service provider in the call path be responsible for blocking calls from registered autodialer telephone numbers to registered PSAP telephone numbers? Are certain voice service providers, such as those originating or terminating calls or those voice service providers that are also covered 911 service providers, better suited to carry out this obligation?

7. *Emergency Autodialed Calls.* The Commission seeks comment on whether to limit its blocking requirement only to non-emergency autodialed calls. The current rules prohibit operators of robocalling equipment from using such equipment to contact registered PSAP numbers ''other than for an emergency purpose.'' *See* 47 CFR 64.1202(c). Should the Commission retain this distinction or instruct voice service providers to block any calls from a registered autodialer number to a registered PSAP number? Are there situations when autodialer users may use autodialing equipment to make an emergency call? If so, how should the Commission account for such a possibility? Should the Commission grant access to the registry only to those autodialer numbers that are used solely for non-emergency purposes? Should the Commission adopt rules that establish a presumption that all calls from registered autodialer telephone numbers are non-emergency calls, and if so, what steps should the Commission take to ensure emergency calls to PSAPs are not inadvertently blocked? Are there any other barriers, costs, or considerations that should be taken into account in adopting rules that require voice service providers to block non-emergency calls from registered autodialer telephone numbers to registered PSAP numbers?

8. *Preventing Unauthorized Disclosure of Registered Numbers.* The Commission proposes and seeks comment on extending the existing restrictions on disclosure and dissemination of registered numbers to voice service providers that might be granted access to the registry under our proposed approach. *See* 47 CFR 64.1202(f); 47 U.S.C. 1473(c)(1). Are the current restrictions sufficient or should the Commission adopt new or different restrictions to prevent the unauthorized disclosure of registered numbers?

9. *Erroneous Blocking.* Is requiring the blocking of autodialed calls technically feasible for voice service providers? If so, can those programs ensure that calls PSAPs wish to receive are not blocked? Should the Commission consider a safe harbor from liability for good faith blocking of phone calls to PSAPs from originating numbers that are erroneously entered into the registry? Should autodialer operators be afforded a safe harbor from liability when they have submitted an outbound telephone number to the PSAP Do-Not-Call registry, but the call is not blocked through the fault of the voice service provider or registry administrator?

10. *Verifying and Updating the Registry.* Are there other safeguards the Commission should adopt to ensure that emergency phone calls are not affected by the call blocking proposal to avoid inadvertently blocking legitimate emergency calls? The current rules require that all contact information provided by an autodialer operator to gain access to the registry, including the outbound telephone numbers used to place autodialed calls, be updated within 30 days of any change to this information. *See* 47 CFR 64.1202(d). Is this requirement sufficient to ensure that the database of telephone numbers used to identify those autodialed calls to be blocked remains updated to remove telephone numbers that are no longer used to make autodialed calls and add new telephone numbers that are used to make autodialed calls? Or should the Commission consider any new or different requirements to ensure that the database of registered telephone numbers used to make autodialed calls remains accurate over time? Are there alternative methods and sources that should be employed by the voice service provider or registry administrator to ensure that only non-emergency calls

are blocked to registered PSAP telephone numbers? Is there a cost-effective means for voice service providers to track the use of such telephone numbers to determine if they have been recently ported to non-autodialer users? Should voice service providers be required to report to the Commission the number of blocked autodialer calls to PSAPs in order to help the Commission assess how frequently such calls occur and whether the registry is effective?

11. *Security Risks.* Would a call blocking requirement raise the risk that a malicious actor could reverse-engineer a list of PSAP numbers by determining what calls have been blocked? Would that create any additional security risk for PSAPs? If there is such a risk, would this allow bad-actor callers to spoof the PSAP number and avoid all blocking under our existing rule limiting blocking emergency calls from PSAPs? If so, what could the Commission do to address this concern? Should the Commission's transparency and redress requirements for blocked calls apply to blocking done pursuant to a PSAP Do-Not-Call registry? *See* 47 CFR 64.1200(k)(8). Are there other factual, legal, or policy factors that the Commission should consider before allowing voice service providers to block calls to PSAP numbers that are used for emergency purposes? Alternatively, would such a requirement raise the risk that a malicious actor may purposely register non-autodialing outgoing numbers into the registry in order to prevent legitimate emergency callers from contacting PSAPs? If so, how can the Commission address such a concern? Are there any other potential security concerns the Commission may need to address?

12. *Costs and Impact on Small Business.* The Commission seeks comment on the impact of its proposal on small businesses and any potential alternatives that may reduce the impact of autodialed calls on PSAPs without imposing burdens on such small businesses. The Commission tentatively concludes that the benefits associated with its proposal exceed the costs and seeks comment on this tentative conclusion. The Commission seeks comment on any specific cost concerns associated with its proposal. Are there ways to mitigate any costs or burdens on smaller voice providers associated with implementing a call blocking approach to satisfy the statutory obligation to create a PSAP Do-Not-Call registry?

13. *Statutory Authority.* The Commission believes that the proposed approach satisfies its statutory obligation to ''create a specialized Do-Not-Call registry'' for PSAPs. *See* 47 U.S.C. 1473. In addition, the Commission believes that this approach satisfies its statutory requirement to ''provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment.'' *See* 47 U.S.C. 1473(b)(3). The Commission seeks comment on this analysis of the statutory requirements contained in section 6507(b) as applied to the call blocking proposal in the *FNPRM,* including the extent to which the Commission's current rules must be amended to implement this proposal.

C. Do-Not-Call Registry 2012 Security Concerns

14. The Commission seeks comment on its assessment of the seriousness of the security risks associated with housing registered PSAP telephone numbers in a centralized database and granting access to those numbers to callers purporting to need them to comply with the rules as contemplated in 2012. The Commission is particularly interested in comments from PSAPs, law enforcement agencies, and national security agencies on these risks. To what extent, if any, would granting access to a list of PSAP numbers enhance the ability of bad actors to initiate a denial-of-service attack on a PSAP? Are there other comprehensive sources of PSAP telephone numbers already available, such that incremental risks added by the registry would be minimal? Even if some individual PSAP numbers are obtainable from alternative sources, to what extent would access to a single centralized database of such numbers increase the security risks of misuse of such numbers? On balance, do these security concerns outweigh the potential protections a registry affords from unwanted autodialed calls? How might the Commission best address the security concerns posed by a centralized database of PSAP telephone numbers that would allow the Commission to move forward with the creation of a PSAP Do-Not-Call registry, as contemplated in 2012, in a manner that does not jeopardize PSAPs and emergency callers that rely on PSAPs?

15. To what extent do the significant potential monetary penalties for PSAP Do-Not-Call violations and for unauthorized dissemination or distribution of the registered PSAP numbers impact the Commission's analysis of the risks of potential abuse? To what extent is the effectiveness of such monetary penalties undermined when dealing with individuals or entities who seek to intentionally disrupt the provision of emergency services and make efforts to conceal their identity, or who are foreign actors against whom it may be difficult or impossible to enforce such penalties? Does the implementation of STIR/SHAKEN caller ID authentication technology, or the efforts of the registered traceback consortium to trace calls back to their source, make it less likely that callers initiate denial-of-service attacks on PSAPs by making it easier to determine the source of a call?

D. Alternative Solutions to the Do-Not-Call Registry Security Issues

16. *Enhanced Caller Vetting.* If the call blocking proposal to protect PSAPs from unwanted autodialed calls proves unworkable, are there other mechanisms or safeguards that the Commission could implement to effectively vet the identity of users who seek access to registered PSAP numbers to reduce the likelihood of providing access to those telephone numbers to bad actors that might misuse these numbers, and if so, what are they? The Commission's rules already require that entities seeking access to the registry provide certain contact information including, for example, the names under which the registrant operates, a business address, a telephone number, an email address, and a contact person. *See* 47 CFR 64.1202(d). Is this information sufficient to confirm the identity and intent of the party seeking access to the registry or should the Commission impose additional or different requirements? How could the Commission prevent parties that seek access to the registry for malicious purposes from submitting false information to circumvent its review and gain access to the registry under false pretenses? Would any such measures be consistent with section 6507(b)(3), which directs the Commission to ''provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment?'' For instance, does the Commission have discretion under that provision to limit access only to certain operators? Is such discretion in that regard supported by the fact that section 6507(b)(4) directs the Commission to ''protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry?'' Is there any level of cost-effective vetting the Commission could do that would sufficiently guard against improper use of the registry? The Commission asks commenters to provide cost information on any suggested mechanisms or safeguards.

17. *Improved Data* Security *Requirements.* Even with sufficient vetting of registry users, would there remain significant risks that PSAP

telephone numbers could be disseminated, either intentionally or unintentionally, as part of that process (*e.g.,* through carelessness or malicious hacking)? What security measures should the Commission consider to ensure that parties that obtain such sensitive data institute appropriate measures to prevent data breaches? What types of data security requirements might be appropriate? Should any such mechanisms relied upon to protect PSAP telephone numbers from unauthorized access or disclosure be adaptable to address data security issues? If so, would they need to be adaptable in real time or near-real time? How would such adaptation be effectuated as a practical matter?

18. Consistent with section 6507(b)(1), the Commission's rules ''permit,'' but do not require, PSAPs to register ''any PSAP telephone numbers associated with the provision of emergency services or communications with other public safety agencies.'' *See* 47 CFR 64.1202(b). Does the discretion afforded to PSAPs to decide which, if any, of their telephone numbers that they wish to place on the registry allow PSAPs to decide for themselves whether the benefits outweigh the risks of submitting numbers to the registry? How should this impact the Commission's review of the security risks of a PSAP Do-Not-Call registry? Can PSAPs, for example, decide to register only those numbers for which they determine that the protections from unwanted calls outweigh the potential harms from denial-of-service attacks? Do PSAPs have sufficient information to understand the protections and risks afforded by the PSAP Do-Not-Call registry, including an understanding of the types of dialing equipment that would be prohibited from calling those numbers under the TCPA's definition of an ''autodialer?'' Should the Commission conduct outreach to ensure that PSAPs are aware of the potential benefits and risks of submitting their numbers for inclusion on the registry? Conversely, if PSAPs decline to register their numbers due to the security risk, would that undermine the effectiveness of the PSAP Do-Not-Call registry? What security protections, if any, would be necessary to reassure PSAPs that the benefits of participating in the registry outweigh the risks? The Commission invites commenters to provide information on the costs and benefits of any proposed security protections.

E. Alternative Technical and Regulatory Solutions

19. *Other Technological Solutions.* Are there other technological solutions beyond the Commission's call blocking proposal that may have emerged in the near decade since section 6507 became law that the Commission might explore to protect PSAPs from unwanted calls while fulfilling the statute's requirements? For example, could the Commission require callers to filter their autodialed calls through a hardware or software platform that would house an encrypted list of registered PSAP numbers and would be able to block autodialing equipment from making calls to these numbers? Do such technologies exist, and would it be cost effective and technologically feasible to implement such a solution? If such a technological solution does not currently exist, what steps would be needed to develop such technology and what entity or entities might be best suited to do so? What costs would be involved in terms of time and money to develop such a technological fix?

20. How long might it take to identify, develop, and implement any such alternative solution to a PSAP Do-Not-Call registry? What would it cost to create such a solution? Who would maintain the list of telephone numbers housed in such a technological solution, and how often would the technology be updated or would callers be required to install updates? Are there risks that legitimate emergency calls might be blocked if such a system were implemented? Are there other viable alternative technological options that the Commission should consider that satisfy the specific statutory requirements and objectives of section 6507? Alternatively, should the Commission consider certain options—even if they do not satisfy section 6507 in and of themselves—that the Commission could adopt in addition to measures that do satisfy section 6507?

21. Security solutions exist today that can block calls to PSAPs that are determined to be fraudulent. These solutions become more effective when used in combination with STIR/SHAKEN. Is call blocking at the PSAP a more effective solution? Can PSAPs deploy the same blocking solutions that are used for consumers, or are more specialized solutions required? If blocking is to be based, at least in part, on information produced by STIR/SHAKEN, what information should the terminating provider disseminate to the PSAP to make this determination? If more specialized solutions are required, how do these tools differ from consumer blocking tools? Would the need for PSAPs to deploy this solution place additional technical complexity and/or additional financial burden on PSAPs, and if so, how could this be mitigated? Which type of solutions can be deployed on a wide scale?

22. Apart from provider blocking, do PSAPs themselves have an ability to effectively block unwanted calls? If not, how long would it take and how much would it cost to implement such a blocking solution? Would requiring every autodialed call to identify itself as an automated call using the caller ID information allow PSAPs to block these calls more effectively? Are there any ''best practices'' that PSAPs might implement to protect themselves from robocalls? For example, the Hospital Robocall Protection Group has issued a report outlining best practices that hospitals can use to protect hospitals against robocalls. Should the Commission consider outlining similar best practices for PSAPs? If so, what is the best method for doing so? For instance, should the Commission seek input from an existing or new advisory committee?

23. *National Do-Not-Call Registry.* Could the Commission utilize the existing National Do-Not-Call Registry, working in conjunction with the Federal Trade Commission (FTC), to protect PSAPs from unwanted calls? The National Do-Not-Call Registry is administered by the FTC and has been operational for almost two decades and currently protects over 240 million telephone numbers from telemarketing sales calls, or telephone solicitations. Would allowing PSAPs to register their telephone numbers on the National Do-Not-Call Registry afford them a more timely, cost-effective, and secure solution to stop many unwanted calls while shielding the identity of the relatively small number of PSAP numbers by including them among the hundreds of millions of other telephone numbers already contained in that registry? Could this approach, in conjunction with the TCPA's existing protection from autodialed calls to ''emergency telephone lines,'' satisfy the goals of section 6507 while providing reasonable security safeguards that preclude parties from identifying those telephone numbers associated with PSAPs and using them for malicious purposes? *See* 47 U.S.C. 227(b)(1)(A). Could the Commission work with the FTC to ensure this solution could be implemented in a timely manner?

24. Would this approach require Congress to revisit the statutory language associated with the Tax Relief Act and the TCPA to permit the Commission to implement this solution? This might include authorizing the inclusion of PSAP telephone numbers on a registry currently reserved for ''residential telephone subscribers,'' and

used by callers making telephone solicitations rather than callers making autodialed calls. *See* 47 U.S.C. 227(c). It might also include harmonizing the statutory monetary penalties associated with calling PSAP telephone numbers with those for violations of the TCPA. Alternatively, could the Commission work in conjunction with public safety organizations or their representatives to utilize any existing or planned databases of public safety numbers, rather than creating a new registry, to satisfy our obligations under the statute? If it is deemed not possible to implement section 6507 without creating significant new security risks to PSAPs, what should be done at that point?

25. *Expanded Use of the Reassigned Numbers Database.* Could the Commission expand use of the Commission's Reassigned Numbers Database (RND) as a means to prevent unwanted calls to PSAPs? The RND is designed to prevent a consumer from getting unwanted calls intended for someone who previously held their telephone number. Callers wishing to avail themselves of certain TCPA liability safe harbor provisions can query the database to determine whether a telephone number may have been reassigned since the most recent date of consent so they can avoid calling consumers who do not want to receive the calls. *See* 47 CFR 64.1200(m). To achieve its goal of avoiding robocalls to registered PSAP numbers, should the Commission expand the RND to include registered PSAP telephone numbers as well as reassigned telephone numbers, and require autodialer operators to query the RND before placing calls? Would the inclusion of PSAP numbers, coupled with a requirement for autodialers to query the RND, effectively prevent unwanted calls to PSAPs? Would this alternative adequately protect the security of the sensitive PSAP telephone numbers while fulfilling the statutory obligation to create a PSAP Do-Not-Call registry? The Commission notes that the cost to operate the RND is recovered through usage charges collected from callers that choose to use the database. Does such a fee-based database align with Congress' intent in instructing the Commission to create the PSAP Do-Not-Call registry?

26. The Commission seeks comment on these and any other potential solutions that allow the Commission to protect registered PSAP numbers from unauthorized dissemination in a timely and cost-effective manner, while fulfilling Congress' goal of stopping unwanted calls to PSAPs, including the costs and benefits of each approach.

F. Other Security Threats to PSAPs

27. Cybersecurity events continue to affect the ability of PSAPs to respond to 911 calls, locate 911 callers, and dispatch assistance. How can the Commission aid in securing PSAPs against these types of attacks? As 911 services evolve, the ability to reach PSAPs by text, video, and data transmissions create additional vulnerabilities that may be exploited. As states and local jurisdictions have deployed text-to-911 capabilities, have PSAPs experienced attacks using text messaging as an attack vector? Have PSAPs transitioning to Next Generation 911 (NG911) systems experienced an increase in such incidents? If so, are those risks specific to NG911's technical implementation? Can the proposed Do-Not-Call registry for PSAPs mitigate risks associated with NG911 services? Can solutions used to prevent cyberattacks through the PSAP's administrative broadband connections also prevent attacks through NG911? What is needed to ensure NG911 communications with PSAPs are legitimate traffic?

28. In 2020, the Communications Security, Reliability, and Interoperability Council (CSRIC) submitted a report to the Commission regarding security risks and best practices for mitigation in 911 systems. *See* Communications Security, Reliability, And Interoperability Council VII, *Report on Security Risks and Best Practices for Mitigation in 9–1–1 in Legacy, Transitional, and NG 9–1–1 Implementations* (September 16, 2020). Is the report complete in its identification of security risks and best practices? What challenges, in addition to those discussed in the report, do PSAPs face in securing their operations? Are there additional best practices that PSAPs should consider adopting? What steps should the Commission take to aid in implementing best practices for PSAPs or otherwise promote cybersecurity in the PSAP environment?

29. Should the Commission consider caller ID authentication methods such as STIR/SHAKEN as a means to enhance the security of PSAP operations or promote greater trust for calls to PSAPs and those associated with 911? Providers using STIR/SHAKEN assign calls an ''attestation level'' that signifies what they know about the calling party and its right to use the number shown in the caller ID. Does STIR/SHAKEN sufficiently mitigate the robocall threat to PSAPs by allowing service providers to screen illegitimate 911 calls, including 911 calls to PSAPs from callers seeking to disguise their phone number or location information, more effectively? Can PSAPs use existing analytics, such as caller ID authentication, to help evaluate the trustworthiness of a call and caller? Do such analytics help PSAPs combat robocalling attacks better than a centralized database of PSAP numbers? If not, could additional STIR/SHAKEN standards, such as a unique attestation level, help distinguish between legitimate 911 calls and illegitimate calls from bad actors? Should the Commission encourage standards bodies to define such standards to be deployed by providers? Should such an attestation framework distinguish 911 calls originated by non-service initialized devices, which bypass the typical authorization conducted by originating providers, from service-initialized 911 calls? Can STIR/SHAKEN standards account for this issue and ensure that PSAPs using caller ID authentication do not negatively impact legitimate calls? Are there other technology developments or regulatory changes that would be required to facilitate the use of caller ID authentication technologies to support PSAP operations?

30. *Digital Equity and Inclusion.* The Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with the proposals and issues discussed herein. *See* 47 U.S.C. 151; Executive Order No. 13985, published at 86 FR 7009, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021). Specifically, the Commission seeks comment on how its proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well as the scope of the Commission's relevant legal authority.

Initial Regulatory Flexibility Analysis

31. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared the Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *FNPRM.* Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and

must be filed by the deadlines for comments on the *FNPRM* provided.

A. Need for, and Objectives of, the Proposed Rules

32. Section 6507 of the Tax Relief Act required the Commission to ''initiate a proceeding to create a specialized Do-Not-Call registry'' for PSAPs to protect them from unwanted or illegal robocalls and to issue associated regulations after providing the public with notice and an opportunity to comment. To fulfill this mandate, in 2012 the Commission adopted rules to establish a Do-Not-Call registry for telephone numbers used by PSAPs and to prohibit the use of ''automatic dialing equipment'' to contact those registered numbers for non-emergency purposes.

B. Legal Basis

33. The proposed rules are authorized under sections 4(i), 4(j), and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 227, and section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 47 U.S.C. 1473, 47 U.S.C. 6507.

C. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

34. The *FNPRM* proposes that registered PSAP telephone numbers be made available to voice service providers that will be required to block autodialed calls made to those numbers. Under this proposal, PSAPs will be permitted to register their telephone numbers on the PSAP Do-Not-Call registry. This will necessitate some administrative functions for those PSAPs, such as designating a representative to review, update, and upload their current telephone numbers to the registry. Such PSAPs will need to develop a process to verify on an annual basis that the registered numbers should continue to appear on the registry.

35. In addition, the Commission's rules already require autodialer operators seeking access to the PSAP Do-Not-Call registry to provide certain information, including all outbound telephone numbers used to place autodialed calls. The *FNPRM* proposes that autodialer operators continue to upload such numbers into the PSAP Do-Not-Call registry and update them regularly.

36. The *FNPRM* proposes that voice service providers will be provided with the registered PSAP and autodialer telephone numbers contained on the PSAP Do-Not-Call registry and will be required to block any calls that originate from a registered autodialer number when made to a registered PSAP telephone number. This will require voice service providers to develop, if they have not already done so, call blocking programs to ensure that any autodialed calls to PSAP numbers are blocked.

D. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

37. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

38. The *FNPRM* considers alternatives to requiring voice service providers to block autodialed calls and, for each alternative, the Commission requested comment on the costs and time frames required to implement the solutions discussed, including how to mitigate the impact on small businesses. Specifically, the *FNPRM* seeks comment on whether PSAPs themselves can deploy call blocking solutions and effectively block unwanted autodialed calls. It also considers whether requiring every autodialed caller to identify itself as an automated call using the Caller-ID information would allow PSAPs to block these calls more effectively.

39. In addition, the *FNPRM* considers allowing operators of autodialed calls to continue to access registered PSAP numbers. In that case, however, the Commission considers adopting more robust mechanisms or safeguards to effectively vet the identity of users who seek access to registered PSAP numbers to reduce the likelihood of providing access to those telephone numbers to bad actors that might misuse the numbers. The *FNPRM* also considers requiring callers to filter their autodialed calls through an app or software platform that would block autodialer equipment from making calls to registered PSAP numbers.

40. Further, the *FNPRM* proposes as an alternative solution the use of the existing National Do-Not-Call Registry to protect PSAPs from unwanted calls. The *FNPRM* seeks comment on whether allowing PSAPs to register their telephone numbers on the National Do-Not-Call Registry would afford them a more timely, cost-effective, and secure solution to stop many unwanted calls while shielding the identity of the relatively small number of PSAP numbers by including them among the hundreds of millions of other telephone numbers already contained in that registry. Finally, the *FNPRM* seeks comment on whether the Commission should expand the Reassigned Numbers Database (RND) to include registered PSAP telephone numbers as well as reassigned telephone numbers, and require autodialer operators to query the RND before placing calls.

41. The Commission expects to consider the economic impact of these proposals on small entities, as identified in comments filed in response to the *FNPRM* and the IRFA, in reaching its final conclusions and taking action in this proceeding.

E. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

42. None.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2021–23698 Filed 10–29–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 211026–0218]

RIN 0648–BK72

Pacific Island Fisheries; Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish for Fishing Years 2021–2024

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement an annual catch limit (ACL) of 492,000 lb (223,167 kg) for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for each of the fishing years 2021–22, 2022–23, and 2023–24. As an in-season accountability measure (AM), if NMFS projects that the fishery will reach the ACL in any given fishing year, we would close the commercial and non-commercial fisheries in Federal waters

for the remainder of the fishing year. As a post-season AM, if NMFS determines that the catch exceeded the ACL in a fishing year, we would reduce the ACL for the following fishing year by the amount of the overage. The proposed rule supports the long-term sustainability of Deep 7 bottomfish.

DATES: NMFS must receive comments by November 16, 2021.

ADDRESSES: You may submit comments on the proposed rule, identified by NOAA–NMFS–2021–0077, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov* and enter NOAA–NMFS–2021–0077 in the Search box, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

NMFS prepared an environmental assessment and draft supplemental environmental assessment that describe the potential impacts on the human environment that could result from the proposed action. The assessments, a regulatory impact review, and other supporting documents are available at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Brett Schumacher, NMFS PIRO Sustainable Fisheries, 808–725–5185.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage the Deep 7 bottomfish fishery in Federal waters around Hawaii under the Fishery Ecosystem Plan for the Hawaiian Archipelago (FEP), as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Hyporthodus quernus*). The regulations at 50 CFR 665.4 require NMFS to specify an ACL for MHI Deep 7 bottomfish each fishing year, based on a recommendation from the Council.

The Council recommended that NMFS implement the proposed ACLs and AMs for MHI Deep 7 bottomfish in fishing years 2021–22, 2022–23, and 2023–24. Each fishing year begins on September 1 and ends on August 31 of the following year. The Council recommended the proposed ACL of 492,000 lb (223,167 kg) based on an updated 2021 bottomfish stock assessment, and in consideration of the risk of overfishing, past fishery performance, and the acceptable biological catch recommendation from its Scientific and Statistical Committee, with opportunity for input from the public.

The 2021 stock assessment estimated the overfishing limit for the MHI Deep 7 bottomfish stock complex to be 568,000 lb (257,640 kg), assuming three years of identical catch in fishing years 2021–22, 2022–23, and 2023–24. This new overfishing limit is 2,000 lb (907 kg) more than the overfishing limit for three years of fishing estimated in the previous stock assessment. The proposed ACL is the same as the ACL that NMFS specified the previous three years (84 FR 29394, June 24, 2019). The ACL is associated with up to a 40 percent probability of overfishing for each proposed fishing year, which is more conservative than the 50 percent risk threshold allowed under NMFS guidelines for National Standard 1 of the Magnuson-Stevens Act.

NMFS monitors Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii and non-commercial fishermen to NMFS. As an in-season AM, if NMFS projects that the fishery will reach the ACL, we would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish in Federal waters for the remainder of the fishing year. As an additional post-season AM, in the event that NMFS determines that the final MHI Deep 7 bottomfish catch exceeds the ACL in any given year, NMFS would reduce the ACL for the subsequent fishing year by the amount of the overage with a subsequent rulemaking.

The fishery has not caught the proposed limit in any year since 1989, and NMFS does not anticipate that the fishery will attain the limit in any fishing year in this proposed rule. NMFS does not expect this proposed rule to result in a change in fishing operations, or other changes to the conduct of the fishery that would result in significant environmental impacts.

NMFS will consider public comments on this proposed rule and will announce the final rule in the **Federal Register**. The comment period will extend for 15 days from the publication date in the **Federal Register**, as provided for in section 304(b) of the Magnuson-Stevens Act (16 U.S.C. 1854(b)(1)(A)). A comment period of this length is in the public interest because the 2021 fishing year has already started, and it is necessary to implement the proposed reglations as soon as possible in order to establish thresholds that provide for effective and sustainable management of the fishery. NMFS must receive any comments by the date provided in the **DATES** heading, not postmarked or otherwise transmitted by that date. Regardless of the final rule, all other management measures will continue to apply in the fisheries.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator for Fisheries has determined that this proposed rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the attached proposed rule, issued under the authority of the Magnuson-Stevens Act, will not have a significant economic impact on a substantial number of small entities.

NMFS proposes to implement an ACL of 492,000 lb (223,167 kg) for MHI Deep 7 bottomfish, as recommended by the Council, for each fishing year 2021–22, 2022–23, and 2023–24. Each fishing year begins on September 1 and ends on August 31 of the following year. NMFS monitors MHI Deep 7 bottomfish catches based on data provided by commercial fishermen to the State of Hawaii and non-commercial fishermen to NMFS. The AMs for fishing years 2021–22, 2022–23, and 2023–24 would remain the same as the AMs that are currently in place. That is, if NMFS projects that the fishery will reach this limit in any fishing year, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7

bottomfish in Federal waters for the remainder of that fishing year as an in-season AM. As a post season AM, if the catch exceeds the ACL in a fishing year, NMFS would reduce the ACL of the next fishing year by the amount of the overage. The proposed ACLs are the same as those implemented for the 2018–19, 2019–20, and 2020–21 fishing years and 186,000 lb (84,368 kg) more than the ACL that NMFS implemented for the 2017–18 fishing year. The proposed ACLs are greater than the highest reported annual landings over the past eight fishing seasons by more than 180,000 lb (81,647 kg). Therefore, NMFS does not expect that the fishery would reach the ACL during any of the next three fishing years.

This proposed rule would affect commercial and non-commercial fishermen who catch MHI Deep 7 bottomfish. In general, the relative importance of MHI bottomfish to commercial participants as a percentage of overall fishing or household income is unknown, as the total suite of fishing and other income generating activities by individual operations across the year has not been examined. For Regulatory Flexibility Act purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. Based on available information, NMFS has determined that all affected entities—vessels in the commercial and non-commercial fisheries for MHI Deep 7 bottomfishare small entities under the NMFS standard, as they are engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and have annual gross receipts not in excess of $11 million. Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

During the 2019–20 fishing year, 334 fishermen reported catching 161,437 lb (73,227 kg) of MHI Deep 7 bottomfish, which is consistent with catch and participation in recent years. Catch in this fishery has generally been decreasing over time. During each of fishing years 2014–15, 2015–16, and 2016–2017, an average of 374 fisherman have reported catching almost 274,000 lb (124,284 kg) of MHI Deep 7 bottomfish, whereas catch over the past three full fishing years averaged 192,805 lb/year (87,455 kg/year) by an average of 331 participants annually. Price per pound for Deep 7 bottomfish averaged $7.23 ($15.93/kg) in 2020 with 91 percent of catch sold. Assuming that the fishery attains the ACL of 492,000 lb (223,167 kg) in an individual fishing year, and using the 2020 average price of $7.23/lb ($15.93/kg), NMFS expects the potential annual fleet-wide revenue during each of the 2021–22, 2022–23 and 2023–24 fishing years to be $3,557,160 (or approximately $3,237,016 under the assumption that 91 percent of catch is sold). If the MHI Deep 7 bottomfish catch reached the ACL during a fishing year, with the entire catch sold by the 334 participants fishing in 2019–20, the potential revenue would average $10,650 from the sale of 1,473 lb (668 kg) of Deep 7 bottomfish per fisherman. If the fishery reaches the ACL, and 91 percent of all MHI Deep 7 bottomfish catch was sold, then each of these 334 commercial fishermen would sell an average of 1,340 lb (608 kg) of Deep 7 bottomfish valued at about $9,692, which is well below the $11 million threshold.

Even though this proposed rule would apply to a substantial number of vessels, *i.e.,* 100 percent of the bottomfish fleet, NMFS does not expect this rule to have a significantly adverse economic impact on individual vessels because of the unlikelihood of reaching the ACL. Landings information from the past five fishing years shows an average catch of 215,405 lb (97,706 kg), suggesting that Deep 7 bottomfish landings in the MHI are not likely to reach the proposed ACL of 492,000 lb (223,167 kg) in any fishing year. The proposed rule would not impose additional reporting or record-keeping requirements on small entities. The proposed rule does not duplicate, overlap, or conflict with other Federal rules, and it is not expected to have a significant impact on small entities (as discussed above), organizations or government jurisdictions. There does not appear to be disproportionate economic impacts from the proposed rule based on home port, gear type, or relative vessel size. The proposed rule will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 665

Accountability measures, Annual catch limits, Bottomfish, Fishing, Hawaii, Pacific Islands.

Dated: October 26, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

■ 2. In § 665.211, revise paragraph (a) to read as follows:

§ 665.211 Annual Catch Limit (ACL).

(a) In accordance with § 665.4, the ACLs for MHI bottomfish fisheries for each fishing year are as follows:

Fishery	2021–22 ACL (lb)	2022–23 ACL (lb)	2023–24 ACL (lb)
Deep 7 bottomfish	492,000	492,000	492,000

Fishery	2019 ACL (lb)	2020 ACL (lb)	2021 ACL (lb)
Uku	127,205	127,205	127,205

* * * * *

(e) If landings of Deep 7 bottomfish exceed the specified ACL in a fishing year, the Regional Administrator will reduce the ACL for the subsequent year by the amount of the overage in a separate rulemaking.

* * * * *

[FR Doc. 2021–23674 Filed 10–29–21; 8:45 am]

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Notices

Federal Register

Vol. 86, No. 208

Monday, November 1, 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

Submission for OMB Review; Comment Request

October 27, 2021

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by December 1, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Floriculture Survey.

OMB Control Number: 0535–0093.

Summary of Collection: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition. The Floriculture Survey was previously conducted in 17 States (Alaska, California, Colorado, Connecticut, Florida, Illinois, Michigan, Ohio, Oregon, New Jersey, New York, North Carolina, Pennsylvania, Texas, Virginia, Washington, and Wisconsin) and obtained basic agricultural statistics on production and value of floriculture products. All states are included in this renewal. The target population for this survey is all operations with production and sales of at least $10,000 of floriculture products. New floriculture operations that are discovered during the 2022 Census of Agriculture will be added to the list of potential respondents.

The retail and wholesale quantity and value of sales are collected for fresh cut flowers, potted flowering plants, foliage plants, annual bedding/garden plants, herbaceous perennials, cut cultivated florist greens, propagative floriculture material, and unfinished plants. Additional detail on area in production, operation value of sales, and agricultural workers is included. Content changes are minimal year to year, with the goal of avoiding significant changes to the survey length and respondent burden associated with each questionnaire. The only program change currently being considered involves expanding the survey to allow publishing a U.S. total, in addition to state-level totals for 28 States (Alaska, Alabama, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin). These statistics are used by the U.S. Department of Agriculture to help administer programs and by growers and marketers in making production and marketing decisions.

General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. This statute specifies that ''The Secretary of Agriculture shall procure and preserve all information concerning agriculture which can be obtained by the collection of statistics . . . and shall distribute them among agriculturists''.

Need and Use of the Information: NASS obtains basic agricultural statistics on production and value of floriculture products. The target population for this survey is all operations with production and sales of at least $10,000 of floriculture products. Data collected from the survey will assess alternative agriculture opportunities and provide statistics for Federal and State agencies to monitor the use of agricultural chemicals. If the information is not collected data users could not keep abreast of changes.

Description of Respondents: Farms; Business or other-for-profit.

Number of Respondents: 14,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 8,223.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–23728 Filed 10–29–21; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Economic Research Service

Notice of Intent To Request New Information Collection

AGENCY: Economic Research Service, USDA.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the U.S. Department of Agriculture's (USDA) intention to request approval for a Field Test for a new information collection for a Second National Household Food Acquisition and Purchase Survey (FoodAPS–2) also called the National Food Study among American households.

DATES: Written comments must be received by January 3, 2022 to be assured of consideration.

ADDRESSES: All comments should be submitted electronically to *Jeffrey.Gonzalez@usda.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to this information collection, contact Jeffrey Gonzalez, 202–694–5341, *Jeffrey.Gonzalez@usda.gov.*

SUPPLEMENTARY INFORMATION: The Department of Agriculture's Economic Research Service, in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Economic Research Service (ERS) assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the ERS's information collection requirements and provide the required data in the desired format. ERS is soliciting comments on the proposed information collection requirement (ICR) that is described below. Comments are invited on: (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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: The Second National Household Food Acquisition and Purchase Survey (FoodAPS–2) Field Test.

OMB Control Number: To be assigned by OMB.

Expiration Date: Three years from the date of approval.

Type of Request: New information collection.

Abstract: The Field Test for FoodAPS–2, also known as the National Food Study to respondents in the field, will be conducted over a four-month period. The Field Test will collect data from 4,125 households, including households participating in the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Each participating household will be asked to log the foods they get over a 7-day period.

FoodAPS–2 data are necessary to understand Americans' food and nutrition choices, the drivers of these choices, and how the government can improve administration of public programs at reasonable cost to better the health and well-being of the American population. The data will reveal precise and detailed information on: (1) Food purchased for preparation at home and away from home; (2) food people get for free; (3) food that each member of the household gets; (4) the nutrient content of food items people get; (5) the cost of these foods and how people pay for them (*e.g.,* cash, credit or debit, program benefits, coupons and discounts); (6) market, demographic, policy and program characteristics of local areas where people get their food; (7) household characteristics, including income, participation in Federal food assistance programs, food security, and health status; and (8) the complex interrelationship between food, nutrition, economics, program participation, food environments, and health.

The U.S. Department of Agriculture (USDA) collected similar data in 2012–2013 with the first National Household Food Acquisition and Purchase Survey (FoodAPS–1, OMB Control Number 0536–0068). (See the results at *https://www.ers.usda.gov/foodaps*). The expected time between FoodAPS–1 and the FoodAPS–2 Field Test will be about 10 years, during which time the structure of the U.S. food economy will have changed dramatically. American households get their food from a large variety of places, including: Grocery stores, big box stores, farmers' markets, food pantries, dine-in restaurants, fast food restaurants, schools, online retailers, and other food outlets. Food acquisition behaviors have changed in response to changing markets, household structure, labor force participation, and other factors. There is special interest in food demand among low-income households. At some point during each year, about 1 in 4 Americans participate in at least one of USDA's 15 domestic food and nutrition assistance programs. To evaluate the efficiency of the programs, USDA needs to better understand the food acquisition behavior of program participants compared to low-income, program-eligible, non-participating households. Neighborhoods that lack access to healthy and affordable food have been of particular concern for USDA. To this end, USDA needs current, accurate data on household food acquisitions, food insecurity, food prices, and the availability of healthful and less-healthful foods.

The main objective of the Field Test is to test the final design and procedures for the Full Survey data collection. Specifically, the Field Test will evaluate the following: A mail screener to reduce in-person screening; enhancements to the data collection instruments that assess drivers of food acquisition behavior; a new native smartphone application; an alternative web-based Food Log using a barcode scanner, for households who are unable to use the smartphone app; a telephone mode option for households who are unable to use either the smartphone app or the web-based method; and monetary incentives to encourage Food Log reporting throughout the 7-day period.

All sampled households will receive a $5 incentive to complete a mail screener questionnaire. All households completing an in-person screening interview to determine eligibility for the study will receive $5. All recruited households will receive $40 upon completion of the Initial Interview and Food Log training. $2 will be provided to each household member age 16 and over who completes the Income Worksheet (available online and via the app) and another $2 per person age 11 and over for completing the Profile Questionnaire (available online and via the app). An additional $16 incentive will be provided to the primary respondent after completion of a Debriefing Interview at the end of the reporting period.

In addition, an incentives experiment is embedded in the Field Test. The incentives experiment varies the amount of a promised monetary incentive that each eligible household member who reports both their food purchases and the food they get for free (including affirmation of no food) can accumulate per day ($5 per day per eligible member vs. $5 for days 1–3 and $10 for days 4–7). The final incentive scheme for the Full Survey will be determined by the results of Field Test.

Responses will be combined for statistical purposes and reported only in aggregate or statistical form. Because this is a field test for the full-scale FoodAPS–2 data collection, there are no plans to make the collected data available to the public. The data will be analyzed and used to finalize design and data collection protocol for the Full Survey.

Authority: Legislative authority for the planned data collection is Section

17 (a) (1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026). This section authorizes the Secretary to undertake research that will help improve the administration and effectiveness of programs providing nutrition benefits.

Confidentiality: All respondent information collected during the Field Test will be protected under the statute of the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA), (Title V of Pub. L. 107–347).

Type of Respondents: Individuals and households.

Estimate of Burden: The estimated total number of respondents for this study is 4,125 contacted households and 4,650 responding individuals. The estimated total annual burden on respondents is 3,201 hours.

BILLING CODE 3410–18–P

Reporting Burden

Instrument	Sample Size	Freq	Responses				Non-response/Not eligible				Total Burden Hours*
			Count	Freq x Count	Min./ Resp.	Burden Hours*	Count	Freq x Count	Min./ Resp.	Burden Hours*	
Household-Level Data Collection											
First Mailing for Mail Screener	4125	1	413	413	6	41	3712	3712	2	124	165
Second Mailing for Mail Screener	3712	1	288	288	6	29	3424	3424	2	114	143
Third Mailing for Mail Screener	3424	1	124	124	6	12	3300	3300	2	110	122
Advance letters for In-person	2382	1	2025	2025	2	68	0	0	0	0	68
In-person Household Screener	2025	1	733	733	9	110	1292	1292	2	43	153
Consent Form	733	1	660	660	5	55	73	73	2	2	57
Initial Household Interview	660	1	468	468	30	234	192	192	3	10	244
Debriefing interview-completes	434	1	430	430	10	72	4	4	5	0	72
Debriefing Interview-break-offs	34	1	27	27	3	1	7	7	3	0	1
Total Responding Burden - HH						622				403	1025
Individual-Level Data Collection											
Age 16+											
Training by interviewer	936	1	908	908	45	681	28	28	3	1	682
Training by PR	49	1	49	49	45	37	0	0	0	0	37
Member receiving training	49	1	49	49	45	37	0	0	0	0	37
Consent Form	957	1	957	957	1	16	0	0	1	0	16
Income Questionnaire	957	1	813	813	15	203	144	144	7	17	220
Food Log	957	7	813	5691	7	664	144	1008	3	50	714
Food Log (proxy)	273	7	273	1911	4	127	0	0	3	0	127
Profile Questionnaire	957	1	813	813	6	81	144	144	7	17	98
Profile Ques (proxy)	273	1	273	273	3	14	0	0	1	0	14
Food Log by Phone Interview	6	3	6	18	16	5	0	0	3	0	5
Memory Jogger	6	10	6	60	2	2	0	0	0	0	2
Profile Ques by Phone Interview	6	3	6	18	6	2	0	0	2	0	2
Income Ques by Phone Interview	6	2	6	12	15	3	0	0	2	0	3
Total Responding Burden - Ind.						1872				85	1957
Age 11-15											
Training by PR	100	1	95	95	45	71	5	5	3	0	71
Child receiving training	100	1	95	95	45	71	5	5	3	0	71
Assent Form	100	1	95	95	1	2	5	5	0	0	2
Food Log	95	7	81	567	7	66	14	98	3	5	71
Profile Questionnaire	95	1	81	81	3	4	14	14	1	0	4
Total Responding Burden - Ind.						214				5	219
Total Responding Burden						2708				493	3201

*Estimates of burden hours have been rounded.

Spiro Stefanou,

Administrator, Economic Research Service.

[FR Doc. 2021–23655 Filed 10–29–21; 8:45 am]

BILLING CODE 3410–18–C

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–68–2021]

Foreign-Trade Zone (FTZ) 38—Spartanburg County, South Carolina; Notification of Proposed Production Activity; BMW Manufacturing Company, LLC (Passenger Motor Vehicles); Spartanburg, South Carolina

BMW Manufacturing Company, LLC (BMW MC) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Spartanburg, South Carolina within Subzone 38A. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on October 22, 2021.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status components described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed components would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed foreign-status components include 48-volt lithium-ion batteries and non-rubber brake lines (duty rate ranges from duty-free to 2.7%). The request indicates that the materials are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is December 13, 2021.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: October 27, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–23686 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials and Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials and Equipment Technical Advisory Committee will meet on November 18, 2021, 10:00 a.m., Eastern Standard Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Opening Remarks and Introduction by BIS Senior Management.
2. Report from working groups.
3. Report by regime representatives.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than November 10, 2021.

To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 26, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, contact Yvette Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021–23720 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) and suspended investigation(s) listed below. The International Trade Commission (the ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

DATES: Applicable November 1, 2021.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s) and suspended investigation(s):

DOC case No.	ITC case No.	Country	Product	Commerce contact
A–570–964 ...	731–TA–1174	China	Seamless Refined Copper Pipe and Tube (2nd Review)	Thomas Martin, (202) 482–3936.
A–201–838 ...	731–TA–1175	Mexico	Seamless Refined Copper Pipe and Tube (2nd Review)	Thomas Martin, (202) 482–3936.
A–523–812 ...	731–TA–1299	Oman	Circular Welded Carbon-Quality Steel Pipe (1st Review)	Mary Kolberg, (202) 482–1785.
A–535–903 ...	731–TA–1300	Pakistan	Circular Welded Carbon-Quality Steel Pipe (1st Review)	Mary Kolberg, (202) 482–1785.
A–520–807 ...	731–TA–1302	United Arab Emirates.	Circular Welded Carbon-Quality Steel Pipe (1st Review)	Mary Kolberg, (202) 482–1785.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: *https://enforcement.trade.gov/sunset/*. All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[1]

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.[2]

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC 's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: October 18, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–23744 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUPPLEMENTARY INFORMATION:

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for December 2021

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in December 2021 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to* COVID–19, 85 FR 41363 (July 10, 2020).

[2] *See* 19 CFR 351.218(d)(1)(iii).

	Department contact
Antidumping Duty Proceedings	
Carbon and Alloy Steel Cut-to-Length Plate from Austria A–433–812 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Belgium A–423–812 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Brazil A–351–847 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from China A–570–047 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from France A–427–828 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Germany A–428–844 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Korea A–580–887 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Italy A–475–834 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Japan A–588–875 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from South Africa A–791–822 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Taiwan A–583–858 (1st Review)	Mary Kolberg, (202) 482–1785.
Carbon and Alloy Steel Cut-to-Length Plate from Turkey A–489–828 (1st Review)	Mary Kolberg, (202) 482–1785.
Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China A–570–958 (2nd Review).	Mary Kolberg, (202) 482–1785.
Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from Indonesia A–560–823 (2nd Review).	Mary Kolberg, (202) 482–1785.
Heavy Forged Hand Tools, With or Without Handles from China A–570–803 (3rd Review)	Thomas Martin, (202) 482–3936.
Iron Construction Castings from Brazil A–351–503 (5th Review)	Mary Kolberg, (202) 482–1785.
Iron Construction Castings from Canada A–122–503 (5th Review)	Mary Kolberg, (202) 482–1785.
Iron Construction Castings from China A–570–502 (5th Review)	Mary Kolberg, (202) 482–1785.
Stainless Steel Plate in Coils from Belgium A–423–808 (4th Review)	Jacky Arrowsmith, (202) 482–5255.
Stainless Steel Plate in Coils from South Africa A–791–805 (4th Review)	Jacky Arrowsmith, (202) 482–5255.
Stainless Steel Plate in Coils from Taiwan A–583–830 (4th Review)	Jacky Arrowsmith, (202) 482–5255.
Countervailing Duty Proceedings	
Carbon and Alloy Steel Cut-to-Length Plate from China C–570–858 (1st Review)	Thomas Martin, (202) 482–3936.
Carbon and Alloy Steel Cut-to-Length Plate from Korea C–580–888 (1st Review)	Jacky Arrowsmith, (202) 482–5255.
Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China C–570–959 (2nd Review).	Mary Kolberg, (202) 482–1785.
Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from Indonesia C–560–824 (2nd Review).	Jacky Arrowsmith, (202) 482–5255.
Iron Construction Castings from Brazil C–351–504 (5th Review)	Mary Kolberg, (202) 482–1785.
Stainless Steel Plate in Coils from South Africa C–791–806 (4th Review)	Mary Kolberg, (202) 482–1785.
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in November 2021	

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year* (*Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.[1]

This notice is not required by statute but is published as a service to the international trading community.

Dated: October 18, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–23746 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration]

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On October 22, 2021, the Court of International Trade (CIT) issued its final judgment in *Carbon Activated Tianjin Co., Ltd. and Carbon Activated Corporation, et al.* v. *United States,* Consol. Court No. 20–00007, sustaining the Department of Commerce (Commerce)'s remand results pertaining to the eleventh administrative review of the antidumping duty (AD) order on certain activated carbon from the People's Republic of China (China) covering the period of April 1, 2017, through March 31, 2018. Commerce is notifying the public that the CIT's final judgment is not in harmony with

Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Carbon Activated Tianjin Co., Ltd. (Carbon Activated), Datong Juqiang Activated Carbon Co., Ltd. (Datong Juqiang) (collectively, the mandatory respondents), Beijing Pacific Activated Carbon Products Co., Ltd. (Beijing Pacific), Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. (GHC), Ningxia Mineral & Chemical Limited (Ningxia Mineral), and Shanxi Sincere Industrial Co., Ltd. (Shanxi Sincere).

DATES: Applicable November 1, 2021.

FOR FURTHER INFORMATION CONTACT: Jinny Ahn, 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) 482–0339.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 2019, Commerce published its *Final Results* in the 2017–2018 AD administrative review of certain activated carbon from China.[1] Commerce calculated a weighted-average dumping margin of 0.86 U.S. dollars (USD)/kg for Datong Juqiang and a weighted-average dumping margin of 1.02 USD/kg for Carbon Activated, and assigned Beijing Pacific, GHC, Ningxia Mineral, and Shanxi Sincere a separate rate of 0.89 USD/kg.[2]

The mandatory respondents, as well as Beijing Pacific, GHC, Ningxia Mineral, and Shanxi Sincere (collectively, the respondents), appealed Commerce's *Final Results.* On April 2, 2021, the CIT remanded the *Final Results,* and directed Commerce to reconsider Commerce's selection of Malaysia as the primary surrogate country, Commerce's selection of surrogate data to value bituminous coal, and Commerce's adjustments to the surrogate financial ratios.[3]

In its remand redetermination, issued in July 2021, Commerce: (1) Reconsidered and further explained its determination to use Malaysia as the primary surrogate country; (2) reconsidered its choice of HS code for the bituminous coal SV used in the production of activated carbon; and (3) reconsidered and further explained its allocation of certain line items in valuing financial ratios using the 2017 financial statements from the Romanian company, Romcarbon SA (Romcarbon).[4] Specifically, Commerce changed the surrogate value used to value bituminous coal from the average unit value of imports reported under Romanian HS 2701.12 to the average unit value of imports reported under Malaysian HS 2701.19 for most of the bituminous coal input used in the production of the subject merchandise during the period of review. In addition, Commerce made necessary changes with respect to the allocation of certain line items in calculating the financial ratios using the 2017 financial statements from Romcarbon. Accordingly, Commerce made changes to the margin calculations for the mandatory respondents and revised the separate rate for Beijing Pacific, GHC, Ningxia Mineral, and Shanxi Sincere.[5] On October 22, 2021, the CIT sustained Commerce's final redetermination.[6]

Timken Notice

In its decision in *Timken,*[7] as clarified by *Diamond Sawblades,*[8] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(a) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's October 22, 2021 judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published in fulfillment of the publication requirement of *Timken.*

Amended Final Results

Because there is now a final court decision, Commerce amends the *Final Results* with respect to the respondents as follows:

Exporters	Weighted-average dumping margin (USD/kg)[9]
Carbon Activated Tianjin Co., Ltd	0.94
Datong Juqiang Activated Carbon Co., Ltd	0.55
Beijing Pacific Activated Carbon Products Co., Ltd	0.61
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd	0.61
Ningxia Mineral & Chemical Limited	0.61
Shanxi Sincere Industrial Co., Ltd	0.61

Cash Deposit Requirements

Because the mandatory respondents, Beijing Pacific, Ningxia Mineral, and Shanxi Sincere have superseding cash deposit rates (*i.e.,* there have been final results published in a subsequent administrative review), we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP) for these companies. Accordingly, this notice will not affect the current cash deposit rate for these companies. For GHC, because it does not have a superseding cash deposit rate, Commerce will issue revised cash deposit instructions to CBP. Additionally, with respect to GHC, Commerce will instruct CBP to refund the difference between the amount of cash deposits paid as a result of the application of the *Final Results* and the amount due as a result of the application of these amended final results.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were exported by Carbon Activated, Datong Juqiang, Beijing Pacific, GHC, Ningxia Mineral, and Shanxi Sincere, and were entered, or withdrawn from warehouse, for consumption during the period April 1, 2017, through March 31, 2018. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a

[1] *See Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 68881 (December 17, 2019) (*Final Results*).

[2] *Id.*

[3] *See Carbon Activated Tianjin Co., Ltd. and Carbon Activated Corporation, et al.* v. *United States,* 503 F. Supp. 3d 1278 (CIT 2021).

[4] *See Final Results of Redetermination Pursuant to Court Remand, Carbon Activated Tianjin Co., Ltd. and Carbon Activated Corporation, et al.* v. *United States,* Court No. 20–00007, Slip Op. 21–35, dated July 1, 2021, available at *https://enforcement.trade.gov/remands/21-35.pdf.*

[5] *Id.* at 1–2, 40–41.

[6] *See Carbon Activated Tianjin Co., Ltd. and Carbon Activated Corporation, et al.* v. *United States,* Court No. 20–00007, Slip Op. 21–149 (CIT October 22, 2021).

[7] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[8] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[9] In the second administrative review of the AD order on certain activated carbon from China, Commerce determined that it would calculate per-unit assessment and cash deposit rates for all future reviews of this order. *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); *see also Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 61172 (October 9, 2015) at 61174 n.21.

final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by Carbon Activated, Datong Juqiang, Beijing Pacific, GHC, Ningxia Mineral, and Shanxi Sincere in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is not zero or *de minimis.* Where an import-specific assessment rate is zero or *de minimis,*[10] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: October 26, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–23858 Filed 10–28–21; 4:15 pm]

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[10] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–824, A–201–856, A–821–833]

Oil Country Tubular Goods From Argentina, Mexico, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable October 26, 2021.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov at (202) 482–0665 and Christopher Williams at (202) 482–5166 (Argentina); James Hepburn at (202) 482–1882 and Preston Cox at (202) 482–5041 (Mexico); George McMahon at (202) 482–1167 and Marc Castillo at (202) 482–0519 (the Russian Federation (Russia)); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On October 6, 2021, the Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of oil country tubular goods (OCTG) from Argentina, Mexico, and Russia filed in proper form on behalf of Borusan Mannesmann Pipe U.S., Inc., PTC Liberty Tubulars LLC, U.S. Steel Tubular Products, Inc., the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (the USW), and Welded Tube USA, Inc. (the petitioners), domestic producers of OCTG and a certified union that represents workers engaged in the production of OCTG.[1] The Petitions were accompanied by countervailing duty (CVD) petitions concerning imports of OCTG from the Republic of Korea and Russia.[2]

On October 7, 8, 14, and 19, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires.[3] The petitioners filed responses to the supplemental questionnaires on October 12, 13, 18, and 21, 2021.[4]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of OCTG from Argentina, Mexico, and Russia are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the OCTG industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(C) and 771(9)(D) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested LTFV investigations.[5]

Period of Investigation

Because the Petitions were filed on October 6, 2021, the period of investigation (POI) for these LTFV investigations is October 1, 2020, through September 30, 2021, pursuant to 19 CFR 351.204(b)(1).[6]

Scope of the Investigations

The products covered by these investigations are OCTG from Argentina, Mexico, and Russia. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on the Scope of the Investigations

On October 13, 2021, Commerce spoke with counsel to the petitioners regarding the proposed scope, to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[7]

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on November

[1] *See* Petitioners' Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties: Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia,'' dated October 6, 2021 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letters, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation: Supplemental Questions,'' dated October 7, 2021; and ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation: Supplemental Questions,'' dated October 19, 2021; and Country-Specific Supplemental Questionnaires: Argentina Supplemental, Mexico Supplemental, and Russia Supplemental, dated October 8, 2021, and Russia Second Supplemental, dated October 14, 2021.

[4] *See* Petitioners' Letters, ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Response to General Issues Questionnaire,'' dated October 12, 2021 (First General Issues Supplement) and ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Response to Second General Issues Questionnaire,'' dated October 21, 2021 (Second General Issues Supplement); *see also* Petitioners' Country-Specific Supplemental Responses, dated October 13, 2021; and Russia Second Supplemental Response, dated October 18, 2021.

[5] *See infra,* section titled ''Determination of Industry Support for the Petitions.''

[6] *See* 19 CFR 351.204(b)(1).

[7] *See* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation: Phone Call with Counsel to the Petitioners,'' dated October 13, 2021.

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

15, 2021, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 26, 2021, which is the first business day after ten calendar days from the initial comment deadline.[10]

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of these investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[11] An electronically filed document must be received successfully in its entirety by the time and date on which it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of OCTG to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant costs of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe OCTG, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on November 15, 2021, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on November 26, 2021, which is the first business day after 10 calendar days from the initial comment deadline.[12] All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.[15] Based on our analysis of the information submitted on the record, we have determined that OCTG, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

[10] The deadline for rebuttal comments falls on November 25, 2021, which is a Federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day (in this instance, November 26, 2021). *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) (*Notice of Clarification*).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[12] The deadline for rebuttal comments falls on November 25, 2021, which is a Federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day (in this instance, November 26, 2021). *See Notice of Clarification.*

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F. 2d 240 (Fed. Cir. 1989)).

[15] *See* Petitions at Volume I at 20–22 and Exhibits I–11, I–13, I–14, and I–18.

[16] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Country-Specific Checklists, ''Antidumping Duty Investigation Initiation Checklists: Oil Country Tubular Goods from Argentina, Mexico, and the Russian Federation,'' dated concurrently with this **Federal Register** notice and on file electronically via

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioners provided the 2020 production of OCTG for the U.S. producers that support the Petitions.[17] The petitioners estimated the 2020 production by non-petitioning companies using shipment data available for the entire OCTG industry and publicly available information on production and domestic shipments from the ITC's 2020 report from the sunset review of OCTG from India, Korea, Turkey, Ukraine, and the Socialist Republic of Vietnam.[18] The petitioners estimated the total 2020 production of the domestic like product for the entire industry by adding their production to the estimated production of the non-petitioning producers.[19] We relied on data provided by the petitioners for purposes of measuring industry support.[20]

On October 8, 15, and 20, 2021, we received comments on industry support from Tenaris Bay City, Inc., IPSCO Tubulars Inc., Maverick Tube Corporation, and Tenaris Global Services (U.S.A.) Corporation (collectively, Tenaris USA), U.S. producers of OCTG.[21] On October 18, 2021, the petitioners responded to the comments from Tenaris USA.[22] On October 21, 2021, the Government of Russia (GOR) raised industry support comments during the consultations held regarding the Russia CVD Petition.[23] On October 21, 2021, we received comments from TMK Group (TMK), a Russian producer and exporter of OCTG.[24] On October 22, 2021, Tenaris USA filed its fourth submission with Commerce and formally indicated that it opposes the Petitions.[25] Also on October 22, 2021, the petitioners responded to TMK's comments.[26]

Based on the information provided in the Petitions, the First General Issues Supplement, Petitioners' Letter, the Second General Issues Supplement, Petitioners' Letter II, and other information readily available to Commerce, we determine that the domestic producers and workers have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[27] Because the Petitions and supplemental submissions did not establish support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product, Commerce was required to take further action in order to evaluate industry support.[28] In this case, Commerce was able to rely on other information, in accordance with section 732(c)(4)(D)(i) of the Act, to determine industry support.[29] Based on information provided in the Petitions, the First General Issues Supplement, Petitioners' Letter, the Second General Issues Supplement, Petitioners' Letter II, and other information readily available to Commerce, the domestic producers and workers have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[30] We note that, even if all other U.S. producers of OCTG oppose the Petitions (including Tenaris USA), the supporters of the Petitions would still have the requisite level of industry support pursuant to section 732(c)(4)(A)(ii) of the Act.[31] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[32]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[33]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price suppression; lost sales and revenues; declines in production, U.S. shipments, and capacity utilization; decline in employment; and adverse impact on the domestic industry's financial performance.[34] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as

ACCESS (Country-Specific AD Initiation Checklists) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation (Attachment II).

[17] *See* Petitions at Volume I at Exhibits I–1 and I–3; *see also* First General Issues Supplement at 4 and Exhibits 4 and 8; and Second General Issues Supplement at Exhibits 3–5.

[18] *See* Petitions at Volume I at Exhibits I–1 and I–2; *see also* First General Issues Supplement at 6–10 and Exhibit 1 (containing *Oil Country Tubular Goods from India, Korea, Turkey, Ukraine, and Vietnam,* Inv. No. 701–TA–499–500 and 731–TA–1215–1216, 1221–1223 (Review), USITC Pub. 5090 (July 2020) (*OCTG Review*)) and Exhibit 8 (containing *OCTG Review* at Table III–5); and Second General Issues Supplement at Exhibit 5.

[19] *See* First General Issues Supplement at 7 and Exhibit 8; *see also* Second General Issues Supplement at Exhibit 5.

[20] *See* Petitions at Volume I at Exhibits I–1 and I–2; *see also* First General Issues Supplement at 3–10 and Exhibits 1, 4, 5, and 8; and Second General Issues Supplement at 1–2 and Exhibits 2–5.

[21] *See* Tenaris USA's Letters, ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Factual Errors in Petitions,'' dated October 8, 2021; ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Comments on Petitioners' Standing,'' dated October 15, 2021; and ''Oil Country Tubular Goods from Mexico: Reply Comments on Petitioners' Standing,'' dated October 20, 2021. In addition, on October 21, 2021, Commerce met via video conference with counsel to Tenaris USA to discuss its industry support comments. *See* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation,'' dated October 21, 2021.

[22] *See* Petitioners' Letter, ''Oil Country Tubular Goods from Argentina, Mexico, Russia, and the Republic of Korea: Response to Tenaris Submission Concerning Petitioners' Standing,'' dated October 18, 2021 (Petitioners' Letter).

[23] *See* Memorandum, ''Countervailing Duty Petition on Oil Country Tubular Goods from the Russian Federation: Consultations with Officials from the Government of the Russian Federation,'' dated October 21, 2021; *see also* GOR Letter, ''Re: Countervailing Duty Investigation of Certain Oil Country Tubular Goods from the Russian Federation: Consultations,'' dated October 25, 2021.

[24] *See* TMK's Letter, ''Oil Country Tubular Goods from Russia: Comments on Petitioners' Standing,'' dated October 21, 2021.

[25] *See* Tenaris USA's Letter, ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Comments on Petitioners' Second General Issues Questionnaire Response,'' dated October 22, 2021. We note that, though Tenaris USA opposes the Petitions, it has not provided any production data for Commerce to include in the industry support calculation. *See* Country-Specific AD Initiation Checklists at Attachment II at footnote 47.

[26] *See* Petitioners' Letter, ''Oil Country Tubular Goods from Russia: Response to TMK's Comments on Petitioners' Standing,'' dated October 22, 2021 (Petitioners' Letter II).

[27] *See* Country-Specific AD Initiation Checklists at Attachment II.

[28] *See* section 732(c)(4)(D) of the Act.

[29] *See* Country-Specific AD Initiation Checklists at Attachment II.

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] *See* Petitions at Volume I at 28 and Exhibit I–22.

[34] *Id.* at 1–2, 28–48 and Exhibits I–1, I–5, I–6, I–8, I–9, I–11, I–13, I–14, I–20, I–22 through I–34; *see also* First General Issues Supplement at 10.

negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[35]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate these LTFV investigations of imports of OCTG from Argentina, Mexico, and Russia. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the country-specific AD Initiation Checklists.

U.S. Price

For Argentina, Mexico, and Russia, the petitioners established export prices (EPs) on the average unit value (AUVs) of publicly available import data. For Argentina and Mexico, the petitioners conservatively made no adjustments to the AUVs for foreign inland freight and foreign brokerage and handling expenses incurred in subject foreign countries for purposes of calculating net EPs. For Russia, the petitioners deducted expenses associated with inland freight and brokerage and handling costs incurred in Russia to calculate an ex-factory, or net, EP.[36]

Normal Value Based on Constructed Value [37]

For Argentina, Mexico, and Russia, the petitioners stated they were unable to obtain home-market or third-country prices for OCTG to use as a basis for NV. Therefore, for Argentina, Mexico, and Russia, the petitioners calculated NV based on constructed value (CV).[38]

Pursuant to section 773(e) of the Act, the petitioners calculated CV as the sum of the cost of manufacturing, selling, general, and administrative expenses, financial expenses, and profit.[39] For Argentina, Mexico, and Russia, in calculating the cost of manufacturing, the petitioners relied on the production experience and input consumption rates of a U.S. OCTG producer, valued using publicly available information applicable to each respective subject country.[40] For Argentina, Mexico, and Russia, in calculating selling, general, and administrative expenses, financial expenses, and profit ratios (where applicable), the petitioners relied on the 2020 financial statements of an OCTG producer(s) domiciled in each respective subject country.[41]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of OCTG from Argentina, Mexico, and Russia are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to CV in accordance with section 773 of the Act, the estimated dumping margins for OCTG concerning each of the countries covered by this initiation are as follows: (1) Argentina—168.49 percent; (2) Mexico—59.75 percent; and (3) Russia—136.96 percent.[42]

Initiation of LTFV Investigations

Based upon the examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating these LTFV investigations to determine whether imports of OCTG from Argentina, Mexico, and Russia are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

In the Petitions, the petitioners identified 18 companies in Argentina, 78 companies in Mexico, and 14 companies in Russia, as producers and/or exporters of OCTG.[43]

Following standard practice in LTFV investigations involving market economy countries, in the event that Commerce determines that the number of exporters or producers in any individual case is large such that Commerce cannot individually examine each company based upon its resources, where appropriate, Commerce intends to select mandatory respondents in that case based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States subheadings listed in the ''Scope of the Investigations,'' in the appendix.

On October 19, 2021, Commerce released CBP data on imports of OCTG from Argentina, Mexico, and Russia under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days after the publication date of the notice of initiation of these investigations.[44] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *https://enforcement.trade.gov/apo.*

Comments on CBP data and respondent selection must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline.

Distribution of Copies of the AD Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the AD Petitions have been provided to the governments of Argentina, Mexico, and Russia via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the AD Petitions to each exporter named in the AD Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the AD Petitions were filed, whether there is a reasonable indication that imports of OCTG from Argentina, Mexico, and/or Russia are materially injuring, or threatening material injury to, a U.S. industry.[45] A negative ITC determination for any country will

[35] *See* Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation.

[36] *See* Country-Specific AD Initiation Checklists.

[37] In accordance with section 773(b)(2) of the Act, for these investigations, Commerce will request information necessary to calculate the CV and cost of production (COP) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

[38] *See* Country-Specific AD Initiation Checklists.

[39] *See* Country-Specific AD Initiation Checklists.

[40] *Id.*

[41] *Id*

[42] *Id.*

[43] *See* Volume I of the Petitions at Exhibit I–19.

[44] *See* Memoranda, ''Antidumping Duty Petition on Imports of Oil Country Tubular Goods from Argentina: Release of U.S. Customs and Border Protection Data,''; ''Antidumping Duty Petition on Imports of Oil Country Tubular Goods from Mexico: Release of U.S. Customs and Border Protection Data,''; and ''Antidumping Duty Petition on Imports of Oil Country Tubular Goods from Russia: Release of U.S. Customs and Border Protection Data,'' dated October 19, 2021.

[45] *See* section 733(a) of the Act.

result in the investigation being terminated with respect to that country.[46] Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [47] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[48] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent's initial section D questionnaire response.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review Commerce's regulations concerning factual information prior to submitting factual information in these investigations.[49]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[50] Parties must use the certification formats provided in 19 CFR 351.303(g).[51] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by the filing a letter of appearance as discussed). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[52]

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: October 26, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by the investigations is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than case iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigations also covers OCTG coupling stock.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any heat treatment, cutting, upsetting, threading, coupling, or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the OCTG.

Excluded from the scope of the investigations are: casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.1010, 7304.29.1020, 7304.29.1030, 7304.29.1040, 7304.29.1050, 7304.29.1060, 7304.29.1080, 7304.29.2010, 7304.29.2020, 7304.29.2030, 7304.29.2040, 7304.29.2050,

[46] *Id.*

[47] *See* 19 CFR 351.301(b).

[48] *See* 19 CFR 351.301(b)(2).

[49] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[50] *See* section 782(b) of the Act.

[51] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[52] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

7304.29.2060, 7304.29.2080, 7304.29.3110, 7304.29.3120, 7304.29.3130, 7304.29.3140, 7304.29.3150, 7304.29.3160, 7304.29.3180, 7304.29.4110, 7304.29.4120, 7304.29.4130, 7304.29.4140, 7304.29.4150, 7304.29.4160, 7304.29.4180, 7304.29.5015, 7304.29.5030, 7304.29.5045, 7304.29.5060, 7304.29.5075, 7304.29.6115, 7304.29.6130, 7304.29.6145, 7304.29.6160, 7304.29.6175, 7305.20.2000, 7305.20.4000, 7305.20.6000, 7305.20.8000, 7306.29.1030, 7306.29.1090, 7306.29.2000, 7306.29.3100, 7306.29.4100, 7306.29.6010, 7306.29.6050, 7306.29.8110, and 7306.29.8150.

The merchandise subject to the investigations may also enter under the following HTSUS item numbers: 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076, 7304.39.0080, 7304.59.6000, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, 7304.59.8070, 7304.59.8080, 7305.31.4000, 7305.31.6090, 7306.30.5055, 7306.30.5090, 7306.50.5050, and 7306.50.5070.

The HTSUS subheadings and specifications above are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

[FR Doc. 2021–23715 Filed 10–29–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–913, C–821–834]

Oil Country Tubular Goods From the Republic of Korea and the Russian Federation: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable October 26, 2021.

FOR FURTHER INFORMATION CONTACT: Paul Litwin (the Republic of Korea) or Allison Hollander (the Russian Federation), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6002 or (202) 482–2805, respectively.

SUPPLEMENTARY INFORMATION:

The Petitions

On October 6, 2021, the U.S. Department of Commerce (Commerce) received countervailing duty (CVD) petitions concerning imports of oil country tubular goods (OCTG) from the Republic of Korea (Korea) and the Russian Federation (Russia), filed in proper form on behalf of Borusan Mannesmann Pipe U.S., Inc.; PTC Liberty Tubulars LLC; U.S. Steel Tubular Products, Inc.; the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC; and Welded Tube USA, Inc. (the petitioners), domestic producers of OCTG and a certified union that represents workers engaged in the production of OCTG.[1] The Petitions were accompanied by antidumping duty (AD) petitions concerning imports of OCTG from Argentina, Mexico, and Russia.[2]

On October 8, 12, and 19, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petitions.[3] The petitioners filed responses to these requests on October 12, 13, 15, and 21, 2021.[4]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of Korea (GOK) and the Government of Russia (GOR) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of OCTG in Korea and Russia, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing OCTG in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating CVD investigations, the Petitions were accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petitions on behalf of the domestic industry because the petitioners are interested parties, as defined in sections 771(9)(C) and (D) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigations.[5]

Period of Investigation

Because the Petitions were filed on October 6, 2021, the period of investigation (POI) for these CVD investigations is January 1, 2020, through December 31, 2020.[6]

Scope of the Investigations

The merchandise covered by these investigations are oil country tubular goods from Korea and Russia. For a full description of the scope of these investigations, *see* the appendix to this notice.

Comments on Scope of the Investigations

On October 13, 2021, Commerce spoke with counsel to the petitioners regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.[7]

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate

[1] *See* Petitioners' Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties: Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia,'' dated October 6, 2021 (Petitions).

[2] *Id.*

[3] *See* Commerce's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation: Supplemental Questions,'' dated October 8, 2021 (General Issues Questionnaire); Commerce's Letter, ''Petition for the Imposition of Countervailing Duties on Imports of Oil Country Tubular Goods from the Russian Federation: Supplemental Questions,'' dated October 8, 2021; Commerce's Letter, ''Petition for the Imposition of Countervailing Duties on Imports of Oil Country Tubular Goods from the Republic of Korea: Supplemental Questions,'' dated October 12, 2021; and Commerce's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation: Supplemental Questions,'' dated October 19, 2021.

[4] *See* Petitioners' Letter, ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Response to General Issues Questionnaire,'' dated October 12, 2021 (First General Issues Supplement); Petitioners' Letter, ''Oil Country Tubular Goods from the Russian Federation: Responses to Supplemental Questions,'' dated October 13, 2021; Petitioners' Letter, ''Oil Country Tubular Goods from the Republic of Korea: Responses to Supplemental Questions,'' dated October 15, 2021; and Petitioners' Letter, ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Response to Second General Issues Questionnaire,'' dated October 21, 2021 (Second General Issues Supplement).

[5] *See* ''Determination of Industry Support for the Petitions'' section, *infra.*

[6] *See* 19 CFR 351.204(b)(2).

[7] *See* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation; Phone Call with Counsel to the Petitioners,'' dated October 13, 2021.

[8] *See Countervailing Duties,* 62 FR 27323 (May 19, 1997).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on November 15, 2021, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 26, 2021, which is the first business day after 10 calendar days from the initial comment deadline.[10]

Commerce requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.[11] An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOK and the GOR of the receipt of the Petitions and provided an opportunity for consultations with respect to the Petitions.[12] Commerce held consultations with the GOK and the GOR on October 14 and 21, 2021, respectively.[13]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations.[16] Based on our analysis of the information submitted on the record, we have determined that OCTG, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the appendix to this notice. To establish industry support, the petitioners provided the 2020 production of OCTG for the U.S. producers that support the Petitions.[18] The petitioners estimated the 2020 production by non-petitioning companies using shipment data available for the entire OCTG industry and publicly available information on production and domestic shipments from the ITC's 2020 report from the sunset review of OCTG from India, Korea, Turkey, Ukraine, and the Socialist Republic of Vietnam.[19] The petitioners estimated the total 2020 production of the domestic like product

[10] The deadline for rebuttal comments falls on November 25, 2021, which is a Federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day (in this instance, November 26, 2021). *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).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.*

[12] *See* Commerce's Letter, ''Countervailing Duty Petition on Oil Country Tubular Goods from the Republic of Korea,'' dated October 8, 2021; and Commerce's Letter, ''Invitation for Consultations,'' dated October 7, 2021.

[13] *See* Memorandum, ''Consultations with Government of the Republic of Korea,'' dated October 15, 2021; and Memorandum, ''Countervailing Duty Petition on Oil Country Tubular Goods from the Russian Federation: Consultations with Officials from the Government of the Russian Federation,'' dated October 21, 2021.

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[16] *See* Petitions at Volume I at 20–22 and Exhibits I–11, I–13, I–14, and I–18.

[17] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Country-Specific Checklists, ''Countervailing Duty Investigation Initiation Checklists: Oil Country Tubular Goods from the Republic of Korea and the Russian Federation,'' dated concurrently with this **Federal Register** notice and on file electronically via ACCESS (Country-Specific CVD Initiation Checklists) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation (Attachment II).

[18] *See* Petitions at Volume I at Exhibits I–1 and I–3; *see also* First General Issues Supplement at 4 and Exhibits 4 and 8; and Second General Issues Supplement at Exhibits 3–5.

[19] *See* Petitions at Volume I at Exhibits I–1 and I–2; *see also* First General Issues Supplement at 6–10 and Exhibit 1 (containing *Oil Country Tubular Goods from India, Korea, Turkey, Ukraine, and Vietnam,* Inv. No. 701–TA–499–500 and 731–TA–1215–1216, 1221–1223 (Review), USITC Pub. 5090 (July 2020) (*OCTG Review*)) and Exhibit 8 (containing *OCTG Review* at Table III–5); and Second General Issues Supplement at Exhibit 5.

for the entire industry by adding their production to the estimated production of the non-petitioning producers.[20] We relied on data provided by the petitioners for purposes of measuring industry support.[21]

On October 8, 15, and 20, 2021, we received comments on industry support from Tenaris Bay City, Inc.; IPSCO Tubulars Inc.; Maverick Tube Corporation; and Tenaris Global Services (U.S.A.) Corporation (collectively, Tenaris USA), U.S. producers of OCTG.[22] On October 18, 2021, the petitioners responded to the comments from Tenaris USA.[23] On October 21, 2021, the GOR raised industry support comments during the consultations held regarding the Russia CVD Petition.[24] On October 21, 2021, we received comments from TMK Group (TMK), a Russian producer and exporter of OCTG.[25] On October 22, 2021, Tenaris USA filed its fourth submission with Commerce and formally indicated that it opposes the Petitions.[26] Also on October 22, 2021, the petitioners responded to TMK's comments.[27]

Based on the information provided in the Petitions, the First General Issues Supplement, Petitioners' Letter, the Second General Issues Supplement, Petitioners' Letter II, and other information readily available to Commerce, we determine that the domestic producers and workers have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[28] Because the Petitions and supplemental submissions did not establish support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product, Commerce was required to take further action in order to evaluate industry support.[29] In this case, Commerce was able to rely on other information, in accordance with section 702(c)(4)(D)(i) of the Act, to determine industry support.[30] Based on information provided in the Petitions, the First General Issues Supplement, Petitioners' Letter, the Second General Issues Supplement, Petitioners' Letter II, and other information readily available to Commerce, the domestic producers and workers have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[31] We note that, even if all other U.S. producers of OCTG oppose the Petitions (including Tenaris USA), the supporters of the Petitions would still have the requisite level of industry support pursuant to section 702(c)(4)(A)(ii) of the Act.[32] Accordingly, Commerce determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[33]

Injury Test

Because Korea and Russia are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Korea and/or Russia materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports threaten to cause material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[34]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price suppression; lost sales and revenues; declines in production, U.S. shipments, and capacity utilization; decline in employment; and adverse impact on the domestic industry's financial performance.[35] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[36]

Initiation of CVD Investigations

Based upon our examination of the Petitions on OCTG from Korea and Russia, including supplemental information provided by the petitioners, we find that the Petitions meet the requirements of section 702 of the Act. Therefore, we are initiating CVD investigations to determine whether imports of OCTG from Korea and Russia benefit from countervailable subsidies conferred by the GOK and the GOR, respectively. In accordance with section 703(b)(1) of the Act and 19 CFR

[20] *See* First General Issues Supplement at 7 and Exhibit 8; *see also* Second General Issues Supplement at Exhibit 5.

[21] *See* Petitions at Volume I at Exhibits I–1 and I–2; *see also* First General Issues Supplement at 3–10 and Exhibits 1, 4, 5, and 8; and Second General Issues Supplement at 1–2 and Exhibits 2–5.

[22] *See* Tenaris USA's Letters, ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Factual Errors in Petitions,'' dated October 8, 2021; and ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Comments on Petitioners' Standing,'' dated October 15, 2021; and ''Oil Country Tubular Goods from Mexico: Reply Comments on Petitioners' Standing,'' dated October 20, 2021. In addition, on October 21, 2021, Commerce met via video conference with counsel to Tenaris USA to discuss its industry support comments. *See* Memorandum, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation,'' dated October 21, 2021.

[23] *See* Petitioners' Letter, ''Oil Country Tubular Goods from Argentina, Mexico, Russia, and the Republic of Korea: Response to Tenaris Submission Concerning Petitioners' Standing,'' dated October 18, 2021 (Petitioners' Letter).

[24] *See* Memorandum, ''Countervailing Duty Petition on Oil Country Tubular Goods from the Russian Federation: Consultations with Officials from the Government of the Russian Federation,'' dated October 21, 2021; *see also* GOR's Letter, ''Countervailing Duty Investigation of Certain Oil Country Tubular Goods from the Russian Federation: Consultations,'' dated October 25, 2021.

[25] *See* TMK's Letter, ''Oil Country Tubular Goods from Russia: Comments on Petitioners' Standing,'' dated October 21, 2021.

[26] *See* Tenaris USA's Letter, ''Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and Russia: Comments on Petitioners' Second General Issues Questionnaire Response,'' dated October 22, 2021. We note that, though Tenaris USA opposes the Petitions, it has not provided any production data for Commerce to include in the industry support calculation. *See* Country-Specific CVD Initiation Checklists at Attachment II at footnote 47.

[27] *See* Petitioners' Letter, ''Oil Country Tubular Goods from Russia: Response to TMK's Comments on Petitioners' Standing,'' dated October 22, 2021 (Petitioners' Letter II).

[28] *See* Country-Specific CVD Initiation Checklists at Attachment II.

[29] *See* section 702(c)(4)(D) of the Act.

[30] *See* Country-Specific CVD Initiation Checklists at Attachment II.

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] *See* Petitions at Volume I at 28 and Exhibit I–22.

[35] *Id.* at 1–2, 28–48 and Exhibits I–1, I–5, I–6, I–8, I–9, I–11, I–13, I–14, I–20, I–22 through I–34; *see also* First General Issues Supplement at 10.

[36] *See* Country-Specific CVD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Oil Country Tubular Goods from Argentina, Mexico, the Republic of Korea, and the Russian Federation.

351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the publication date of these initiations.

Korea

Based on our review of the Petition on Korean OCTG, we find that there is sufficient information to initiate a CVD investigation on 46 alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* Korea CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Russia

Based on our review of the Petition on Russian OCTG, we find that there is sufficient information to initiate a CVD investigation on 12 alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* Russia CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

The petitioners named 287 companies in Korea and 14 companies in Russia as producers/exporters of OCTG.[37] Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations.

In the event that Commerce determines that the number of companies in Korea or Russia is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of OCTG from Korea and Russia during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings listed in the ''Scope of the Investigations,'' in the appendix.

On October 19, 2021, Commerce released CBP data for U.S. imports of OCTG from Korea and Russia under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of these CVD investigations.[38] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce's website at *http://enforcement.trade.gov/apo.*

Comments on CBP data and respondent selection must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the specified deadline.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOK and GOR via ACCESS. To the extent practicable, Commerce will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of OCTG from Korea and Russia are materially injuring or threatening material injury to a U.S. industry.[39] A negative ITC determination for any country will result in the investigation being terminated with respect to that country.[40] Otherwise, the investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[41] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301 or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances Commerce will grant untimely-filed requests for the extension of time limits. Parties should review Commerce's regulations concerning the extension of time limits prior to submitting extension requests in these investigations.[42]

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[43] Parties must use the certification formats provided in 19 CFR 351.303(g).[44] Commerce intends to

[37] *See* Volume I of the Petitions at Exhibit I–19.

[38] *See* Memoranda, ''Countervailing Duty Petition on Imports of Oil Country Tubular Goods from the Russian Federation: Release of U.S. Customs and Border Protection Data,'' dated October 19, 2021; and ''Countervailing Duty Petition on Imports of Oil Country Tubular Goods from the from the Republic of Korea: Release of U.S. Customs and Border Protection Data,'' dated October 19, 2021.

[39] *See* section 733(a) of the Act.

[40] *Id.*

[41] *See* 19 CFR 351.301(b).

[42] *See* 19 CFR 351.301; *see also Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm.*

[43] *See* section 782(b) of the Act.

[44] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July

Continued

reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Instructions for filing such applications may be found on the Commerce website at *http://enforcement.trade.gov/apo.* Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (*e.g.,* by filing a letter of appearance). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[45]

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(c).

Dated: October 26, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigations

The merchandise covered by the investigations is certain oil country tubular goods (OCTG), which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than case iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the investigations also covers OCTG coupling stock.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any heat treatment, cutting, upsetting, threading, coupling, or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the OCTG.

Excluded from the scope of the investigations are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.1010, 7304.29.1020, 7304.29.1030, 7304.29.1040, 7304.29.1050, 7304.29.1060, 7304.29.1080, 7304.29.2010, 7304.29.2020, 7304.29.2030, 7304.29.2040, 7304.29.2050, 7304.29.2060, 7304.29.2080, 7304.29.3110, 7304.29.3120, 7304.29.3130, 7304.29.3140, 7304.29.3150, 7304.29.3160, 7304.29.3180, 7304.29.4110, 7304.29.4120, 7304.29.4130, 7304.29.4140, 7304.29.4150, 7304.29.4160, 7304.29.4180, 7304.29.5015, 7304.29.5030, 7304.29.5045, 7304.29.5060, 7304.29.5075, 7304.29.6115, 7304.29.6130, 7304.29.6145, 7304.29.6160, 7304.29.6175, 7305.20.2000, 7305.20.4000, 7305.20.6000, 7305.20.8000, 7306.29.1030, 7306.29.1090, 7306.29.2000, 7306.29.3100, 7306.29.4100, 7306.29.6010, 7306.29.6050, 7306.29.8110, and 7306.29.8150.

The merchandise subject to the investigations may also enter under the following HTSUS item numbers: 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.39.0076, 7304.39.0080, 7304.59.6000, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, 7304.59.8070, 7304.59.8080, 7305.31.4000, 7305.31.6090, 7306.30.5055, 7306.30.5090, 7306.50.5050, and 7306.50.5070.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

[FR Doc. 2021–23714 Filed 10–29–21; 8:45 am]

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17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[45] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Meeting

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting of a Federal Advisory Committee.

SUMMARY: This notice sets forth the schedule and proposed topics for a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Tuesday, November 16, 2021 from 10:00 a.m. to 5:00 p.m. Eastern Standard Time (EST). The deadline for members of the public to register to participate, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EST on Tuesday, November 9, 2021.

ADDRESSES: The meeting will be held virtually via Webex. Requests to register to participate (including to speak or for auxiliary aids) and any written comments should be submitted via email to Ms. Victoria Yue, Office of Energy & Environmental Industries, International Trade Administration, at *Victoria.yue@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Yue, Office of Energy & Environmental Industries, International Trade Administration (Phone: 202–482–3492; email: *Victoria.yue@trade.gov*).

SUPPLEMENTARY INFORMATION: The meeting will take place on Tuesday, November 16, 2021 from 10:00 a.m. to 5:00 p.m. EST. The general meeting is open to the public, and time will be permitted for public comment from 4:30 p.m. to 5:00 p.m. EST. Members of the public seeking to attend the meeting are required to register in advance. Those interested in attending must provide notification by Tuesday, November 9, 2021, at 5:00 p.m. EST, via the contact information provided above. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at *Victoria.Yue@trade.gov* or (202) 482–3492 no less than one week prior to the meeting. Requests received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered during the meeting, written comments must be received by Tuesday, November 9, 2021, at 5:00 p.m. EST to ensure transmission to the members before the meeting. Minutes will be available within 30 days of this meeting.

Topics to be considered: During the November 16 meeting, which will be the third meeting of the current charter term, the Committee will review draft recommendations and conduct subcommittee breakouts under the themes of Trade Policy and Export Competitiveness, Climate Change Mitigation and Resilience Technologies, and Waste Management and Circular Economy. An agenda will be made available one week prior to the meeting upon request to Victoria Yue.

Background: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental

technologies, goods, services, and products. The ETTAC was most recently re-chartered through August 15, 2022.

Dated: October 19, 2021.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2021–23695 Filed 10–29–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to: (a) Identify which companies subject to review previously were collapsed; and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial Section D responses.

Opportunity To Request a Review: Not later than the last day of November 2021,[2] interested parties may request administrative review of the following

[1] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[2] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

orders, findings, or suspended investigations, with anniversary dates in November for the following periods:

investigations, with anniversary dates in November for the following periods:

Antidumping Duty Proceedings	
AUSTRIA: Strontium Chromate, A–433–813	11/1/20–10/31/21
BRAZIL: Circular Welded Non-Alloy Steel Pipe, A–351–809	11/1/20–10/31/21
FRANCE: Strontium Chromate, A–427–830	11/1/20–10/31/21
INDIA: Welded Stainless Pressure Pipe, A–533–867	11/1/20–10/31/21
INDONESIA:	
Coated Paper Suitable For High-Quality Print Graphics Using Sheet-Fed Presses, A–560–823	11/1/20–10/31/21
Monosodium Glutamate, A–560–826	11/1/20–10/31/21
ITALY: Forged Steel Fittings, A–475–839	11/1/20–10/31/21
MEXICO:	
Circular Welded Non-Alloy Steel Pipe, A–201–805	11/1/20–10/31/21
Refillable Stainless Steel Kegs,[3] A–201–849	10/1/20–9/30/21
Seamless Refined Copper Pipe and Tube, A–201–838	11/1/20–10/31/21
Steel Concrete Reinforcing Bar, A–201–844	11/1/20–10/31/21
REPUBLIC OF KOREA: Circular Welded Non-Alloy Steel Pipe, A–580–809	11/1/20–10/31/21
TAIWAN:	
Circular Welded Non-Alloy Steel Pipe, A–583–814	11/1/20–10/31/21
Certain Hot-Rolled Carbon Steel Flat Products, A–583–835	11/1/20–10/31/21
THAILAND: Certain Hot-Rolled Carbon Steel Flat Products, A–549–817	11/1/20–10/31/21
THE PEOPLE'S REPUBLIC OF CHINA:	
Certain Hot Rolled Carbon Steel Flat Products, A–570–865	11/1/20–10/31/21
Certain Coated Paper Suitable For High-Quality Print Graphics Using Sheet-Fed Presses, A–570–958	11/1/20–10/31/21
Diamond Sawblades and Parts Thereof, A–570–900	11/1/20–10/31/21
Fresh Garlic, A–570–831	11/1/20–10/31/21
Forged Steel Fittings, A–570–067	11/1/20–10/31/21
Lightweight Thermal Paper, A–570–920	11/1/20–10/31/21
Monosodium Glutamate, A–570–992	11/1/20–10/31/21
Paper Clips, A–570–826	11/1/20–10/31/21
Polyethylene Terephthalate (Pet) Film, A–570–924	11/1/20–10/31/21
Pure Magnesium in Granular Form, A–570–864	11/1/20–10/31/21
Refined Brown Aluminum Oxide, A–570–882	11/1/20–10/31/21
Seamless Carbon and Alloy Steel Standard, Line And Pressure Pipe, A–570–956	11/1/20–10/31/21
Seamless Refined Copper Pipe and Tube, A–570–964	11/1/20–10/31/21
Sodium Gluconate, Gluconic Acid, and Derivative Products, A–570–071	11/1/20–10/31/21
UKRAINE: Certain Hot-Rolled Carbon Steel Flat Products, A–823–811	11/1/20–10/31/21
UNITED ARAB EMIRATES: Polyethylene Terephthalate (Pet) Film, A–520–803	11/1/20–10/31/21
Countervailing Duty Proceedings	
INDIA: Welded Stainless Pressure Pipe, C–533–868	1/1/20–12/31/20
INDONESIA: Certain Coated Paper Suitable For High-Quality Print Graphics Using Sheet-Fed Presses, C–560–824	1/1/20–12/31/20
THE PEOPLE'S REPUBLIC OF CHINA:	
Chlorinated Isocyanurates, C–570–991	1/1/20–12/31/20
Certain Coated Paper Suitable For High-Quality Print Graphics Using Sheet-Fed Presses, C–570–959	1/1/20–12/31/20
Forged Steel Fittings, C–570–068	1/1/20–12/31/20
Lightweight Thermal Paper, C–570–921	1/1/20–12/31/20
Seamless Carbon and Alloy Steel Standard, Line, And Pressure Pipe, C–570–957	1/1/20–12/31/20
Sodium Gluconate, Gluconic Acid, and Derivative Products, C–570–072	1/1/20–12/31/20
TURKEY: Steel Concrete Reinforcing Bar, C–489–819	1/1/20–12/31/20
Suspension Agreements	
UKRAINE: Certain Cut-To-Length Carbon Steel Plate, A–823–808	11/1/20–10/31/21

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or

[3] In the opportunity notice that published on October 1, 2021, (86 FR 54429), the case name was incorrectly listed as refillable stainless flanges. The correct case name is listed in this notice. This correction does not constitute an additional opportunity to seek an administrative review of the order.

exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[4]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[5] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[6] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *https://access.trade.gov.*[7] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[8]

Commerce will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of November 2021. If Commerce does not receive, by the last day of November 2021, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: October 15, 2021.

Scot Fullerton,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–23745 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* the Enforcement and Compliance website at *https://legacy.trade.gov/enforcement/.*

[5] *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 (November 4, 2013).

[6] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[7] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[8] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB531]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panel will hold a public webinar meeting, jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panel.

DATES: The meeting will be held on Thursday, November 18, 2021, from 2 p.m. until 5 p.m.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted prior to the meeting to the MAFMC's online calendar at *https://www.mafmc.org/council-events.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panel will meet via webinar jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panel. The purpose of this meeting is to discuss 2022 federal waters recreational management measures (*i.e.,* possession limits, fish size limits, and open and closed seasons) for all three species.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23757 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB559]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold meetings of its Fishing Industry Advisory Committee (FIAC), Non-Commercial Fisheries Advisory Committee (NCFAC), Social Science Planning Committee (SSPC), American Samoa Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP), the Pelagic Standing Committee of the Council, Mariana Archipelago FEP-Guam AP, Mariana Archipelago FEP-Commonwealth of the Northern Mariana Islands (CNMI) AP, and Hawaii Archipelago FEP AP to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held Tuesday, November 16, 2021 through Friday, November 19, 2021. For specific dates, times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Each of the meetings will be held by web conference via Webex. Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The FIAC will meet on Tuesday, November 16, 2021, from 1 p.m. to 4 p.m.; the NCFAC will meet on Tuesday, November 16, 2021, from 3 p.m. to 5 p.m.; the American Samoa Archipelago FEP AP will meet on Tuesday, November 16, 2021, from 6 p.m. to 8 p.m.; the Pelagic Standing Committee will meet on Wednesday, November 17, 2021, from 1 p.m. to 4 p.m.; the Mariana Archipelago FEP–CNMI AP will meet on Thursday, November 18, 2021, from 1:30 p.m. to 3:30 p.m.; the Mariana Archipelago FEP-Guam AP will meet on Thursday, November 18, 2021, from 6:30 p.m. to 8:30 p.m.; the SSPC will meet on Thursday, November 18, 2021, from 1 p.m. to 4 p.m.; and the Hawaii Archipelago FEP AP will meet on Friday, November 19, 2021, from 1:30 p.m. to 4:30 p.m. All times listed are Local Island times except for the FIAC, NCFAC, Pelagic Standing Committee, and SSPC are Hawaii Standard Time.

Public comment periods will be provided in the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the FIAC Meeting

Tuesday, November 16, 2021, 1 p.m.–4 p.m. (Hawaii Standard Time)

1. Welcome and Introductions
2. Status Report on Sept 2021 FIAC Recommendations
3. Update on Fishing and Marketing Issues/Impacts (*i.e.,* billfish, crew, transportation, *etc.*)
4. Modification of Seabird Interaction Mitigation Measures in the Deep-set Longline Fishery
5. Preparations for 18th WCPFC Regular Session
   - A. South Pacific Tuna Treaty Updates
   - B. South Pacific Albacore Management Issues
   - C. U.S. Permanent Advisory Committee to the WCPFC
   - D. Proposed Revisions to WCPFC Tropical Tuna Conservation and Management Measures
6. False Killer Whale Acoustic Study and Take Reduction Team Research Priorities
7. Research needs and priorities
   - A. Bycatch Reduction and Engineering Program
   - B. Saltonstall-Kennedy Program
   - C. Council Coral Reef Program
8. Report on American Samoa Gear Diversification Project
9. Report on Marianas Bottomfish Fishery Development and Training
10. Other Issues
11. Public Comment
12. Discussion and Recommendations

Schedule and Agenda for the NCFAC Meeting

Tuesday, November 16, 2021, 3 p.m.–5 p.m. (Hawaii Standard Time)

1. Welcome and Introductions
2. Review of Last NCFAC Meeting and Recommendations
3. Discussion on Fishery Allocations
   - A. Allocation Trigger Policy
   - B. Potential for Future Allocations in PI Fisheries
4. Update on National Recreational Fishing Summit
5. Council Coral Reef Program
6. Fishermen Observations
7. Non-Commercial Fishing Activities, Issues, and Efforts
8. Public Comment
9. Discussion and Recommendations
10. Other Business

Schedule and Agenda for the American Samoa FEP AP Meeting

Tuesday, November 16, 2021, 6 p.m.–8 p.m. (American Samoa Standard Time)

1. Welcome and Introductions
2. Review of the Last AP Meeting and Recommendations
3. American Samoa Sustainable Fisheries Fund (SFF) Project Reports
   - A. Manua Kids Fishing Tournament
   - B. American Samoa Public Service Announcements and Curriculum Development
   - C. Longline Improvement Projects
     - i. Alia Fishing Upgrades
     - ii. Longline Albacore Jigging
     - iii. Ice Project
4. American Samoa Fishery Outreach and Education
5. American Samoa Fishery Issues and Activities
   - A. American Samoa bottomfish Data Workshop/Evaluation
   - B. Territorial Bottomfish Fishery Management Plan (FMP)
   - C. Council Coral Reef Program
   - D. American Samoa Fishermen Observations
   - E. Advisory Panel Issues
6. Annual Report of American Samoa AP Activities
   - A. 2021 Plan and Activities Update
   - B. Planning for 2022/End of Term
7. Public Comment
8. Discussion and Recommendations
9. Other Business

Schedule and Agenda for the Pelagic Standing Committee Meeting

Wednesday, November 17, 2021, 1 p.m.–4 p.m. (Marianas Standard Time)

1. Update on American Samoa and Hawaii Longline Fisheries
2. Modification of Seabird Interaction Measures in the Deep-set Longline Fishery (Action Item)
3. Report on Endangered Species Act (ESA) Biological Opinions
4. Report from Hawaii Longline Association
5. Report from Tautai Samoa Longline Fishing Association
6. Preparations for 18th Western and Central Pacific Fisheries Commission (WCPFC) Regular Session
   - A. South Pacific Tuna Treaty Updates
   - B. South Pacific Albacore Management Issues

C. U.S. Permanent Advisory Committee to the WCPFC
D. Proposed Revisions to WCPFC Tropical Tuna CMM
7. Advisory Group Report and Recommendations
8. Other Business
9. Public Comment
10. Discussion and Recommendations

Schedule and Agenda for the Mariana Archipelago FEP–CNMI AP Meeting

Thursday, November 18, 2021, 1:30 p.m.–3:30 p.m. (Marianas Standard Time)

1. Welcome and Introductions
2. Review of the Last AP Meeting and Recommendations
3. CNMI AP Issue Reports
A. Fish Aggregation Devices (FADs)
B. Fishery Infrastructure
4. CNMI AP Outreach and Education
5. CNMI Fishery Issues and Activities
A. Military Issues and Concerns
B. Catch-It, Log-It Transfer and Mandatory Licensing and Reporting Requirements
C. SFF Project Updates
D. Council Coral Reef Program
E. CNMI Fishermen Observations
F. CNMI AP Issues
6. Annual Report of CNMI AP Activities
A. 2021 Plan and Activities
B. Planning for 2022/End of Term
7. Public Comment
8. Discussion and Recommendations
9. Other Business

Schedule and Agenda for the Mariana Archipelago FEP-Guam AP Meeting

Thursday, November 18, 2021, 6:30 p.m.–8:30 p.m. (Marianas Standard Time)

1. Welcome and Introductions
2. Review of the Last AP Meeting and Recommendations
3. Guam Fishery Issues and Activities
A. Military Issues and Concerns
B. Territorial FMP Development
i. Coral Reef FMP
ii. Mandatory License and Reporting Discussion
C. FAD issues and Solutions
D. Guam AP outreach and Education
E. Council Coral Reef Program
F. Guam Fishermen Observations
G. Guam AP Issues
4. Annual Report of Guam AP Activities
A. 2021 Plan and Activities
B. Planning for 2022/End of Term
5. Public Comment
6. Discussion and Recommendations
7. Other Business

Schedule and Agenda for the SSPC Meeting

Thursday, November 18, 2021, 1 p.m.–4 p.m. (Hawaii Standard Time)

1. Welcome and Introductions
2. Approval of Agenda
3. Socioeconomic Modules for the Annual SAFE Reports
4. Social Science Strategic Plan Update
5. Environmental Justice in Fisheries Management
6. Fishermen's Observations
7. Public Comment
8. Discussion and Recommendations
9. Other Business

Schedule and Agenda for the Hawaii Archipelago FEP AP Meeting

Friday, November 19, 2021, 1:30 p.m.–4:30 p.m. (Hawaii Standard Time)

1. Welcome and Introductions
2. Review of the Last AP Meeting and Recommendations
3. Council Issues
A. Modification of Hawaii Longline Seabird Interaction Mitigation Measures
B. Proposed NWHI National Marine Sanctuary Update
C. Green Turtle Management Update
4. AP Plan and Working Group Reports
A. Smart FADs
B. FishMaps
C. Offshore Energy
5. AP Outreach and Education
6. Hawaii Fishery Issues and Activities
A. State of Hawaii Sportfish Funding Report
B. Council Coral Reef Program
C. Hawaii Fishermen Observations
D. Advisory Panel Issues
7. Annual Report of Hawaii AP Activities
A. 2021 Plan and Activities
B. Planning for 2022/End of Term
8. Public Comment
9. Discussion and Recommendations
10. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23755 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB527]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 78 South Atlantic Spanish Mackerel Data/Assessment Webinar 1.

SUMMARY: The SEDAR 78 assessment of the South Atlantic stock of Spanish mackerel will consist of a series of assessment webinars. A SEDAR 78 Data/Assessment Webinar 1 is scheduled for November 17, 2021. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR 78 South Atlantic Spanish Mackerel Data/Assessment Webinar 1 has been scheduled for November 17, 2021, from 9 a.m. until 12 p.m. Eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at *Kathleen.Howington@safmc.net.*

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4371; email: *Kathleen.Howington@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review

Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 78 South Atlantic Spanish Mackerel Data/assessment Webinar 1 are as follows:

Identify and discuss data issues, begin discussion on base model configuration and discuss proposed changes to model, sensitivity runs, and projections.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23759 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB491]

Fisheries of the U.S. Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 80 Life History Topical Working Group Webinar I for U.S. Caribbean queen triggerfish.

SUMMARY: The SEDAR 80 stock assessment of U.S. Caribbean queen triggerfish will consist of a series of data webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 80 Life History Topical Working Group Webinar I will be held from 10 a.m. to 12 p.m. Eastern, November 19, 2021. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net*.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the webinar are as follows:

Participants will discuss and make recommendations regrading what life history data may be included in the assessment of U.S. Caribbean Queen Triggerfish.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23754 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB558]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a one-day in-person and virtual (hybrid) meeting of its Standing, Reef Fish, Ecosystem and Socioeconomic Scientific and Statistical Committees (SSC).

DATES: The meeting will take place Thursday, November 18, 2021, from 8:30 a.m. to 5 p.m., EST.

ADDRESSES: The in-person meeting will take place at the Gulf Council office. If you are unable to travel, you may attend via webinar. Registration information will be available on the Council's website by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; *ryan.rindone@gulfcouncil.org;* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Thursday, November 18, 2021; 8:30 a.m.–5 p.m., EST

The meeting will begin with Introductions and Adoption of Agenda, Approval of Verbatim Minutes and Meeting Summary from the September 27–30, 2021 hybrid meeting, and review of the Scope of Work.

The Committees will review and evaluate the SEDAR 70 projections for Gulf of Mexico *Greater Amberjack,* including presentations on the data, assessment and projections, and hold an SSC discussion for considering management recommendations.

The Committees will then review and evaluate the projections for SEDAR 72: Gulf of Mexico Gag, including presentations on the data and projections, Something's Fishy for Gag, and hold an SSC discussion for considering management recommendations.

The Committees will review SEDAR 68: Gulf of Mexico Scamp Research Track Assessment. The Committees will receive presentations on the data, assessment development, and peer-review. Council staff will present on Something's Fishy for Gulf Scamp. Next, the Committees will review and discuss the Terms of Reference (TOR) for SEDAR 68: Gulf of Mexico Scamp Operational Assessment, background and hold an SSC discussion.

Lastly, the Committees will receive public comment before addressing any items under Other Business.

—Meeting Adjourns

The meeting will be also be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take-action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Pereira, (813) 348–1630, at least 5 days prior to the meeting date.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23752 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB523]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will convene a meeting of the Outreach and Communications Advisory Panel via webinar to address upcoming outreach and communications topics.

DATES: The Outreach and Communications Advisory Panel (AP) meeting will be held via webinar November 18, 2021, from 1 p.m. until 5 p.m. and November 19, 2021, from 8:30 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Information, including a link to webinar registration, public comment form, and meeting materials will be posted on the Council's website at: *https://safmc.net/safmc-meetings/current-advisory-panel-meetings/* as it becomes available.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Cameron Rhodes, Outreach Program Manager, South Atlantic Fishery Management Council; phone: (843) 725–7577 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *cameron.rhodes@safmc.net.*

SUPPLEMENTARY INFORMATION: The Outreach and Communications AP will meet to discuss the following agenda items: Social media policies; preliminary review of the new SAFMC website; outreach and communication needs relative to red snapper management issues; and building relationships with tackle shops. AP members will receive updates on the status of a Sea Grant fellowship, the Council's Citizen Science Program, and a draft Outreach and Communications Strategy for the Council's Habitat Blueprint. AP members will provide individual updates on outreach and communication efforts as appropriate.

Special Accommodations

The meeting is are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23753 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB529]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC's) Northeast Trawl Advisory Panel (NTAP) Working Group will hold a public meeting.

DATES: The meeting will be held on Friday, November 19, 2021, from 9 a.m. to 11 a.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Details on the proposed agenda, webinar listen-in access, and briefing materials will be posted at the MAFMC's website: *https://www.mafmc.org/council-events.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the NTAP Working Group to review the goals and objectives of NTAP 2021 and 2022 research and discuss approaches for restrictor experiment research. The restrictor experiment research will include a discussion of target species, site selection, and the paired tow approach. Then, the NTAP working group will develop talking points for a full NTAP update and discuss other business.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23761 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB551]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold a webinar question-and-answer session for stakeholders regarding electronic vessel trip reporting (eVTR) after the recent implementation of required commercial electronic reporting.

DATES: The question-and-answer session will be held via webinar on Thursday, November 18, 2021, beginning at 5 p.m. For details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: This meeting will be held via webinar and connection and agenda information will be posted at the MAFMC's website: *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: This is a Council-hosted eVTR question and answer session open to the public and targeted towards commercial operators. Beginning on November 10, 2021, all commercial vessels with federal permits for species managed by the Mid-Atlantic or New England Council will be required to submit vessel trip reports (VTRs) electronically as eVTRs within 48 hours of the end of a trip (unless required sooner as with some sector allocations). This action does not change any other existing requirements associated with VTRs. These changes were recommended by the MAFMC and NEFMC in order to increase the timeliness and availability of data submitted through VTRs, reduce the reporting burden on commercial vessel operators, and increase the accuracy and quality of data. This meeting follows multiple Council held training workshops and will act as an opportunity for follow up questions regarding using an approved eVTR software application.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Mid-Atlantic Council Office (302) 526–5251 at least 5 days prior to the meeting date.

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

Dated: October 27, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–23758 Filed 10–29–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Centers for International Business Education Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2022 for the Centers for International Business Education (CIBE) program, Assistance Listing Number 84.220A. This notice relates to the approved information collection under OMB control number 1840–0616.

DATES:

Applications Available: November 1, 2021.

Pre-Application Webinar Information: The Department will hold a pre-application meeting via webinar for prospective applicants. Detailed information regarding this webinar will

be provided on the International and Foreign Language Education website at *https://www2.ed.gov/about/offices/list/ope/iegps/index.html.* Additionally, for new potential grantees unfamiliar with grantmaking at the Department, please consult our funding basics resources at *www2.ed.gov/documents/funding-101/funding-101-basics.pdf.*

Deadline for Transmittal of Applications: December 16, 2021.

Deadline for Intergovernmental Review: February 14, 2022.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Timothy Duvall, U.S. Department of Education, 400 Maryland Avenue SW, Room 2B225, Washington, DC 20202. Telephone: (202) 453–7521. Email: *timothy.duvall@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the CIBE Program is to provide funding to institutions of higher education (IHEs) or consortia of such institutions for curriculum development, research, and training on issues of importance to international business and U.S. trade competitiveness.

Priorities: This notice contains two competitive preference priorities and one invitational priority. The competitive preference priorities for fiscal year (FY) 2022 are from the notice of final priorities for this program published in the **Federal Register** on June 3, 2014 (79 FR 31870) (NFP).

Competitive Preference Priorities: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points depending on how well the application addresses Competitive Preference Priority 1, and up to an additional five points depending on how well the application addresses Competitive Preference Priority 2. An applicant may receive a maximum of 10 additional points under the competitive preference priorities.

These priorities are:

Competitive Preference Priority 1—Collaboration with a Professional Association or Business (up to 5 points).

Applications that propose to collaborate with one or more professional associations and/or businesses on activities designed to expand employment opportunities for international business students, such as internships and work-study opportunities.

Competitive Preference Priority 2—Collaboration with Minority-Serving Institutions (MSIs) or Community Colleges (up to 5 points).

Applications that propose significant and sustained collaborative activities with one or more MSIs (as defined in this notice) and/or with one or more community colleges (as defined in this notice). These activities must be designed to incorporate international, intercultural, or global dimensions into the business curriculum of the MSI(s) and/or community college(s). If an applicant institution is an MSI, that institution may propose intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs or community colleges.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution (MSI) means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

Note: The institutions designated eligible under Title III and Title V may be viewed at the following link: *https://www2.ed.gov/about/offices/list/ope/idues/eligibility.html.*

Invitational Priority: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose programs or activities focused on language instruction and/or performance testing and assessment to strengthen the preparation of international business professionals.

Application Requirements: The following application requirements for fiscal year (FY) 2022 are from section 612(f) of the HEA.

An applicant must submit, as part of its application—

(a) Evidence that the IHE, or consortium of such IHEs, will conduct extensive planning prior to the establishment of a center concerning the scope of the center's activities and the design of its programs in accordance with 20 U.S.C. 1130–1(d)(1);

(b) Assurance of ongoing collaboration in the establishment and operation of the center by faculty of the business, management, foreign language, international studies, professional international affairs, and other professional schools or departments, as appropriate;

(c) Assurance that the education and training programs of the center will be open to students concentrating in each of these respective areas, as appropriate, and that diverse perspectives will be made available to students in programs under 612(f) of the HEA; and

(d) Assurance that the IHE, or consortium of such IHEs, will use the assistance provided under this program to supplement and not to supplant activities conducted by IHEs described in 20 U.S.C. 1130–1(c)(1).

Program Authority: Title VI, part B, HEA (20 U.S.C. 1130–1 and 20 U.S.C. 1132 through 1132–7).

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 76, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The NFP.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $4,571,400.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in future fiscal years from the list of unfunded applications from this competition.

Estimated Range of Awards: $265,000–$305,000 per year.

Estimated Average Size of Awards: $285,000 per year.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice. The estimated range and average size of awards are based on a single 12-month budget period. We may use FY 2022 funds to support multiple 12-month budget periods for one or more grantees.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs (as defined in section 101 of the HEA) or consortia of IHEs.

2. *Cost Sharing or Matching:* This program requires cost sharing or matching. The matching requirement is described in section 612(e) of the HEA (20 U.S.C. 1130–1 (e)(2)(3)(4)) and requires that the Federal share of the cost of planning, establishing, and operating centers under this program shall be—

a. Not more than 90 percent for the first year in which Federal funds are received;

b. Not more than 70 percent for the second year; and

c. Not more than 50 percent for the third year and for each year thereafter.

The non-Federal share of the cost of planning, establishing, and operating centers under this program may be provided either in cash or in-kind.

Waiver of non-Federal share: Under section 612(e)(4) of the HEA, in the case of an IHE receiving a grant under the CIBE Program and conducting outreach or consortium activities with another IHE in accordance with section 612(c)(2)(E), the Secretary may waive a portion of the requirements for the non-Federal share equal to the amount provided by the IHE receiving the grant to the other IHE for carrying out the outreach or consortium activities. Any such waiver is subject to the terms and conditions the Secretary may deem necessary for carrying out the purposes of the program.

d. *Indirect Cost Rate Information:* This program uses a restricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *https://www2.ed.gov/about/offices/list/ocfo/fipao/faq.html.*

e. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs, nonprofit organizations, professional organizations, or businesses. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the CIBE grant competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended). Because we plan to post on our website a selection of funded abstracts and applications' narrative sections, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; budget section, including the narrative budget justification; the assurance and certifications; or the abstract, the resumes, the biography, or letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from section 612 of the HEA and 34 CFR 75.210. The maximum score for all of the selection criteria, taken together with the maximum number of points awarded to applicants that address the competitive preference priorities, is 110 points. The maximum score for each selection criterion is indicated in parentheses.

Note: In addressing the selection criteria below, refer to sections 611 and 612 of the HEA (20 U.S.C. 1130–1).

(a) *Meeting the purpose of the authorizing statute.* (up to 20 points)

The Secretary reviews each application to determine how well the applicant describes how it will establish and operate Centers for International Business Education which—

(1) Will be national resources for the teaching of improved business techniques, strategies, and methodologies which emphasize the international context in which business is transacted;

(2) Will provide instruction in critical foreign languages and international fields needed to provide understanding

of the cultures and customs of United States trading partners; and

(3) Will provide research and training in the international aspects of trade, commerce, and other fields of study.

(b) *Significance.* (up to 20 points)

In determining the significance of the proposed project, the Secretary considers—

(1) The national significance of the proposed project.

(2) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

Note: You may discuss the significance of regional and local activities to address selection criterion (b)(2).

(c) *Quality of the project design.* (up to 10 points)

In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed activities constitute a coherent, sustained program of research and development in the field, including, as appropriate, a substantial addition to an ongoing line of inquiry.

(d) *Quality of the management plan.* (up to 10 points)

In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(e) *Quality of project personnel.* (up to 10 points)

In determining the quality of project personnel, the Secretary considers—

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) The qualifications, including relevant training and experience, of the project director or principal investigator.

(3) The qualifications, including relevant training and experience, of key project personnel.

Note: Briefly describe key staff and faculty in this section. Supplemental materials should include resumes for staff, business and other faculty, and some Advisory Board members, in alphabetical order, two resumes per page, single-spaced. Provide title including department, education, research and teaching experience, major publications, awards, etc. Suggested maximum length: 20 pages, 40 resumes.

(f) *Adequacy of resources.* (up to 10 points)

In determining the adequacy of resources for the proposed project, the Secretary considers—

(1) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(2) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(g) *Quality of the project evaluation.* (up to 20 points)

In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation are appropriate to the context within which the project operates.

(3) The extent to which the methods of evaluation will provide timely guidance for quality assurance.

(4) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Note: Please carefully review the section on ''Guidance on Developing an Evaluation Plan'' in the application package for detailed instructions on how to address this criterion.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions, and under 2 CFR 3474.10 in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials

produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170, should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

Performance reports for the CIBE Program must be submitted electronically into the office of International and Foreign Language Education (IFLE) web-based reporting system, International Resource Information System (IRIS). For information about IRIS and to view the reporting instructions, please go to *https://iris.ed.gov/iris/pdfs/CIBE.pdf.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. If a grantee is provided additional funding for this purpose, the Secretary establishes a data collection period.

5. *Performance Measures:* For the purposes of the Government Performance and Results Act of 1993 and Department reporting under 34 CFR 75.110, the following measures will be used by the Department to evaluate the success of the CIBE Program:

(a) Percentage of CIBE Program participants who advanced in their professional field two years after their participation.

(b) Percentage of CIBE projects that established or internationalized a concentration, degree, or professional program with a focus on or connection to international business over the course of the CIBE grant period. (long-term measure).

(c) Percentage of CIBE projects for which there was an increase in the export business activities of the project's business industry participants.

The information provided by grantees in their performance reports submitted via IRIS will be the source of data for these measures. Reporting screens for institutions can be viewed at: *http://iris.ed.gov/iris/pdfs/CIBE.pdf.*

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Michelle Asha Cooper,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2021–23784 Filed 10–29–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–1965–002.
Applicants: Wisconsin Electric Power Company.
Description: Compliance filing: Filing in Compliance with Order Approving Settlement to be effective 7/1/2020.
Filed Date: 10/25/21.
Accession Number: 20211025–5118.
Comment Date: 5 p.m. ET 11/15/21.

Docket Numbers: ER22–114–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to correct metadata in ER22–114–000, SA No. 6194; Queue No. AD1–140 to be effective 9/17/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5046.
Comment Date: 5 p.m. ET 11/16/21.

Docket Numbers: ER22–192–001.
Applicants: Evolugen Trading and Marketing LP.
Description: Tariff Amendment: Supplement to Petition for Market-Based Rate Authorization to be effective 12/22/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5102.
Comment Date: 5 p.m. ET 11/16/21.

Docket Numbers: ER22–203–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: Section 205: LIPA Transmission Service Charge to be effective 11/1/2021.
Filed Date: 10/25/21.
Accession Number: 20211025–5114.
Comment Date: 5 p.m. ET 11/15/21.

Docket Numbers: ER22–204–000.
Applicants: Virginia Electric and Power Company
Description: Request for Partial Waiver of Affiliate Restrictions of Virginia Electric and Power Company, et. al.
Filed Date: 10/25/21.
Accession Number: 20211025–5147.
Comment Date: 5 p.m. ET 11/15/21.

Docket Numbers: ER22–205–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule No. 263 to be effective 12/27/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5059.
Comment Date: 5 p.m. ET 11/16/21.

Docket Numbers: ER22–206–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Rate Schedule No. 61 to be effective 12/27/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5060.
Comment Date: 5 p.m. ET 11/16/21.

Docket Numbers: ER22–207–000.
Applicants: Alabama Power Company
Description: § 205(d) Rate Filing: CED Timberland Solar Second Amended and Restated LGIA Filing to be effective 10/12/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5074.
Comment Date: 5 p.m. ET 11/16/21.

Docket Numbers: ER22–208–000.
Applicants: CMC Steel US LLC.
Description: Baseline eTariff Filing: baseline new to be effective 12/1/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5085.
Comment Date: 5 p.m. ET 11/16/21.

Docket Numbers: ER22–209–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA SA No. 6219; Queue No. AF2–144 to be effective 9/27/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5093.
Comment Date: 5 p.m. ET 11/16/21.

Docket Numbers: ER22–210–000.
Applicants: ENGIE 2020 ProjectCo-NH1 LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 12/26/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5104.
Comment Date: 5 p.m. ET 11/16/21.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF22–58–000.
Applicants: McAdoo Power & Light Co.
Description: Form 556 of McAdoo Power & Light Co.
Filed Date: 10/26/21.
Accession Number: 20211026–5005.
Comment Date: 5 p.m. ET 11/16/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. 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: October 26, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–23707 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–513–000]

WBI Energy Transmission, Inc.; Notice of Request for Extension of Time

Take notice that on October 19, 2021, WBI Energy Transmission, Inc. (WBI) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until November 1, 2022, to complete the 2020 Baker Storage Well Abandonment Project (Project), as authorized after the 60-day deadline of WBI's prior notice issued by the Commission on September 3, 2020. By that process, WBI was initially required to abandon the facilities in one year, by November 2, 2021.

WBI states that on October 12, 2021, the Project area received a measurable amount of rain and snow delaying the removal of the remaining 17 drip lines over concerns of excessive rutting along the right-of-way and within the approved workspace areas. WBI is requesting an extension of time due to the uncertainty in the workplace conditions over the next few weeks, that may prevent WBI from completing abandonment activities ahead of the original deadline.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on WBI's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211)

and the Regulations under the Natural Gas Act (18 CFR 157.10).[1]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[2] the Commission will aim to issue an order acting on the request within 45 days.[3] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[4] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on November 10, 2021.

Dated: October 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23733 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

[1] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 39 (2020).

[2] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[3] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[4] *Id.* at P 40.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 67–137]

Southern California Edison Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Minimum Flow and Minimum Pool Requirements.

b. *Project No:* 67–137.

c. *Date Filed:* October 7 and 20, 2021.

d. *Applicant:* Southern California Edison Company (licensee).

e. *Name of Project:* Big Creek 2A, 8, and Eastwood Hydroelectric Project.

f. *Location:* The project is located on Big Creek and the South Fork San Joaquin River in Fresno County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ms. Stephanie Fincher, Southern California Edison Company, 626–302–0945, *stephanie.fincher@sce.com*

i. *FERC Contact:* John Aedo, (415) 369–3335, *john.aedo@ferc.gov*

j. *Deadline for filing comments, motions to intervene, and protests:* November 19, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–67–137. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests a temporary variance of its minimum pool requirements in Florence Lake and its minimum flow requirements in the South San Joaquin River below Florence Lake. Specifically, the licensee requests Commission approval to reduce Florence Lake reservoir levels to as much as 10 percent below the minimum pool elevation requirement of 7232.6 feet msl. In addition, the licensee requests Commission approval to reduce flows below Florence Lake below the 11 cubic feet per second (cfs) minimum flow requirement and/or the alternate inflow matching requirement during inflows less than 11 cfs. The licensee instead proposes to approximate flow releases with lake inflows, with occasional departures from the minimum flow requirement, but to maintain flows above 3 cfs. The licensee requests the variance as a result of low lake storage resulting from ongoing drought conditions at the project. Finally, the licensee requests the variance from November 8, 2021 through March 31, 2022.

l. *Locations of the Application:* This filing 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. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: October 20, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23660 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2322–069]

Brookfield White Pine Hydro LLC; Notice of Waiver Period for Water Quality Certification Application

On October 15, 2021, Brookfield White Pine Hydro LLC (Brookfield) submitted to the Federal Energy Regulatory Commission a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with the Maine Department of Environmental Protection (Maine DEP), in conjunction with the above captioned project. On October 20, 2021, Brookfield filed documentation of the date that Maine DEP received the application. Pursuant to 40 CFR 121.6, we hereby notify the Maine DEP of the following:

Date of Receipt of the Certification Request: October 18, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: October 18, 2022.

If the Maine DEP fails or refuses to act on the water quality certification request by the above waiver date, then the agency's certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: October 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23734 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2368–059]

Algonquin Northern Maine Generating Company; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license for the Scopan Hydroelectric Project No. 2368, located on Scopan Stream in Aroostook County, Maine, and has prepared an Environmental Assessment (EA) for the project. No federal land would be occupied by project works or located within the project boundary.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2368–059.

For further information, contact John Baummer at (202) 502–6837, or at *John.Baummer@ferc.gov.*

Dated: October 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23735 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant

to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. P–1494–438	10–18–2021	FERC Staff.[1]
2. P–1494–438	10–19–2021	FERC Staff.[2]
3. P–1494–438	10–20–2021	FERC Staff.[3]
Exempt:		
1. EL21–6–000, EL21–94–000	10–18–2021	Massachusetts Office of the Attorney General.[4]
2. CP17–40–000	10–21–2021	U.S. Senator Roy Blunt.

[1] Emailed comments dated 10/17/2021 from Richard Spotts.
[2] Emailed comments dated 10/18/2021 from Ashlyn Roten.
[3] Emailed comments dated 10/19/2021 from Regina Milione.
[4] Rebecca Tepper, Chief and Christina H. Belew Assistant Attorney General.

Dated: October 26, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–23706 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4718–039]

Cocheco Falls Associates Notice of Intent To Prepare an Environmental Assessment

On December 29, 2020, Cocheco Falls Associates filed an application for a subsequent license to continue operating the existing 714-kilowatt Cocheco Falls Dam Project No. 4718 (project). The project is located on the Cocheco River in the city of Dover, Strafford County, New Hampshire. The project does not occupy federal land.

In accordance with the Commission's regulations, on August 12, 2021, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	April 2022.[1]
Comments on EA	May 2022.

Any questions regarding this notice may be directed to Amy Chang at (202) 502–8250 or *amy.chang@ferc.gov.*

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Cocheco Falls Dam Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

Dated: October 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23736 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14985–000]

Cherokee Rivers Company, LLC; Notice of Meeting

a. *Project Name and Number:* Lower Coosawattee Hydroelectric Project P–14985–000.

b. *Date and Time of Meeting:* November 8, 2021; 4:00 p.m.–5:00 p.m. Eastern Time.

c. *FERC Contact:* Dustin Wilson, 202–502–6528, *dustin.wilson@ferc.gov.*

d. *Purpose of Meeting:* To discuss the proposed Lower Coosawattee Hydroelectric Project.

e. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to attend. Discussion will be limited to the Lower Coosawattee Hydroelectric Project, P–14985. Please email the FERC contact

noted above by November 4, 2021, to receive specific instructions on how to attend. The meeting will be held remotely using Microsoft Teams. This notice is issued and published in accordance with 18 CFR 2.1.

Dated: October 20, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23659 Filed 10–29–21; 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:

Filings Instituting Proceedings

Docket Numbers: RP22–80–000.
Applicants: Elba Express Company, L.L.C.
Description: Compliance filing: Order No. 587–Z Compliance Filing to be effective 6/1/2022.
Filed Date: 10/26/21.
Accession Number: 20211026–5012.
Comment Date: 5 p.m. ET 11/8/21.

Docket Numbers: RP22–81–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Compliance filing: Compliance Filing Pursuant to Order No. 587–Z to be effective 6/1/2022.
Filed Date: 10/26/21.
Accession Number: 20211026–5015.
Comment Date: 5 p.m. ET 11/8/21.

Docket Numbers: RP22–82–000.
Applicants: Southern LNG Company, L.L.C.
Description: Compliance filing: Order No. 587–Z Compliance Filing to be effective 6/1/2022.
Filed Date: 10/26/21.
Accession Number: 20211026–5016.
Comment Date: 5 p.m. ET 11/8/21.

Docket Numbers: RP22–83–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Compliance filing: Order No. 587–Z Compliance Filing to be effective 6/1/2022.
Filed Date: 10/26/21.
Accession Number: 20211026–5017.
Comment Date: 5 p.m. ET 11/8/21.

Docket Numbers: RP22–84–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Rate Schedules GSS, LSS & SS–2 Tracker Eff 11/1/2021—EGTS and National Fuel to be effective 11/1/2021.
Filed Date: 10/26/21.
Accession Number: 20211026–5027.
Comment Date: 5 p.m. ET 11/8/21.

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.

Filings in Existing Proceedings

Docket Numbers: RP21–351–002.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing: Removal of CCRM 2021 to be effective 2/1/2021.
Filed Date: 10/25/21.
Accession Number: 20211025–5080.
Comment Date: 5 p.m. ET 11/8/21.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

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: October 26, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–23705 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–492–000]

Rover Pipeline LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Rover-Brightmark Receipt and Delivery Meter Station Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Rover-Brightmark Receipt and Delivery Meter Station Project involving construction and operation of facilities by Rover Pipeline LLC (Rover) in Lenawee County, Michigan. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on November 26, 2021. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on September 9, 2021, you will need to file those comments in Docket No. CP21–492–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this

proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Rover provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21–492–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Project

Rover has an Interconnect Agreement with Brightmark SunRyz RNG LLC (Brightmark) for installation of the proposed meter station. The Rove-Brightmark Receipt and Delivery Meter Station Project would allow Rover to receive up to 1,600 dekatherms per day of natural gas from the Brightmark Project and to allow Rover to deliver up to 100 dekatherms per day of natural gas to fuel the Brightmark Renewable Natural Gas Facility Equipment.

The Rover-Brightmark Receipt and Delivery Meter Station Project would consist of the following facilities constructed by Rover or Brightmark:

- Rover would construct, own, and operate two, 2-inch-diameter hot taps, two tap valves, 65 feet of interconnecting pipe (30 feet of receipt pipe and 35 feet of delivery pipe), two Coriolis Meter Skids, gas quality building, a measurement building, and satellite communications.
- Brightmark would construct and own the permanent access road and the 2-inch-diameter delivery and receipt gas lines from its facility to the proposed meter station.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 0.6 acre of agricultural land, of which 0.2 acre would be fenced and maintained for the permanent operation of the meter station. Rover would access the Project facilities using a permanent access road to be constructed by Brightmark. This access road would be approximately 2,987 feet long, 20 feet wide, and affect approximately 1.4 acres of land. Laydown for equipment and materials would be within the temporary workspace associated with the meter station. No other land would be required for construction or operation of the Project.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP21–492–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is 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. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: October 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23738 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.8.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–113–000]

Alliance Pipeline, L.P.; Notice of Waiver Period for Water Quality Certification Application

On August 27, 2021, Alliance Pipeline, L.P. (Alliance) submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with Illinois Environmental Protection Agency (IEPA), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the IEPA of the following:

Date of Receipt of the Certification Request: August 26, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: August 26, 2022.

If IEPA fails or refuses to act on the water quality certification request by the above waiver date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: October 20, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–23661 Filed 10–29–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0377; FRL–9200–01–OCSPP]

Atrazine, Simazine, and Malathion; Cancellation Order for Certain Pesticide Registrations and Amendments to Terminate Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations and/or amendments to terminate uses, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Tables 1 and 2 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation/use termination order follows a June 23, 2021 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II to voluntarily cancel their registrations of certain products containing the pesticides atrazine and simazine, and/or to amend their atrazine, simazine, or malathion product registrations to terminate one or more uses. In the June 23, 2021 notice, EPA indicated that it would issue an order implementing the cancellations and/or amendments to terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations and/or amendments to terminate uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations and certain use terminations are effective November 1, 2021.

FOR FURTHER INFORMATION CONTACT: Carolyn Smith, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2273; email address: *smith.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may 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–OPP–2021–0377, 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. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (202) 566–1744.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room are closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

II. What action is the agency taking?

This notice announces the cancellation and amendments to terminate uses, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Tables 1 and 2 of this unit.

TABLE 1—ATRAZINE AND SIMAZINE PRODUCT CANCELLATIONS

EPA registration No.	Product name	Chemical name
100–886	Bicep Magnum Herbicide	Syngenta Crop Protection, LLC.
279–3449	F9316–2	FMC Corporation.
352–600	DPXMX670 MT herbicide	E. I. du Pont de Nemours and Company.
352–723	DuPont Breakfree ATZ Lite	E. I. du Pont de Nemours and Company.
352–724	DuPont Breakfree ATZ Herbicide	E. I. du Pont de Nemours and Company.
352–893	DuPont Breakfree NXT ATZ Herbicide	E. I. du Pont de Nemours and Company.
352–895	DuPont Breakfree NXT ATZ Lite Herbicide	E. I. du Pont de Nemours and Company.
524–497	MON 58442 Herbicide	Bayer CropScience LP.
524–509	MON 78088 Herbicide	Bayer CropScience LP.
8660–12	Herbicide Granules Formula A	United Industries Corporation.
9688–227	Chemsico Herbicide Granules AN	Chemsico (Division of United Industries Corporation).
9688–274	Chemsico Herbicide Granules LAH	Chemsico (Division of United Industries Corporation).
33270–13	Tremor AT	Winfield Solutions, LLC.
33270–14	Tremor AT Lite	Winfield Solutions, LLC.
34704–686	Simazine 90 WDG	Loveland Products, Inc.
34704–687	Simazine 4L Flowable Herbicide	Loveland Products, Inc.
34704–689	Conifer 90 Herbicide	Loveland Products, Inc.
34704–690	Clean Crop Atrazine 4L Turf & Conifer Herbicide	Loveland Products, Inc.
34704–728	Shotgun Flowable Herbicide	Loveland Products, Inc.
34704–860	Rifle Plus Herbicide	Loveland Products, Inc.
34704–892	Bronze	Loveland Products, Inc.
34704–913	SMZ 4L	Loveland Products, Inc.
34704–916	Simazine 90 Herbicide	Loveland Products, Inc.
34704–950	Cadence ATZ Herbicide	Loveland Products, Inc.
34704–952	Cadence Lite ATZ Herbicide	Loveland Products, Inc.
34704–1041	Slider ATZ	Loveland Products, Inc.
34704–1042	Slider ATZ Lite	Loveland Products, Inc.
34704–1070	LPI S-Metolachor + Atrazine	Loveland Products, Inc.
34704–1072	LPI S-Metolachor + Atrazine Herbicide	Loveland Products, Inc.
42750–41	Dicambazine	Albaugh, LLC.
42750–44	Atrazine 4L	Albaugh, LLC.

TABLE 1—ATRAZINE AND SIMAZINE PRODUCT CANCELLATIONS—Continued

EPA registration No.	Product name	Chemical name
42750–45	Weed pro Atrazine 4L Herbicide	Albaugh, LLC.
42750–50	Brox-AT Herbicide	Albaugh, LLC.
42750–53	Albaugh Atrazine 90 DF	Albaugh, LLC.
55467–6	Volley ATZ Lite Tenkoz Herbicide	Tenkoz, Inc.
55467–7	Volley ATZ Tenkoz Herbicide	Tenkoz, Inc.
59639–106	Atrazine 90 DF Herbicide	Valent U.S.A., LLC.
66222–280	ADA 68702	Makhteshim Agan of North America, Inc. (d/b/a ADAMA).
66222–281	ADA 68703	Makhteshim Agan of North America, Inc. (d/b/a ADAMA).
70506–232	UPL Simazine 4L	UPL NA, Inc.
70506–233	Simazine 90DF Herbicide	UPL NA, Inc.
KS040002	Weed Pro Atrazine 4L Herbicide	Albaugh, LLC.
KS130001	Atrazine 4L	Makhteshim Agan of North America, Inc. (d/b/a ADAMA).
SD100003	Slider ATZ	Loveland Products, Inc.
SD100004	Slider ATZ Lite	Loveland Products, Inc.
WA900005	Clean Crop Simazine 4L Flowable Herbicide	Loveland Products, Inc.
WA200002	Atrazine 4L	Loveland Products, Inc.

TABLE 2—ATRAZINE, SIMAZINE, AND MALATHION PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

Registration No.	Product name	Company	Uses to be terminated
100–497	AAtrex® 4L Herbicide	Syngenta Crop Protection, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers including Christmas tree plantings; timber and forestry.
100–585	AAtrex® Nine-O® Herbicide	Syngenta Crop Protection, LLC.	
100–1207	Atrazine Technical	Syngenta Crop Protection, LLC.	
100–1235	Atrazine Base Mix Manufacturing Use Product.	Syngenta Crop Protection, LLC.	
100–1236	Atrazine Wet Paste Manufacturing Use Product.	Syngenta Crop Protection, LLC.	
100–1650	Atrazine 4L MUP	Syngenta Crop Protection, LLC.	
100–1659	Atrazine Nine-O® MUP	Syngenta Crop Protection, LLC.	
1381–158	Atrazine 4L	Winfield Solutions, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers.
4787–5	Fyfanon Technical	FMC Corporation	Mosquito larvicide; cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps).
5905–250	Fyfanon 8 lb. Emulsion	Helena Agri-Enterprises, LLC	Cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps).
5905–470	Atrazine 4L	Helena Agri-Enterprises, LLC	Roadsides; Conservation Reserve Program (CRP) land.
5905–522	Atrazine 90 DF Herbicide	Helena Agri-Enterprises, LLC.	
9779–253	Atrazine 90 DF	Winfield Solutions, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers.
9779–295	Simazine 90DF	Winfield Solutions, LLC	Shelterbelt.
9779–296	Simazine 4L	Winfield Solutions, LLC	Shelterbelt.
10163–21	Malathion 8	Gowan Company	Mosquito larvicide; cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps).
19713–217	Drexel Malathion 5EC	Drexel Chemical Company	Mosquito larvicide; cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps).
19713–288	Drexel Malathion ULV Insecticide	Drexel Chemical Company.	
19713–304	Green Devil Spray	Drexel Chemical Company.	
19713–330	Drexel Malathion 50% Emulsifiable	Drexel Chemical Company.	
19713–402	Drexel Malathion Technical	Drexel Chemical Company.	
19713–540	Drexel Malathion ULV 96.5%	Drexel Chemical Company.	
19713–565	Atrazine Technical 2	Drexel Chemical Company	Roadsides; Conservation Reserve Program (CRP); conifers including Christmas tree plantings; timber and forestry.
19713–566	Drexel Atrazine Technical	Drexel Chemical Company	Roadsides; Conservation Reserve Program (CRP); conifers, Christmas tree plantations.
33270–9	Atrazine 90 DF	Winfield Solutions, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers.

TABLE 2—ATRAZINE, SIMAZINE, AND MALATHION PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES—Continued

Registration No.	Product name	Company	Uses to be terminated
33270–10	Atrazine 4L	Winfield Solutions, LLC.	
33270–24	Tremor Atz Nxt	Winfield Solutions, LLC	Miscanthus and other non-food perennial bioenergy crops.
33270–25	Tremor Atz Lite Nxt	Winfield Solutions, LLC.	
34704–452	Malathion 8E Insecticide	Loveland Products, Inc.	Cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps)
34704–787	Malathion Technical	Loveland Products, Inc	Mosquito larvicide; cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps).
35915–3	Atrazine 90 Herbicide	Sipcam Agro USA, Inc	Roadsides; Conservation Reserve Program (CRP) land; conifers.
35915–14	Oxon Italia Atrazine Technical II	Sipcam Agro USA, Inc	Roadsides; conifers including Christmas tree plantings; forestry.
47000–107	Prozap Malathion 57% Emulsifiable Liquid.	Neogen Corporation	Cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps).
55467–13	Tenkoz Atrazine 4L Herbicide	Tenkoz, Inc	Roadsides; Conservation Reserve Program (CRP) land; conifers including Christmas tree plantings; timber and forestry; Miscanthus and other non-food perennial bioenergy crops.
66330–220	Malathion 5 EC	UPL OpenAg	Cull piles (including terms cull dumps, fruit dumps, and cull fruit and vegetable dumps).
74530–85	Fearless Xtra Herbicide	HELM Agro US, Inc	Miscanthus and other non-food perennial bioenergy crops.
74530–89	Fearless Xtra 5.6L Herbicide	HELM Agro US, Inc.	
83529–87	Sharda Acetochlor 29% + Atrazine 14.5% CS.	Sharda USA, LLC	Miscanthus and other non-food perennial bioenergy crops.
83529–93	Sharda Acetochlor 33.4% + Atrazine 26.9% SE.	Sharda USA, LLC.	
83529–116	Sharda Acetochlor 46.3% + Atrazine 18.3% SE.	Sharda USA, LLC.	
89167–10	AX ATZ 4L	Axion Ag Products, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers including Christmas tree plantings.
89167–30	AX Acetozine 2 NG	Axion Ag Products, LLC	Miscanthus and other non-food perennial bioenergy crops.
89167–32	AX Acetozine NG	Axion Ag Products, LLC	Miscanthus and other non-food perennial bioenergy crops.
89167–38	AX ATZ 4L–2 Herbicide	Axion Ag Products, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers including Christmas tree plantings.
89168–29	Liberty Atrazine 4L	Liberty Crop Protection, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers including Christmas tree plantings.
89168–32	Liberty Atrazine 90 Herbicide	Liberty Crop Protection, LLC.	
89168–35	Liberty ATZ 4L	Liberty Crop Protection, LLC.	
94143–1	INATEK Atrazine Technical	INATEK, LLC	Roadsides; Conservation Reserve Program (CRP) land; and conifers.
94144–1	Atrazine 90DF	Infinicrop, LLC	Roadsides; Conservation Reserve Program (CRP) land; conifers including Christmas tree plantings.
11773–1	Cornbelt Atrazine 4L	Van Diest Supply Company	Roadsides; Conservation Reserve Program (CRP) land; conifers.
11773–13	Cornbelt Atrazine 90 DF	Van Diest Supply Company	Roadsides; conifers.
33270–26	Simazine 90DF	Winfield Solutions, LLC	Shelterbelt.
33270–27	Simazine 4L	Winfield Solutions, LLC	Shelterbelt.
KS120001	Tenkoz Atrazine 4L Herbicide	Tenkoz, Inc	Roadsides; Conservation Reserve Program (CRP) land; conifers including Christmas tree plantings; timber and forestry; Miscanthus and other non-food perennial bioenergy crops.

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Tables 1 and 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Tables 1 and 2 of this unit.

TABLE 3—REGISTRANTS OF CANCELLED AND AMENDED PRODUCTS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, P. O. Box 18300, Greensboro, NC 27419.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
352	E. I. du Pont de Nemours and Company, 9330 Zionsville Road, Indianapolis, IN 46268.
524	Bayer CropScience LP, 800 North Lindbergh Blvd., St. Louis, MO 63167.
1381	Winfield Solutions, LLC, P.O. Box 64589, MS 5705, St. Paul, MN 55164.
4787	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
5905	Helena Agri-Enterprises, LLC, 225 Schilling Blvd., Suite 300, Collierville, TN 38017.
8660	United Industries Corp., D/B/A Sylorr Plant Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
9688	Chemsico, Division of United Industries Corporation, P.O. Box 142642, St. Louis, MO 63114–0642.
9779	Winfield Solutions, LLC, P.O. Box 64589, MS 5705, St. Paul, MN 55164.
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366.
11773	Van Diest Supply Company, PO Box 610, Webster City, IA 50595–0610.
19713	Drexel Chemical Company, 1700 Channel Avenue, P.O. Box 13327, Memphis, TN, 38113.
33270	Winfield Solutions, LLC, P.O. Box 64589, MS 5705, St. Paul, MN 55164.
34704	Loveland Products, Inc. (Nutrien), 3005 Rocky Mountain Ave, Loveland, CO 80538.
35915	Sipcam Agro USA, Inc., 2525 Meridian Parkway, Suite 350, Durham, NC 27713.
42750	Albaugh, LLC, P. O. Box 2127, Valdosta, GA 31604.
47000	Neogen Corporation, 620 Lesher Place, Lansing, MI 48912.
55467	Tenkoz, Inc., 1725 Windward Concourse, Suite 410, Alpharetta, GA 30005–1784.
59639	Valent U.S.A. LLC, 4600 Norris Canyon Road, P. O. Box 5075, Walnut Creek, CA 94596.
66222	Makhteshim Agan of North America, Inc. (d/b/a ADAMA), 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27312.
66330	UPL NA, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
70506	UPL Open Ag, 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
74530	HELM Agro US, Inc., 401 East Jackson Street, Suite 1400, Tampa, FL 33602.
83529	Sharda USA, LLC, 34 E. Germantown Pike #227, Norristown, PA 19401.
89167	Axion Ag Products, LLC, 1880 Fall River Drive, Suite 100, Loveland, CO 80538.
89168	Liberty Crop Protection, LLC, 1880 Fall River Drive, Suite 100, Loveland, CO 80538.
94143	INATEK, LLC, 4110 136th St. Ct. NW, Gig Harbor, WA 98332.
94144	Infinicrop LLC, 4110 136th St. Ct. NW, Gig Harbor, WA 98332.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the June 23, 2021 **Federal Register** notice (86 FR 32922) announcing the Agency's receipt of the requests for voluntary cancellations and/or amendments to terminate uses of products listed in Tables 1 and 2 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations and/or amendments to terminate uses of the registrations identified in Tables 1 and 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Tables 1 and 2 of Unit II are canceled and/or amended to terminate the affected uses. The effective date of the cancellations and amendments listed in Tables 1 and 2 that are the subject of this notice is November 1, 2021. Any distribution, sale, or use of existing stocks of the products identified in Tables 1 and 2 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

V. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of June 23, 2021 (86 FR 32922) (FRL–10025–04). The comment period closed on July 23, 2021.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation and/or use termination action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II until November 1, 2022, which is 1 year after the publication of the cancellation/use termination order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal.

EPA has recently approved or will shortly approve product labels reflecting the requested amendments to terminate uses listed in Table 2 of Unit II and is allowing registrants to continue to sell or distribute products under the previously approved labeling for a period of 18 months from the label approval date. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal. Amended product labels can be viewed on EPA's Pesticide Product Label System (see *https://www.epa.gov/pesticide-labels/pesticide-product-label-system-ppls-more-information*).

Persons other than the registrants may sell, distribute, or use existing stocks of the canceled products and products whose labels include the terminated uses listed in Tables 1 and 2, respectively, of Unit II until existing supplies are exhausted, provided that such sale, distribution, or use is

consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and products whose labels include the terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 26, 2021.

Mary Reaves,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2021–23658 Filed 10–29–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0508; FR ID 55282]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before December 1, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) 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. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0508.

Title: Parts 1 and 22 Reporting and Recordkeeping Requirements.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Individuals or households, and State, Local or Tribal Governments.

Number of Respondents and Responses: 15,448 respondents; 16,166 responses.

Estimated Time per Response: 0.13 hours–10 hours.

Frequency of Response: Recordkeeping requirement; On occasion, quarterly, and semi-annual reporting requirements; Third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 222, 303, 309 and 332.

Total Annual Burden: 2,579 hours.

Annual Cost Burden: $19,116,900.

Needs and Uses: On August 16, 2013, the Federal Communications Commission (Commission) released a Third Report and Order (FCC 13–115) in MM Docket No. 93–177 to harmonize and streamline its rules regarding tower construction near AM stations. The reforms included establishing a single protection scheme for tower construction and modification near AM tower arrays. The Commission's rules previously contained several sections in different rule parts that addressed tower construction near AM antennas and were intended to protect AM stations from the effects of such tower construction, including (among others not relevant here), 47 CFR 22.371. With adoption of this Order, 47 CFR 22.371 was removed and was replaced by a new rule, 47 CFR 1.30002, which is not covered by this Supporting Statement.

On November 10, 2014, the Commission released a Report and Order and Further Notice of Proposed Rulemaking (FCC 14–181) in WT Docket No. 12–40 to reform its rules governing the 800 MHz Cellular Radiotelephone (Cellular) Service. In the Report and Order (Cellular R&O), the Commission changed the Cellular licensing model from site-based to geographic-based. The revised Cellular Service licensing model entailed eliminating several filing requirements that had outlived their usefulness in this mature commercial wireless service that was launched in the early 1980s; it also streamlined application content requirements, and deleted obsolete provisions associated with the legacy site-based regime.

Subsequently, on March 24, 2017, the Commission released a Second Report and Order in that same docket (Cellular Second R&O), together with a companion Report and Order in WT Docket No. 10–112 concerning the Wireless Radio Services (WRS), which include the Cellular Service among others (WRS R&O) (FCC 17–27). The Cellular Second R&O and WRS R&O

revised or eliminated certain licensing rules and modernized outdated radiated power and other technical rules applicable to the Cellular Service. As part of FCC 17–27, the Commission also released a Second Further Notice of Proposed Rulemaking in which it sought comment on deleting certain recordkeeping and administrative rules applicable to the Public Mobile Services (including the Cellular Service), which are governed by Part 22 of the Commission's rules.

On July 13, 2018, the Commission released a Third report and Order in the Cellular Reform proceeding (Cellular 3d R&O) (FCC 18–92), in which it deleted certain Part 22 rules that either imposed administrative and recordkeeping burdens that are outdated and no longer serve the public interest, or that are largely duplicative of later-adopted rules and are thus no longer necessary. Among the rule deletions and of relevance to this information collection, the Commission deleted rule section 22.303, resulting in discontinued information collection for that rule section.

The Commission is now seeking approval from the Office of Management and Budget (OMB) for a revision of this information collection.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2021–23699 Filed 10–29–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, October 28, 2021 at 10:00 a.m.

PLACE: Virtual meeting. Note: Because of the Covid–19 pandemic, we will conduct the open meeting virtually. If you would like to access the meeting, see the instructions below.

STATUS: The October 28, 2021 Open Meeting has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Laura E. Sinram,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2021–23840 Filed 10–28–21; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2021–N–11]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 30-Day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA or the Agency) is seeking public comments concerning an information collection known as ''Minimum Requirements for Appraisal Management Companies,'' which has been assigned control number 2590–0013 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on October 31, 2021.

DATES: Interested persons may submit comments on or before December 1, 2021.

ADDRESSES: Submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Minimum Requirements for Appraisal Management Companies, (No. 2021–N–11)' '' by any of the following methods:

- *Agency Website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the Agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''Minimum Requirements for Appraisal Management Companies, (No. 2021–N–11).''

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA website at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public through the electronic comment docket for this PRA Notice also located on the FHFA website.

Also send a copy of any comments that concern this information collection to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Federal Housing Finance Agency'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information. Alternatively, you can mail your written comments to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for the Federal Housing Finance Agency.

FOR FURTHER INFORMATION CONTACT: Robert Witt. Senior Policy Analyst, Office of Housing and Regulatory Policy, by email at *Robert.Witt@fhfa.gov* or by telephone at (202) 649–3128; or Maura Dundon, Associate General Counsel, *Maura.Dundon@fhfa.gov,* (202) 853–6734 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION: FHFA is seeking comments on its upcoming request to OMB to renew the PRA clearance for the following collection of information:

Title: Minimum requirements for appraisal management companies.

OMB Number: 2590–0013.

Affected Public: Participating States and State-registered Appraisal Management Companies.

A. Need for and Use of the Information Collection

In 2015, FHFA, the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Board of Governors of the Federal Reserve System (Board) (collectively, the Agencies) jointly issued regulations [1] to implement minimum statutory requirements to be applied by states in the registration and supervision of appraisal management companies (AMCs).[2] These minimum

[1] The National Credit Union Administration and the Bureau of Consumer Financial Protection also participated in the joint rulemaking but, by agreement, the responsibility for clearance under the PRA of information collections contained in the joint regulations is shared only by the FDIC, OCC, the Board, and FHFA.

[2] *See* 12 U.S.C. 3353(a). An AMC is an entity that serves as an intermediary for, and provides certain services to, appraisers and lenders.

requirements apply to states that have elected to establish an appraiser certifying and licensing agency with authority to register and supervise AMCs (participating states).[3]

The regulations also implement the statutory requirement that states report to the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council (FFIEC) the information required by the ASC to administer the national registry of AMCs (AMC National Registry or Registry).[4] The AMC National Registry includes AMCs that are either: (1) Subsidiaries owned or controlled by an insured depository institution (as defined in 12 U.S.C. 1813) and regulated by either the FDIC, OCC, or the Board (federally regulated AMCs); [5] or (2) registered with, and subject to supervision of, a state appraiser certifying and licensing agency.

FHFA's AMC regulation, located at Subpart B of 12 CFR part 1222, is substantively identical to the AMC regulations of the FDIC, OCC, and the Board and contains the recordkeeping and reporting requirements described below.

1. State Reporting Requirements (Removed; Formerly IC #1)

FHFA's 60-day notice included an information collection named ''State Reporting Requirements'' regarding the regulatory requirement that each state electing to register AMCs for purposes of permitting AMCs to provide appraisal management services relating to covered transactions in the state submit to the ASC the information regarding such AMCs required to be submitted by ASC regulations or guidance concerning AMCs that operate in the state.[6] However, FHFA will not request to renew the State Reporting Requirements IC. The FDIC recently removed the same IC request in its 30-day notice. The FDIC stated that it did not need to take the PRA reporting burden because the ASC had issued its own regulations or guidance implementing these requirements and submitted its own IC taking the PRA burden.[7] FHFA concurs with the FDIC's analysis. Accordingly, FHFA will not request to renew the IC on State Reporting Requirements and that IC will be removed.

2. State Recordkeeping Requirements (Redesignated IC #1; Formerly IC #2)

States seeking to register AMCs must have an AMC registration and supervision program. The regulation requires each participating state to establish and maintain within its appraiser certifying and licensing agency a registration and supervision program with the legal authority and mechanisms to: (i) Review and approve or deny an application for initial registration; (ii) periodically review and renew, or deny renewal of, an AMC's registration; (iii) examine an AMC's books and records and require the submission of reports, information, and documents; (iv) verify an AMC's panel members' certifications or licenses; (v) investigate and assess potential violations of laws, regulations, or orders; (vi) discipline, suspend, terminate, or deny registration renewals of, AMCs that violate laws, regulations, or orders; and (vii) report violations of appraisal-related laws, regulations, or orders, and disciplinary and enforcement actions to the ASC.[8]

The regulation requires each participating state to impose requirements on AMCs that are not federally regulated (non-federally regulated AMCs) to: (i) Register with and be subject to supervision by a state appraiser certifying and licensing agency in each state in which the AMC operates; (ii) use only state-certified or state-licensed appraisers for federally regulated transactions in conformity with any federally regulated transaction regulations; (iii) establish and comply with processes and controls reasonably designed to ensure that the AMC, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type; (iv) direct the appraiser to perform the assignment in accordance with the Uniform Standards of Professional Appraisal Practice; and (v) establish and comply with processes and controls reasonably designed to ensure that the AMC conducts its appraisal management services in accordance with sections 129E(a) through (i) of the Truth-in-Lending Act.[9]

FHFA is redesignating this IC from #2 to #3.

3. AMC Disclosure Requirements (State-Regulated AMCs) (Redesignated IC #2; Formerly IC #3)

The regulation provides that an AMC may not be registered by a state or included on the AMC National Registry if the company is owned, directly or indirectly, by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any state for a substantive cause.[10] The regulation also provides that an AMC may not be registered by a state if any person that owns 10 percent or more of the AMC fails to submit to a background investigation carried out by the state appraiser certifying and licensing agency.[11] Thus, each AMC registering with a state must provide information to the state on compliance with those ownership restrictions. Further, the regulation requires that a federally regulated AMC report to the state or states in which it operates the information required to be submitted by the state pursuant to the ASC's policies, including policies regarding the determination of the AMC National Registry fee, and information regarding compliance with the ownership restrictions described above.

In FHFA's 60-day notice, we combined federally and non-federally regulated AMCs in former IC #3, entitled ''AMC Reporting Requirements.'' Subsequently, the FDIC issued its 30-day notice dividing the same information collected in FHFA's ''AMC Reporting Requirements'' IC into two different ICs: One for state-regulated AMCs, for which FHFA would take 10 percent of the burden (FDIC IC #3); and one for federally regulated AMCs, for which FHFA would take zero burden (FDIC IC #4).[12] FHFA concurs with this approach and revises its submission by disaggregating the federally regulated and state-regulated AMCs. In addition, FHFA is correcting the title of this IC to reflect that it is a disclosure requirement instead of a reporting requirement and redesignating it to IC #2. Thus, FHFA's redesignated IC #2 entitled ''AMC Disclosure Requirements (State-regulated AMCs)'' now only applies to state-regulated AMCs and corresponds to FDIC's IC #3.

[3] 12 U.S.C. 3346.

[4] *See* 12 U.S.C. 3353(e).

[5] *See* 12 CFR 1222.21(k) defining a federally regulated AMC.

[6] *See* 12 CFR 1222.26.

[7] *See* Federal Deposit Insurance Corporation, Agency Information Collection Activities: Proposed Collection Renewal; Comment Request, 86 FR at 58269, 58274 (Oct. 21, 2021).

[8] *See* 12 CFR 1222.23(a).

[9] *See* 12 CFR 1222.23(b). Sections 129E(a) through (i) of the Truth-in-Lending Act are located at 15 U.S.C. 1639e(a)–(i).

[10] *See* 12 CFR 1222.24(a), 1222.25(b).

[11] *See* 12 CFR 1222.24(b).

[12] *See* 86 FR at 58276, 58277. The FDIC's IC #3 and IC #4 are combined in FHFA's IC #3.

4. AMC Disclosure Requirements (Written Notice of Appraiser Removal From Network or Panel) (Redesignated IC #3; Formerly IC #4)

An entity meets the definition of an AMC that is subject to the requirements of the AMC regulation if, among other things, it oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state, or 25 or more state-certified or state-licensed appraisers in two or more states, within a given 12-month period.[13] For purposes of determining whether a company qualifies as an AMC under that definition, the regulation provides that an appraiser in an AMC's network or panel is deemed to remain on the network or panel until: (i) The AMC sends a written notice to the appraiser removing the appraiser with an explanation; or (ii) receives a written notice from the appraiser asking to be removed or a notice of the death or incapacity of the appraiser.[14] The AMC would retain these notices in its files. FHFA is correcting the title of this IC from ''AMC Recordkeeping Requirements'' to ''AMC Disclosure Requirements (Written Notice of Appraiser Removal From Network or Panel)'' to reflect that it is a disclosure requirement instead of a reporting requirement and redesignating it to IC #3 from IC #4.

B. Burden Estimate

For the information collections described above, the general methodology is to compute the industry-wide burden hours for participating states and AMCs and then assign a share of the burden hours to each of the Agencies for each information collection.

As noted above, each of the Agencies' AMC regulations contains reporting and recordkeeping requirements applying to participating states and to both federally regulated and non-federally regulated AMCs.[15] The Agencies have estimated that approximately 3,860 entities meet the regulatory definition of an ''appraisal management company.''[16] According to the AMC National Registry, 3,817 (rounded to 3,820) are state-regulated.[17] Unlike the insured depository institutions regulated by the OCC, FDIC, and the Board, none of FHFA's regulated entities owns or controls an AMC or, by law, could ever own or control an AMC. Accordingly, the Agencies have agreed that responsibility for the burdens arising from reporting and recordkeeping requirements imposed upon federally regulated AMCs are to be split evenly among the OCC, FDIC, and the Board, and that FHFA will not include those burdens in its totals. The four Agencies have agreed to split the total burdens imposed upon participating states and upon non-federally regulated AMCs evenly between them.

Thus, for IC #1 ''State Recordkeeping Requirements,'' which relates to reporting and recordkeeping requirements imposed upon participating states, each agency is responsible for 25 percent of the total estimated burden. For IC #3''AMC Disclosure Requirements (Written Notice of Appraiser Removal From Network or Panel)'' which relates to disclosure requirements imposed upon both federally regulated AMCs and non-federally regulated AMCs, the OCC, FDIC, and the Board are each responsible for 30 percent of the total burden, while FHFA is responsible only for 10 percent of the burden imposed.[18]

The Agencies estimate the total annualized hour burden placed on respondents by the information collection in the joint AMC regulations to be 8,208 hours. FHFA estimates its share of the hour burden to be 837 hours. The calculations on which those estimations are based are described below.

1. State Recordkeeping Requirements (IC #1)

The estimated burden hours on participating states for developing and maintaining an AMC licensing program is calculated by multiplying the number of states without a registration and licensing program by the hour burden to develop the system. The total burden hours are then equally divided among the FDIC, OCC, Board, and FHFA. According to the ASC there are four states (the territories of Guam, Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) that have not developed a system to register and oversee AMCs.[19] The burden estimate of 40 hours per state without a registration system is unchanged from the estimate provided for the currently-approved ICR. Therefore, the total estimated burden attributable to all of the Agencies is: 4 states × 40 hours/state = 160 hours. The estimated burden hours attributable to FHFA are 160 hours × 25 percent = 40 hours.

2. AMC Disclosure Requirements (State-Regulated AMCs) (IC #2)

The burden for AMC disclosure requirements for information needed to determine the AMC National Registry fee and information regarding compliance with the AMC ownership restrictions is calculated by multiplying the number of AMCs by the frequency of response and then by the burden per response. As described above, 30 percent of the burden hours are then assigned to each of the FDIC, OCC, and the Board, while 10 percent are assigned to FHFA. There are 3,820 state-regulated AMCs.

The frequency of response is estimated as the number of states that do not have an AMC registration program in which the average AMC operates.[20] As discussed above, 4 states do not have AMC registration or oversight programs. According to the Consumer Financial Protection Bureau (CFPB), the average AMC operates in 19.56 states.[21] Therefore, the average AMC operates in approximately 2 states that do not have AMC registration systems: (4 states/55 states) × 19.56 states = 1.422 states, rounded to 2 states. The burden estimate of one hour per response is unchanged from the estimate provided for the currently-approved ICR. Therefore, the total estimated hour burden is: 3,820 AMCs × 2 states × 1 hour = 7,640 hours. The estimated burden hours attributable to FHFA are 7,640 hours × 10 percent = 764 hours.

3. AMC Disclosure Requirements (Written Notice of Appraiser Removal From Network or Panel) (IC #3)

The burden for disclosure by AMCs of written notices of appraiser removal from a network or panel is estimated to be equal to the number of appraisers who leave the profession per year multiplied by the estimated percentage of appraisers who work for AMCs, then

[13] *See* 12 CFR 1222.21(c)(1)(iii).

[14] *See* 12 CFR 1222.22(b).

[15] In FHFA's regulations, the definition for AMC is set forth at 12 CFR 1222.21(c).

[16] *Id.* at 58276.

[17] *Id.*

[18] FHFA's IC#2 ''AMC Disclosure Requirements (State-regulated AMCs) now collects information relating only to state-regulated AMCs, but FHFA will still be allocated only 10 percent of the burden. *See* 86 FR at 58277.

[19] Appraisal Subcommittee ''States' Status on Implementation of AMC Programs,'' available at *https://www.asc.gov/National-Registries/StatesStatus.aspx.*

[20] The number of states includes all U.S. states, territories, and districts to include: The Commonwealth of the Northern Mariana Islands; the District of Columbia; Guam; Puerto Rico; and the U.S. Virgin Islands.

[21] *See* OMB No. 3064–0195 and the accompanying Supporting Statement submitted by the FDIC in 2018, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201804-3064-013.* Additional details on the survey can be found in the text accompanying the final rule. See Minimum Requirements for Appraisal Management Companies, 80 FR 32,677 (June 9, 2015).

multiplied by burden hours per notice. As described above, 30 percent of the burden hours are then assigned to each of the FDIC, OCC, and the Board, while 10 percent are assigned to FHFA.

The number of appraisers who leave an AMC annually, either by resigning, being laid off, or having their licenses revoked or surrendered, is estimated to be 4,130. The burden estimate of 0.08 hours per notice is unchanged from the estimate provided for the currently-approved ICR. Therefore, the estimated total hour burden is: 4,130 notices × 0.08 hours = 330 hours (rounded to the nearest whole number). The estimated burden hours attributable to FHFA are 330 hours × 10 percent = 33 hours.

C. Response to Comments Received

In accordance with the requirements of 5 CFR 1320.8(d), FHFA published an initial notice and request for comments regarding the renewal of the PRA clearance for this information collection in the **Federal Register** on August 23, 2021 (60-day notice).[22] The 60-day comment period closed on October 22, 2021.

FHFA received one comment. The commenter questioned FHFA's estimate that 3,860 entities meet the regulatory definitions of an AMC. The commenter stated that ''[b]ased on the federal definition of an AMC and our understanding of the number of state licensed AMCs, this estimate of approximately 3,860 entities meeting the definition of an AMC seems exceedingly high. We believe there are approximately 300 licensed entities doing business as AMCs.'' The commenter does not provide any detail to explain how they arrived at their much lower estimate of 300 compared to FHFA and FDIC's 3,860. Their comment gives no basis to ascertain the source of the discrepancy, either as to the underlying data or the analysis of the regulatory definition of AMCs.

FHFA has reviewed the comment and continues have confidence in the 3,860 estimate of AMCs. ASC's 2020 Annual Report states that ''[a]s of December 31, 2020, the Registry contained 3,417 AMCs.'' The FDIC's review determined that there are 3,854 total active AMCs in the Registry (both federally and non-federally regulated) as of June 2021, which we rounded to 3,860 in our 60-day notice. FHFA concurs with the FDIC's review of the ASC Registry in June 2021. Both the FDIC analysis and the ASC Annual Report substantiate FHFA's estimate and confirms our concurrence with the FDIC's review. FHFA remains confident that the number is accurate. Accordingly, FHFA will not change the number of AMCs in the 30-day notice.

D. Comments Request

In accordance with the requirements of 5 CFR 1320.10(a), FHFA is publishing this second notice to request comments regarding the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Kevin Smith,

Chief Information Officer, Federal Housing Finance Agency.

[FR Doc. 2021–23657 Filed 10–29–21; 8:45 am]

BILLING CODE 8070–01–P

[22] *See* 86 FR 47107 (Aug. 23, 2021).

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than December 1, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org:*

1. *American Bancor, Ltd., Dickinson, North Dakota;* to acquire Financial Security Bank, Kerkhoven, Minnesota.

Board of Governors of the Federal Reserve System, October 27, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–23777 Filed 10–29–21; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

SES Performance Review Board

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members to the FTC Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Vicki Barber (202–326–2700), Chief Human Capital Officer, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314 (c)(4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations regarding performance ratings, performance awards, and pay-for-performance pay adjustments to the Chair.

The following individuals have been designated to serve on the Commission's Performance Review Board:

Vicki Barber, Chief Human Capital Officer

Reilly James Dolan, Principle Deputy General Counsel

Tara Koslov, Deputy Director, Bureau of Competition

David Robbins, Executive Director, PRB Chair

Monica Vaca, Deputy Director, Bureau of Consumer Protection

Michael Vita, Deputy Director, Bureau of Economics

Kevin Williams, Deputy Executive Director

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2021–23652 Filed 10–29–21; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0118; NIOSH 248–I]

World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, CDC announces the following virtual meeting for the World Trade Center Health Program Scientific/Technical Advisory Committee (WTCHP STAC). A notice of this WTCHP STAC meeting has also been posted on the committee website at: *https://www.cdc.gov/wtc/stac_meeting.html.*

DATES: The meeting will be held on November 18, 2021, from 11:00 a.m. to 4:00 p.m., EST. Comments must be received by November 18, 2021. Written public comment received prior to the meeting will be part of the official record of the meeting.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0118; NIOSH 248–I by mail. CDC does not accept comments by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket number CDC–2021–0118; NIOSH 248–I, c/o Sherri Diana, NIOSH Docket Office, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226.

Instructions: All submissions received must include the Agency name and Docket Number (CDC–2021–0118; NIOSH 248–I). All relevant comments, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tania Carreón-Valencia, Ph.D., Designated Federal Officer, World Trade Center Health Program, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road NE, MS R–12, Atlanta, GA 30329–4027, Telephone: (513) 841–4515; Email: *wtc-stac@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The WTCHP STAC was established by Title I of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (Jan. 2, 2011), as amended by Public Law 114–113 (Dec. 18, 2015) and Public Law 116–59 (Sept. 27, 2019), adding Title XXXIII to the Public Health Service (PHS) Act (codified at 42 U.S.C. 300mm to 300mm–61).

Purpose: The purpose of the WTCHP STAC is to review scientific and medical evidence and to make recommendations to the Administrator of the World Trade Center (WTC) Health Program regarding additional WTC Health Program eligibility criteria, potential additions to the List of WTC-Related Health Conditions (List), and research regarding certain health conditions related to the September 11, 2001, terrorist attacks.

Title XXXIII of the PHS Act established the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001 or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors). Certain specific activities of the Administrator of the WTC Health Program are reserved to the Secretary, HHS, to delegate at his discretion; other duties not explicitly reserved to the Secretary, HHS, are assigned to the Director of the National Institute for Occupational Safety and Health (NIOSH). The administration of the WTCHP STAC is left to the Director of NIOSH in his role as Administrator. CDC and NIOSH provide funding, staffing, and administrative support services for the WTCHP STAC. The charter was reissued on May 12, 2021 and will expire on May 12, 2023.

Matters To Be Considered: The agenda will include a presentation about revisions to the existing *Policy and Procedures for Adding Types of Cancer to the List of WTC-Related Health Conditions,* a report from the STAC workgroup regarding adding uterine cancer to the List, deliberations by the full committee on the STAC recommendation to the Administrator of the WTC Health Program on whether to add uterine cancer to the List, and recommendations on peer reviewers to review the evaluation of the evidence for adding the health condition to the List. The revised draft *Policy and Procedures for Adding Types of Cancer to the List of WTC-Related Health Conditions* is available on the WTC Health Program website at *https://www.cdc.gov/wtc/stac_meeting.html.* An agenda is also posted on the WTC Health Program website at *https://www.cdc.gov/wtc/stac_meeting.html.* Agenda items are subject to change as priorities dictate.

Meeting Information: This is a virtual meeting conducted via Zoom. The public is welcome to follow the proceedings via live webcast. No registration is required. The webcast link for November 18, 2021 is *https://www.ustream.tv/channel/QyXBRzYjVCS.* For additional information please visit the WTC Health Program website at *https://www.cdc.gov/wtc/stac_meeting.html.*

Public Participation

Interested parties may participate in this activity by submitting written views, opinions, recommendations, and data. You may submit comments on any topic related to this activity. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket. CDC does not accept comment by email.

Oral Public Comment: The public is welcome to participate, via Zoom, during the public comment period on November 18, 2021, from 1:00 p.m. to 1:30 p.m., EST. Please note that the public comment period ends at the time indicated above. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first come-first served basis.

Members of the public who wish to address the WTCHP STAC during the oral public comment sessions must sign up by providing their name to Mia Wallace, Committee Management Specialist, via email: *MWallace@cdc.gov,* or the addresses section provided in this notice by November 12, 2021.

Written Public Comment: Written comments will also be accepted per the instructions provided in the addresses section above. Written public comment received prior to the meeting will be part of the official record of the meeting. The docket will close on November 18, 2021.

Policy on Redaction of Committee Meeting Transcripts (Public Comment): Transcripts will be prepared and posted to *http://www.regulations.gov* within 60 days after the meeting. If a person making a comment gives their name, no attempt will be made to redact that name. NIOSH will take reasonable steps to ensure that individuals making public comments are aware that their comments (including their name, if provided) will appear in a transcript of the meeting posted on a public website. Such reasonable steps include a statement read at the start of the meeting stating that transcripts will be posted, and names of speakers will not be redacted. If individuals in making a statement reveal personal information (*e.g.,* medical information) about themselves, that information will not usually be redacted. The CDC Freedom of Information Act coordinator will, however, review such revelations in accordance with the Freedom of Information Act and, if deemed appropriate, will redact such information. Disclosures of information concerning third party medical information will be redacted.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–23684 Filed 10–29–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—PAR 20–312, State Occupational Safety and Health Surveillance Program (U60).

Date: January 25, 2022.

Time: 1:00 p.m.–5:00 p.m., EST.

Place: Video-Assisted Meeting.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Dan Hartley, Ed.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26505, Telephone: (304) 285–5812; Email: *DHartley@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–23732 Filed 10–29–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–1557 and CMS–370G–I]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 1, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Website address at Website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey Report Form for Clinical Laboratory Improvement Amendments (CLIA) and Supporting Regulations; *Use:* The form is used to report surveyor findings during a CLIA survey. For each type of survey conducted (*i.e.,* initial certification, recertification, validation, complaint, addition/deletion of specialty/subspecialty, transfusion fatality investigation, or revisit inspections) the Survey Report Form incorporates the requirements specified in the CLIA regulations. *Form Number:* CMS–1557 (OMB control number: 0938–0544); *Frequency:* Biennially; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions, State, Local or Tribal Governments and Federal Government); *Number of Respondents:* 15,975; *Total Annual Responses:* 7,988; *Total Annual Hours:* 3,994. (For policy questions regarding this collection contact Kathleen Todd at 410–786–3385).

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* ICF/IID Survey Report Form and Supporting Regulations; *Use:* The information collected with forms 3070G, CMS–3070H and CMS–3070I is used by the surveyors from the State Survey Agencies (SAs) to determine the level of compliance with the ICF/IID Conditions of Participation (CoPs) necessary to participate in the Medicare/Medicaid program and to report any non-compliance with the ICF/IID CoPs to the Federal government. These forms summarize the survey team characteristics, facility characteristics, client population, and the special needs of clients. These forms are used in conjunction with the CMS regulation text and additional surveyor aids such as the CMS interpretive guidelines and probes. The CMS–3070G–I forms serves as coding worksheets, designed to facilitate data entry and retrieval into the Automated Survey Processing Environment Suite (ASPEN) in the State and at the CMS regional offices. *Form Number:* CMS–3070G–I (OMB control number: 0938–0062); *Frequency:* Reporting—Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 5,758; *Total Annual Responses:* 5,758; *Total Annual Hours:* 17,274. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705.)

Dated: October 27, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–23779 Filed 10–29–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–R–235 and CMS–R–262]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 3, 2022.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–235 Data Use Agreement (DUA) Form, Research Identifiable Files Request Packet

CMS–R–262 CMS Plan Benefit Package (PBP) and Formulary CY 2023

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management

and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Data Use Agreement (DUA) Form, Research Identifiable Files Request Packet; *Use:* Coverage for the prescription drug benefit is provided through contracted prescription drug plans (PDPs) or through Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage (MA–PD plans). Cost Plans that are regulated under Section 1876 of the Social Security Act, and Employer Group Waiver Plans (EGWP) may also provide a Part D benefit. Organizations wishing to provide services under the Prescription Drug Benefit Program must complete an application, negotiate rates, and receive final approval from CMS. Existing Part D Sponsors may also expand their contracted service area by completing the Service Area Expansion (SAE) application.

Collection of this information is mandated in Part D of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) in Subpart 3. The application requirements are codified in Subpart K of 42 CFR 423 entitled ''Application Procedures and Contracts with PDP Sponsors.''

The information will be collected under the solicitation of proposals from PDP, MA–PD, Cost Plan, Program of All Inclusive Care for the Elderly (PACE), and EGWP applicants. The collected information will be used by CMS to: (1) Ensure that applicants meet CMS requirements for offering Part D plans (including network adequacy, contracting requirements, and compliance program requirements, as described in the application), (2) support the determination of contract awards. *Form Numbers:* CMS–R–235 (OMB control number: 0938–0734); *Frequency:* Occasionally; *Affected Public:* Private Sector, State, Local, or Tribal Governments, Federal Government (Business or for-profits and Not-for-profit institutions); *Number of Respondents:* 8,445; *Total Annual Responses:* 8,445; *Total Annual Hours:* 2,396. (For policy questions regarding this collection contact Kari A. Gaare at 410–786–8612.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Contract Year 2023 Plan Benefit Package (PBP) Software and Formulary Submission; *Use:* Under the Medicare Modernization Act (MMA), Medicare Advantage (MA) and Prescription Drug Plan (PDP) organizations are required to submit plan benefit packages for all Medicare beneficiaries residing in their service area. The plan benefit package submission consists of the Plan Benefit Package (PBP) software, formulary file, and supporting documentation, as necessary. MA and PDP organizations use the PBP software to describe their organization's plan benefit packages, including information on premiums, cost sharing, authorization rules, and supplemental benefits. They also generate a formulary to describe their list of drugs, including information on prior authorization, step therapy, tiering, and quantity limits.

CMS requires that MA and PDP organizations submit a completed PBP and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to CMS for review and approval. CMS uses this data to review and approve the benefit packages that the plans will offer to Medicare beneficiaries. This allows CMS to review the benefit packages in a consistent way across all submitted bids during with incredibly tight timeframes. This data is also used to populate data on Medicare Plan Finder, which allows beneficiaries to access and compare Medicare Advantage and Prescription Drug plans. *Form Number:* CMS–R–262 (OMB control number: 0938–0763); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions), State, Local, or Tribal Governments; *Number of Respondents:* 785; *Total Annual Responses:* 8,405; *Total Annual Hours:* 76,378. (For policy questions regarding this collection contact Kristy L. Holtje at 410–786–2209.)

Dated: October 27, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–23748 Filed 10–29–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Data Collection for the Integrating Financial Capability and Employment Services Project (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing a data collection activity as part of the Integrating Financial Capability and Employment Services Project. The objective of this project is to better understand financial capability interventions offered in the context of delivering employment and training services for low-income adults. This descriptive study intends to use this information to build more evidence about the extent, forms, and practices of incorporating financial capability interventions into organizations delivering employment and training services for low-income adult populations, and to help establish a basis for future research and evaluation in this area. This project will focus on organizations delivering employment and training services that also offer financial capability services to low-income adults.

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: The objective of the Integrating Financial Capability and Employment Services Project is to better understand financial capability interventions offered in the context of delivering employment and training services for low-income adults. This descriptive study intends to use the information collected to build more evidence about the extent, forms, and practices of incorporating financial capability interventions into organizations delivering employment and training services for low-income adult populations, and to help establish a basis for future research and evaluation in this area. This project will focus on organizations delivering employment and training services that also offer financial capability services to low-income adults and will include:

- An online survey of organizations to document important factors driving the decision to incorporate financial capability services as well as key inputs, activities, and outputs involved in offering such services;
- phone interviews of administrators of organizations to gather qualitative information on how organizations implement financial capability across a variety of program types;
- virtual site visits to four organizations to collect in-depth qualitative information from multiple perspectives on notable models;
- interviews with participants to provide context on participants' perspectives on these services;
- interviews with employers offering financial capability services to collect qualitative information on the types of financial capability services delivered in the employer context; and
- focus groups with administrators of organizations to identify challenges integrating financial capability services into employment and training services.

Respondents: Individuals that are currently receiving or have received financial capability services; administrators, managers, and staff of employment and training programs; managers and staff of programs that partner with employment and training programs; and leadership at private employers.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total/annual burden (in hours)
Survey of Employment and Training Programs	80	1	.33	27
Phone Interviews	15	1	1.5	23
Virtual Site Visit Interviews	32	1	1.5	48
Participant Interviews	16	1	1.5	24
Employer Interviews	10	1	1	10
Program Administrator Focus Groups	10	1	1.5	15

Estimated Total Annual Burden Hours: 147.

Authority: 42 U.S.C. 613.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–23727 Filed 10–29–21; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; ACF–901—American Rescue Plan (ARP) Stabilization Grants Provider-Level Data (New Collection)

AGENCY: Office of Child Care, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Child Care, Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for a new collection, ACF–901—American Rescue Plan (ARP) Stabilization Grants Provider-Level Data. The data collection will provide numbers and characteristics of child care providers receiving ARP Act stabilization grant awards.

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. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The ARP Act of 2021 (Sec. 2202, Pub. L. 117–2) included approximately $24 billion in funding for child care stabilization grants. State and territory lead agencies must spend at least 90 percent of the stabilization funds as subgrants to qualified child care providers to support the stability of the child care sector during and after the COVID–19 public health emergency. Data collection will include child care provider-level information about the numbers and characteristics of child care providers receiving stabilization grant awards.

Respondents: State and Territory Lead Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
ACF–901: American Rescue Plan (ARP) Stabilization Grants Provider-Level Data	56	4	20	4,480

Authority: The Child Care and Development Block Grant Act (42 U.S.C. 9857 *et seq.*); 45 CFR parts 98 and 99; the ARP Act of 2021 (Sec. 2202, Pub. L. 117–2).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–23683 Filed 10–29–21; 8:45 am]

BILLING CODE 4184–84–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2017–E–5720; FDA–2017–E–5724; FDA–2017–E–5740; and FDA–2017–E–5748]

Determination of Regulatory Review Period for Purposes of Patent Extension; SPINRAZA

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 SPINRAZA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of patents which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (the **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by January 3, 2022. 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 May 2, 2022. 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 January 3, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 3, 2022. 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 Nos. FDA–2017–E–5720; FDA–2017–E–5724; FDA–2017–E–5740; and FDA–2017–E–5748 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; SPINRAZA.'' 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.gpo.gov/fdsys/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 or biologic 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 SPINRAZA (nusinersen sodium). SPINRAZA is indicated for the treatment of spinal muscular atrophy in pediatric and adult patients. Subsequent to this approval, the USPTO received patent term restoration applications for SPINRAZA (U.S. Patent Nos. 7,838,657 and 8,110,560 from University of Massachusetts, and U.S. Patent Nos. 8,361,977 and 8,980,853 from Biogen MA Inc., and Cold Spring Harbor Laboratory), and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated February 8, 2018, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of SPINRAZA 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 SPINRAZA is 1,891 days. Of this time, 1,799 days occurred during the testing phase of the regulatory review period, while 92 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:* October 22, 2011. FDA has verified the applicants' claims that the date the investigational new drug application became effective was on October 22, 2011.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* September 23, 2016. FDA has verified the applicants' claims that the new drug application (NDA) for SPINRAZA (NDA 209531) was initially submitted on September 23, 2016.

3. *The date the application was approved:* December 23, 2016. FDA has verified the applicants' claims that NDA 209531 was approved on December 23, 2016.

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 applications for patent extension, these applicants seek 29 days, 210 days, 937 days, or 992 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: October 26, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23719 Filed 10–29–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–1031]

Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the Federal Food, Drug, and Cosmetic Act; 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 ''Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act.'' This draft guidance addresses the process through which registrants of drug establishments should submit to FDA reports on the amount of each listed drug manufactured, prepared, propagated, compounded, or processed for commercial distribution, as required by the Federal Food, Drug, and Cosmetic Act (FD&C Act).

DATES: Submit either electronic or written comments on the draft guidance by January 3, 2022 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–2021–D–1031 for ''Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act.'' 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; Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Room 3128, Silver Spring, MD 20993–0002; or Policy and Regulations Staff, HFV–6, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855. 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: Neil Stiber, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4128, Silver Spring, MD 20993–0002, 301–796–8944; 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; Neal Bataller, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Place, (HFV–210), Rm. 2612, Rockville, MD 20855, 240–402–5745.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act.'' On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted to aid response efforts and ease the economic impact of the Coronavirus Disease 2019 (COVID–19). In addition, the CARES Act included authorities to enhance FDA's ability to identify, prevent, and mitigate possible drug shortages by, among other things, improving FDA's visibility into drug supply chains. Section 3112(e) of the CARES Act (Pub. L. 116–136) added section 510(j)(3) of the FD&C Act (21 U.S.C. 360(j)(3)) to require that each person (including repackers and relabelers) who registers with FDA under section 510 of the FD&C Act with regard to a drug must report annually to FDA the amount of each listed drug that was manufactured, prepared, propagated, compounded, or processed by such person for commercial distribution.

This draft guidance is intended to assist registrants of drug establishments in submitting to FDA reports on the amount of each listed drug manufactured, prepared, propagated, compounded, or processed for commercial distribution, as required by section 510(j)(3) of the FD&C Act. The draft guidance addresses the content of reports, the timing of reports, and the process for report submission.

This draft guidance describes the process that should be used for reporting by each person who registers with FDA under section 510 of the FD&C Act with regard to a listed drug (including a finished dosage form product, an active pharmaceutical ingredient, and other listed drugs), except for biological products or categories thereof exempted by an order under section 510(j)(3)(B)). The process described in this guidance applies to such reporting with respect to listed drugs, including medical gases, homeopathic products, products

marketed in accordance with requirements under section 505G of the FD&C Act (21 U.S.C. 355h), often referred to as over-the-counter monograph drugs, and animal drug products that are not approved, conditionally approved, or indexed under sections 512, 571, and 572 of the FD&C Act (21 U.S.C. 360b, 360ccc, and 360ccc–1).

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 ''Reporting Amount of Listed Drugs and Biological Products Under Section 510(j)(3) of the FD&C Act.'' 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 regulatory citations and associated collections of information that OMB approved are as follows:

• Registrants who own or operate a domestic or foreign establishment that manufactures, prepares, propagates, compounds, or processes a drug must submit to FDA information on the amount of listed drugs that they manufacture, prepare, propagate, compound, or process. Registrants must submit information on the following listed drugs: (1) Finished dosage form products, (2) drug products with active pharmaceutical ingredients, and (3) other listed drugs. The collection of information under section 510(j)(3) of the FD&C Act (as added by section 3112 of the CARES Act) on the amount of listed drug products has been approved under OMB control number 0910–0045. FDA is developing an electronic portal for registrants to submit this information.

• FDA requires that applicants submit annual reports for abbreviated new drug applications, biologics license applications, and new drug applications. The collections of information in parts 314 and 601 have been approved under OMB control numbers 0910–0001 and 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/animal-veterinary/guidance-regulations/guidance-industry, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: October 27, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23722 Filed 10–29–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–1071]

Allergan Sales, LLC, et al.; Withdrawal of Approval of 18 New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of 18 new drug applications (NDAs) from multiple applicants. The applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of December 1, 2021.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 301–796–3137.

SUPPLEMENTARY INFORMATION: The applicants listed in the table have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

Application No.	Drug	Applicant
NDA 007409	Bentyl (dicyclomine hydrochloride (HCl)) Capsules, 10 milligram (mg). Bentyl (dicyclomine HCl) Tablets, 20 mg.	Allergan Sales, LLC, 5 Giralda Farms, Madison, NJ 07940.
NDA 013625	Norinyl 1 + 50 (norethindrone and mestranol) Tablets, 0.05 mg/1 mg. Norinyl (norethindrone and mestranol) Tablets, 0.1 mg/2 mg	Actavis Laboratories UT, Inc. (an indirect, wholly owned subsidiary of Teva Pharmaceuticals USA, Inc.), 145 Brandywine Pkwy., West Chester, PA 19380.
NDA 014169	Dendrid (idoxuridine) Ophthalmic Solution, 0.1%	Alcon Laboratories, Inc., 6201 South Freeway, Fort Worth, TX 76134.
NDA 019404	Ocufen (flurbiprofen sodium) Ophthalmic Solution, 0.03%	Allergan, Inc., 2525 Dupont Dr., Irvine, CA 92612.
NDA 019784	Ibuprofen Oral Suspension, 100 mg/5 milliliters (mL)	Abbott Laboratories Established Pharmaceuticals Products Division, 200 Abbott Park Rd., Abbott Park, IL 60064.
NDA 020010	Lotrisone (betamethasone dipropionate and clotrimazole) Lotion, Equivalent to (EQ) 0.05% base/1%.	Merck Sharp and Dohme Corp., a subsidiary of Merck and Co., Inc., 1 Merck Drive, P.O. Box 100, Whitehouse Station, NJ 08889.
NDA 020098	Mivacron (mivacurium chloride) Solution, EQ 2 mg base/mL, EQ 10 mg base/5 mL, and EQ 20 mg base/10 mL. Mivacron in Dextrose 5% in plastic container (mivacurium chloride) Injectable, EQ 0.5 mg base/mL and EQ 50 mg base/100 mL.	AbbVie, Inc., 1 N Waukegan Rd., North Chicago, IL 60064
NDA 020412	Zerit (stavudine) Capsules, 5 mg, 15 mg, 20 mg, 30 mg, and 40 mg.	Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543.

Application No.	Drug	Applicant
NDA 020509	Gemzar (gemcitabine HCl) Injection, EQ 200 mg base and EQ 1 gram (g) base.	Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285.
NDA 020696	Antizol (fomepizole) Injection, 1.5 g/1.5 mL	Par Sterile Products, LLC, 6 Ram Ridge Rd., Chestnut Ridge, NY 10977.
NDA 020705	Rescriptor (delavirdine mesylate) Tablets, 100 mg and 200 mg.	ViiV Healthcare Co., 5 Moore Dr., Research Triangle Park, NC 27709.
NDA 021114	Betaxon (levobetaxolol HCl) Ophthalmic Suspension, EQ 0.5% base.	Alcon Laboratories, Inc.
NDA 021199	Quixin (levofloxacin) Ophthalmic Solution, 0.5%	Santen Inc., 6401 Hollis St., Suite 125, Emeryville, CA 94608.
NDA 021571	Iquix (levofloxacin) Ophthalmic Solution, 1.5%	Do.
NDA 050704	DaunoXome (daunorubicin citrate liposome injection), EQ 2 mg base/mL.	Galen Limited, 25 Fretz Rd., Souderton, PA 18964.
NDA 204736	AcipHex Sprinkle (rabeprazole sodium) Delayed Release Capsules, 5 mg and 10 mg.	Aytu BioScience Inc., 373 Inverness Parkway, Suite 206, Englewood, CO 80112.
NDA 205060	Epanova (omega-3-carboxylic acids) Capsules, 1 gram (1 g contains at least 850 mg of polyunsaturated fatty acids).	AstraZeneca Pharmaceuticals LP, 1800 Concord Pike, Wilmington, DE 19803.
NDA 206843	Daklinza (daclatasvir dihydrochloride) Tablets, EQ 30 mg base, EQ 60 mg base, and EQ 90 mg base.	Bristol-Myers Squibb Co.

Therefore, approval of the applications listed in the table, and all amendments and supplements thereto, is hereby withdrawn as of December 1, 2021. Approval of each entire application is withdrawn, including any strengths and dosage forms inadvertently missing from the table. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in the table that are in inventory on December 1, 2021 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: October 25, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23729 Filed 10–29–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2020–E–1817; FDA–2020–E–1818; FDA–2020–E–1820]

Determination of Regulatory Review Period for Purposes of Patent Extension; ENHERTU

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 ENHERTU and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications 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 January 3, 2022. 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 May 2, 2022. 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 January 3, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 3, 2022. 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 Nos. FDA–2020–E–1817; FDA–2020–E–1818; and FDA–2020–E–1820, for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ENHERTU.'' 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 or biologic 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 ENHERTU (fam-trastuzumab deruxtecan-nxki). ENHERTU is indicated for the treatment of adult patients with unresectable or metastatic HER2-positive breast cancer who have received two or more prior anti-HER2-based regimens in the metastatic setting. This indication is approved under accelerated approval based on tumor response rate and duration of response. Continued approval for this indication may be contingent upon verification and description of clinical benefit in a confirmatory trial. Subsequent to this approval, the USPTO received a patent term restoration application for ENHERTU (U.S. Patent Nos. 9,808,537; 10,155,821; and 10,195,288) from Daiichi Sankyo Company, Limited, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated October 13, 2020, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of ENHERTU 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 ENHERTU is 1,395 days. Of this time, 186 days occurred during the testing phase of the regulatory review period, while 1,209 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:* February 26, 2016. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on February 26, 2016.

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):* August 29, 2019. FDA has verified the applicant's claim that the biologics license application (BLA) for ENHERTU (BLA 761139) was initially submitted on August 29, 2019.

3. *The date the application was approved:* December 20, 2019. FDA has verified the applicant's claim that BLA 761139 was approved on December 20, 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 applications for patent extension, this applicant seeks 71 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 Nos. 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.

Dated: October 22, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23725 Filed 10–29–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–1026]

Agency Information Collection Activities; Proposed Collection; Comment Request; Text Analysis of Proprietary Drug Name Interpretations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on a proposed study entitled ''Text Analysis of Proprietary Drug Name Interpretations.''

DATES: Submit either electronic or written comments on the collection of information by January 3, 2022.

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 January 3, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 3, 2022. 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–N–1026 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Text Analysis of Proprietary Drug Name Interpretations.'' 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 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: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *Ila.Mizrachi@fda.hhs.gov.*

For copies of the questionnaire: Office of Prescription Drug Promotion (OPDP) Research Team, *DTCResearch@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice

of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Text Analysis of Proprietary Drug Name Interpretations

OMB Control Number 0910–NEW

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

The Office of Prescription Drug Promotion's (OPDP) mission is to protect the public health by helping to ensure that prescription drug promotion is truthful, balanced, and accurately communicated. OPDP's research program provides scientific evidence to help ensure that our policies related to prescription drug promotion will have the greatest benefit to public health. Toward that end, we have consistently conducted research to evaluate the aspects of prescription drug promotion that are most central to our mission. Our research focuses in particular on three main topic areas: (1) Advertising features, including content and format; (2) target populations; and (3) research quality. Through the evaluation of advertising features, we assess how elements such as graphics, format, and disease and product characteristics impact the communication and understanding of prescription drug risks and benefits. Focusing on target populations allows us to evaluate how understanding of prescription drug risks and benefits may vary as a function of audience, and our focus on research quality aims at maximizing the quality of research data through analytical methodology development and investigation of sampling and response issues. This study will inform all three topic areas.

Because we recognize the strength of data and the confidence in the robust nature of the findings are improved through the results of multiple converging studies, we continue to develop evidence to inform our thinking. We evaluate the results from our studies within the broader context of research and findings from other sources, and this larger body of knowledge collectively informs our policies as well as our research program. Our research is documented on our home page, which can be found at: *https://www.fda.gov/about-fda/center-drug-evaluation-and-research-cder/office-prescription-drug-promotion-opdp-research.* The website includes links to the latest **Federal Register** notices and peer-reviewed publications produced by our office.

As part of the prescription drug regulatory review process, sponsors propose proprietary names for their products. These names undergo a proprietary name review that involves the Office of Drug Safety, the relevant medical office, and OPDP. OPDP reviews names to assess for alignment with the FD&C Act, which provides, among other things, that labeling can misbrand a product if false or misleading representations are made (see 21 U.S.C. 321(n) and 352(a)). A proprietary name that appears in labeling could result in such misbranding if it is false or misleading. OPDP reviews, among other things, whether names: (1) Overstate the efficacy or safety of the drug; (2) suggest drug indications that are not accurate; (3) suggest superiority without substantiation; or (4) are of a fanciful nature that misleadingly implies unique effectiveness or composition. It would be helpful in OPDP's review of promotional implications of proprietary names for data on consumer and prescriber interpretations of proposed proprietary names to be more readily available for consideration. The proposed research will utilize text analysis (*e.g.,* topic modeling and sentiment analysis) to ascertain how consumer and primary care physician (PCP) populations interpret prescription drug names, which will assist OPDP's consideration of promotional implications.

This proposed research builds upon and extends OPDP research entitled ''Empirical Study of Promotional Implications of Proprietary Prescription Drug Names'' (86 FR 14440). That research involves an experimental design intended to assess names that potentially overstate the efficacy of a product. In contrast, the proposed research involves a survey design that comprises primarily open-ended questions intended to generate text for analysis, an approach that is unrestricted in its ability to assess different types of promotional implications (*e.g.,* minimization of risk and unsubstantiated superiority, in addition to overstatement of efficacy). The proposed research will add to the depth and breadth of knowledge we can draw from during the review of proposed proprietary drug names.

The key objectives of the proposed research are as follows:

1. To apply new techniques such as topic modeling and sentiment analysis (forms of text analysis) to answer OPDP's research questions about consumer and PCP interpretations of proprietary prescription drug names.
2. To help develop a methodological approach for assessing consumer and prescriber interpretations of drug names, which can potentially be used in the future as a standard assessment tool.

Our methodological approach will involve nationally representative samples. Consumers will be recruited from Ipsos Public Affairs KNOWLEDGEPANEL. PCPs will be recruited using a two-stage approach that will begin with a purchased list of PCPs based on the American Medical Association Physician Masterfile. These members will then be matched to one or more sample provider lists to recruit PCP participants for this study. We propose a sample of 300 consumers and 300 PCPs for the main study. We have designed a within-subjects experiment in which participants will be exposed to multiple drug names to maximize power to find differences with this sample size. The stimuli will comprise 60 experimental names and 60 control names. Participants will be randomized to 1 of 10 groups so that no one responds to more than 12 names in total. Each participant will see six experimental names and six control names. The experimental names will be names with suspected promotional implications, whereas the control names will not have suspected promotional implications. Names will be viewed in random order. Participants will respond in open-ended text boxes about their perceptions of each drug name. Supplementary closed-ended questions may also be presented. We will conduct text analysis of the responses and present descriptive results for individual drug names by participant cohort (*i.e.,* consumers vs. PCPs), and

we will also code and compare responses across types of drug names.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
General Consumer Population					
Pretest 1 screener (assumes 80% eligible)	22	1	22	0.08 (5 minutes)	1.8
Pretest 1 survey	15 + 10% [2] = 17	1	15 + 10% [2] = 17	0.33 (20 minutes)	5.6
Pretest 2 screener (assumes 80% eligible)	22	1	22	0.08 (5 minutes)	1.8
Pretest 2 survey	15 + 10% [2] = 17	1	15 + 10% [2] = 17	0.33 (20 minutes)	5.6
Main study screener completes (assumes 80% eligible).	413	1	413	0.08 (5 minutes)	33
Main study survey completes	300 + 10% [2] = 330	1	300 + 10% [2] = 330	0.33 (20 minutes)	108.9
PCP Population					
Pretest 1 screener (assumes 30% eligible)	57	1	57	0.08 (5 minutes)	4.6
Pretest 1 survey	15 + 10% [2] = 17	1	15 + 10% [2] = 17	0.33 (20 minutes)	5.6
Pretest 2 screener (assumes 30% eligible)	57	1	57	0.08 (5 minutes)	4.6
Pretest 2 survey	15 + 10% [2] = 17	1	15 + 10% [2] = 17	0.33 (20 minutes)	5.6
Main study screener completes (assumes 30% eligible).	1,100	1	1,100	0.08 (5 minutes)	88
Main study survey completes	300 + 10% [2] = 330	1	300 + 10% [2] = 330	0.33 (20 minutes)	108.9
Total					374

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] As with most online and mail surveys, it is always possible that some participants are in the process of completing the survey when the target number is reached and that those surveys will be completed and received before the survey is closed out. To account for this, we have estimated approximately 10 percent overage for both samples in the study.

Dated: October 22, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23731 Filed 10–29–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2020–E–1318, FDA–2020–E–1319, FDA–2020–E–1320, FDA–2020–E–1321, FDA–2020–E–1322, and FDA–2020–E–1323]

Determination of Regulatory Review Period for Purposes of Patent Extension; VYONDYS 53

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 VYONDYS 53 and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications 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 January 3, 2022. 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 May 2, 2022. 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 January 3, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 3, 2022. 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 Nos. FDA–2020–E–1318, FDA–2020–E–1319, FDA–2020–E–1320, FDA–2020–E–1321, FDA–2020–E–1322, and FDA–2020–E–1323 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; VYONDYS 53''. 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 or biologic 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 VYONDYS 53 (golodirsen). VYONDYS 53 is indicated for the treatment of Duchenne muscular dystrophy (DMD) in patients who have a confirmed mutation of the DMD gene that is amenable to exon 53 skipping. This indication is approved under accelerated approval based on an increase in dystrophin production in skeletal muscle observed in patients treated with VYONDYS 53. Continued approval for this indication may be contingent upon verification of a clinical benefit in confirmatory trials. Subsequent to this approval, the USPTO received patent term restoration applications for VYONDYS 53 (U.S. Patent Nos. 9,024,007; 9,994,851; 10,227,590; 10,266,827; 10,421,966; and RE47,691) from The University of Western Australia, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated July 14, 2020, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of VYONDYS 53 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 VYONDYS 53 is 1,833 days. Of this time, 1,474 days occurred during the testing phase of the regulatory review period, while 359 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:* December 7, 2014. The University of Western Australia claims that January 28, 2016, is the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND's first effective date was December 7, 2014, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* December 19, 2018. FDA has verified the applicant's claim that the new drug application (NDA) for VYONDYS 53 (NDA 211970) was initially submitted on December 19, 2018.

3. *The date the application was approved:* December 12, 2019. FDA has verified the applicant's claim that NDA 211970 was approved on December 12, 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 applications for patent extension, this applicant seeks 80 days, 124 days, 276 days, 454 days, or 888 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: October 22, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23724 Filed 10–29–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4130]

Agency Information Collection Activities; Proposed Collection; Comment Request; Recordkeeping Requirements for Microbiological Testing and Corrective Measures for Bottled Water

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the procedure by which both domestic and foreign bottled water manufacturers that sell bottled water in the United States maintain records of microbiological testing and corrective measures, in addition to existing recordkeeping requirements.

DATES: Submit either electronic or written comments on the collection of information by January 3, 2022.

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 January 3, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 3, 2022. 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–2018–N–4130 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Recordkeeping Requirements for Microbiological Testing and Corrective Measures for Bottled Water.'' 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 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: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Recordkeeping Requirements for Microbiological Testing and Corrective Measures for Bottled Water—21 CFR 129.35(a)(3)(i), 129.80(g), and 129.80(h)

OMB Control Number 0910–0658—Extension

The bottled water regulations in parts 129 and 165 (21 CFR parts 129 and 165) require that if any coliform organisms are detected in weekly total coliform testing of finished bottled water, followup testing must be conducted to determine whether any of the coliform organisms are *Escherichia coli* (*E. coli*). The adulteration provision of the bottled water standard (§ 165.110(d)) (21 CFR 165.110(d)) provides that a finished product that tests positive for *E. coli* will be deemed adulterated under section 402(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(3)). In addition, the current good manufacturing practice (CGMP) regulations for bottled water in part 129 require that source water from other than a public water system be tested at least weekly for total coliform. If any coliform organisms are detected in the source water, bottled water manufacturers are required to determine whether any of the coliform organisms are *E. coli.* Source water found to contain *E. coli* is not considered water of a safe, sanitary quality and would be unsuitable for bottled water production. Before a bottler may use source water from a source that has tested positive for *E. coli,* a bottler must take appropriate measures to rectify or otherwise eliminate the cause of the contamination. A source previously found to contain *E. coli* will be considered negative for *E. coli* after five samples collected over a 24-hour period from the same sampling site are tested and found to be *E. coli* negative.

Description of Respondents: The respondents to this information collection are domestic and foreign bottled water manufacturers that sell bottled water in the United States.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
§§ 129.35(a)(3)(i) and 129.80(h); bottlers subject to both source water and finished product testing.	319	6	1,914	0.08 (5 minutes)	153
§ 129.80(g) and (h); bottlers only subject to finished product testing.	95	3	285	0.08 (5 minutes)	23
§§ 129.35(a)(3)(i) and 129.80(h); bottlers conducting secondary testing of source water.	3	5	15	0.08 (5 minutes)	1
§§ 129.35(a)(3)(i) and 129.80(h); bottlers rectifying contamination.	3	3	9	0.25 (15 minutes) ..	2
Total	.....	.....	.....	.....	179

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

The current CGMP regulations already reflect the time and associated recordkeeping costs for those bottlers that are required to conduct microbiological testing of their source water, as well as total coliform testing of their finished bottled water products. We therefore conclude that any additional burden and costs in recordkeeping based on followup testing that is required if any coliform organisms detected in the source water test positive for *E. coli* are negligible.

Dated: October 22, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23741 Filed 10–29–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Family-to-Family Health Information Center Feedback Surveys, OMB #: 0906–0040, Extension

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

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than January 3, 2022.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the acting HRSA Information Collection Clearance Officer at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Family-to-Family Health Information Center Feedback Surveys, *OMB Control Number:* 0906–0040, Extension.

Abstract: The Family-to-Family Health Information Center (F2F HIC or Center) program is authorized by the Social Security Act, Title V, § 501(c) (42 U.S.C. 701(c)), as amended by the Medicare Access and CHIP Reauthorization Act of 2015 (Pub. L. 114–10), § 216, the Bipartisan Budget Act of 2018 (Pub. L. 115–123), § 50501, and the Sustaining Excellence in Medicaid Act of 2019 (Pub. L. 116–39), § 5. The goal of the F2F HIC program is to promote optimal health for children and youth with special health care needs (CYSHCN) by facilitating their access to an effective health delivery system and by meeting the health information and support needs of families of CYSHCN and the professionals who serve them. HRSA's Maternal and Child Health Bureau funds 59 F2F HICs in each of the 50 United States and the District of Columbia, five U.S. Territories (Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands and the Northern Mariana Islands); and three F2F HICs who serve American Indians/Alaska Natives. On average, these Centers provide information, education, technical assistance, and peer support to approximately 200,000 families of CYSHCN and approximately 100,000 health professionals each year. F2F HICs are staffed by families of CYSHCN who are uniquely positioned to provide such services, and by health professionals. F2F HIC staff also assist in ensuring families and health professionals are partners in decision making at all levels of care and service delivery.

In order to evaluate the F2F HIC program, HRSA developed two Family-to-Family Health Information Center Feedback Surveys for family members of CYSHCN and health professionals who serve such families. Each F2F HIC administers the surveys and reports data back to HRSA. Survey respondents will be asked to answer questions about how useful they found the information, assistance, or resources received from the F2F HICs. The purpose of this notice is to solicit comments regarding the continuation of previously approved feedback surveys; no changes will be made to the survey instruments.

Need and Proposed Use of the Information: Data from the feedback surveys will provide mechanisms to capture consistent performance data from F2F HIC grant recipients. The data will also allow F2F HICs to evaluate the effectiveness of their interventions and improve services provided to families and the providers who serve CYSHCN families.

Likely Respondents: Likely respondents are users of F2F HIC services, which include family members of CYSHCN and health professionals who serve such families.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information; to process and to maintain, information; and to disclose and provide information; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The eventual estimated respondent count per year is approximately 3,000 families and 1,000 professionals.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
F2F HIC Feedback Survey	4,000	1	4,000	0.15	600
F2F HIC Grant Recipient Activity	59	1	59	89.00	5,251
Total	4,059		4,059		5,851

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–23718 Filed 10–29–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; The Midlife Study.

Date: November 16, 2021.

Time: 10:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Kimberly Firth, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2W200, Bethesda, MD 20892, 301–402–7702, *firthkm@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 26, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–23675 Filed 10–29–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular Pathobiology.

Date: November 30, 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: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892 301–408–9497, *zouai@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR21–120: Global Infectious Disease Training Grants.

Date: December 2, 2021.

Time: 10:00 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aster Juan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–435–5000, *juana2@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Antiviral Therapeutics.

Date: December 2–3, 2021.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bidyottam Mittra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20894, 301–435–4057, *bidyottam.mittra@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Dermatology and Rheumatology.

Date: December 2, 2021.

Time: 12:00 p.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: Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, (301) 435–1850, *limc4@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Population Sciences and Epidemiology.

Date: December 3, 2021.

Time: 10:00 a.m. to 8:00 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: Lisa Tisdale Wigfall, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007G, Bethesda, MD 20892, (301) 594–5622, *wigfalllt@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Applied Immunology and Disease Control.

Date: December 3, 2021.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Emily Foley, Ph.D., Scientific Review Officer, Center for Scientific Review, Bethesda, MD 20892, 301–402–3016, *emily.foley@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Risk Prevention and Lifestyle Change, Behavioral Medicine, Psychosocial Development, and Behavioral Health Outcomes.

Date: December 3, 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: Chittari V. Shivakumar, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–408–9098, *chittari.shivakumar@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: HIV/AIDS Related Behavioral Research.

Date: December 3, 2021.

Time: 10:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *Jacinta.bronte-tinkew@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: AIDS and HIV related applications.

Date: December 3, 2021.

Time: 1:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, (301) 496–0726, *prenticekj@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–20–104: Biomedical Technology Development and Dissemination (BTDD) Center.

Date: December 9, 2021.

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: James J. Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Visual Neuroscience.

Date: December 9, 2021.

Time: 2:00 p.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: Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–7490, *brianscott@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AIDS and AIDS Related Research.

Date: December 10, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, *mulkya@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 26, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–23697 Filed 10–29–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine or Oral Fluid (Mandatory Guidelines).

FOR FURTHER INFORMATION CONTACT: Anastasia Donovan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240–276–2600 (voice); *Anastasia.Donovan@samhsa.hhs.gov* (email).

SUPPLEMENTARY INFORMATION: In accordance with Section 9.19 of the Mandatory Guidelines, a notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at *https://www.samhsa.gov/workplace/resources/drug-testing/certified-lab-list.*

The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and of the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); and on January 23, 2017 (82 FR 7920).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020.

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards. HHS does not allow IITFs to conduct oral fluid testing.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid dated October 25, 2019 (84 FR 57554), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine dated January 23, 2017 (82 FR 7920), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190 (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine dated January 23, 2017 (82 FR 7920), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130 (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Cordant Health Solutions, 2617 East L Street, Tacoma, WA 98421, 800–442–0438 (Formerly: STERLING Reference Laboratories)

Desert Tox, LLC, 5425 E Bell Rd, Suite 125, Scottsdale, AZ, 85254, 602–457–5411/623–748–5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare *, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630 (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Legacy Laboratory Services Toxicology, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088. Testing for Veterans Affairs (VA) Employees Only

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on January 23, 2017 (82 FR 7920). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Anastasia Marie Donovan,

Policy Analyst, Division of Workplace Programs.

[FR Doc. 2021–23700 Filed 10–29–21; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address

listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arkansas: Benton (FEMA Docket No.: B–2148).	City of Rogers (21–06–0048P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	Community Development Department, 301 West Chestnut Street, Rogers, AR 72756.	Oct. 4, 2021	050013
Colorado:					
Arapahoe (FEMA Docket No.: B–2148).	City of Centennial (20–08–0871P).	The Honorable Stephanie Piko, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Southeast Metro Stormwater Authority, 7437 South Fairplay Street, Centennial, CO 80112.	Oct. 8, 2021	080315
Broomfield (FEMA Docket No.: B–2148).	City and County of Broomfield (21–08–0022P).	The Honorable Patrick Quinn, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	Oct. 1, 2021	085073
Teller (FEMA Docket No.: B–2143).	City of Cripple Creek (20–08–0744P).	The Honorable Milford Ashworth, Mayor, City of Cripple Creek, P.O. Box 430, Cripple Creek, CO 80813.	City Hall, 337 East Bennett Avenue, Cripple Creek, CO 80813.	Sep. 23, 2021	080174
Teller (FEMA Docket No.: B–2143).	Unincorporated areas of Teller County (20–08–0744P).	The Honorable Bob Campbell, Chairman, Teller County Board of County Commissioners, P.O. Box 959, Cripple Creek, CO 80813.	Teller County Planning Department, 800 Research Drive, Woodland Park, CO 80863.	Sep. 23, 2021	080173
Florida:					
Broward (FEMA Docket No.: B–2143).	City of Oakland Park (21–04–0055P).	The Honorable Jane F. Bolin, Mayor, City of Oakland Park, 3650 Northeast 12th Avenue, Oakland Park, FL 33334.	City Hall, 3650 Northeast 12th Avenue, Oakland Park, FL 33334.	Sep. 27, 2021	120050
Broward (FEMA Docket No.: B–2143).	City of Tamarac (21–04–0055P).	The Honorable Michelle J. Gomez, Mayor, City of Tamarac, 7525 Northwest 88th Avenue, Tamarac, FL 33321.	City Hall, 7525 Northwest 88th Avenue, Tamarac, FL 33321.	Sep. 27, 2021	120058
Charlotte (FEMA Docket No.: B–2143).	Unincorporated areas of Charlotte County (20–04–5508P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	Oct. 6, 2021	120061
Polk (FEMA Docket No.: B–2143).	Unincorporated areas of Polk County (20–04–6127P).	Mr. Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33831.	Polk County Floodplain Management Department, 330 West Church Street, Bartow, FL 33831.	Sep. 30, 2021	120261
Mississippi: Panola (FEMA Docket No.: B–2148).	Unincorporated areas of Panola County (21–04–2141P).	The Honorable Cole Flint, President, Panola County Board of Supervisors, 151 Public Square, Batesville, MS 38606.	Panola County Land Development Commission, 245 Eureka Street, Batesville, MS 38606.	Sep. 29, 2021	280125
Montana:					
Gallatin (FEMA Docket No.: B–2153).	City of Bozeman (20–08–0733P).	Mr. Jeff Mihelich, City of Bozeman Manager, 121 North Rouse Avenue, Bozeman, MT 59715.	City Hall, 20 East Olive Street, Bozeman, MT 59715.	Oct. 6, 2021	300028
Gallatin (FEMA Docket No.: B–2153).	Unincorporated areas of Gallatin County (20–08–0733P).	The Honorable Scott MacFarlane, Chairman, Gallatin County Commission, 311 West Main Street, Room 306, Bozeman, MT 59715.	Gallatin County Department of Planning and Community Development, 311 West Main Street, Room 108, Bozeman, MT 59715.	Oct. 6, 2021	300027

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
North Dakota: Burleigh (FEMA Docket No.: B–2143).	City of Bismarck (21–08–0028P).	The Honorable Steven Bakken, Mayor, City of Bismarck, P.O. Box 5503, Bismarck, ND 58506.	Community Development Department, 221 North 5th Street, Bismarck, ND 58501.	Sep. 23, 2021	380149
Pennsylvania: Montgomery (FEMA Docket No.: B–2148).	Township of Hatfield (21–03–0243P).	Mr. Aaron Bibro, Township of Hatfield Manager, 1950 School Road, Hatfield, PA 19440.	Zoning Department, 1950 School Road, Hatfield, PA 19440.	Sep. 23, 2021	420699
Texas:					
Bexar (FEMA Docket No.: B–2148).	Unincorporated areas of Bexar County (21–06–0275P).	The Honorable Nelson Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	Oct. 4, 2021	480035
Comal (FEMA Docket No.: B–2148).	City of Bulverde (21–06–0275P).	The Honorable Bill Krawietz, Mayor, City of Bulverde, 30360 Cougar Bend, Bulverde, TX 78163.	City Hall, 30360 Cougar Bend, Bulverde, TX 78163.	Oct. 4, 2021	481681
Comal (FEMA Docket No.: B–2148).	Unincorporated areas of Comal County (21–06–0275P).	The Honorable Sherman Krause, Comal County Judge, 100 Main Plaza, New Braunfels, TX 78130.	Comal County Engineering Department, 195 David Jonas Drive, New Braunfels, TX 78132.	Oct. 4, 2021	485463
Denton (FEMA Docket No.: B–2143).	Town of Northlake (20–06–3532P).	The Honorable David Rettig, Mayor, Town of Northlake, 1500 Commons Circle, Suite 300, Northlake, TX 76226.	Public Works Department, 1400 F.M. 407, Northlake, TX 76247.	Oct. 4, 2021	480782
El Paso (FEMA Docket No.: B–2153).	City of El Paso (21–06–0100P).	The Honorable Oscar Leeser, Mayor, City of El Paso, 300 North Campbell Street, El Paso, TX 79901.	Flood Mitigation and Land Development Department, 801 Texas Avenue, El Paso, TX 79901.	Oct. 8, 2021	480214
El Paso (FEMA Docket No.: B–2153).	City of Socorro (21–06–0100P).	The Honorable Ivy Avalos, Mayor, City of Socorro, 124 South Horizon Boulevard, Socorro, TX 79927.	Planning and Zoning Department, 860 North Rio Vista Road, Socorro, TX 79927.	Oct. 8, 2021	481658
Montgomery (FEMA Docket No.: B–2153).	Unincorporated areas of Montgomery County (20–06–1594P).	The Honorable Mark J. Keough, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Commissioners Office, 501 North Thompson Street, Suite 103, Conroe, TX 77301.	Oct. 8, 2021	480483
Tarrant (FEMA Docket No.: B–2159).	City of Fort Worth (21–06–0746P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	Sep. 27, 2021	480596
Travis (FEMA Docket No.: B–2159).	City of Pflugerville (21–06–0300P).	The Honorable Victor Gonzales, Mayor, City of Pflugerville, 100 East Main Street, Suite 300, Pflugerville, TX 78691.	Development Services Department, 201–B East Pecan Street, Pflugerville, TX 78691.	Oct. 4, 2021	481028
Travis (FEMA Docket No.: B–2143).	City of Pflugerville (21–06–0412P).	The Honorable Victor Gonzales, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78691.	Planning and Development Services Center, 201–B East Pecan Street, Pflugerville, TX 78691.	Sep. 27, 2021	481028
Travis (FEMA Docket No.: B–2159).	Unincorporated areas of Travis County (21–06–0300P).	The Honorable Andy Brown, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Transportation and Natural Resources Department, 700 Lavaca Street, 5th Floor, Austin, TX 78701.	Oct. 4, 2021	481026
Travis (FEMA Docket No.: B–2143).	Unincorporated areas of Travis County (21–06–0412P).	The Honorable Andy Brown, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Transportation and Natural Resources Department, 700 Lavaca Street, 5th Floor, Austin, TX 78701.	Sep. 27, 2021	481026
Utah: Salt Lake (FEMA Docket No.: B–2159).	City of South Jordan (20–08–0763P).	The Honorable Dawn R. Ramsey, Mayor, City of South Jordan, 1600 West Towne Center Drive, South Jordan, UT 84095.	Development Services Department, 1600 West Towne Center Drive, South Jordan, UT 84095.	Sep. 27, 2021	490107
Virginia:					
Albemarle (FEMA Docket No.: B–2148).	Unincorporated areas of Albemarle County (21–03–0029P).	The Honorable Ned L. Gallaway, Chairman, Albemarle County Board of Supervisors, 401 McIntire Road, Charlottesville, VA 22902.	Albemarle County Community Development Department, 401 McIntire Road, Charlottesville, VA 22902.	Sep. 27, 2021	510006
King and Queen (FEMA Docket No.: B–2143).	Unincorporated areas of King and Queen County (21–03–0727P).	Mr. Thomas J. Swartzwelder, Administrator, King and Queen County, P.O. Box 177, King and Queen C.H., VA 23085.	King and Queen County Administrator's Office, 242 Allens Circle, Suite L, King and Queen C.H., VA 23085.	Sep. 23, 2021	510082

[FR Doc. 2021–23749 Filed 10–29–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of February 25, 2022 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Fremont County, Iowa and Incorporated Areas Docket No.: FEMA–B–1859 and FEMA–B–2031	
City of Farragut	City Hall, 518 Hartford Avenue, Farragut, IA 51639.
City of Hamburg	City Office, 1201 Main Street, Hamburg, IA 51640.
City of Imogene	Fremont County Courthouse, 2014 290th Avenue, Sidney, IA 51652.
City of Randolph	City Hall, 107 South Main Street, Randolph, IA 51649.
City of Riverton	City Office, 803 Summer Avenue, Riverton, IA 51650.
City of Sidney	City Hall, 604 Clay Street, Sidney, IA 51652.
Town of Thurman	Fremont County Courthouse, 2014 290th Avenue, Sidney, IA 51652.
Unincorporated Areas of Fremont County	Fremont County Courthouse, 2014 290th Avenue, Sidney, IA 51652.
Metropolitan Government of Nashville and Davidson County, Tennessee and Incorporated Areas Docket No.: FEMA–B–2069	
City of Forest Hills	Forest Hills City Hall, 6300 Hillsboro Pike, Nashville, TN 37215.
City of Goodlettsville	David Wilson Community Development Building, 318 North Main Street, Goodlettsville, TN 37072.
Metropolitan Government of Nashville-Davidson County	Metro Water and Sewage Service, 1600 Second Avenue North, Nashville, TN 37208.
Washington County, Wisconsin and Incorporated Areas Docket No.: FEMA–B–2019	
City of West Bend	City Hall, 1115 South Main Street, West Bend, WI 53095.
Unincorporated Areas of Washington County	Washington County Government Center, 432 East Washington Street, Suite 3029, West Bend, WI 53095.
Village of Germantown	Village Hall, N112 W17001 Mequon Road, Germantown, WI 53022.
Village of Jackson	Village Hall, N168 W20733 Main Street, Jackson, WI 53037.
Village of Richfield	Richfield Village Hall, 4128 Hubertus Road, Hubertus, WI 53033.

[FR Doc. 2021–23751 Filed 10–29–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2173]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 31, 2022.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2173, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Rice County, Kansas and Incorporated Areas **Project: 12–07–0333S Preliminary Date: September 12, 2019 and June 30, 2021**	
City of Bushton	City Hall, 217 South Main Street, Bushton, KS 67427.
City of Chase	City Hall, 507 Main Street, Chase, KS 67524.
City of Frederick	City of Frederick, Rice County Planning and Zoning, 460 North Logan Avenue, Lyons, KS 67554.
City of Geneseo	City Hall, 802 Silver Avenue, Geneseo, KS 67444.
City of Little River	City Hall, 125 Main Street, Little River, KS 67457.
City of Lyons	City Hall, 217 East Avenue South, Lyons, KS 67554.
City of Raymond	City Hall, 105 West 4th Street, Raymond, KS 67573.
City of Sterling	City Hall, 114 North Broadway, Sterling, KS 67579.

Community	Community map repository address
Unincorporated Areas of Rice County	Rice County Planning and Zoning, 460 North Logan Avenue, Lyons, KS 67554.
Cayuga County, New York (All Jurisdictions) **Project: 20–02–0019S Preliminary Date: March 23, 2021**	
Town of Sterling	Town Hall, Code Enforcement Office, 1290 State Route 104A, Sterling, NY 13156.
Village of Fair Haven	Fair Haven Village Hall, 14523 Cayuga Street, Sterling, NY 13156.
Oswego County, New York (All Jurisdictions) **Project: 20–02–0020S Preliminary Date: April 5, 2021**	
City of Oswego	City Hall, Engineering Office, Third Floor, 13 West Oneida Street, Oswego, NY 13126.
Town of Mexico	Town Office, 64 South Jefferson Street, Mexico, NY 13114.
Town of New Haven	Town Hall, 4279 State Route 104, New Haven, NY 13121.
Town of Oswego	Town Hall, 2320 County Route 7, Oswego, NY 13126.
Town of Richland	Richland Town Hall, 1 Bridge Street, Pulaski, NY 13142.
Town of Sandy Creek	Town Hall, 1992 Harwood Drive, Sandy Creek, NY 13145.
Town of Scriba	Scriba Municipal Building, 42 Creamery Road, Oswego, NY 13126.
Clark County, Washington and Incorporated Areas **Project: 19–10–0012S Preliminary Date: March 12, 2021**	
City of La Center	Public Works Department, 305 Northwest Pacific Highway, La Center, WA 98629.
City of Vancouver	City Hall, 415 West 6th Street, Second Floor, Vancouver, WA 98660.
Town of Yacolt	Town Hall, 202 West Cushman Street, Yacolt, WA 98675.
Unincorporated Areas of Clark County	Clark County Public Service Center, 1300 Franklin Street, Vancouver, WA 98660.

[FR Doc. 2021–23750 Filed 10–29–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2021–0043]

Homeland Security Science and Technology Advisory Committee

AGENCY: Science and Technology Directorate, DHS.

ACTION: Committee management; notice of Federal Advisory Committee charter re-establishment.

SUMMARY: The Secretary of Homeland Security has determined that the re-establishment of the Homeland Security Science and Technology Advisory Committee (HSSTAC) is necessary and in the public interest in connection with the Department of Homeland Security, Science and Technology Directorate's performance of its duties. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

ADDRESSES: If you desire to submit comments on this action, they must be submitted by October 22, 2021. Comments must be identified by (DHS–2021–0043) and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: hsstac@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Mail:* Adam Cox, HSSTAC Executive Director, and Stanley Cunningham, Designated Federal Official, S&T Department of Homeland Security, 0205 Murray Ln. SW, Washington DC 20528.
- *Instructions:* All submissions received must include the words ''Department of Homeland Security'' and the docket number. Comments received will be posted without alteration at *http://www.regulations.gov.*

Docket: For access to the docket to read the background documents or comments received by the HSSTAC, go to *http://www.regulations.gov* and enter the docket number into the search function: DHS–2021–0043.

FOR FURTHER INFORMATION CONTACT: Adam Cox, HSSTAC Executive Director, and Stanley Cunningham, HSSTAC Designated Federal Official, S&T Department of Homeland Security, *hsstac@hq.dhs.gov,* 202–878–1455.

SUPPLEMENTARY INFORMATION:

Name of Committee: Homeland Security Science and Technology Advisory Committee (HSSTAC).

Purpose and Objective: The charter of the Homeland Security Science and Technology Committee (HSSTAC) is being re-established in accordance with the provisions of the Federal Advisory Committee Act (FACA), Title 5 United States Code, Appendix. The HSSTAC is established pursuant to the authority of Title 6 United States Code, Section 451 and provides independent, consensus scientific and technical advice and recommendations to the Under Secretary for Science and Technology who leads the Department of Homeland Security (DHS) Science and Technology Directorate (S&T). S&T's activities focus on strengthening America's security and resiliency by providing knowledge products and innovative technology solutions for the Homeland Security Enterprise. The HSSTAC will support the priority needs of DHS S&T's Chief Scientist, Director of Strategy and Policy, as well as the functional offices conducting the Directorate's Research, Development, Test and Evaluation (RDT&E) mission. Upon request by the Secretary of Homeland Security, the committee will provide scientifically- and technically-based advice to the Homeland Security Advisory Council.

Duration: The committee's charter is effective November 15, 2021 and expires November 15, 2023.

Responsible DHS Officials: Adam Cox, HSSTAC Executive Director, and Stanley Cunningham, HSSTAC Designated Federal Official, S&T

Department of Homeland Security, *hsstac@hq.dhs.gov.*

Dated: September 21, 2021.

Stanley Cunningham,

Designated Federal Official for the HSSTAC.

[FR Doc. 2021–23651 Filed 10–29–21; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0049]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Suspicious/Criminal Activity Tip Reporting

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: U.S. Immigration and Customs Enforcement (ICE), the Department of Homeland Security (DHS), invites the general public and other Federal agencies to comment on this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, this information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted until January 3, 2022.

ADDRESSES: All submissions received must include the OMB Control Number 1653–0049 in the body of the correspondence, the agency name and Docket ID ICEB–2019–0010. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number ICEB–2019–0010.

FOR FURTHER INFORMATION CONTACT: If you have questions related to this revision, please contact: Jody C. Fasenmyer (802) 662–8115, *jody.c.fasenmyer@ice.dhs.gov,* U.S. Immigration and Customs Enforcement. (This is not a toll-free number. Comments are not accepted via telephone message).

SUPPLEMENTARY INFORMATION:

Comment

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering ICEB–2019–0010 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

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

(2) *Title of the Form/Collection:* Suspicious/Criminal Activity Tip Reporting.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form 73–061; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households. The Department of Homeland Security (DHS) tip reporting capability will facilitate the collection of information from the public and law enforcement partners regarding allegations of crimes enforced by DHS.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* ICE estimates a total of 194,381 responses at 11 minutes (0.183 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden is 35,637 hours.

(7) *An estimate of the total annual public burden (in cost) associated with this collection:* The estimated total annual cost burden is $1,335,137.

Dated: October 27, 2021.

Scott Elmore,

PRA Clearance Officer, U.S. Immigrations and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2021–23708 Filed 10–29–21; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2018–0001]

Surface Transportation Security Advisory Committee (STSAC) Meeting

AGENCY: Transportation Security Administration, DHS.

ACTION: Committee management; notice of Federal Advisory Committee public meeting.

SUMMARY: The Transportation Security Administration (TSA) will hold a public meeting of the Surface Transportation Security Advisory Committee (STSAC) on November 18, 2021. The meeting agenda and information on public participation is provided below under **SUPPLEMENTARY INFORMATION**. In light of the current COVID–19 public health crisis, the public meeting will be virtual.

DATES: The meeting will take place on Thursday, November 18, 2021. The meeting will begin at 1:00 p.m. and will adjourn at 4:00 p.m. Eastern Standard Time. As listed in the section below, requests to attend the meeting, to address the STSAC, and/or for

accommodations because of a disability must be received by November 8, 2021.

ADDRESSES: The meeting will be held virtually by teleconference. *See* the Public Participation section below for information on how to register to attend the meeting. Attendance information will be provided upon registration.

FOR FURTHER INFORMATION CONTACT: Judith Harroun-Lord, Surface Transportation Security Advisory Committee, Designated Federal Officer, U.S. Department of Homeland Security, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, Virginia 20598, *STSAC@tsa.dhs.gov,* 571–227–2283.

SUPPLEMENTARY INFORMATION:

I. Background

TSA is providing notice of this meeting in accordance with the section 404 of the TSA Modernization Act, Division K of the FAA Reauthorization Act of 2018, Public Law 115–254 (132 Stat. 3186; Oct. 5, 2018), as codified at 6 U.S.C. 204. The STSAC provides advice and industry perspective to the Administrator of TSA on surface transportation security matters, including the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security. While the STSAC is exempt from the Federal Advisory Committee Act (5 U.S.C. App.), *see* 6 U.S.C. 205(f), paragraph 204(c)(6)(B) requires that TSA hold at least one public meeting each year.

II. Meeting Agenda

The Committee will meet to discuss the following agenda items:

- Welcoming Remarks/Introductions
- Committee and Subcommittee briefings on activities, key issues, and focus areas for FY 2021—Cybersecurity Information Sharing; Emergency Management and Resiliency; Insider Threat; and Security Risk and Intelligence
- Public Comments
- Closing Comments and Adjournment

III. Public Participation

The meeting will be open to the public and attendance may be limited due to telephonic meeting constraints. Members of the public, all non-STSAC members, and non-TSA staff who wish to attend are asked to register via email by submitting their name, contact number, and affiliation to *STSAC@tsa.dhs.gov* by November 8, 2021. Attendees will be admitted on a first-to-register basis. Attendance information will be provided upon registration.

In addition, members of the public must make advance arrangements by November 8, 2021, to present oral or written statements. The statements must specifically address issues pertaining to the items listed above in the discussion of the Meeting Agenda; requests must be submitted, via email to: *STSAC@tsa.dhs.gov.* The public comment period will begin at approximately 3:25 p.m. and will end at 3:40 p.m. Speakers are requested to limit their comments to three minutes.

The STSAC and TSA are committed to providing equal access to this virtual meeting for all participants. If you need alternative formats or services because of a disability, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by November 8, 2021.

Dated: October 26, 2021.

Eddie D. Mayenschein,

Assistant Administrator, Policy, Plans, and Engagement (PPE).

[FR Doc. 2021–23668 Filed 10–29–21; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM 2021–0062]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Mayflower Wind Project on the Northeast Atlantic Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of intent (NOI) to prepare an environmental impact statement (EIS); request for comments.

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act (NEPA), BOEM announces its intent to prepare an EIS for the review of a construction and operations plan (COP) submitted by Mayflower Wind Energy, LLC (Mayflower Wind) for the construction and operation of a wind energy facility offshore Massachusetts with proposed interconnection locations at Falmouth, Massachusetts, and at Brayton Point in Somerset, Massachusetts. This NOI announces the EIS scoping process for the Mayflower COP. Additionally, this NOI seeks public comment and input under section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations. Detailed information about the proposed wind energy facility, including the COP, can be found on BOEM's website at: *www.boem.gov/mayflower-wind.*

DATES: Comments received by December 1, 2021, will be considered.

BOEM will hold virtual public scoping meetings for the Mayflower Wind EIS at the following dates and times (eastern time):

- Wednesday, November 10, 5 p.m.;
- Monday, November 15, 1 p.m.; and
- Thursday, November 18, 5 p.m.

Registration for the virtual public meetings may be completed here: *www.boem.gov/Mayflower-Wind-Scoping-Virtual-Meetings* or by calling (703) 787–1553.

ADDRESSES: Written comments can be submitted in any of the following ways:

- Delivered by mail or delivery service, enclosed in an envelope labeled, ''MAYFLOWER WIND COP EIS'' and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or
- Through the *regulations.gov* web portal: Navigate to *www.regulations.gov* and search for Docket No. BOEM–2021–0062. Select the document in the search results on which you want to comment, click on the ''Comment'' button, and follow the online instructions for submitting your comment. A commenter's checklist is available on the comment web page. Enter your information and comment, then click ''Submit.''

FOR FURTHER INFORMATION CONTACT: Genevieve Brune, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, telephone (703) 787–1553, or email *Genevieve.Brune@boem.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of and Need for the Proposed Action

In Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad,'' issued on January 27, 2021, President Biden stated that it is the policy of his administration ''to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.''

Mayflower Wind has the exclusive right to submit a COP for activities located offshore Massachusetts in the

area covered by BOEM Renewable Energy Lease OCS–A 0521 (Lease Area). Mayflower Wind has submitted a COP to BOEM proposing the construction, operation, and conceptual decommissioning of an offshore wind energy facility in the Lease Area (the Project).

Mayflower Wind's goal is to develop a commercial-scale, offshore wind energy generation facility in the Lease Area, with up to 149 total foundation locations to be occupied by a combination of up to 147 wind turbine generators (WTGs) and up to 5 offshore substation platforms (OSPs). The Project would include two export cable corridors, one making landfall and interconnecting to the ISO New England Inc. (ISO–NE) grid in Falmouth, Massachusetts, and one making landfall and interconnecting to the ISO–NE grid at Brayton Point in Somerset, Massachusetts (See Section 1.3 of the COP).

The Project would provide between 1,600 to 2,400 megawatts (MW) of clean, renewable wind energy to the northeast United States, including Massachusetts, in accordance with section 83C of the Massachusetts' Green Communities Act, which allows electric distribution companies (EDCs) to solicit proposals for offshore wind energy generation (*Chapter 188 of the Acts of 2016, An Act to Promote Energy Diversity*). In October 2019, the EDCs selected Mayflower Wind's low-cost energy bid for a power purchase agreement (PPA) to generate 804 MW of offshore wind energy that will serve Massachusetts customers (Massachusetts Clean Energy, 2020). In addition to the 804 MW PPA, Mayflower Wind is actively exploring additional offtake opportunities. The Project is intended to address the needs identified by the Massachusetts EDCs for new sources of power generation that are cost-effective and reliable, as well as to contribute to the section 83C offshore wind mandate.

Based on Mayflower Wind's goals and BOEM's authority, the purpose of BOEM's action is to respond to Mayflower Wind's COP proposal and determine whether to approve, approve with modifications, or disapprove the Mayflower Wind COP (the Proposed Action). BOEM's approval of the COP and any modifications is needed to construct and install, operate and maintain, and decommission a commercial-scale offshore wind energy facility within the Lease Area. BOEM's purpose and need is consistent with the United States' policy to make Outer Continental Shelf energy resources available for expeditious and orderly development, subject to environmental safeguards (43 U.S.C. 1332(3)), including consideration of natural resources, safety of navigation, and existing ocean uses.

In addition, the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) anticipates receipt of a request for authorization to take marine mammals incidental to construction-related activities related to the Project under the Marine Mammal Protection Act (MMPA). NMFS issuance of an MMPA incidental take authorization is a major Federal action and, in relation to BOEM's action, is considered a connected action (40 CFR 1501.9(e)(1)). The purpose of the NMFS action—which is a direct outcome of Mayflower Wind's request for authorization to take marine mammals incidental to specified activities associated with the Project (*e.g.,* pile driving)—is to evaluate the applicant's request pursuant to specific requirements of the MMPA and its implementing regulations administered by NMFS, considering impacts of the applicant's activities on relevant resources, and if appropriate, issue the authorization. NMFS needs to render a decision regarding the request for authorization due to its responsibilities under the MMPA (16 U.S.C. 1371(a)(5)(D)) and its implementing regulations. If, after independent review, NMFS makes the findings necessary to issue the requested authorization, NMFS intends to adopt BOEM's EIS to support that decision and fulfill its NEPA requirements.

The U.S. Army Corps of Engineers, New England District, (USACE) anticipates a permit action to be undertaken through authority delegated to the District Engineer by 33 CFR 325.8, under section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. 403) and section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). In addition, it is anticipated that a section 408 permission will be required pursuant to Section 14 of the RHA (33 U.S.C. 408) for any proposed alterations that have the potential to alter, occupy or use any USACE federally authorized Civil Works projects. The USACE considers issuance of a permit/permission under these three delegated authorities a major Federal action connected to BOEM's Proposed Action (40 CFR 1501.9(e)(1)).

As described in Section 1.3 of the COP, the applicant's stated purpose and need for the Project, is to provide a commercially viable offshore wind energy project (1,600 to 2,400 MW) within Lease OCS–A 0521 to help states achieve their renewable energy goals. The basic project purpose, as determined by USACE for section 404(b)(1) guidelines evaluation, is offshore wind energy generation. The overall project purpose for section 404(b)(1) guidelines evaluation, as determined by USACE, is the construction and operation of a commercial-scale offshore wind energy project for renewable energy generation and distribution to the New England energy grid. The purpose of USACE section 408 action, as determined by EC 1165–2–220, is to evaluate the applicant's request and determine whether the proposed alterations are injurious to the public interest or impair the usefulness of the USACE project. The USACE section 408 permission is needed to ensure that Congressionally authorized projects continue to provide their intended benefits to the public.

USACE intends to adopt BOEM's EIS to support its decision on any permits/permissions requested under section 10 of the RHA, section 404 of the CWA, and section 14 of the RHA. The USACE would adopt the EIS pursuant to 40 CFR 1506.3 if, after its independent review of the document, it concludes that the EIS satisfies the USACE's comments and recommendations. Based on its participation as a cooperating agency and its consideration of the final EIS, USACE would issue a Record of Decision (ROD) to formally document its decision on the Proposed Action.

Proposed Action and Preliminary Alternatives

As noted above, Mayflower Wind is proposing to construct and operate 149 total foundation locations to be occupied by a combination of up to 147 WTGs and up to 5 OSPs. The Project would also include two export cable corridors, one making landfall and interconnecting to the ISO–NE grid in Falmouth, Massachusetts, and one making landfall and interconnecting to the ISO–NE grid at Brayton Point in Somerset, Massachusetts. The WTG foundations may be monopiles, piled jackets, suction-bucket jackets, or gravity-based structures or some combination. The WTGs, OSPs, foundations, and inter-array cables would be located within the Lease Area on the U.S. Outer Continental Shelf approximately 30 statute miles (mi) (26 nautical miles [nm], 48 kilometers [km]) south of Martha's Vineyard, Massachusetts, and approximately 23 mi (20 nm, 37 km) south of Nantucket, Massachusetts. The offshore export cables would be buried in the U.S. Outer Continental Shelf and in the seabed under State waters of Massachusetts and Rhode Island.

If any reasonable alternatives to the Proposed Action are identified during

the scoping period, BOEM will evaluate those alternatives in the draft EIS, which will also include a no action alternative. Under the no action alternative, BOEM would disapprove the COP, and the proposed wind energy facility would not be built.

Once BOEM completes the EIS and associated consultations, BOEM will decide whether to approve, approve with modification, or disapprove the Mayflower Wind COP. If BOEM approves the COP, Mayflower Wind must comply with all conditions of its approval.

Summary of Potential Impacts

The draft EIS will identify and describe the potential effects of the Proposed Action and the alternatives on the human environment that are reasonably foreseeable and have a reasonably close causal relationship to the Proposed Action and the alternatives. This includes such effects that occur at the same time and place as the Proposed Action and alternatives and effects that are later in time or occur in a different place. Potential impacts to resources include, but are not limited to, impacts (whether beneficial or adverse) on air quality, water quality, bats, benthic habitat, essential fish habitat, invertebrates, finfish, birds, marine mammals, terrestrial and coastal habitats and fauna, sea turtles, wetlands and other waters of the United States, commercial fisheries and for-hire recreational fishing, cultural resources, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other marine uses, recreation and tourism, and visual resources. These potential impacts will be analyzed in the draft and final EIS.

Based on a preliminary evaluation of these resources, BOEM expects potential impacts on sea turtles and marine mammals from underwater noise caused by construction and from collision risks with Project-related vessel traffic. Structures installed by the Project could permanently change benthic and fish habitats (*e.g.,* creation of artificial reefs). Commercial fisheries and for-hire recreational fishing could be impacted. Project structures above the water could affect the visual character defining historic properties and recreational and tourism areas. Project structures also would pose an allision and height hazard to vessels passing close by, and vessels would, in turn, pose a hazard to the structures. Additionally, the Project could cause conflicts with military activities, air traffic, land-based radar services, cables and pipelines, and scientific surveys. Beneficial impacts are also expected by facilitating achievement of State renewable energy goals, increasing job opportunities, improving air quality, and reducing carbon emissions. Specifically, for increasing job opportunities, the Mayflower Wind project is estimated to support up to an estimated 4,970 job-years during the development and construction phases of the project. During the operations and maintenance phase the Mayflower offshore wind project will support about 11,440 jobs-years during its 30 years of operation (with decommissioning). The EIS will analyze measures that would avoid, minimize, or mitigate identified impacts.

Anticipated Permits and Authorizations

In addition to the requested COP approval, various other Federal, State, and local authorizations will be required for the Project. Applicable Federal laws include the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, MMPA, RHA, CWA, and the Coastal Zone Management Act. BOEM will also conduct government-to-government Tribal consultations. For a detailed listing of regulatory requirements applicable to the Project, please see the COP, volume I, available at *www.boem.gov/Mayflower-Wind.*

BOEM has chosen to use the NEPA process to fulfill its obligations under NHPA. While BOEM's obligations under NHPA and NEPA are independent, regulations implementing section 106 of NHPA, at 36 CFR 800.8(c), allow the NEPA process and documentation to substitute for various aspects of the NHPA review. This process is intended to improve efficiency, promote transparency and accountability, and support a broadened discussion of potential effects that a project could have on the human environment. During preparation of the EIS, BOEM will ensure that the NEPA process will fully meet all NHPA obligations.

Schedule for the Decision-Making Process

After the draft EIS is completed, BOEM will publish a notice of availability (NOA) and request public comments on the draft EIS. BOEM currently expects to issue the NOA in January 2023. After the public comment period ends, BOEM will review and respond to comments received and will develop the final EIS. BOEM currently expects to make the final EIS available to the public in September 2023. A ROD will be completed no sooner than 30 days after the final EIS is released, in accordance with 40 CFR 1506.11.

This Project is a ''covered project'' under section 41 of the Fixing America's Surface Transportation Act (FAST–41). FAST–41 provides increased transparency and predictability by requiring Federal agencies to publish comprehensive permitting timetables for all covered projects. FAST–41 also provides procedures for modifying permitting timetables to address the unpredictability inherent in the environmental review and permitting process for significant infrastructure projects. To view the FAST–41 Permitting Dashboard for the Project, visit: *www.permits.performance.gov/permitting-project/mayflower-wind-energy-project.*

Scoping Process

This NOI commences the public scoping process to identify issues and potential alternatives for consideration in the Mayflower Wind EIS. BOEM will hold virtual public scoping meetings at the times and dates described above under the **DATES** caption. Throughout the scoping process, Federal agencies, Tribal, State, and local governments, and the general public have the opportunity to help BOEM identify significant resources and issues, impact-producing factors, reasonable alternatives (*e.g.,* size, geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to be analyzed in the EIS, as well as to provide additional information.

As noted above, BOEM will use the NEPA process to comply with NHPA. BOEM will consider all written requests from individuals and organizations to participate as consulting parties under NHPA and, as discussed below, will determine who among those parties will be a consulting party in accordance with the NHPA regulations.

NEPA Cooperating Agencies

BOEM invites other Federal agencies and Tribal, State, and local governments to consider becoming cooperating agencies in the preparation of this EIS. The Council on Environmental Quality (CEQ) NEPA regulations specify that qualified agencies and governments are those with ''jurisdiction by law or special expertise.'' Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and should be aware that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process.

Upon request, BOEM will provide potential cooperating agencies with a written summary of expectations for cooperating agencies, including schedules, milestones, responsibilities, scope and detail of cooperating agencies' expected contributions, and availability of pre-decisional information. BOEM anticipates this summary will form the basis for a memorandum of agreement between BOEM and any non-Department of the Interior cooperating agency. Agencies also should consider the factors for determining cooperating agency status in the CEQ memorandum entitled, ''Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act,'' dated January 30, 2002. This document is available on the internet at: *www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-CoopAgenciesImplem.pdf.*

BOEM, as the lead agency, does not provide financial assistance to cooperating agencies. Governmental entities that are not cooperating agencies will have opportunities to provide information and comments to BOEM during the public input stages of the NEPA process.

NHPA Consulting Parties

Individuals and organizations with a demonstrated interest in the Project can request to participate as NHPA consulting parties under 36 CFR 800.2(c)(5) based on their legal or economic stake in historic properties affected by the Project.

Before issuing this NOI, BOEM compiled a list of potential consulting parties and invited them to become consulting parties. To become a consulting party, those invited must respond in writing by the requested response date.

Interested individuals and organizations that did not receive a written invitation can request to be consulting parties by writing to the staff NHPA contact at ICF International, Inc., the third party EIS contractor supporting BOEM in its administration of this review. ICF's NHPA contact for this review is Karen Crawford at *Mayflower_Section106@icf.com.* BOEM will determine which interested parties should be consulting parties.

Comments: Federal agencies, Tribal, State, and local governments, and other interested parties are requested to comment on the scope of this EIS, significant issues that should be addressed, and alternatives that should be considered. For information on how to submit comments, see the **ADDRESSES** section above.

BOEM does not consider anonymous comments. Please include your name and address as part of your comment. BOEM makes all comments, including the names, addresses, and other personally identifiable information included in the comment, available for public review online. Individuals can request that BOEM withhold their names, addresses, or other personally identifiable information included in their comment from the public record; however, BOEM cannot guarantee that it will be able to do so. To help BOEM determine whether to withhold from disclosure your personally identifiable information, you must identify any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your privacy. You also must briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm.

Additionally, under section 304 of NHPA, BOEM is required, after consultation with the Secretary of the Interior, to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, cause a significant invasion of privacy, risk harm to the historic resources, or impede the use of a traditional religious site by practitioners. Tribal entities and other parties providing information on historic resources should designate information that they wish to be held as confidential and provide the reasons why BOEM should do so.

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 inspection in their entirety.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

BOEM requests data, comments, views, information, analysis, alternatives, or suggestions relevant to the Proposed Action from the public; affected Federal, Tribal, State, and local governments, agencies, and offices; the scientific community; industry; or any other interested party. Specifically, BOEM requests information on the following topics:

1. Potential effects that the Proposed Action could have on biological resources, including bats, birds, coastal fauna, finfish, invertebrates, essential fish habitat, marine mammals, and sea turtles.

2. Potential effects that the Proposed Action could have on physical resources and conditions including air quality, water quality, wetlands, and other waters of the United States.

3. Potential effects that the Proposed Action could have on socioeconomic and cultural resources, including commercial fisheries and for-hire recreational fishing, demographics, employment, economics, environmental justice, land use and coastal infrastructure, navigation and vessel traffic, other uses (marine minerals, military use, aviation), recreation and tourism, and scenic and visual resources.

4. Other possible reasonable alternatives to the Proposed Action that BOEM should consider, including additional or alternative avoidance, minimization, and mitigation measures.

5. As part of its compliance with NHPA section 106 and its implementing regulations (36 CFR part 800), BOEM seeks comment and input from the public and consulting parties regarding the identification of historic properties within the Proposed Action's area of potential effects, the potential effects on those historic properties from the activities proposed in the COP, and any information that supports identification of historic properties under NHPA. BOEM also solicits proposed measures to avoid, minimize, or mitigate any adverse effects on historic properties. BOEM will present available information regarding known historic properties during the public scoping period at *www.boem.gov/Mayflower-Wind.* BOEM's effects analysis for historic properties will be available for public and consulting party comment in the draft EIS.

6. Information on other current or planned activities in, or in the vicinity of, the Proposed Action, their possible impacts on the Project, and the Project's possible impacts on those activities.

7. Other information relevant to the Proposed Action and its impacts on the human environment.

To promote informed decision-making, comments should be as specific as possible and should provide as much detail as necessary to meaningfully and fully inform BOEM of the commenter's position. Comments should explain why the issues raised are important to the consideration of potential environmental impacts and possible alternatives to the Proposed Action as well as economic, employment, and other impacts affecting the quality of the human environment.

The draft EIS will include a summary of all alternatives, information, and analyses submitted during the scoping

process for consideration by BOEM and the cooperating agencies.

Authority: This NOI is published in accordance with NEPA, 42 U.S.C. 4321 *et seq.,* and 40 CFR 1501.9.

William Yancey Brown,

Chief Environmental Officer, Bureau of Ocean Energy Management.

[FR Doc. 2021–23806 Filed 10–29–21; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2021–0078]

Atlantic Wind Lease Sale 9 (ATLW–9) for Commercial Leasing for Wind Power on the Outer Continental Shelf in the Carolina Long Bay Area—Proposed Sale Notice

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Proposed sale notice; request for comments.

SUMMARY: This document is the proposed sale notice (PSN) for the sale of a commercial wind energy lease on the Outer Continental Shelf (OCS) in the Carolina Long Bay area offshore North Carolina (Lease Area). The Bureau of Ocean Energy Management (BOEM) proposes to offer a single lease using a multiple-factor bidding auction format. The PSN contains information pertaining to the areas available for leasing, certain provisions and conditions of the lease, auction details, lease forms, criteria for evaluating competing bids, award procedures, appeal procedures, and lease execution procedures. The issuance of a lease resulting from this sale, if any, would not constitute an approval of project-specific plans to develop offshore wind energy. Such plans, if submitted by the lessee, would be subject to subsequent environmental, technical, and public reviews prior to a decision on whether the proposed development should be authorized.

DATES: Comments should be submitted electronically or postmarked no later than January 3, 2022.

Prospective bidders in the proposed lease sale must submit qualification materials by the end of the 60-day comment period for this PSN. Qualification materials must be postmarked no later than January 3, 2022.

ADDRESSES: Submit comments on the PSN in one of the following ways:

• *Federal eRulmaking Portal: http://www.regulations.gov.* In the search box on web page, enter BOEM–2021–0078 and click ''search.'' Follow the instructions to submit public comments.

• *Mail:* In written form, delivered by mail or delivery service, enclosed in an envelope labeled ''Comments on Carolina Long Bay PSN'' and addressed to: Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166.

Qualifications Materials: Prospective bidders submit qualification materials to Casey Reeves, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (703) 787–1671, or *casey.reeves@boem.gov.*

For more information regarding the submission of public comments and qualification materials, see section V under the caption **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Casey Reeves, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (703) 787–1671, or *casey.reeves@boem.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

a. Call for Information and Nominations: On December 13, 2012, BOEM published a North Carolina call for information and nominations (77 FR 74204) (''Call''). On February 5, 2013, BOEM reopened the comment period for the Call to allow for additional public input. The Call contained three proposed call areas entitled ''Wilmington-East,'' ''Wilmington-West,'' and ''Kitty Hawk.'' BOEM received comments from the general public, the fishing industry, industry groups, offshore wind developers, non-governmental organizations, universities, other stakeholders, and Federal, State, and local agencies. The subjects receiving the most comments were impacts to military operations, impacts to North Atlantic right whale critical habitat, visual impacts, and impacts to tourism from the Wilmington-West Call Area. Four offshore wind developers submitted nominations for the Wilmington-East Call Area.

b. Area Identification: After the close of the Call comment period on March 7, 2013, BOEM initiated the area identification process (Area ID) by reviewing the input received. Through the Area ID process, BOEM considered the following non-exclusive list of information sources: Comments and nominations received on the Call; information from the Regional Carolina Long Bay Intergovernmental Task Force; input from North Carolina and South Carolina State agencies; input from Federal agencies; comments from relevant stakeholders and ocean users, including the maritime community, offshore wind developers, and the commercial fishing industry; State and local renewable energy goals; and domestic and global offshore wind market and technological trends.

BOEM also considered multiple existing uses of the North Carolina offshore area in developing the call areas and wind energy areas (WEAs). BOEM found that existing uses having the highest potential to interact with offshore wind energy development in the call areas are (i) North Atlantic right whale migration routes; (ii) maritime navigation; and (iii) Department of Defense (DoD) activities.

BOEM completed the Area ID on August 7, 2014, by identifying the following three WEAs within the call areas: Wilmington East, Wilmington West, and Kitty Hawk. The Area ID announcement and map of the WEAs are available at: *https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/NC/NC_AreaID_Announcement_.pdf.*

c. Environmental Reviews: On December 13, 2012, BOEM published a notice of intent to prepare an environmental assessment (EA) to consider potential environmental consequences of site characterization activities (*e.g.,* biological, archeological, geological, and geophysical surveys and core samples) and site assessment activities (*e.g.,* installation of meteorological towers or buoys) associated with issuing wind energy leases in the call areas. As part of the EA process, BOEM sought comments on the issues and alternatives that should inform the EA and received approximately 47 comments, which can be found at *http://www.regulations.gov* under Docket No. BOEM–2012–0090. A notice of availability of the EA was published on January 23, 2015, to initiate a 30-day public comment period (80 FR 3621). The EA was subsequently revised based on comments received during the comment period and public information meetings. The revised EA and the finding of no significant impact are available at: *https://www.boem.gov/sites/default/files/renewable-energy-program/State-Activities/NC/NC-EA-Camera-FONSI.pdf.*

Concurrently with its preparation of the EA, BOEM conducted consultations under the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act.

BOEM prepared and executed a programmatic agreement (PA) to guide its consultations under section 106 of the National Historic Preservation Act. The PA provides for consultations to continue through BOEM's decision-making process regarding the issuance of leases on the OCS. Also included in the PA is BOEM's phased identification and evaluation of historic properties.

On August 13, 2021, BOEM announced its intent to prepare a supplemental EA to the *Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore North Carolina—Revised Environmental Assessment,* which was originally published on September 17, 2015. This announcement opened a 30-day comment period that closed on September 13, 2021. The supplemental EA will evaluate current science, studies, circumstances, and other information relevant to reasonably foreseeable environmental impacts from site characterization activities (*i.e.,* shallow hazards, geological, geotechnical, archeological, and biological surveys of the lease area and potential cable routes) and site assessment activities (*i.e.,* installation and operation of meteorological buoys) associated with issuing wind energy leases in the Wilmington East WEA. This new information includes a recent marine cultural resources survey, changes in the status of some ESA-listed species, the listing of new endangered species, and the designation of the North Atlantic right whale critical habitat. The supplemental EA and consultations will be concluded before the final sale notice (FSN).

II. Area Proposed for Leasing

The area available for sale is proposed to be auctioned as a single lease, Lease OCS–A 0545:

Lease area name	Lease area ID	Acres
Wilmington East	OCS–A 0545	127,865

The proposed lease area includes the majority of the Wilmington East WEA. BOEM requests input on potentially subdividing the Wilmington East Lease Area into as many as three lease areas from the existing 127,865 acres.

BOEM is aware of potential conflicts with the U.S. Coast Guard (USCG) in portions of the Wilmington East Lease Area. BOEM is working closely with USCG and DoD to ensure the final lease area is deconflicted and suitable for offshore wind energy development. For more information regarding DoD's evaluation, please see the February 13, 2020, letter from the DoD Military Aviation and Installation Assurance Siting Clearinghouse to BOEM posted on our website: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

A description of the proposed Lease Area can be found in addendum ''A'' of the proposed lease, which BOEM has made available with this notice on its website at: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

a. *Map of the Area Proposed for Leasing:* A map of the Lease Area, and GIS spatial files X, Y (eastings, northings) UTM Zone 18, NAD83 Datum, and geographic X, Y (longitude, latitude), NAD83 Datum can be found on BOEM's website at: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

b. *Potential Future Restrictions to Ensure Navigational Safety:*

i. *USCG Navigational Safety Measures:* Potential bidders should note that portions of the Wilmington East Lease Area may not be available for future development (*i.e.,* installation of wind facilities) because of navigational safety concerns. In accordance with the Ports and Waterways Safety Act, USCG has published an advance notice of proposed rulemaking (ANPRM), which includes traffic lanes in the vicinity of the Wilmington East Lease Area. This ANPRM included a shipping safety fairway to accommodate vessel traffic traveling across the Carolina Long Bay Area from Charleston, South Carolina, to ports on the U.S. Mid- and North Atlantic coast. The shipping safety fairway overlaps with the proposed Wilmington East Lease Area. The size and boundaries of the Wilmington East Lease Area could change between now and publication of a FSN, depending on the outcome of additional discussions between BOEM and USCG. BOEM may require additional mitigation measures upon review of a construction and operations plan (COP) when the Lessee's site-specific navigational safety risk assessment is available to inform BOEM's decision-making. In addition, in 2020, the USCG announced that it would be conducting a supplemental Port Access Route Study (PARS). This supplemental PARS may result in additional north to south navigational mitigation measures at the COP review stage.

ii. *Vessel Transit Corridors:* Members of the fishing community have requested that offshore wind energy facilities be designed in a manner that, among other things, provides for safe transit to fishing grounds where relevant. The information currently available does not indicate that transit corridors are warranted, but BOEM may nonetheless consider designating portions of the lease as transit corridors. Bidders should be aware that a lease stipulation may be included in the FSN that addresses transit corridors, pending the outcome of additional discussions with ocean users and stakeholders and consideration of comments submitted in response to this PSN.

c. *Potential Future Restrictions to Mitigate Potential Conflicts with Department of Defense Activities:* Prospective bidders should be aware of potential conflicts with existing uses of the OCS by DoD. BOEM coordinates with DoD throughout the leasing process. A February 13, 2020, letter from DoD on the BOEM website summarizes our most recent consultations: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

i. *Air Surveillance and Radar:* The North American Aerospace Defense Command mission may be affected by the development of the Lease Area. BOEM will coordinate with DoD and the Lessee to deconflict these potential impacts throughout the project review stage. Mitigation measures or terms and conditions of a plan approval may result from this coordination effort.

III. Participation in the Proposed Lease Sale

a. *Bidder Participation:* Entities wishing to participate in the proposed ATLW–9 lease sale must submit the required qualification materials by the end of the 60-day comment period for this PSN.

b. *Affiliated Entities:* On the bidder's financial form discussed in section V.(c)(i) below, eligible bidders must list any other eligible bidders with whom they are affiliated. Affiliated eligible bidders are not permitted to compete against each other in the lease sale and must decide prior to the auction which eligible bidder (if any) will participate. If two or more affiliated bidders seek to participate in the auction, BOEM may disqualify some or all such bidders from the auction.

BOEM considers two entities to be affiliated if (a) one entity (or its parent or subsidiary) has or retains any right, title, or interest in the other entity (or its parent or subsidiary), including any ability to control or direct actions with respect to such entity, either directly or indirectly, individually or through any other party; or (b) the entities are both direct or indirect subsidiaries of the same parent company.

IV. Questions for Stakeholders

Stakeholders are encouraged to comment on any matters related to this lease sale that are of interest or concern to them. However, BOEM has identified certain issues as particularly important in developing this lease sale and encourages commenters to address these issues specifically.

a. *Number, size, orientation, and location of the proposed lease areas:* BOEM is requesting comment on the number of leases that should be offered within the Lease Area, the size and orientation of the Lease Area, as well as any portions of the Lease Area that should be prioritized for inclusion or exclusion from this lease sale or future lease sales.

b. *Transit corridors:* BOEM welcomes comments on the potential need for including defined transit corridors within the proposed Lease Area and the degree to which such corridors might meet potential users' needs.

c. *What existing uses would be affected by the development of the proposed Lease Area?* If transit corridors are warranted, what would be the preferred placement and orientation (length, width, *etc.*) that would facilitate continuance of existing uses? BOEM asks commenters to submit technical and scientific data in support of their comments.

d. *Benefits to underserved communities:* Executive Order 13985, ''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,'' directs advancement of equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad,'' establishes a policy to secure environmental justice and spur economic opportunity for disadvantaged communities through investing and building a clean energy economy and making environmental justice part of every agency's mission.

To the extent of its statutory and regulatory authorities, BOEM is considering lease stipulations to ensure communities, particularly underserved communities, are engaged early and often throughout the offshore wind energy development process and to encourage direct investments in underserved communities that include, but are not limited to:

i. Workforce training and development.

ii. contracting with and supporting the development of minority- and women-owned businesses.

iii. programs that promote and deliver environmental justice.

BOEM invites comment on the appropriate mechanisms, evaluation metrics, and valuation of these additional lease requirements. Commenters are encouraged to describe how these or similar measures would further development of the proposed Lease Area and the purposes of OCS Lands Act. BOEM requests commenters provide references to any studies that support their recommendations.

e. *Bidding credits:* As authorized under 30 CFR 585.220(a)(4) and 585.221(a)(6), BOEM proposes to use a multiple-factor auction format, with a multiple-factor bidding system, for this lease sale. Under this system, BOEM would consider a combination of a monetary bid and bidding credits in determining the outcome of the auction. BOEM would appoint a panel of BOEM employees to review the non-monetary component and to verify the results of the lease sale. BOEM would reserve the right to change the composition of this panel at any time.

i. The proposed bidding credit would allow bidders to receive a credit of up to 20 percent off their winning bid in exchange for financial commitments to a workforce training program or to development of a domestic supply chain. To qualify, the winning bidder would be required to financially commit at least 80 percent of the bidding credit value toward a workforce training program or development of a domestic supply chain. For example, a winning bidder with a high bid of $31.25 million could receive a credit of $6.25 million toward their winning bid in exchange for a $5 million (80 percent of $6.25 million) commitment to a workforce training or development of the domestic supply chain. Bidders could choose to limit their commitment (20 percent of bid up to $X.0 million) or simply commit to a bidding credit worth 20 percent of their high bid.

ii. The qualifying programs for the workforce training credit would contribute to well-trained personnel pursuant to congressional policy under 43 U.S.C. 1332(6), which states that operations on the OCS should be conducted in a safe manner by well-trained personnel. Workforce training would also promote ''expeditious and orderly development'' as called for by 43 U.S.C. 1332(3).

iii. The qualifying programs for the domestic supply chain credit would contribute to the development of a domestic supply chain, which would facilitate congressional policy set forth in 43 U.S.C. 1332(3) to promote expeditious and orderly development on the OCS.

iv. Bidders who are interested in pursuing bidding credits would be able to choose to commit to workforce training programs, domestic supply chain initiatives, or a combination of both. Payment fulfilling the commitment could be deferred until submission of the facility design report (FDR) to BOEM. Documentation of the lessee's contribution and of how the commitment would benefit workforce training or the domestic supply chain would be due no later than the lessee's first FDR. By deferring the payment until the FDR, the lessee would be able to identify programs or recipients with the greatest potential to expedite or facilitate orderly OCS renewable energy development.

v. Examples of programs that would qualify for the workforce training credit include specific job and workforce training, union apprenticeships, labor management training partnerships, stipends for workforce training, or other technical training programs focused on providing skills needed for the construction, maintenance, or operation of offshore wind energy projects. BOEM encourages lessees to maximize training opportunities for individuals from underserved communities.

vi. Examples of programs that would qualify for the domestic supply chain credit include commitments to technical assistance grants to help U.S. manufacturers re-tool or certify (*e.g.,* ISO–9001) for offshore wind manufacturing, a non-equity investment in the development of a Jones Act-compliant wind turbine installation vessel, a bonding support reserve fund accessed by disadvantaged businesses, or other non-equity contributions to efforts to build a U.S. domestic supply chain supporting the offshore wind industry. BOEM encourages lessees to maximize supply chain opportunities for disadvantaged business enterprises. Commenters are encouraged to describe how these or similar measures would further development of the proposed Lease Area and the purposes of OCS Lands Act. BOEM requests commenters provide references to any studies that support their recommendations.

vii. *Documentation:* If a lease is awarded pursuant to a winning bid that includes the workforce training or supply chain development commitment or both, the lessee would be required to provide written documentation to BOEM demonstrating payment of the full commitment no later than submission of the lessee's first FDR.

viii. *Enforcement:* The amount and conditions of the commitment would be

included in a lease addendum and would bind the lessee and all future assignees of the lease. If a lessee or assignee fails to satisfy its commitment obligations before submission of the FDR or relinquishes or otherwise fails to develop the lease for any reason by the 10th anniversary date of lease execution or another date agreed to by BOEM, the original lessee and all assignees will owe an amount corresponding to the awarded bidding credit, immediately due and payable to the Office of Natural Resources Revenue with interest from the date of lease execution. In that circumstance, the bidding credit has been forfeited, and the lessee would be obligated to pay the amount of the credit not earned, resulting in payment of the full amount of the accepted bid.

f. BOEM invites comment on the appropriate mechanisms, evaluation metrics, recipient program examples, and relative value of bidding credits for workforce training and supply chain development.

g. *Native American Tribes, ocean users, and stakeholder engagement:* In an effort to require early and regular lessee engagement with affected stakeholders, BOEM is proposing a lease stipulation that would require lessees to provide a semi-annual (*i.e.,* every 6 months) progress report that summarizes engagement with Native American Tribes and ocean users potentially affected by proposed activities on the lease or proposed project easement. The progress report would identify and describe: All existing users; the lessee's engagement with those users; efforts to avoid, minimize, or mitigate any conflict between the existing users and the lessee; disproportionate impacts to environmental justice communities; and planned next steps to engage those users and address identified conflicts. The lease stipulation specifically would require coordination with the commercial fishing industry and consideration of potential conflicts prior to proposing a wind turbine layout in the COP. BOEM seeks comment on this concept generally, as well as comment on the contents and timing of such reports.

h. *Coordinated engagement:* BOEM seeks comments on methods to improve coordination and engagement among lessees, federally recognized Tribes, and other stakeholders. Specifically, BOEM is soliciting input on how to improve the frequency, duration, and sustainability of collaborative engagement among these parties, as well as the preferred form it should take (in-person, webinar, facilitated meeting, *etc.*). BOEM recognizes its responsibility under Executive Order 13175 to conduct government-to-government consultations with Tribal governments. Coordinated engagement between federally recognized Tribes and lessees that may be required in a future lease would be in addition to BOEM's responsibilities. To illustrate the intent of this question, one possible lease term to facilitate coordinated engagement could be to require lessees to hold coordination meetings at regular intervals throughout the year (*i.e.,* quarterly, biannually, annually, *etc.*). During these meetings, lessees would share information and updates about their activities with federally recognized Tribes and other stakeholders and solicit feedback and input about lessee activities. These meetings would not substitute for government-to-government meetings between Tribes and Federal agencies, including BOEM.

i. *Prescribed layouts:* BOEM seeks comment about whether BOEM should consider prescribing uniform and aligned turbine layouts in the Lease Area. Would the establishment of uniform turbine layouts negate the need for established transit corridors?

j. *Rent:* BOEM is proposing to simplify the calculation for rental fees once commercial operations have begun. The simplification would divide the leased area into ''generating'' and ''non-generating'' acreages and would use the ''non-generating'' acreage as the basis for the rental calculation. BOEM welcomes comments on the proposed rental calculation changes.

k. *Industry standards for environmental protection:* Are there new industry standards (*e.g.,* technology standards, vessel standards, *etc.*) for environmental protection for any phase of development that BOEM should consider?

V. Deadlines and Milestones

This section describes the major deadlines and milestones in the auction process from publication of this PSN to potential execution of the lease pursuant to this sale.

a. *The PSN Comment Period:*

i. Submit Comments: The public is invited to submit comments during this 60-day period, which expires on January 3, 2022. All comments received or postmarked during the comment period will be made available to the public and considered by BOEM prior to publication of the FSN.

ii. Public Auction Seminar: BOEM will host a public seminar to discuss the lease sale process and the auction format. The time and place of the seminar will be announced by BOEM and published on the BOEM website at *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

Neither registration nor RSVP is required to attend.

iii. Submit Qualifications Materials: All qualification materials must be received by BOEM by January 3, 2022. This includes materials sufficient to establish a company's legal, technical, and financial qualifications pursuant to 30 CFR 585.106–.107. To qualify to participate in this lease sale, qualification materials should be developed in accordance with the guidelines available at *https://www.boem.gov/Renewable-Energy-Qualification-Guidelines/.* If you wish to protect the confidentiality of your comments or qualification materials, clearly mark the relevant sections and request that BOEM treat them as confidential. Please label privileged or confidential information with the caption ''Contains Confidential Information'' and consider submitting such information as a separate attachment. Treatment of confidential information is addressed in section XXI entitled ''Protection of Privileged or Confidential Information.'' Information that is not labeled as privileged or confidential would be regarded by BOEM as suitable for public release.

b. *End of PSN Comment Period to FSN Publication:*

i. Review Comments: BOEM will review all comments submitted in response to the PSN during the comment period.

ii. Finalize Qualifications Reviews: Prior to the publication of the FSN, BOEM will complete its review of bidder qualification materials submitted during the PSN comment period. The final list of eligible bidders will be published in the FSN.

iii. Prepare the FSN: BOEM will prepare the FSN by updating information contained in the PSN where appropriate.

iv. Publish FSN: BOEM will publish the FSN in the **Federal Register**.

c. *FSN Waiting Period:* During this period, qualified bidders must take several steps to remain eligible to participate in the auction.

i. Bidder's Financial Form (BFF): Each bidder must submit a BFF to BOEM to participate in the auction. BOEM must receive each bidder's BFF no later than the date listed in the FSN. BOEM may consider extensions to this deadline only if BOEM determines that the failure to timely submit a BFF was caused by events beyond the bidder's control. The BFF can be downloaded at: *https://www.boem.gov/regional-*

carolina-long-bay-intergovernmental-renewable-energy.

Once BOEM has processed a bidder's BFF, the bidder may log into *pay.gov* and submit a bid deposit. For purposes of this auction, BOEM will not consider BFFs submitted by bidders for previous lease sales. You may submit your BFF electronically in PDF format to the mailbox at *renewableenergy@boem.gov.* Digital signatures, affixed to paper and digital copies, are acceptable until further notice.

a. Please accompany your submission with a transmittal letter on company letterhead.

b. BOEM prefers that your BFF be submitted using a company email address.

c. The BFF must be executed by an authorized representative listed in the bidder's legal qualifications. Each bidder is required to sign the self-certification in the BFF truthfully, under threat of criminal penalty for false statements in accordance with 18 U.S.C. 1001 (fraud and false statements).

d. BOEM will consider the date an emailed submission was received in the mailbox *renewableenergy@boem.gov* as the official receipt (filed) date.

e. Additional information regarding BFF may be found below in section IX ''Bidder's Financial Form.''

ii. Bid Deposit: Each qualified bidder must submit a bid deposit of $2,000,000 no later than the date specified in the FSN. Further information about bid deposits can be found below in section X ''Bid Deposit.''

d. Mock Auction: BOEM will hold a mock auction that is open only to qualified bidders who have met the requirements and deadlines for auction participation, including submission of the bid deposit. Final details of the mock auction will be provided in the FSN.

e. The Auction: BOEM, through its contractor, will conduct the auction as described in the FSN. The auction will occur no sooner than 30 days following publication of the FSN in the **Federal Register**. The estimated timeframes described in this PSN assume the auction will occur approximately 45 days after FSN publication. Final dates will be included in the FSN. BOEM will announce the provisional winner of the lease sale after the auction ends.

f. From the Auction to Lease Execution:

i. Notice and Refunds to Non-Winners: Once the provisional winner has been announced, BOEM will notify the other bidders, include a written explanation of why they did not win, and return their bid deposits.

ii. Department of Justice (DOJ) Review: DOJ will have 30 days in which to conduct an antitrust review of the auction, pursuant to 43 U.S.C. 1337(c).

iii. Delivery of the Lease: BOEM will send three copies of the lease to the winning bidder, with instructions on how to sign the lease. The winning bidder must pay the first year's rent within 45-calendar days after receiving the lease copies.

iv. Return the Lease: Within 10-business days of receiving the lease copies, the winning bidder must file financial assurance, pay any outstanding balance of its bonus bids (*i.e.,* winning monetary bid less the applicable non-monetary bidding credit and bid deposit), and sign and return the three lease copies. A winning bidder may request a deadline extension. BOEM may grant the request if BOEM determines the cause of the delay was beyond the winning bidder's control pursuant to 30 CFR 585.224(e).

v. Execution of Lease: Once BOEM has received the signed lease copies and verified that all other required obligations have been met, BOEM will determine, in its discretion, whether to sign and execute the lease.

VI. Withdrawal of Blocks

BOEM reserves the right to withdraw all or portions of the Lease Area prior to executing the lease with the winning bidder.

VII. Lease Terms and Conditions

BOEM has made available proposed terms, conditions, and stipulations for the commercial lease that will be offered through this proposed sale. BOEM reserves the right to require compliance with additional terms and conditions associated with approval of a site assessment plan (SAP) and COP. The proposed lease is on BOEM's website at: The lease includes the following attachments:

1. Addendum A (''Description of Leased Area and Lease Activities'');
2. Addendum B (''Lease Term and Financial Schedule'');
3. Addendum C (''Lease-Specific Terms, Conditions, and Stipulations'');
4. Addendum D (''Project Easement''); and
5. Addendum E (''Rent Schedule'').

Addenda A, B, and C provide detailed descriptions of lease terms and conditions. Addendum D will be completed at the time of COP approval or approval with modifications. Addendum E will be completed after COP approval or approval with modifications. After considering comments on the PSN and proposed lease, BOEM will publish final lease terms and conditions in the FSN.

a. Required Plans for Potential Development of Executed Lease: Under 30 CFR 585.601, if site assessment activities will be conducted, the leaseholder must submit a SAP within 12 months of lease issuance. If the leaseholder intends to continue its commercial lease with an operations term, the leaseholder must submit a COP at least 6 months before the end of the site assessment term.

b. Proposed New or Revised Lease Stipulations: BOEM proposes to add or revise the following lease stipulations or provisions from previous commercial leases:

i. Fisheries Communication Plan: The requirement for the fisheries communication plan (FCP) has been amended to specify that the FCP must include discussions with fisheries stakeholders regarding any planned facilities within 120 days of lease execution.

ii. Native American Tribes Communication Plan: BOEM has added a lease stipulation requiring the lessee to develop a Native American Tribes Communication Plan (NATCP). The NATCP would require the lessee to designate a Tribal liaison responsible for communicating with federally recognized Tribes, to provide BOEM and federally recognized Tribes with a draft NATCP, and to hold a meeting with federally recognized Tribes to discuss the NATCP within 120 days of lease execution.

iii. Protected Species: In October 2018, BOEM initiated ESA section 7 formal consultation with the National Marine Fisheries Service (NMFS) to update the project design criteria and best management practices to be more consistent with recent incidental harassment authorizations (IHAs) issued by NMFS under the Marine Mammal Protection Act for site survey and data collection activities. In January 2020, BOEM and NMFS agreed to convert the formal consultation to a programmatic informal consultation limited to surveys and installation of met buoys associated with a lease. Activities include geophysical and geotechnical surveys and the installation and decommissioning of met buoys in support of offshore wind energy projects.

Mitigation measures adopted during the consultation rely upon the most up-to-date science and mirror those included in recent IHAs. Adopting these measures would reduce the number of requests by the lessee to modify its lease stipulations consistent with its respective NMFS-issued IHAs, which in

turn reduces compliance burdens on the lessee and BOEM. Accordingly, the lease stipulations would no longer specify exclusion zones for sound propagation from geophysical survey equipment, vessel strike avoidance measures, or protected species observer procedures, all of which would be specified in the outcome of the most up-to-date consultation.

iv. Site Characterization: BOEM updated language regarding survey plans and pre-survey meetings (section 2.1 of addendum C to the proposed lease). BOEM proposes to make the pre-survey meeting between the lessee and BOEM optional at BOEM's discretion. BOEM also recommends removing the requirement for lessees to meet with BOEM prior to holding Tribal pre-survey meetings. The change would allow lessees more flexibility scheduling Tribal pre-survey meetings, possibly holding them earlier and allowing greater opportunity for Tribal input.

v. Siting Conditions: BOEM included a lease stipulation that outlines situations when lessees may not construct surface facilities.

vi. Operating Fee: BOEM proposes several simplifications to the operating fee consistent with the recently proposed changes for future New York Bight leases. The changes include eliminating the inflation adjustment, moving from a weighted peak and off-peak power price to a simple hourly average, and eliminating the 10 percent limit to the capacity adjustment every 5 years. These changes are designed to simplify the operating fee calculation and are expected to have minimal impact on operating fee revenues paid by the lessee. BOEM also proposes simplifying the capacity formulation and utilizing the nameplate capacity in the fabrication and installation report (FIR) for the operating fee calculation.

vii. Project Labor Agreements: BOEM proposes a lease stipulation which would require the lessee to make reasonable efforts to enter into a project labor agreement (PLA) covering the construction stage of any project proposed for the leased area. The proposed stipulation is responsive to Executive Order 14008 and would support BOEM's achievement of the following OCS Lands Act policies:

i. Expeditious and orderly development (43 U.S.C. 1332(3));

ii. Safe operations conducted by well-trained personnel (43 U.S.C. 1332(6));

iii. Any activity is carried out in a manner that provides for safety (43 U.S.C. 1337(p)(4)(A)); and

iv. Fair return (43 U.S.C. 1337(p)(2)(A)).

PLAs may support the achievement of these goals—including expeditious development and potentially more years of operating fee receipts.

viii. Stakeholder and Ocean User Engagement Summary: BOEM proposes that the lessee include a stakeholder and ocean user engagement summary as part of their progress reporting requirements (see section 2.2 of addendum C of the lease). This summary would include a description of all existing users, engagement activities with those users during the reporting period, and a description of efforts to minimize any conflict between the existing users and the lessee.

VIII. Lease Financial Terms and Conditions

This section provides an overview of the required annual payments and financial assurances under the lease. Please see the proposed lease for more information.

a. Rent: Pursuant to 30 CFR 585.224(b) and 585.503, the first year's rent payment of $3 per acre is due within 45-calendar days after the lessee receives the lease copies from BOEM. Thereafter, annual rent payments are be due on the anniversary of the effective date of the lease (the ''Lease Anniversary''). Once commercial operations under the lease begin, BOEM will charge rent only for the portions of the Lease Area remaining undeveloped (*i.e.,* non-generating acreage). For the 127,865-acre Lease Area of OCS–A 0545, the rent payment will be $383,595 per year until commercial operations begin.

If the lessee submits an application for relinquishment of a portion of its leased area within the first 45-calendar days after receiving the lease copies from BOEM and BOEM approves that application, no rent payment would be due on the relinquished portion of the lease area. Later relinquishments of any portion of the lease area would reduce the lessee's rent payments starting in the year following BOEM's approval of the relinquishment.

The lessee also must pay rent for any project easement associated with the lease. Rent commences on the date that BOEM approves the COP (or modification thereof) that describes the project easement as outlined in 30 CFR 585.508. Annual rent for a project easement that is 200 feet wide, centered on the transmission cable, will be $70 per statute mile. For any additional acreage, the lessee must pay the greater of $5 per acre per year or $450 per year.

b. Operating Fee: For purposes of calculating the initial annual operating fee payment under 30 CFR 585.506, BOEM applies an operating fee rate to a proxy for the wholesale market value of the electricity expected to be generated from the project during its first 12 months of operations. This initial payment will be prorated to reflect the period between the commencement of commercial operations and the Lease Anniversary. The initial annual operating fee payment will be due within 45 days of the commencement of commercial operations. Thereafter, subsequent annual operating fee payments will be due on or before the Lease Anniversary.

The subsequent annual operating fee payments will be calculated by multiplying the operating fee rate by the imputed wholesale market value of the projected annual electric power production. For the purposes of this calculation, the imputed market value will be the product of the project's annual nameplate capacity, the total number of hours in the year (8,760), the capacity factor, and the annual average price of electricity derived from a regional wholesale power price index. For example, the annual operating fee for a 1,622 megawatt (MW) wind facility operating at a 40 percent capacity (*i.e.,* capacity factor of 0.4) with a regional wholesale power price of $40 per megawatt hour (MWh) and an operating fee rate of 0.02 would be calculated as follows:

$$\text{Annual Operating Fee} = 1{,}622\ \text{MW} \times 8{,}760\,\frac{\text{hrs}}{\text{year}} \times 0.4 \times$$

$$\frac{\$40}{\text{MWh}}\ \text{Power Price} \times 0.02 = \$4{,}546{,}790.40$$

i. Operating Fee Rate: The operating fee rate is the share of imputed wholesale market value of the projected annual electric power production due to the Office of Natural Resources Revenue as an annual operating fee. For the Lease Areas, BOEM proposes to set the fee rate at 0.02 (2 percent) for the entire life of commercial operations.

ii. Nameplate Capacity: Nameplate capacity is the maximum rated electric output, expressed in MW, which the turbines of the wind facility under commercial operations can produce at their rated wind speed as designated by the turbine's manufacturer. The nameplate capacity available at the start of each year of commercial operations on the lease will be the capacity provided in the FIR. For example, if the lessee installed 100 turbines as documented in its FIR, and each is rated by the manufacturer at 12 MW, the nameplate capacity of the wind facility would be 1,200 MW.

iii. Capacity Factor: The capacity factor relates to the amount of energy delivered to the grid during a period of time compared to the amount of energy the wind facility would have produced at full capacity during that same period of time. This factor is represented as a decimal between zero and one. There are several reasons why the amount of power delivered is less than the theoretical 100 percent of capacity. For a wind facility, the capacity factor is mostly determined by the availability of wind. Transmission line loss and down time for maintenance or other purposes also affect the capacity factor.

BOEM proposes to set the capacity factor at 0.4 (*i.e.,* 40 percent) for the year in which the commercial operation date occurs and for the first 6 full years of commercial operations on the lease. At the end of the sixth year, BOEM may adjust the capacity factor to reflect the performance over the previous 5 years based upon the actual metered electricity generation at the delivery point to the electrical grid. BOEM may make similar adjustments to the capacity factor once every five years thereafter.

iv. Wholesale Power Price Index: Under 30 CFR 585.506(c)(2)(i), the wholesale power price, expressed in dollars per MWh, is determined at the time each annual operating fee payment is due. For the lease offered in this sale, BOEM proposes to use the index for VACAR average price per MW from the Enerfax power prices dataset within Hitachi's ABB Velocity Suite or similar. VACAR is a subregion of the Southeastern Electric Reliability Council and comprises the Carolinas and parts of Virginia. The VACAR average price per megawatt represents prices from Duke, Progress Energy's Carolina Power and Light, Santee Cooper, South Carolina Electric and Gas, Southeastern Power Administration, and APGI Yadkin Division.

c. Financial Assurance: Within 10-business days after receiving the lease copies and pursuant to 30 CFR 585.515–.516, the provisional winner must provide an initial lease-specific bond or other BOEM-approved financial assurance instrument in the amount of $100,000. BOEM encourages the provisionally winning bidder to discuss financial assurance requirements with BOEM as soon as possible after selection notification.

BOEM will base the amount of all SAP, COP, and decommissioning financial assurance on cost estimates for meeting all accrued lease obligations at the respective stages of development. The required amount of supplemental and decommissioning financial assurance will be determined on a case-by-case basis.

The financial terms described above can be found in addendum B of the lease, which is available at: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

IX. Bidder's Financial Form

Each bidder must fill out the BFF referenced in this PSN. A copy of the form is available at: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.* BOEM recommends that each bidder designate an email address in its BFF that the bidder would then use to create an account in *pay.gov* (if it has not already done so). BOEM will not consider previously submitted BFFs for previous lease sales to satisfy the requirements of this auction. BOEM may consider BFFs submitted after the deadline set in the FSN if BOEM determines that the failure to timely submit the BFF was caused by events beyond the bidder's control. BOEM will only accept an original, signed paper copy of the BFF. The BFF must be executed by an authorized representative listed in the qualification package on file with BOEM.

X. Bid Deposit

Each qualified bidder must submit a bid deposit no later than the date listed in the FSN. Typically, this deadline is approximately 30-calendar days after the publication of the FSN. BOEM may consider extensions to this deadline only if BOEM determines that the failure to timely submit the bid deposit was caused by events beyond the bidder's control.

Following the auction, bid deposits will be applied against the winning bid and other obligations owed to BOEM. If a bid deposit exceeds that bidder's total financial obligation, BOEM will refund the balance of the bid deposit to the bidder. BOEM will refund bid deposits to the other bidders once BOEM has announced the provisional winner.

If BOEM offers a lease to the provisionally winning bidder and that bidder neither timely returns the signed leases, establishes financial assurance, nor pays the balance of its bid, BOEM will retain that bidder's $2,000,000 bid deposit. In such a circumstance, BOEM reserves the right to offer a lease to the next highest bidder as determined by BOEM.

XI. Minimum Bid

The minimum bid is the lowest bid BOEM will accept as a winning bid, and it is where BOEM will start the bidding in the auction. BOEM proposes a minimum bid of $50.00 per acre for this lease sale.

XII. Auction Procedures

a. Multiple-Factor Bidding Auction: As authorized under 30 CFR 585.220(a)(4) and 585.221(a)(6), BOEM proposes to use a multiple-factor bidding auction for this lease sale. Under BOEM's proposal, the bidding system for this lease sale would be a multiple-factor combination of nonmonetary and monetary factors. The bid made by a particular bidder in each round would represent the sum of a bidding credit and a monetary (cash) amount. BOEM proposes to start the auction using the minimum bid price for the Lease Area and to increase that price incrementally until no more than one active bidder remains in the auction.

b. The Auction: Using an online bidding system to host the auction, BOEM will start the bidding for Lease OCS–A 0545. The description below assumes that only a single lease area will be offered in the auction. In the event that two or more lease areas are offered, BOEM intends to use auction procedures similar to those described in the New York Bight PSN published in the **Federal Register** on June 14, 2021 (86 FR 31524).

The auction will be conducted in a series of rounds. At the start of each round, BOEM will state an asking price for the Lease Area. If a bidder is willing to meet that asking price, it would indicate its intent by submitting a bid equal to the asking price. A bid at the full asking price submitted in a round

is referred to as a ''live bid.'' To participate in the next round of the auction, a bidder must have submitted a live bid in each previous round.

As long as there are two or more live bids for the Lease Area, the auction moves to the next round. BOEM will continue to raise the asking price if two or more live bids are made in the previous round. Asking price increments would be determined based on several factors, including (but not necessarily limited to) the expected time needed to conduct the auction and the number of rounds that have already occurred. BOEM reserves the right to increase or decrease bidding increments as it deems appropriate.

Generally, a bidder that submitted a live bid in the previous round is free to continue bidding in the current round. If a bidder decides to stop bidding in a subsequent round, that bidder could still win the auction. For example, that bidder could be ultimately selected in the winner determination that is described in detail below, or the winning bidder may be disqualified at the award stage of the auction. If this happens, the bidder may be bound by its bid and thus obligated to pay the full bid amount. Bidders may be bound by any of their bids until the auction results are finalized.

Between rounds, BOEM would disclose to all bidders that submitted bids in the previous round: (1) The number of live bids in the previous round of the auction (*i.e.,* the level of demand at the asking price); and (2) the asking price for the lease area in the upcoming round of the auction.

In any round after the first round, a bidder may submit an ''exit bid.'' An exit bid is a bid that is higher than the previous round's asking price, but less than the current round's asking price. An exit bid is *not* a live bid, and it represents the final bid from the bidder who submitted it. During the auction, the exit bid can be seen only by BOEM, not by other bidders.

The auction will end after the first round in which only one or zero live bids is received. BOEM will then determine the provisional winner to be the bidder with the highest bid, whether the bid was a live bid or an exit bid. The auction system will resolve any tie by generating pseudo-random numbers. The provisional winner must pay the amount of its provisionally winning bid.

A provisional winner may be disqualified if it is subsequently found to have violated auction rules or BOEM regulations, or otherwise engaged in conduct detrimental to the integrity of the competitive auction. If a bidder submits a bid that BOEM determines to be a provisionally winning bid, the bidder will be expected to sign the applicable lease documents, establish financial assurance, and submit the balance (if any) of its bonus bid (*i.e.,* winning monetary bid less the applicable non-monetary bidding credit and bid deposit) within 10-business days of receiving the lease copies, pursuant to 30 CFR 585.224. BOEM reserves the right not to issue the lease to the provisionally winning bidder if that bidder neither timely signs the lease copies, establishes financial assurance, nor pays the balance of its winning bid, or otherwise fails to comply with applicable regulations or the terms of the FSN. In that case, the bidder would forfeit its bid deposit. BOEM may consider failure of a bidder to timely pay the full amount due to be an indication that the bidder may no longer be financially qualified to participate in other lease sales under 30 CFR 585.106 and 585.107.

BOEM will publish the provisionally winning bidder and bid amount. The bid results, including exit bids, will be published on BOEM's website after review of the results and announcement of the provisional winner.

c. Additional Information Regarding the Auction Format

i. Bidder Authentication: For the online auction, BOEM will require two-factor authentication. After BOEM has processed the bid deposits, the auction contractor will send several bidder authentication packages to the bidders. One package will contain digital authentication tokens needed to allow access to the auction website. (*Note:* BOEM reserves the right to use software tokens instead of hardware tokens. If used, software tokens will be provided through electronic communications.) As a general practice, tokens are mailed to the primary point of contact indicated on the BFF. This individual is responsible for distributing the tokens to the individuals authorized to bid for that company. Up to three individuals can be nominated to bid for each bidder.

Bidders are to ensure that each token is returned within three business days following the auction. An addressed, stamped envelope will be provided to facilitate this process. If a bidder fails to submit a bid deposit or does not participate in the auction, BOEM will de-activate that bidder's tokens and login information, and the bidder must return its tokens. Under certain circumstances (*e.g.,* if the authorized bidders are geographically dispersed and the ability of the primary point of contact to timely distribute the materials is in question), BOEM may send all materials directly to the authorized bidders.

The second package will contain login credentials for authorized bidders. The login credentials are mailed to the address provided in the BFF for each authorized individual. Bidders can confirm these addresses by calling 703–787–1121. BOEM may also use email to provide login credentials. This package will contain user login information and instructions for accessing the auction system's Bidder Manual and the Auction System Technical Supplement (ASTS). The login information, along with the tokens, will be tested during the mock auction.

ii. Timing of Auction: The FSN will provide specific information regarding when bidders can enter the auction system and when the auction will start.

iii. Messaging service: BOEM and the auction contractors will use the auction platform messaging service to keep bidders informed on issues of interest during the auction. For example, BOEM may change the schedule at any time, including during the auction. If BOEM changes the schedule during an auction, it will use the messaging feature to notify bidders that a revision has been made and will direct bidders to the relevant page. BOEM will also use the messaging system for other updates during the auction.

Bidders may place bids at any time during the round. At the top of the bidding page, a countdown clock shows how much time remains in the round. Bidders have until the scheduled time to place bids. Bidders should do so according to the procedures described in this notice and the ASTS. Information about the round results will be made available only after the round has closed, so there is no strategic advantage to placing bids early or late in the round.

The ASTS elaborates on the auction procedures described in this PSN. In the event of an inconsistency between the Bidder Manual, the ASTS, and the FSN, the FSN is controlling.

iv. Alternate Bidding Procedures: It is the responsibility of the bidder to ensure it has a working internet connection and backup procedures in place in case its internet connection is disrupted during the auction. Such backup procedures can include redundant internet connections, multiple individual authorized to place bids on behalf of the company, geographically dispersing individuals who are authorized to bid (with different internet connections), and placing bids using a mobile data connection. The bidder is responsible for testing its backup procedures ahead

of time. This can be done during the mock auction, for example.

XIII. Rejection or Non-Acceptance of Bids

BOEM reserves the right and authority to reject any and all bids that do not satisfy the requirements and rules of the auction, the FSN, or applicable regulations and statutes.

XIV. Anti-Competitive Review

Bidding behavior in this sale is subject to Federal antitrust laws. Accordingly, following the auction, but before the acceptance of bids and the issuance of the lease, BOEM must ''allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to review the results of [the] lease sale.'' 43 U.S.C. 1337(c)(1). If a provisionally winning bidder is found to have engaged in anti-competitive behavior in connection with this lease sale, BOEM may reject its provisionally winning bid. Compliance with BOEM's auction procedures and regulations is not an absolute defense to violations of antitrust laws.

Anti-competitive behavior determinations are fact-specific. However, such behavior may manifest itself in several different ways, including, but not limited to:

1. An express or tacit agreement among bidders not to bid in an auction, or to bid a particular price;
2. An agreement among bidders not to bid;
3. An agreement among bidders not to bid against each other; or
4. Other agreements among bidders that have the potential to affect the final auction price.

Pursuant to 43 U.S.C. 1337(c)(3), BOEM may decline to award a lease if the Attorney General, in consultation with the Federal Trade Commission, determines that awarding the lease may be inconsistent antitrust laws.

For more information on whether specific communications or agreements could constitute a violation of Federal antitrust law, please see *https://www.justice.gov/atr/business-resources* and consult legal counsel.

XV. Process for Issuing the Lease

Once all post-auction reviews have been completed to BOEM's satisfaction, BOEM will issue three unsigned copies of the lease to the provisionally winning bidder. Within 10-business days after receiving the lease copies, the provisionally winning bidders must:

1. Sign and return the lease copies on the bidder's behalf;
2. File financial assurance, as required under 30 CFR 585.515–537; and
3. Pay by electronic funds transfer (EFT) the balance (if any) of the bonus bid (winning monetary bid less the applicable non-monetary bidding credit and bid deposit). BOEM requires bidders to use EFT procedures (not *pay.gov,* the website bidders used to submit bid deposits) for payment of the balance of the bonus bid, following the detailed instructions contained in the ''Instructions for Making Electronic Payments'' available on BOEM's website at: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

BOEM will not execute the lease until the three requirements above have been satisfied. BOEM may extend the 10-business-day deadline if BOEM determines the delay was caused by events beyond the provisionally winning bidder's control.

If the provisionally winning bidder does not meet these requirements or otherwise fails to comply with applicable regulations or the terms of the FSN, BOEM reserves the right not to issue the lease to that bidder. In such a case, the provisionally winning bidder would forfeit its bid deposit. Also, in such a case, BOEM reserves the right to offer the lease to the next highest bidder as determined by BOEM.

Within 45-calendar days after receiving the lease copies, the provisionally winning bidder must pay the first year's rent using the ''ONRR Renewable Energy Initial Rental Payments'' form available at: *https://www.pay.gov/public/form/start/27797604/.*

Subsequent annual rent payments must be made following the detailed instructions contained in the ''Instructions for Making Electronic Payments,'' available on BOEM's website at: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.*

XVI. Non-Procurement Debarment and Suspension Regulations

Pursuant to 43 CFR part 42, subpart C, an OCS renewable energy lessee must comply with the Department of the Interior's non-procurement debarment and suspension regulations at 2 CFR parts 180 and 1400. The lessee must also communicate this requirement to persons with whom the lessee does business relating to this lease by including this term as a condition in their contracts and other transactions.

XVII. Final Sale Notice

The development of the FSN will be informed through the EA, related consultations, and comments received during the PSN comment period. The FSN will provide the final details concerning the offering and issuance of an OCS commercial wind energy lease in the Lease Area in the vicinity of Carolina Long Bay. The FSN will be published in the **Federal Register** at least 30 days before the lease sale is conducted and will provide the date and time of the auction.

XVIII. Changes to Auction Details

The program manager of BOEM's Office of Renewable Energy Programs has the discretion to change any auction detail specified in the FSN, including the date and time, if the manager deems that events outside BOEM's control may interfere with a fair and proper lease sale. Such events may include, but are not limited to, natural disasters (*e.g.,* earthquakes, hurricanes, floods, and blizzards), wars, riots, act of terrorism, fire, strikes, civil disorder, Federal Government shutdowns, cyberattacks against relevant information systems, or other events of a similar nature. In case of such events, BOEM would notify all qualified bidders via email, phone, and BOEM's website at: *https://www.boem.gov/regional-carolina-long-bay-intergovernmental-renewable-energy.* Bidders should call 703–787–1121 if they have concerns.

XIX. Appeals

The appeals and reconsideration procedures are provided in BOEM's regulations at 30 CFR 585.225 and 585.118(c). Under 30 CFR 585.225:

(a) If BOEM rejects your bid, BOEM will provide a written statement of the reasons and will refund any money deposited with your bid, without interest.

(b) You may ask the BOEM Director for reconsideration, in writing, within 15-business days of bid rejection, under 30 CFR 585.118(c)(1). The Director will send you a written response either affirming or reversing the rejection.

The procedures for requesting reconsideration of a bid rejection are described in 30 CFR 585.118(c).

XX. Public Participation

BOEM does not consider anonymous comments; please include your name and address as part of your comment. You should be aware that your entire comment, including your name, address, and any other personal identifiable information (PII) included in your comment, may be made publicly available. All submissions from identified individuals, businesses, and organizations may be available for public viewing on *regulations.gov.*

In order for BOEM to withhold from disclosure your PII, you must identify

any information contained in the your comment that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the PII disclosure, such as embarrassment, injury, or other harm. BOEM is unable to guarantee that your PII will be protected from public disclosure because a court may determine that the benefits of disclosure about who may influence public policy outweigh possible harms.

XXI. Protection of Privileged or Confidential Information

BOEM will protect privileged or confidential information that you submit consistent with the Freedom of Information Act (FOIA) and 30 CFR 585.113. Exemption 4 of FOIA applies to ''trade secrets and commercial or financial information obtained from a person'' that is privileged or confidential. 5 U.S.C. 552(b)(4). If you wish to protect the confidentiality of such information, clearly mark it ''Contains Privileged or Confidential Information'' and consider submitting such information as a separate attachment. BOEM will not disclose such information, except as required by FOIA. Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release. Further, BOEM will not treat as confidential aggregate summaries of otherwise non-confidential information.

a. Access to Information (54 U.S.C. 307103): BOEM is required, after consultation with the Secretary of the Interior, to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, cause a significant invasion of privacy, risk harm to the historic resources, or impede the use of a traditional religious site by practitioners. Tribal entities and other interested parties should designate information that they wish to be held as confidential and provide the reasons why BOEM should do so.

Authority: 43 U.S.C. 1337(p)); 30 CFR 585.211 and 585.216.

Amanda Lefton,

Director, Bureau of Ocean Energy Management.

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DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2021–0077]

Call for Information and Nominations—Commercial Leasing for Wind Power Development on the Outer Continental Shelf in the Gulf of Mexico

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Call for information and nominations; request for comments.

SUMMARY: In June 2021, the Bureau of Ocean Energy Management (BOEM) issued a request for interest (RFI) to gauge specific interest in obtaining commercial wind energy leases in an area on the Outer Continental Shelf (OCS) in the Gulf of Mexico (GOM). Based on the expressions of interest received in response to the RFI, BOEM has determined that competitive interest exists in the area identified. This call for information and nominations (''Call'' or ''notice'') initiates the competitive leasing process on the GOM OCS for the area identified herein. The publication of this Call does not mean that BOEM will ultimately grant a lease to any particular party in the area identified in the GOM OCS. Rather, the publication of this Call indicates that the area described (''Call Area'') may be subject to future leasing.

DATES: Submissions indicating your nomination or interest in or providing comments on commercial leasing within the Call Area must be received no later than December 16, 2021. Late submissions may not be considered.

ADDRESSES: Please submit nomination or interest information as discussed under the **SUPPLEMENTARY INFORMATION** heading in the section entitled ''Required Nomination Information'' via U.S. Postal Service, Fedex, UPS, or any other mail carrier to: Bureau of Ocean Energy Management, Office of Emerging Programs, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123. In addition to a paper copy, please include an electronic copy on any digital data storage device. Do not submit nominations via the Federal eRulemaking Portal.

Please submit comments and other information as discussed in the section entitled ''Requested Information from Interested or Affected Parties'' under **SUPPLEMENTARY INFORMATION** by either of the following two methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* In the search box at the top of the web page, enter BOEM–2021–0077 and then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials.

2. *U.S. Postal Service or other mail delivery service.* Send your comments and other information to the following address: Bureau of Ocean Energy Management, Office of Emerging Programs, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123.

For information about submitting public comments, please see the section under **SUPPLEMENTARY INFORMATION** entitled ''Protection of Privileged, Personal, or Confidential Information.''

FOR FURTHER INFORMATION CONTACT: Tershara Matthews, Chief, Office of Emerging Programs, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, (504) 736–2676 or *tershara.matthews@boem.gov.*

SUPPLEMENTARY INFORMATION:

1. Authority

43 U.S.C. 1337(p)(3); 30 CFR 585.210 and 585.211.

2. Purpose

BOEM is using this notice both to solicit lease nominations beyond those identified in response to the earlier RFI and to request comments from interested and affected parties regarding site conditions, resources, and uses of the identified area that would be relevant to BOEM's potential leasing and development authorization process. Those interested in leasing within the Call Area for a commercial wind energy project should provide detailed and specific information described in the section 5 of this Call entitled ''Required Nomination Information.'' Those interested in providing public comments and information regarding site conditions, resources, and multiple uses in close proximity to, or within, the Call Area should provide information requested in the section 4 of this Call entitled ''Requested Information from Interested or Affected Parties.'' Any nominations, expressions of interest, or any other information and comments that were previously submitted in response to the RFI do not need to be resubmitted. BOEM will consider previously submitted nominations, expressions of interest, and any other information and comments along with any information received in response to this notice

BOEM is also preparing an environmental assessment, which will analyze leasing and reasonably foreseeable site assessment activities. Additional opportunities will be provided for public involvement during

the environmental assessment process. See the section of this Call entitled ''BOEM's Environmental Review Process.''

The Call Area was established in consultation with BOEM's GOM Intergovernmental Renewable Energy Task Force. Comments received in response to the RFI also were considered when delineating the Call Area. A detailed description of the Call Area is found in section 3 below.

The OCS Lands Act requires BOEM to award leases competitively, unless BOEM determines that there is no competitive interest (43 U.S.C. 1337(p)(3)). BOEM has determined that competitive interest exists in the identified Call area. BOEM now solicits nominations for any additional areas not previously identified as being of interest for obtaining a lease in the Call Area and requests information from interested and affected parties on issues relevant to BOEM's review of nominations for potential leases.

The responses to this Call could lead BOEM to proceed with the competitive leasing process in some parts of the Call Area (*i.e.,* where competition exists) and a noncompetitive process in other parts of the Call Area (*i.e.,* where no competitive interest exists). The leasing process is described more thoroughly under the ''Determination of Competitive Interest'' and ''Noncompetitive Leasing Process'' sections of this Call. In any parts of the Call Area where an entity has nominated or identified an area of interest for a possible lease and where no competing submissions exist, BOEM may proceed with the noncompetitive lease process pursuant to BOEM's regulations at 30 CFR 585.232. If BOEM determines that competitive interest exists in some or all of the Call Area, then BOEM may proceed with area identification under 30 CFR 585.211(b) and the competitive leasing process under 30 CFR 585.211 through 585.225.

Whether issued through a competitive or noncompetitive process, a lease does not grant the lessee the right to construct any facilities on the OCS. The lease only grants the lessee the exclusive right to submit site assessment and development plans to BOEM. BOEM must approve these plans before the lessee may proceed to the next stages of lease development (30 CFR 585.600 and 585.601).

Whether competitive or noncompetitive, the leasing process will include subsequent opportunities for public input and review of any proposed actions for potential environmental impacts and multiple use conflicts. BOEM has not yet determined which areas may be offered for lease, if any. Further, BOEM may include less than the total footprint of the Call Area in any leasing decision or may offer no areas for leasing at all.

3. Description of Call Area

The Call Area comprises the area located seaward of the Gulf of Mexico Submerged Lands Act boundary, bounded on the east by the north-south line located at 89.858° W longitude, and bounded on the south by the 400-meter bathymetry contour and the United States–Mexico maritime boundary established by the Treaty between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 Nautical Miles, which took effect in January 2001. The area for potential wind energy leasing consists of approximately 29,901,285 acres. BOEM may issue an additional Call for areas in water depths between 400 meters and 1,300 meters when a better understanding exists of the competitive interest for floating wind energy development in the GOM.

4. Requested Information From Interested or Affected Parties

On June 11, 2021, BOEM published in the **Federal Register** the ''Request for Interest in Commercial Leasing for Wind Power Development on the Gulf of Mexico Outer Continental Shelf (OCS)'' (86 FR 31339). Any information that was previously submitted in response to the section of that RFI entitled ''Requested Information from Interested or Affected Parties'' does not need to be resubmitted; BOEM will consider it along with any information received in response to this notice.

BOEM requests specific and detailed comments from the public and other interested or affected parties regarding the following features, activities, mitigations, or concerns within or around the Call Area:

a. Geological, geophysical, and biological bathymetric conditions (including bottom and shallow hazards and live bottom).

b. Known archaeological and cultural resource sites on the seabed.

c. Information regarding the identification of historic properties or potential effects to historic properties from leasing, site assessment activities (including the construction of meteorological towers or the installation of meteorological buoys), or commercial wind energy development in the areas identified in the Call Area. This includes potential offshore archaeological sites or other historic properties within the areas described in this notice and also onshore historic properties that could potentially be affected by renewable energy activities within the Call Areas. This information will inform BOEM's review of future undertakings under section 106 of the National Historic Preservation Act (NHPA) and under the National Environmental Policy Act (NEPA).

d. Information about potentially conflicting uses of the Call Area, including navigation (in particular, commercial and recreational vessel use), recreation, and fisheries (commercial and recreational). Additional information regarding recreational and commercial fisheries including, but not limited to, the use of the areas, the types of fishing gear used, seasonal use, and recommendations for reducing use conflicts.

e. Information regarding the identification of protected species, federally designated (or proposed) critical habitat, essential fish habitat, or areas that are environmentally sensitive or crucial to marine productivity and are State or federally managed for their conservation value.

f. Available and pertinent data and information concerning renewable energy resources and environmental conditions. Where applicable, spatial information should be submitted in a format compatible with ArcGIS 10.8.1 in a geographic coordinate system (NAD 27).

g. Information relating to visual resources and aesthetics, the potential impacts of wind turbines and associated infrastructure on those resources, and potential strategies to help mitigate or minimize any visual effects.

h. Other relevant socioeconomic, cultural, biological, and environmental information.

i. Any other relevant information BOEM should consider during its planning and decision-making process for the purpose of issuing leases in the Call Area.

j. BOEM is interested in understanding potential opportunities for all types of renewable energy development in the GOM. Please provide information to develop an understanding of the potential opportunities or interest in developing clean energy in the area. BOEM would like information on the economic viability of offshore renewable energy in the GOM, the potential insurance support, private equity investment, capacity of grid expansion, transmission concerns, and any positive net value analysis for industry support. Specifically,

• Is development and production of offshore wind energy feasible when compared to the cost of electricity in GOM coastal States?

• What impetus is necessary for utility companies located along the GOM to purchase offshore wind energy?

• What could make offshore wind energy development in the GOM more attractive to investors?

• What could make offshore wind energy development in the GOM more attractive to consumers?

• What is the viability, economic or otherwise, of using offshore wind to power green hydrogen production in the GOM?

• What is the economic viability of offshore wind energy in the GOM considering turbine size, hurricane class turbines, fixed charge rates, and insurance costs?

• What are the most viable locations for offshore wind energy projects in the GOM based on water depth, wind resources, turbine size, distance to port, and interconnection?

• What are the transmission constraints, known or anticipated, and advantages, including but not limited to points of interconnection, load, etc., in the GOM?

5. Required Nomination Information

If you wish to nominate one or more areas for a commercial wind energy lease within the Call Area, you must provide the following information for each nomination. Any nominations or information submitted in response to the RFI section entitled ''Required Indication of Interest Information,'' does not need to be resubmitted; BOEM will consider it along with any information received in response to this notice.

a. The BOEM leasing map name and number, or official protraction diagram number, and the specific whole or partial OCS blocks within the Call Area that you are interested in leasing. This information should be submitted as a spatial file compatible with ArcGIS 10.8.1 in a geographic coordinate system (NAD 27) in addition to your hard copy submittal. If your nomination includes one or more partial blocks, please describe those partial blocks in terms of a sixteenth (*i.e.,* sub-block) of an OCS block.

b. A description of your objectives and the facilities that you would use to achieve those objectives.

c. A preliminary schedule of proposed activities, including those leading to commercial operations.

d. Available and pertinent data and information concerning renewable energy resources and environmental conditions in each area that you wish to lease, including energy and resource data and information used to evaluate the area. Where applicable, spatial information should be submitted in a format compatible with ArcGIS 10.8.1 in a geographic coordinate system (NAD 27).

e. Documentation demonstrating that you are legally qualified to hold a lease in accordance with the requirements in 30 CFR 585.106 and 585.107(c). Examples of the documentation appropriate for demonstrating your legal qualifications and related guidance can be found in BOEM's ''Qualification Guidelines to Acquire and Hold Renewable Energy Leases and Grants and Alternate Use Grants on the U.S. Outer Continental Shelf,'' available at *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/QualificationGuidelines-pdf.aspx.* Legal qualification documents that you provide to BOEM may be made available for public review. If you wish that any part of your legal qualification documentation be kept confidential, clearly identify what should be kept confidential and submit it under separate cover (see section 6 of this Call entitled ''Protection of Privileged, Personal, or Confidential Information Section,'' below).

f. Documentation demonstrating that you are technically and financially capable of constructing, operating, maintaining, and decommissioning the commercial wind energy facility described in your submission in accordance with 30 CFR 585.107(a). Guidance regarding the documentation to demonstrate your technical and financial qualifications can be found in ''Qualification Guidelines to Acquire and Hold Renewable Energy Leases and Grants and Alternate Use Grants on the U.S. Outer Continental Shelf,'' available at: *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/QualificationGuidelines-pdf.aspx.* Any documentation you submit to demonstrate your legal, technical, and financial qualifications must be provided to BOEM in both paper and electronic formats. BOEM considers an Adobe PDF file on a media storage device to be an acceptable format for an electronic copy.

6. Protection of Privileged, Personal, or Confidential Information

a. Freedom of Information Act

BOEM will protect your privileged or confidential information in accordance with the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that is privileged or confidential. If you wish to protect the confidentiality of such information, clearly label it and request that BOEM treat it as confidential. BOEM will not disclose such information if BOEM determines under 30 CFR 585.113(b) that it qualifies for exemption from disclosure under FOIA. Please label privileged or confidential information with the words ''Contains Confidential Information'' and consider submitting such information as a separate attachment.

BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such privileged or confidential information. Additionally, BOEM will not treat as confidential (1) the legal title of the nominating entity (for example, the name of your company), or (2) the list of whole or partial blocks that you are nominating. Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release.

b. Personally Identifiable Information

BOEM does not consider anonymous comments; please include your name and address as part of your comment. You should be aware that your entire comment, including your name, address, and any personally identifiable information (PII) included in your comment may be made publicly available. All submissions from identified individuals, businesses, and organizations will be available for public viewing on regulations.gov. For BOEM to withhold your PII from disclosure, you must identify any information contained in your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences of the disclosure of information, such as embarrassment, injury, or other harm.

c. Section 304 of NHPA (54 U.S.C. 307103(a))

After consultation with the Secretary of the Interior, BOEM is required to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Tribal entities should designate in their submissions information that falls under section 304 of NHPA as confidential.

7. BOEM's Environmental Review Process

Before deciding whether and where leases may be issued, BOEM will prepare an environmental assessment (EA) under the NEPA process, including a public scoping period to determine the scope of the EA and a public review and comment period on the draft EA. The EA will consider the reasonably foreseeable environmental consequences associated with leasing, such as site characterization activities (including geophysical, geotechnical, archaeological, and biological surveys) and site assessment activities (including installation of a meteorological tower or meteorological buoy). BOEM also will conduct consultations to consider the environmental consequences associated with issuing commercial wind energy leases within the Call Area. These consultations include, but are not limited to, those required by the Coastal Zone Management Act, the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, section 106 of NHPA, and Executive Order 13175—''Consultation and Coordination with Indian Tribal Governments.'' Through the NEPA and consultation process, BOEM may evaluate mitigation measures to minimize possible impacts resulting from potential project activities to resources, such as migratory birds, marine mammals, and sea turtles.

Before BOEM allows a lessee to begin construction of a wind energy project on a lease issued within the Call Area, BOEM will consider the potential environmental effects of the construction and operation of any wind energy facility under a separate, project-specific NEPA process. This separate NEPA process will include additional opportunities for public involvement and likely will result in the publication of an environmental impact statement.

8. BOEM's Planning and Leasing Process

1. *Determination of Competitive Interest:* Subsection 8(p)(3) of the OCS Lands Act (43 U.S.C. 1337(p)(3)) states that ''the Secretary shall issue a lease, easement, or right-of-way . . . on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.'' Accordingly, BOEM must first determine whether competitive interest exists in acquiring a lease within the Call Area to develop offshore wind energy. At the conclusion of the comment period for this Call, BOEM will review the Call and RFI nominations received and determine if competitive interest exists in any part area of the Call Area.

For areas with two or more valid nominations, BOEM may consider proceeding with competitive leasing as described in section 8.2 of this Call entitled ''Competitive Leasing Process.'' For areas where BOEM determines that there is only one interested entity, BOEM may consider proceeding with noncompetitive leasing, as described in section 8.3 entitled ''Noncompetitive Leasing Process.''

If BOEM determines that competitive interest exists and that those areas are appropriate to lease, BOEM may hold one or more competitive lease sales for those areas. In the event BOEM holds a lease sale, all qualified bidders, including bidders that did not submit a nomination in response to this Call or the RFI, will be able to participate in the lease sale.

BOEM reserves the right to not lease nominated areas or to modify nominated areas before offering them for lease.

2. *Competitive Leasing Process:* BOEM will follow these steps required by 30 CFR 585.211 through 585.225 if it decides to proceed with the competitive leasing process:

(a) *Area Identification:* Based on the information received in response to this Call and the RFI, BOEM will determine the level of commercial interest and will identify the areas that would be appropriate to analyze for potential leasing. The areas identified will constitute wind energy areas (WEA) and will be subject to an EA as described in section 7 above, in consultation with appropriate Federal agencies, federally recognized Tribes, State and local governments, and other interested parties.

(b) *Proposed Sale Notice (PSN):* If BOEM decides to proceed with a competitive lease sale within the WEA after completion of its EA and consultations, BOEM will publish a PSN in the **Federal Register** with a comment period of 60 days. The PSN will describe the areas BOEM intends to offer for leasing and the proposed conditions of sale, auction format, and lease instrument, including lease addenda. Additionally, the PSN will describe the criteria and process for evaluating bids in the auction.

(c) *Final Sale Notice (FSN):* After considering the comments on the PSN, if BOEM decides to proceed with a competitive lease sale, it will publish a FSN in the **Federal Register** at least 30 days before the date of the lease sale.

(d) *Bid Submission and Evaluation:* Following publication of the FSN in the **Federal Register**, BOEM will offer the lease areas through a competitive sale process, using procedures specified in the FSN. Afterwards, BOEM will review the sale, including bids and bid deposits, for technical and legal adequacy. BOEM will ensure that bidders have complied with the FSN and all applicable regulations. BOEM reserves the rights to reject any or all bids and to withdraw its offer to lease an area, even after bids have been submitted.

(e) *Issuance of a Lease:* Following identification of the winning bid on a lease area, BOEM will notify the successful bidder and will provide lease documents for signature. BOEM requires a successful bidder to sign and return the lease documents, pay the remainder of the bonus bid, if applicable, and file the required financial assurance within 10-business days of receiving the lease documents. Upon receipt of the required payments, financial assurance, and properly signed lease documents, BOEM may execute a lease with the successful bidder.

3. *Noncompetitive Leasing Process:* BOEM will follow these steps if it decides to proceed with a noncompetitive leasing process:

(a) *Determination of No Competitive Interest:* If, after evaluating all relevant information, including responses to this Call and the RFI, BOEM determines competitive interest does not exist in all or a portion of the Call Area, it may proceed with noncompetitive leasing under 30 CFR 585.231 and 585.232. BOEM will seek to determine if the sole respondent who nominated a particular area intends to proceed with acquiring the lease. If so, the respondent must submit an acquisition fee as specified in 30 CFR 585.502(a). After the acquisition fee is paid, BOEM will follow the process outlined in 30 CFR 585.231(d) through (i), which includes the publication of a determination of no competitive interest in the **Federal Register**.

(b) *Review of Lease Request:* BOEM will complete an EA and required consultations as discussed in section 7 before issuing a lease noncompetitively. Specifically, BOEM will coordinate and consult, as appropriate, with relevant Federal agencies, federally recognized Tribes, affected State and local governments, and other affected or interested parties in formulating lease terms, conditions, and stipulations.

(c) *Lease Issuance:* After completing its review of the lease request, BOEM may offer a noncompetitive lease. Within 10-business days of receiving the lease documents, the respondent must sign them and provide a $100,000 lease-

specific bond, under 30 CFR 585.515, to guarantee compliance with all terms and conditions of the lease. Within 45 days of receiving the lease documents, the respondent must pay the first 12 months' rent pursuant to 30 CFR 585.231(g)(2).

Amanda Lefton,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2021–23800 Filed 10–29–21; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1174–1175 (Second Review)]

Seamless Refined Copper Pipe and Tube From China and Mexico; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty orders on seamless refined copper pipe and tube from China and Mexico would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted November 1, 2021. To be assured of consideration, the deadline for responses is December 1, 2021. Comments on the adequacy of responses may be filed with the Commission by January 13, 2022.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.— On November 22, 2010, the Department of Commerce (''Commerce'') issued antidumping duty orders on imports of seamless refined copper pipe and tube from China and Mexico (75 FR 71070). Following the five-year reviews by Commerce and the Commission, effective December 21, 2016, Commerce issued a continuation of the antidumping duty orders on imports of seamless refined copper pipe and tube from China and Mexico (81 FR 93664). The Commission is now conducting second reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are China and Mexico.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original and full first five-year review determinations, the Commission defined one *Domestic Like Product,* coextensive with Commerce's scope, consisting of all seamless refined copper pipe and tube.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original and full first five-year review determinations, the Commission defined a single *Domestic Industry* consisting of all domestic producers of seamless refined copper pipe and tube.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9),

who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is December 1, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is January 13, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–502, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided In Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2015.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for

the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2015, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: October 27, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–23682 Filed 10–29–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1299, 1300, and 1302 (Review)]

Circular Welded Carbon-Quality Steel Pipe From Oman, Pakistan, and the United Arab Emirates; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty orders on circular welded carbon-quality steel pipe from Oman, Pakistan, and the United Arab Emirates would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted November 1, 2021. To be assured of consideration, the deadline for responses is December 1, 2021. Comments on the adequacy of responses may be filed with the Commission by January 13, 2022.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones (202–205–3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office

of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 19, 2016, the Department of Commerce (''Commerce'') issued antidumping duty orders on imports of circular welded carbon-quality steel pipe from Oman, Pakistan, and the United Arab Emirates (81 FR 91906). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Oman, Pakistan, and the United Arab Emirates.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined the *Domestic Like Product* as circular welded carbon-quality steel pipe that is coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* to include all domestic producers of circular welded carbon-quality steel pipe.

(5) The *Order Date* is the date that the antidumping duty orders under review became effective. In these reviews, the *Order Date* is December 19, 2016.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is December 1, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is January 13, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must

be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–501, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (*Optional*) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: October 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–23681 Filed 10–29–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1224]

Certain Digital Video-Capable Devices and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on October 21, 2021, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Amanda P. Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A limited exclusion order directed to certain digital video-capable devices and components thereof imported, sold for importation, and/or sold after importation by respondents Dell Technologies Inc. and Dell Inc. (together ''Dell''), Hisense Co. Ltd., Hisense Visual Technology Co., Ltd., Hisense Electronics Manufacturing Company of America Corporation, Hisense USA Corporation, Hisense Import & Export Co. Ltd., Hisense International Co., Ltd., Hisense International (HK) Co., Ltd., and Hisense International (Hong Kong) America Investment Co., Ltd. (together ''Hisense''), HP, Inc. ''HP''); Lenovo Group Ltd. and Lenovo (United States), Inc. (together, ''Lenovo''), TCL Industries Holdings Co., Ltd., TCL Electronics Holdings Ltd., TCL King Electrical Appliances (Huizhou) Co. Ltd., TTE Technology, Inc., TCL Moka International Ltd., and TCL Moka Manufacturing S.A. de C.V., TCL Smart Device (Vietnam) Company Ltd. (together, ''TCL''), Realtek Semiconductor Corp., and Intel Corporation; and cease and desist orders directed to Dell, Hisense, Lenovo, TCL, and HP. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this

investigation on October 21, 2021. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on November 20, 2021.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1224'') in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–23667 Filed 10–29–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Comment Request; Occupational Noise Exposure; Correction

ACTION: Notice of availability; Correction.

SUMMARY: The Department of Labor (DOL) is correcting a notice that appeared in the **Federal Register** on October 19, 2021. Subsequent to publication of the notice, the DOL discovered that the Office of Management and Budget (OMB) Control Number listed in the **SUPPLEMENTARY INFORMATION** section was listed incorrectly. DOL is issuing this correction to provide the correct OMB Control Number.

DATES: This correction is effective on November 1, 2021.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: In FR. Doc. 2021–22744 appearing at 86 FR 57861 in the **Federal Register** of Tuesday, October 19, 2021, the following correction is made:

Correction

1. On page 57861, in the **SUPPLEMENTARY INFORMATION** section, under the section titled OMB Control Number, the OMB Control Number should list, ''1219–0120''.

Crystal Rennie,

Senior PRA Analyst.

[FR Doc. 2021–23702 Filed 10–29–21; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Comment Request; Mine Mapping and Records of Opening, Closing, and Reopening of Mines; Correction

ACTION: Notice of availability; Correction

SUMMARY: The Department of Labor (DOL) is correcting a notice that appeared in the **Federal Register** on October 15, 2021. Subsequent to publication of the notice, the DOL discovered that the Office of Management and Budget (OMB) Control Number listed in the **SUPPLEMENTARY INFORMATION** section was listed incorrectly. DOL is issuing this correction to provide the correct OMB Control Number.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In FR. Doc. 2021–22488 appearing at 86 FR 57451 in the **Federal Register** of Friday, October 15, 2021, on page 57451, in the third column, the following correction is made:

1. In the **SUPPLEMENTARY INFORMATION** section, under the section titled OMB Control Number, correct the OMB Control Number to read, ''1219–0073.''

Crystal Rennie,

Senior PRA Analyst.

[FR Doc. 2021–23701 Filed 10–29–21; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the International Price Program (IPP) U.S. Import and Export Price Indexes. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before January 3, 2022.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to *BLS_PRA_Public@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Import and Export Price Indexes, produced by the Bureau of Labor Statistics' International Price Program (IPP), measure price change over time for all categories of imported and exported products, as well as selected services. The IPP has produced the U.S. Import Price Indexes (MPI) continuously since 1973 and the U.S. Export Price Indexes (XPI) continuously since 1971. The Office of Management and Budget has listed the Import and Export Price Indexes (MXPI) as a Principal Federal Economic Indicator since 1982. The indexes are widely used in both the public and private sectors. The primary public sector use is the deflation of the U.S. monthly trade statistics and the quarterly estimates of U.S. Gross Domestic Product; the indexes also are used in formulating U.S. trade policy and in trade negotiations with other countries. In the private sector, uses of the Import Price Indexes include market analysis, inflation forecasting, contract escalation, and replacement cost accounting.

The MXPI are closely followed statistics, and are viewed as a key indicator of the economic environment. The U.S. Department of Commerce uses the monthly statistics to produce monthly and quarterly estimates of inflation-adjusted trade flows. Without continuation of data collection, it would be extremely difficult to construct accurate estimates of the U.S. Gross Domestic Product. In fact, a budget proposal to curtail publication of the export price indexes beginning in FY15 was met with resistance from the Commerce Department who explained that a viable substitute is not available. The *Beyond the Numbers* article ''Analyzing alternatives to export price indexes'' (*http://www.bls.gov/opub/btn/volume-3/analyzing-alternatives-to-export-price-indexes.htm*) explores alternatives to using BLS' export price indexes to deflate the U.S. Gross Domestic Product and explains why there are currently no comparable replacements.

Additionally, Federal policymakers in the Department of Treasury, the Council of Economic Advisers, and the Federal Reserve Board utilize these statistics on a regular basis to improve these agencies' formulation and evaluation of monetary and fiscal policy and evaluation of the general business environment.

II. Current Action

Office of Management and Budget clearance is being sought for the U.S. Import and Export Price Indexes. The IPP continues to modernize data collection and processing to permit more timely release of its indexes, and to reduce reporter burden. The IPP has expanded the use of its web application, introduced in 2003, and in 2018, it replaced the mail out and fax back of paper forms as IPP's primary repricing method. The web application allows respondents to update their data online and more rapidly than using a paper-based form. As of September 2021, 93 percent of IPP respondents were providing prices via the web application or had agreed to start using this repricing method. Respondents who provide price information using non-web options do so via non-automated telephone, special arrangements between the analysts and respondents, or email.

The IPP has implemented several systems changes over the years in order to reduce burden for web respondents. Most recently, the IPP adopted the use of a new web application format/layout (deployed in 2019). Previously, the web survey used separate pages for each part of the repricing process; now, the web application utilizes modal windows in combination with separate pages.

Of particular note, the Program has been conducting research into whether administrative trade data can be used in place of directly collected price data for more homogenous product areas. As part of this effort, IPP published historical research export unit value price indexes calculated using trade transaction data. Should IPP's research efforts result in the replacement of directly collected data with trade data collected by other government agencies, the Program would achieve a milestone in burden reduction. More details are available on the MXP Research page (*https://www.bls.gov/mxp/data/research.htm*).

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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.

Title of Collection: International Price Program (IPP) U.S. Import and Export Price Indexes.

OMB Number: 1220–0025.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Private Sector, Business or other for-profits.

Form	Total respondents	Frequency	Total responses	Average time per response (hours)	Estimated total burden hours
Form 3008		Annually.			
Imports	1,300		1,300	1.0	1,300
Exports	900		900	1.0	900
Total	2,200		2,200		2,200
Repricing Form		Monthly.			
Imports	2,350	8.9 [1]	20,915	[2].4683	9,794
Exports	1,500	9.1 [1]	13,650	[3].4277	5,838
Total	3,850		34,565		15,632
Totals			36,765		17,832

[1] During initiation, the respondent determines how many months he/she will need to supply data in a given year based upon how often the company changes its pricing information. The average company is requested to supply information 9.1 months per year for exports and 8.9 months per year for imports.
[2] Time to reprice is based upon 5 minutes of response time per item × 5.620 items = 28.100 minutes/60 = .4683 hours.
[3] Time to reprice is based upon 5 minutes of response time per item × 5.132 items = 25.660 minutes/60 = .4277 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, on this 27th day of October 2021.

Eric Molina,

Acting Chief, Division of Management Systems.

[FR Doc. 2021–23730 Filed 10–29–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2021–0001]

National Advisory Committee on Occupational Safety and Health (NACOSH): Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of NACOSH meeting.

SUMMARY: The National Advisory Committee on Occupational Safety and Health (NACOSH) will meet Tuesday, November 16, 2021, by teleconference and WebEx.

DATES: NACOSH will meet from 1:00 p.m. to 5:00 p.m., ET, Tuesday, November 16, 2021.

ADDRESSES:

Submission of comments and requests to speak: Submit comments and requests to speak at the NACOSH meeting by November 9, 2021, identified by the docket number for this **Federal Register** notice (Docket No. OSHA–2021–0001), using the following method:

Electronically: Comments and request to speak, including attachments, must be submitted electronically at: *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Requests for special accommodations: Submit requests for special accommodations for this NACOSH meeting by Tuesday, November 9, 2021, to Ms. Carla Marcellus, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone: (202) 693–1865; email: *marcellus.carla@dol.gov.*

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (Docket No. OSHA–2021–0001). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

Docket: To read or download documents in the public docket for this NACOSH meeting, go to *http://www.regulations.gov.* All documents in the public docket are listed in the index; however, some documents (*e.g.,* copyrighted material) are not publicly available to read or download through *http://www.regulations.gov.* All submissions are available for inspection and, when permitted, copying through the OSHA Docket Office. For information on using *http://www.regulations.gov* to make submissions or to access the docket, click on the ''Help'' tab at the top of the homepage. Contact the OSHA Docket Office at (202) 693–2350 for information about materials not available through that website and for assistance in using the internet to locate submissions and other documents in the docket.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For general information about NACOSH: Ms. Amy Wangdahl, Director, Office of Maritime and Agriculture, OSHA, U.S. Department of Labor; telephone: (202) 693–2066; email: *wangdahl.amy@dol.gov.*

Telecommunication requirements: For additional information about the telecommunication requirements for the meeting, please contact Ms. Carla Marcellus, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone: (202) 693–1865; email: *marcellus.carla@dol.gov.*

*For copies of this **Federal Register** Notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, are also available at OSHA's web page at *www.osha.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

NACOSH was established by Section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) to advise, consult with, and make recommendations to the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory committee of indefinite duration.

NACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), its implementing regulations (41 CFR part

102–3), and OSHA's regulations on NACOSH (29 CFR part 1912a).

II. Meeting Information

Attendance at this NACOSH meeting will be by teleconference and WebEx only. The teleconference dial-in number and passcode are as follows: Dial-in number: 1–800–621–7762; Passcode: 2239082 and the WebEx link is: *https://usdolee.webex.com/usdolee/onstage/g.php?MTID=e15a19ce17d08e2ad4a361f785aa6cce9* and the meeting password is: Welcome!24. The tentative agenda will include agency updates from OSHA and NIOSH, a discussion of OSHA's work on heat illness, and a discussion on risk-based safety.

Authority and Signature

Amanda L. Edens, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 655(b)(1) and 656(b), 5 U.S.C. App. 2, and 29 CFR part 1912 and 1912a.

Signed at Washington, DC, on October 20, 2021.

Amanda L. Edens,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–23704 Filed 10–29–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV Rheinland of North America, Inc., for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before November 16, 2021.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2007–0042). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Extension of comment period: Submit requests for an extension of the comment period on or before November 16, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that TUV Rheinland of North America, Inc. (TUVRNA), is applying for an expansion of current recognition as a NRTL. TUVRNA requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition, as well as for an expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVRNA, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA currently has eight facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: TUV Rheinland of North America, Inc., 12 Commerce Road, Newtown, Connecticut 06470. A complete list of TUVRNA sites recognized by OSHA is available at *https://www.osha.gov/nationally-recognized-testing-laboratory-program/tuv.*

II. General Background on the Application

TUVRNA submitted an application, dated May 14, 2019 (OSHA–2007–0042–0055), to expand recognition as a NRTL to include one additional test standard. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 shows the test standard found in TUVRNA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60332–2–40	Household and Similar Electrical Appliances—Safety—Part 2–40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers.

III. Preliminary Finding on the Application

TUVRNA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation preliminarily indicates that TUVRNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of the one test standard shown in Table 1, above, for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of TUVRNA's application.

OSHA seeks public comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0042 (for further information, see the ''Docket'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant TUVRNA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

IV. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on October 25, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–23689 Filed 10–29–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2014–0021]

General Working Conditions in Shipyard Employment; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the General Working Conditions in Shipyard Employment Standard.

DATES: Comments must be submitted (postmarked, sent or received) by January 3, 2022.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA–2014–0021). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, the reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with a minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to reduce employees' risk of death or serious injury by ensuring that employment has been tested and is in safe operating condition.

The standard on General Working Conditions in Shipyard Employment (29 CFR part 1915, subpart F) covers provisions that address conditions and operations in shipyard employment that may produce hazards for workers. The subpart is comprised of 14 sections that include housekeeping; lighting; utilities; working alone; vessel radar and communication systems; lifeboats; medical services and first aid; sanitation; control of hazardous energy; safety color code for marking physical hazards; accident prevention signs and tags; retention of DOT markings, placards, and labels; motor vehicle safety equipment, operation and maintenance; and servicing multi-piece and single-piece rim wheels.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply. For example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in subpart F of the General Working Conditions in Shipyard Employment Standard (29 CFR 1915). The agency is proposing an adjustment decrease of 15,906 hours, from 98,905 to 82,999 hours. The decrease in hours is a result of updated data showing a decrease in the number of large to medium establishments covered by the standard.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: General Working Conditions in Shipyard Employment Standard (29 CFR part 1915, subpart F).

OMB Control Number: 1218–0259.

Affected Public: Businesses or other for-profits.

Number of Respondents: 3,996.

Number of Responses: 362,346.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 82,999.

Estimated Cost (Operation and Maintenance): $7,678.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. Please note: While OSHA's Docket Office is continuing to accept and process submissions by hand, express mail, messenger, and courier service. All comments, attachments, and other materials must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2014–0021). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Due to security procedures, the use of regular mail may cause a significant delay in the receipt of comments.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publically available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on October 25, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–23688 Filed 10–29–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS North America, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of SGS North America, Inc., for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add four test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before November 16, 2021.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA–2006–0040). OSHA will place comments, attachments and other information and requests, including personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Extension of comment period: Submit requests for an extension of the comment period on or before November 16, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that SGS North America, Inc. (SGS) is applying for an expansion of the current recognition as a NRTL. SGS requests the addition of nineteen test standards to its NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including SGS, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS currently has nine facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: SGS North America, Inc., 620 Old Peachtree Road, Suwanee, Georgia 30024. A complete list of SGS's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/sgs.html.*

II. General Background on the Application

SGS submitted an application to OSHA to expand recognition as a NRTL to include twenty additional test standards on June 5, 2020 (OSHA–2006–0040–0067). This application was amended on June 8, 2021, to remove one standard from the original application. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application. OSHA has determined that one of the standards requested in the application, UL 4200A, Standard for Products Incorporating Button or Coin Cell Batteries of Lithium Technologies does not meet the appropriate test standard requirements in 29 CFR 1910.7(c) and will not consider this standard in SGS's expansion application. UL 4200A does not specify the safety requirements for specific equipment or class of equipment as required by the regulation. OSHA will consider the expansion application for the remaining eighteen standards.

Table 1 lists the eighteen test standards in SGS's amended expansion application that OSHA has determined are appropriate.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 50	Enclosures for Electrical Equipment.
UL 458	Power Converters/Inverters and Power Converter/Inverter Systems for Land Vehicles and Marine Crafts.
UL 1973	Standard for Batteries for Use in Stationary, Vehicle Auxillary Power and Light Electric Rail (LER) Applications.
UL 2054	Standard for Household and Commercial Batteries.
UL 2097	Reference Standard for Double Insulation Systems for Use in Electronic Equipment.
UL 2271	Standard for Batteries for Use in Light Electric Vehicles (LEV) Applications.
UL 2272*	Standard for Electrical Systems for Personal E-Mobility Devices.
UL 2738	Standard for Induction Power Transmitters and Receivers for Use with Low Energy Products.
UL 2743*	Standard for Portable Power Packs.
UL 8139*	Electrical Systems of Electronic Cigarettes and Vaping Devices.
UL 1090	Electric Snow Movers.
UL 1447	Electric Lawn Mowers.
UL 61010–2–040	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–040: Particular Requirements for Sterilizers and Washer-Disinfectors Used to Treat Medical Materials.
UL 61010–2–081	Standard for Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–081: Particular Requirements for Automatic and Semi-Automatic Laboratory Equipment for Analysis and Other Purposes.
UL 61010–2–091	Standard for Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–091: Particular Requirements for Cabinet X-Ray Systems.
UL 61010–2–101	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.
UL 61010–2–201	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–201: Particular Requirements for Control Equipment.
UL 2849*	Standard for Electrical Systems for eBikes.

* Represents a standard OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards.

III. Proposal To Add New Test Standards to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by a NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standard in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add four new test standards to the NRTL Program's list of appropriate test standards. Table 2, below, lists these test standards.

TABLE 2—TEST STANDARDS OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 2272	Standard for Electrical Systems and Personal E-Mobility Devices.
UL 2743	Standard for Portable Power Packs.
UL 8139	Electrical Systems of Electronic Cigarettes and Vaping Devices.
UL 2849	Standard for Electrical Systems for eBikes.

IV. Preliminary Findings

SGS submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation preliminarily indicates that SGS can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of the eighteen test standards listed in Table 1, above, for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of SGS's application.

OSHA has also preliminarily determined that the four test standards listed in Table 2, above, are appropriate test standard and that these test standards should be added to the NRTL Program's List of Appropriate Test Standards.

OSHA seeks public comment on these preliminary determinations.

V. Public Participation

OSHA welcomes public comment as to whether SGS meets the requirements of 29 CFR 1910.7 for expansion of the recognition as a NRTL and whether the test standards listed in Table 2, above, are appropriate test standard that should be included in the NRTL Program's List of Appropriate Test Standards. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in

writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0040 (for further information, see the ''Docket'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health whether to grant SGS's application for expansion of the scope of recognition and to add the test standards listed in Table 2, above, to the NRTL Program's List of Appropriate Test Standards. The Assistant Secretary will make the final decision on granting the application and on adding the test standards listed in Table 2, above, to the NRTL Program's List of Appropriate Test Standards. In making these decisions, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

VI. Authority and Signature

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, September 18, 2020) and 29 CFR 1910.7.

Signed at Washington, DC, on October 25, 2021.

James S. Frederick,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–23690 Filed 10–29–21; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (21–069)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: Patent applications on the invention listed below assigned to the National Aeronautics and Space Administration have been filed in the United States Patent and Trademark Office under the Patent Cooperation Treaty and are available for licensing as listed in the **SUPPLEMENTARY INFORMATION** below.

SUPPLEMENTARY INFORMATION: *Further Information and License Applications:* Written applications for licensing of the invention or requests for further information may be submitted to the Licensing Administrator, NASA Johnson Space Center, Technology Transfer Office, Email: *Agency-Patent-Licensing@mail.nasa.gov.* Questions may be directed to Phone: 202–358–7432.

The following application filed in the United States Patent and Trademark Office under the Patent Cooperation Treaty is available for licensing: NASA Case No.: MSC–26540–1–PCT, ''Systems and Methods for Oxygen Concentration with Electrochemical Stacks in Series Gas Flow.''

The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Any prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2021–23709 Filed 10–29–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–21–0016; NARA–2022–006]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive responses on the schedules listed in this notice by December 16, 2021.

ADDRESSES: You may submit comments by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule.

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov,* you may contact *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. National Archives and Records Administration, Government-wide, Addition to General Records Schedule 2.7 for Vaccination-related Records (DAA–GRS–2021–0003).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2021–23678 Filed 10–29–21; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0195]

Performance Review Boards for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointments.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced appointments to the NRC Performance Review Board (PRB) responsible for making recommendations on performance appraisal ratings and performance awards for NRC Senior Executives and Senior Level System employees and appointments to the NRC PRB Panel responsible for making recommendations to the appointing and awarding authorities for NRC PRB members.

DATES: November 1, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0195 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0195. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mary A. Lamary, Secretary, Executive Resources Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3300, email: *Mary.Lamary@nrc.gov.*

SUPPLEMENTARY INFORMATION: The following individuals appointed as members of the NRC PRB are responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives and Senior Level System employees:

Daniel H. Dorman, Executive Director for Operations
Marian L. Zobler, General Counsel
Darrell J. Roberts, Deputy Executive Director for Reactor and Preparedness Programs, Office of the Executive Director for Operations

Catherine Haney, Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration, and Human Capital Programs, Office of the Executive Director for Operations
Laura A. Dudes, Regional Administrator, Region-II
Mirela Gavrilas, Director, Office of Nuclear Security and Incident Response
John W. Lubinski, Director, Office of Nuclear Materials and Safety Safeguards
Nader L. Mamish, Director, Office of International Programs
Jennifer M. Golder, Director, Office of Administration
Andrea D. Veil, Director, Office of Nuclear Reactor Regulation
Cherish K. Johnson, Chief Financial Officer

The following individuals will serve as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

Brooke P. Clark, Director, Deputy General Counsel for Licensing, Hearings, and Enforcement
Raymond V. Furstenau, Director, Office of Nuclear Regulatory Research
David Lew, Regional Administrator, Region I

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

Dated: October 27, 2021.

For the Nuclear Regulatory Commission.

Mary A. Lamary,

Secretary, Executive Resources Board.

[FR Doc. 2021–23713 Filed 10–29–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of November 1, 8, 15, 22, 29, December 6, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of November 1, 2021

There are no meetings scheduled for the week of November 1, 2021.

Week of November 8, 2021—Tentative

There are no meetings scheduled for the week of November 8, 2021.

Week of November 15, 2021—Tentative

There are no meetings scheduled for the week of November 15, 2021.

Week of November 22, 2021—Tentative

There are no meetings scheduled for the week of November 22, 2021.

Week of November 29, 2021—Tentative

There are no meetings scheduled for the week of November 29, 2021.

Week of December 6, 2021—Tentative

Tuesday, December 7, 2021

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public Meeting); (Contact: Larniece McKoy Moore: 301–415–1942).

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Thursday, December 9, 2021

9:00 a.m. Briefing on 10 CFR part 53 Licensing and Regulations of Advanced Nuclear Reactors (Public Meeting); (Contact: Caty Nolan: 301–415–1535).

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov* or *Betty.Thweatt@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: October 28, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–23900 Filed 10–28–21; 4:15 pm]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Solicitation of Nominations for Appointment to the Advisory Committee of the Pension Benefit Guaranty Corporation

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is soliciting nominations for appointment to the Advisory Committee of the PBGC.

DATES: Nominations must be received on or before December 16, 2021. Please allow three weeks for regular mail delivery to PBGC.

ADDRESSES: Nominations must be submitted electronically to *OfficeOfTheDirector@pbgc.gov* as email attachments in Word or pdf format, or by mail to Office of the Director, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC or the Corporation) administers the pension plan termination insurance program under Title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4002(h) of ERISA provides for the establishment of an Advisory Committee to the Corporation. The Advisory Committee consists of seven members appointed by the President from among individuals recommended by the PBGC Board of Directors, which consists of the Secretaries of Labor, Treasury, and Commerce. The Advisory Committee members are as follows:

- Two representatives of employee organizations;
- two representatives of employers who maintain pension plans; and
- three representatives of the general public.

No more than four members of the Committee shall be members of the same political party. Anyone currently subject to federal registration requirements as a lobbyist is not eligible for appointment.

Advisory Committee members must have experience with employee organizations, employers who maintain defined benefit pension plans, the administration or advising of pension plans, or in related fields. Appointments are for 3-year terms. Reappointments are possible but are subject to the appointment process.

The Advisory Committee's prescribed duties include advising the Corporation as to its policies and procedures relating to investment of moneys, and other issues as the Corporation may request or as the Advisory Committee determines appropriate. The Advisory Committee meets at least six times each year. At least one meeting is a joint meeting with the PBGC Board of Directors.

By February 19, 2022, the terms of three of the Advisory Committee members, one representing the general public and two representing employers, will have expired. Therefore, PBGC is seeking nominations for three seats.

PBGC is committed to equal opportunity in the workplace and seeks a broad-based and diverse Advisory Committee.

If you or your organization wants to nominate one or more people for appointment to the Advisory Committee to represent the general public or employers, you may submit nominations to PBGC. Nominations may be in the form of a letter, resolution or petition, signed by the person making the nomination. PBGC encourages you to include additional supporting letters of nomination. PBGC will not consider self-nominees who have no supporting letters. Please do not include any information that you do not want publicly disclosed.

Nominations, including supporting letters, should:

- State the person's qualifications to serve on the Advisory Committee (including any specialized knowledge or experience relevant to the nominee's proposed Advisory Committee position to represent the general public or employers);
- state that the candidate will accept appointment to the Advisory Committee if offered;
- include the nominee's full name, work affiliation, mailing address, phone number, and email address;
- include the nominator's full name, mailing address, phone number, and email address; and
- include the nominator's signature, whether sent by email or otherwise.

PBGC will contact nominees for information on their political affiliation and their status as registered lobbyists. Nominees should be aware of the time commitment for attending meetings and actively participating in the work of the Advisory Committee. Historically, this has meant a commitment of at least 15 days per year. PBGC has a process for vetting nominees under consideration for appointment.

Issued in Washington, DC.

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2021–23717 Filed 10–29–21; 8:45 am]

BILLING CODE 7709–02–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0160, Health Benefits Election Form, Standard Form 2809

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: Federal Employee Insurance Operations (FEIO), Healthcare & Insurance, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an expiring information collection request (ICR) without change, Health Benefits Election Form, Standard Form 2809.

DATES: Comments are encouraged and will be accepted until January 3, 2022.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

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

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

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 (OMB No. 3206–0160). 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 2809, Health Benefits Election Form, is used by Federal employees, annuitants other than those under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) including individuals receiving benefits from the Office of Workers' Compensation Programs, former spouses eligible for benefits under the Spouse Equity Act of 1984, and separated employees and former dependents eligible to enroll under the Temporary Continuation of Coverage provisions of the FEHB law (5 U.S.C. 8905a). A different form (OPM 2809) is used by CSRS and FERS annuitants whose health benefit enrollments are administered by OPM's Retirement Operations.

Analysis

Agency: Federal Employee Insurance Operations, Healthcare & Insurance, Office of Personnel Management.

Title: Health Benefits Election Form.

OMB Number: 3206–0160.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 18,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 9,000.

Office of Personnel Management.

Kellie Cosgrove Riley,

Director, Office of Privacy and Information Management.

[FR Doc. 2021–23740 Filed 10–29–21; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93429; File No. SR–ICC–2021–021]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the Counterparty Monitoring Procedures and the Credit Rating System Model Description and Parameterization

October 26, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4,[2] notice is hereby given that on October 13, 2021, ICE Clear Credit LLC (''ICC'') 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 primarily by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to adopt and formalize the ICC Counterparty Monitoring Procedures (the ''CMPs'') and the ICC Credit Rating System (''CRS'') Model Description and Parameterization (the ''CRS Policy'') (together, the ''Documents'') and to retire the ICC CDS Clearing Counterparty Monitoring Procedures: Futures Commission Merchant (''FCM'') Counterparties (the ''FCM Procedures'') and the ICC CDS Clearing Counterparty Monitoring Procedures: Bank Counterparties (the ''Bank Procedures'') (together, the ''FCM and Bank Procedures''). These revisions do not require any changes to the ICC Clearing Rules (the ''Rules'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICC's counterparty monitoring policies and procedures and credit scoring approach are divided by counterparty type in the FCM and Bank Procedures. Information with respect to FCM/broker-dealer (''BD'') counterparties and bank counterparties (*i.e.,* non-FCM/BD counterparties) is set out in the FCM Procedures and the Bank Procedures, respectively. ICC proposes to adopt and formalize the CMPs to consolidate these existing counterparty monitoring policies and procedures for Clearing Participants (''CPs'') and financial service providers (''FSPs'') into one document. ICC proposes to similarly consolidate and move information related to its credit scoring approach into the CRS Policy, which ICC would adopt and formalize as a separate policy describing ICC's CRS. The proposed rule change is generally designed to enhance, clarify, and more clearly document descriptions of key ICC processes and procedures related to ICC's counterparty monitoring practices and CRS. ICC proposes to adopt and formalize the Documents and to retire the FCM and Bank Procedures following Commission approval of the proposed rule change. The proposed rule change is described in detail as follows.

CMPs

The proposed CMPs consolidate ICC's existing counterparty monitoring policies and procedures for CPs and FSPs into one document. The proposed document would enhance and provide more clarity on ICC's counterparty monitoring practices. This document is divided into 11 sections, which are detailed below.

The CMPs provide background with respect to ICC for the purpose of counterparty monitoring. Section 1 serves as an introduction with fundamental information about ICC's organization and operation. FSPs are defined as the entities to which ICC has actual or potential credit exposure (*e.g.,* settlement banks, custodians, reverse repurchase counterparties). Section 2 gives an overview of the roles and responsibilities of ICC and external parties for counterparty monitoring, including the roles of CPs and FSPs in providing information requested by ICC and the roles of ICC's Risk and Operations Departments, Chief Risk Officer (''CRO''), and internal committees. Specifically, the ICC Risk Department is responsible for monitoring all counterparties, presenting information to relevant committees, and maintaining these CMPs. The CRO is responsible for reviewing and validating the Risk Department's counterparty credit findings and recommendations, which includes reviewing analysis, identifying where additional information is required, and ensuring that recommendations are supported. The Risk Department presents information to the ICC Participant Review Committee (''PRC'') and the ICC Credit Review Subcommittee of the PRC (''Subcommittee''), which are internal committees that assist in fulfilling counterparty review responsibilities. The PRC is responsible for reviewing membership applications; monitoring ongoing compliance with membership requirements, including financial, operational, legal, and compliance requirements; and overseeing the due diligence and approval of FSPs. The Subcommittee assists the PRC in fulfilling counterparty review responsibilities, including monitoring and reviewing reports on the creditworthiness of counterparties on an at least monthly basis.

Section 3 discusses ICC's standards for counterparty relationships, namely the requirements for CPs and FSPs, and includes references to relevant existing documentation. Chapter 2 of the ICC Rules continues to set forth the membership requirements for CPs, which remain unchanged. Section 3 requires ICC, through the PRC, to perform an annual review of such criteria in the Rules to ensure continued sufficiency and appropriateness of the membership requirements. Further, under this section, FSPs must meet certain requirements and be approved by the PRC, meet the operational requirements of the ICC Treasury Department, and be subject to regulation and supervision by a competent authority. Section 3 also describes key steps, responsible parties, and relevant documentation regarding the processes of on-boarding new counterparties and the withdrawal of existing counterparties. For on-boarding new FSPs, the Risk Department is responsible for collecting necessary information and requiring the completion of a risk questionnaire which is presented to the Subcommittee and PRC. The PRC is responsible for overseeing the withdrawal process for FSPs, which includes confirmation from relevant departments that all exposures

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

to the FSP have been closed out and all legal agreements terminated.

The CMPs explain how ICC monitors the stability of its counterparties. Section 4 includes the financial elements of ongoing CP monitoring and discusses monitoring of other CP requirements, such as participation in ICC's price discovery process and default management simulations. Section 4 details the procedures associated with the Risk Department's intraday and daily monitoring functions for CPs and FSPs and specifies how issues are escalated and resulting actions are documented. This includes intraday monitoring of Risk Filter Threshold (''RFT'') consumption to manage the intraday risk associated with incoming real-time position changes to a portfolio that may require pre-funding; a daily end-of-day review of initial margin and guaranty fund changes; intraday and daily monitoring of news and market metrics for CPs and FSPs; and monitoring and review of timely payments and notices from CPs. This section discusses the preparation and review of a monthly credit report on the financial condition of ICC's counterparties as part of the monthly monitoring process. The monthly credit report includes, among other items, a summary of the data used for the analysis, current and historical counterparty credit scores and changes per credit risk factor, exposures of CPs with respect to their total requirements, exposures of FSPs and current allocation and investment limits, and counterparties on the Watch List. Additional reviews of exposure to CPs and FSPs, counterparty qualitative analysis, RFT and investment allocations conducted as part of monthly monitoring are set out in Section 4 along with the procedures for escalating identified issues and documenting resulting actions. Furthermore, Section 4 further discusses how ICC monitors and manages its aggregate exposure to entities and their affiliates with which ICC maintains multiple counterparty relationships, including through limits on FSPs and CPs which are reviewed on a specified basis and more frequently as warranted. Exposures to FSPs are managed through investment allocations, which represent limits established by the Risk Department for entities and are reviewed at least once a year. With respect to CPs, ICC manages the risk that it is willing to take, considering real-time position changes, through the RFT level which is reviewed at least once a month by the Risk Department. Moreover, this section describes the risk reviews that ICC completes for its counterparties. All counterparties are subject to an initial risk review and periodic risk reviews, which allow ICC to monitor the capacity of its counterparties to perform as required. The periodicity of these reviews is within a four-year time frame. The timing of review, the steps for conducting a risk review, the possible review outcomes, and escalation procedures are detailed. Under the CMPs, more frequent risk reviews may be performed if the latest periodic risk review was considered unsatisfactory or the counterparty was recently placed on the highest Watch List level. Section 5 describes ICC's CRS that computes credit scores for counterparties and specifies the frequency of review of the credit scoring methodology.

The CMPs detail how ICC identifies counterparties that may pose additional risk to it and include additional information relevant to ICC's monitoring responsibilities. Section 6 sets out the criteria for placing counterparties on the Watch List and the procedures for adding and removing counterparties to and from the Watch List. Regarding Watch List criteria, this section distinguishes between automatic placement on the Watch List based on credit score and qualitative considerations of counterparty deterioration that may merit placement on the Watch List or movement to a higher Watch List level. A credit score of 3.0 or higher warrants a counterparty to be automatically placed on the Watch List. Qualitative considerations include decreasing levels of capitalization and failure to maintain operations, infrastructure, and personnel capable of meeting requirements. The CRO determines if a counterparty should be added to the Watch List, except for automatic placement, and if a counterparty should be removed. The CRO may consider recommendations regarding which counterparties to add to the Watch List as well as counterparty Watch List level changes from the Subcommittee and PRC. Section 7 details the actions available to ICC with respect to CPs or FSPs on the Watch List or for whom a deficiency is identified during the monitoring process. Actions the CRO may take include, among others, an increase in initial margin requirements, notification to the Board, recommendation for suspension of clearing privileges, or termination of the relationship with the FSP. Section 7 also discusses how such actions are determined, documented, and escalated. The Risk Department is responsible for contacting firms to discuss activity that raised concern. The CRO is responsible for documenting the details, rationale, and criteria used in determining actions taken against the CP, and the documentation is presented to the Subcommittee. For FSPs, concerns are escalated to ICC Senior Management to evaluate the issues and determine what, if any, additional actions should be taken. Finally, the CMPs include additional information regarding the confidentiality of credit scores in Section 8, record keeping responsibilities in Section 9, references in Section 10, and the revision history in Section 11.

CRS Policy

The proposed CRS Policy describes ICC's CRS and provides additional clarity on the processes and procedures related to ICC's credit scoring approach. The proposed document is divided into 9 sections, which are detailed below.

The CRS Policy contains background on ICC's CRS that computes credit scores for counterparties. Section 1 describes the CRS and sets out its purpose, which is to rate counterparties and identify counterparties that may exhibit inconsistent financial performance or that show signs of operational and risk management weaknesses and require more extensive analysis. The CRS estimates a credit score representative of the financial condition of the counterparty and relies on credit risk factors representing a combination of data and performance ratios derived from financial reporting and market information. Section 1 specifies that the ICC Risk Department is responsible for calibrating the credit risk factor metrics. Section 2 explains the scope of the CRS, which features two credit scoring models due to the variety of CPs and FSPs facing ICC. Section 2 summarizes each credit scoring model and its corresponding model components and provides a range of possible credit scores and credit score interpretations. The credit scoring scale ranges from 1 to 5, with a score of 1 indicating the strongest financial stability and the level of least concern and a score of 5 indicating the weakest financial stability and the greatest level of concern. This section further summarizes the data required for the CRS and describes how implementation of the CRS is supported internally.

The CRS Policy describes the model components of each credit scoring model in detail. Section 3 discusses the selection of credit risk factors, which are divided into financial and market metrics. Financial metrics provide a point in time view of the state of the company, while market metrics are used

to capture frequent changes in the market sentiment of the companies facing ICC. Section 3 includes descriptions of the credit risk factors. For each credit risk factor, this section specifies corresponding metrics, relevant definitions, formulas, applicability based on type of counterparty, and key regulatory requirements, among others. The CRS also considers a qualitative assessment, which allows flexibility to incorporate additional information (*e.g.,* business risk, litigation risk, management actions) regarding the counterparty into the credit score, and provides a range of possible qualitative assessment scores and qualitative assessment score interpretations. Furthermore, Section 3 notes the use of proxies for counterparties that may not report the exact metrics described in this document.

Model specifications are also included in the CRS Policy. Section 4 describes the calibration of the model component weights. Each credit risk factor receives its own credit risk factor-specific weight. This section notes how credit risk factor weights are determined and discusses the testing of the weights between the financial and market metrics to measure the effectiveness of the scoring model in identifying early signs of weakness. Section 4 further discusses metric parameterization for each credit risk factor and provides input values, metric descriptions, graphical representations, assumptions, parameter sets, and calibrated values, among others.

The CRS Policy specifies the data required for the CRS to compute credit scores and memorializes other information relevant to the CRS. Section 5 includes procedures for collecting data from internal and external sources and describes the case in which component weights are reallocated based on the availability of data. Section 5 further explains how the adequacy of the data is ensured and assigns responsibility for checking the validity of data and remedying inconsistencies. Under Section 6, the credit risk factors, corresponding metrics and parameterization of the credit scoring model are reviewed at least once a year. Results are evaluated based on predefined thresholds, which are set out in this section, and actions are taken to update the model parameterization if needed. Section 7 specifies the assumptions and limitations of the CRS. Section 8 contains a list of references, and Section 9 includes the revision history. The appendices maintain other relevant information for the purpose of using the CRS, including a list of proxies and information relevant to metric parameterization.

Retirement of the FCM and Bank Procedures

ICC proposes retiring the FCM and Bank Procedures. The below list summarizes where the information in the FCM and Bank Procedures would reside following retirement and differences from the proposed Documents.

- *Introduction and Overview:* Information in Section I would be moved to Section 1 of the CMPs.
- *Roles and Responsibilities:* Information in Section II would be moved to Section 2 of the CMPs. The CMPs memorialize the Risk Department's responsibility of presenting information to relevant committees. Moreover, under the CMPs, the PRC is responsible for the approval of FSPs.[3]
- *Monitoring Scope:* Information in Section III would be moved to Section 4 of the CMPs. While additional procedures or detail is included and there are minor differences in drafting style or terminology, ICC does not propose material changes to its monitoring scope. Procedures are added describing ICC's monitoring of RFT consumption and how issues are escalated and resulting actions are documented. Language related to ICC's monitoring and management of aggregate exposure to entities with which ICC maintains multiple counterparty relationships is also included, as well as procedures associated with FSP investment allocation and RFT limits. More detail, such as steps for conducting a risk review, possible review outcomes, and criteria for more frequent risk reviews, are also set forth. Further, the list of general information maintained for counterparties in the FCM and Bank Procedures is removed given the additional procedures in the Documents in respect of counterparty review and CRS data.
- *Clearing House Counterparty Credit Rating System:* Information in Section IV would be moved to Section 5 of the CMPs and Sections 2–4 of the CRS Policy. While the information is reorganized and additional detail or procedures are included, ICC does not propose material changes to its credit scoring approach. ICC specifies the frequency of review of the credit scoring methodology in Section 5 of the CMPs. Descriptions of the credit risk factors, metrics, and qualitative assessment are moved to Sections 2 and 3 of the CRS Policy and information related to metric parameterization and computations, including input values, graphical representations, parameter sets, and calibrated values is moved to Section 4 the CRS Policy. Minor revisions to credit score interpretations are made in the CRS Policy, including removing language associated with the Watch List which would be contained in the CMPs. Additional language is proposed in the CRS Policy to describe the CRS and credit scoring approach broadly (Section 1), model foundations and selection of credit risk factors and metrics (Section 3), testing of the weights between metrics and model performance testing (Sections 4 and 6), data sources and data quality (Section 5), and assumptions and limitations of the CRS (Section 7).
- *Additional Internal Rating Considerations:* Information in Section V (FCM Procedures only) would be moved to Section 4 of the CRS Policy.
- *Data Proxies:* Information in Section VI (FCM Procedures) and Section V (Bank Procedures) would be moved to Section 3 of the CRS Policy.
- *Information Privacy:* Information in Section VII (FCM Procedures) and Section VI (Bank Procedures) would be moved to Section 8 of the CMPs.
- *Record Keeping:* Information in Section VIII (FCM Procedures) and Section VII (Bank Procedures) would be moved to Section 9 of the CMPs.
- *Watch List Criteria:* Information in Section IX (FCM Procedures), Section VIII (Bank Procedures), and Appendix 3 would be moved to Sections 6 and 7 of the CMPs. The FCM and Bank Procedures list reasons for placing counterparties on the Watch List and Appendix 3 specifies that counterparties exhibiting certain criteria may be placed on the Watch List (*e.g.,* deterioration in credit score, capitalization, operational or other violations). The Watch List criteria is updated in the CMPs to distinguish between automatic placement on the Watch List based on credit score and qualitative considerations of counterparty deterioration that may merit placement on the Watch List or movement to a higher Watch List level.
- Appendices 1 and 2 are moved to the appendices of the CRS Policy and Appendix 3 is removed.

Consolidation of the FCM and Bank Procedures with respect to counterparty monitoring in the CMPs and with respect to the credit scoring approach in the CRS Policy would allow ICC to avoid unnecessary repetition. The Documents are generally designed to enhance, clarify, and more clearly document descriptions of key ICC

[3] See SR–ICC–2021–015 for more information on the responsibilities of the PRC.

processes and procedures related to ICC's counterparty monitoring practices and CRS, and not to materially change existing processes and practices in the FCM and Bank Procedures. Additional detail is memorialized in the Documents which was not previously in the Bank and FCM Procedures, including ICC's standards for counterparty relationships and procedures for counterparty on-boarding and withdrawal in Section 3 of the CMPs and a comprehensive description of the CRS, including its foundations, data, testing, and assumptions and limitations, in the CRS Policy. Overall, the purpose of and substance across the documents remains largely consistent with some differences in drafting style or terminology, additional procedures or detail, and other minor updates or revisions.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [4] and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad–22.[5] In particular, Section 17A(b)(3)(F) of the Act [6] requires that the rule change be consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest. As discussed herein, the proposed rule change is generally designed to enhance, clarify, and more clearly document descriptions of key ICC procedures related to ICC's counterparty monitoring practices and CRS. The proposed CMPs would consolidate ICC's existing counterparty monitoring procedures for CPs and FSPs into one document. Information related to the CRS would be moved into a separate policy, the CRS Policy, which describes ICC's credit scoring approach and is intended to more clearly document the processes and procedures associated with the CRS. Memorializing additional detail in respect of the CRS, such as its foundations, data sources, testing, and assumptions and limitations, in the CRS Policy would strengthen the CRS to ensure that it appropriately estimates credit scores representative of the financial condition of counterparties. Consolidation of the FCM and Bank Procedures regarding counterparty monitoring in the CMPs and regarding the credit scoring approach in the CRS Policy would allow ICC to avoid unnecessary repetition, avoid potential confusion between policies, and promote efficiency. ICC believes that the proposed rule change would thus facilitate and enhance its ability to carry out its counterparty monitoring responsibilities and manage counterparty credit risk and thus promote overall risk management and the stability of ICC. Accordingly, in ICC's view, the proposed rule change is consistent with the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[7]

The proposed rule change would also satisfy the relevant requirements of Rule 17Ad–22.[8] Rule 17Ad–22(e)(2)(i) and (v) [9] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. The Documents clearly and transparently assign and document responsibility and accountability associated with counterparty monitoring and computation of credit scores. The CMPs specify how identified issues are escalated and set out the roles and responsibilities of internal personnel and committees, including with respect to ongoing counterparty monitoring, review, and reporting; on-boarding and withdrawal of counterparties; and changes to the Watch List. The CMPs clearly set out the roles of the PRC and Subcommittee with respect to counterparty monitoring, review, and approval and detail their interaction with the Risk Department and CRO. For the CRS, the ICC Risk Department is responsible for calibrating the credit risk factor metrics under the CRS Policy. The CRS Policy also assigns responsibility for checking the validity of data for the CRS and remedying inconsistencies. As such, in ICC's view, the proposed rule change ensures that ICC maintains policies and procedures that are reasonably designed to provide for clear and transparent governance arrangements and specify clear and direct lines of responsibility, consistent with Rule 17Ad–22(e)(2)(i) and (v).[10]

Rule 17Ad–22(e)(4)(ii) [11] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions. The proposed rule change enhances ICC's ability to manage its financial resources since the Documents are designed to minimize the risk associated with ICC's counterparty relationships by more clearly describing key processes, controls, decisions, and escalations associated with ICC's counterparty review and monitoring processes and CRS. The Documents are not intended to materially change ICC's existing processes and practices in the FCM and Bank Procedures. Memorializing the processes and procedures associated with the CRS in the CRS Policy would strengthen the CRS to ensure that it appropriately estimates credit scores representative of the financial condition of counterparties. The proposed rule change would thus promote ICC's ability to ensure financial health and the ability to fulfill obligations by ICC's counterparties, which promotes and strengthens ICC's own financial condition and supports ICC's ability to maintain its financial resources and withstand the pressures of defaults, consistent with the requirements of Rule 17Ad–22(e)(4)(ii).[12]

Rule 17Ad–22(e)(16) [13] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to safeguard its own and its participants' assets, minimize the risk of loss and delay in access to these assets, and invest such assets in instruments with minimal credit, market, and liquidity risks. The Documents memorialize the processes and procedures associated with managing credit risk from ICC's counterparties, including FSPs who are

[4] 15 U.S.C. 78q–1.

[5] 17 CFR 240.17Ad–22.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] *Id.*

[8] 17 CFR 240.17Ad–22.

[9] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

[10] *Id.*

[11] 17 CFR 240.17Ad–22(e)(4)(ii).

[12] *Id.*

[13] 17 CFR 240.17Ad–22(e)(16).

defined as the entities to which ICC has actual or potential credit exposure (*e.g.,* settlement banks, custodians, reverse repurchase counterparties). The CMPs describe ICC's requirements for FSPs and the procedures for intraday, daily, and monthly monitoring of the financial and operational capacity of FSPs. This document also includes procedures for placing counterparties on the Watch List and for monitoring and managing ICC's aggregate exposure to entities and their affiliates with which ICC maintains multiple counterparty relationships. Accordingly, the proposed rule change would continue to ensure that ICC safeguards its own and its participants' assets, minimizes the risk of loss and delay in access to these assets, and invests such assets in instruments with minimal credit, market, and liquidity risks, consistent with the requirements of Rule 17Ad–22(e)(16).[14]

Rule 17Ad–22(e)(18)[15] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to establish objective, risk-based, and publicly disclosed criteria for participation, which permit fair and open access by direct and, where relevant, indirect participants and other financial market utilities, require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis. The proposed rule change does not change ICC's existing CP membership criteria. The CMPs discuss ICC's standards for counterparty relationships, namely the requirements for CPs and FSPs, and include references to relevant documentation. The CMPs define the entities included as FSPs to ensure that ICC appropriately identifies and monitors its counterparty relationships. The proposed rule change is designed to more clearly document the standards for counterparty relationships and the associated monitoring processes to ensure that responsible parties carry out their duties and appropriately monitor for compliance with such requirements. Furthermore, the CMPs require the performance of an annual review of the CP membership criteria to ensure continued sufficiency and appropriateness. As such, the proposed rule change will continue to ensure that participants have sufficient financial resources and robust operational capacity to meet obligations and promote ICC's ability to monitor compliance for such requirements on an ongoing basis, consistent with Rule 17Ad–22(e)(18).[16]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed rule change to adopt and formalize the Documents and to retire the FCM and Bank Procedures will apply uniformly across all market participants. Therefore, ICC does not believe the proposed rule change would impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

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 up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove 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–ICC–2021–021 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–ICC–2021–021. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2021–021 and should be submitted on or before November 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–23676 Filed 10–29–21; 8:45 am]

BILLING CODE 8011–01–P

[14] *Id.*

[15] 17 CFR 240.17Ad–22(e)(18).

[16] *Id.*

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, November 4, 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.

Authority: 5 U.S.C. 552b.

Dated: October 28, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–23857 Filed 10–28–21; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93427; File No. SR–EMERALD–2021–34]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish Fees for the cToM Market Data Product

October 26, 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 October 14, 2021, MIAX Emerald, LLC (''MIAX Emerald'' 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 is filing a proposal to amend the Exchange's Fee Schedule (''Fee Schedule'') to establish fees for the market data product known as MIAX Emerald Complex Top of Market (''cToM'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 6)a) of the Fee Schedule to establish fees for the cToM data product.

Background

The Exchange previously adopted rules governing the trading of Complex Orders[3] on the Emerald System[4] in 2018,[5] ahead of the Exchange's planned launch, which took place on March 1, 2019. Shortly thereafter, the Exchange also adopted the market data product cToM and expressly waived fees for cToM to provide an incentive to prospective market participants to subscribe to that market data feed.[6] The Exchange has not charged fees to cToM subscribers in the over two and a half years since it was first available for subscription.

In summary, cToM provides subscribers with the same information as the MIAX Emerald Top of Market (''ToM'') data product as it relates to the Strategy Book,[7] *i.e.,* the Exchange's best bid and offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange. However, cToM provides subscribers with the following additional information that is not included in ToM: (i) The identification of the complex strategies currently trading on the Exchange; (ii) complex strategy last sale information; and (iii) the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). cToM is a distinct market data product from ToM. ToM subscribers are not required to subscribe to cToM, and cToM subscribers are not required to subscribe to ToM.[8]

Proposal

The Exchange now proposes to amend Section 6)a) of the Fee Schedule to charge monthly fees to Distributors[9] of cToM. Specifically, the Exchange proposes to assess Internal Distributors $1,250 per month and External Distributors $1,750 per month for the cToM data feed.[10] The Exchange notes

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 518(a)(5) for the definition of Complex Orders.

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] *See* Securities Exchange Act Release Nos. 84891 (December 20, 2018), 83 FR 67421 (December 28, 2018) (In the Matter of the Application of MIAX EMERALD, LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission); *and* 85345(March 18, 2019), 84 FR 10848 (March 22, 2019) (SR–EMERALD–2019–13) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 518, Complex Orders).

[6] *See* Securities Exchange Act Release No. 85207 (February 27, 2019), 84 FR 7963 (March 5, 2019) (SR–EMERALD–2019–09) (providing a complete description of the cToM data feed).

[7] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

[8] *See supra* note 6.

[9] A ''Distributor'' of MIAX Emerald data is any entity that receives a feed or file of data either directly from MIAX Emerald or indirectly through another entity and then distributes it either internally (within that entity) or externally (outside that entity). All Distributors are required to execute a MIAX Emerald Distributor Agreement. *See* Section 6)a) of the Fee Schedule.

[10] The Exchange also proposes to make a minor related change to remove the phrase ''(as

that the proposed monthly cToM fees for Internal and External Distributor are the same prices that the Exchange charges for its ToM data product and are identical to the prices the Exchange's affiliate, Miami International Securities Exchange, LLC (''MIAX'') proposes to charge for its cToM product. Further, the proposed prices are similar to or less than competing options exchanges' prices for their comparable complex order data feed products.[11]

Like it does today for ToM, the Exchange proposes to assess cToM fees on Internal and External Distributors in each month the Distributor is credentialed to use cToM in the production environment. Also, like the Exchange does today for ToM, market data fees for cToM will be reduced for new Distributors for the first month during which they subscribe to cToM, based on the number of trading days that have been held during the month prior to the date on which that subscriber has been credentialed to use cToM in the production environment. Such new Distributors will be assessed a pro-rata percentage of the fees in the table in Section 6)a) of the Fee Schedule, which is the percentage of the number of trading days remaining in the affected calendar month as of the date on which they have been credentialed to use cToM in the production environment, divided by the total number of trading days in the affected calendar month.

The Exchange initially filed this proposal on June 30, 2021 with the proposed fees to be effective beginning July 1, 2021.[12] The First Proposed Rule Change was published for comment in the **Federal Register** on July 15, 2021.[13] Although the Commission did not receive any comment letters on the First Proposed Rule Change, on August 27, 2021, the Commission issued its Suspension of and Order Instituting Proceedings to Determine Whether to Approve or Disapprove Proposed Rule Changes to Establish Fees for the Exchanges' cToM Market Data Products (relating to the First Proposed Rule Change and a similar filing by the Exchange's affiliate, MIAX, to also adopt cToM fees).[14] On September 30, 2021, the Exchange withdrew the First Proposed Rule Change and resubmitted its proposal to adopt cToM fees.[15] On October 14, 2021, the Exchange withdrew the Second Proposed Rule Change and submitted this proposal to adopt cToM fees.

The Exchange also proposes to amend the paragraph below the table of fees for ToM and cToM in Section 6)a) of the Fee Schedule to make a minor, non-substantive corrective edit. In particular, the Exchange proposes to delete the phrase ''(as applicable)'' in the first sentence following the table of fees for ToM and cToM. The purpose of this proposed change is to remove unnecessary text from the Fee Schedule.

Implementation

The proposed rule change is immediately effective upon filing.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[16] in general, and furthers the objectives of Section 6(b)(4) of the Act[17] in particular, in that it is an equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Particularly, cToM further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The data product also promotes increased transparency through the dissemination of cToM. Particularly, cToM provides subscribers with the same information as ToM as it relates to the Strategy Book (*i.e.,* the Exchange's best bid and offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange), but includes the following additional information: (i) The identification of the complex strategies currently trading on the Exchange; (ii) complex strategy last sale information; and (iii) the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). The Exchange believes cToM provides a valuable tool that subscribers can use to gain substantial insight into the trading activity in Complex Orders, but also emphasizes such data is not necessary for trading and that such information can be derived from other Exchange sources. Moreover, other exchanges offer similar data products for their own complex market data.[18]

The Exchange believes that its proposal is reasonable, equitable and not unfairly discriminatory because it is a business decision of each subscriber of cToM whether to subscribe to the feed or not. cTom is also not the exclusive source for Complex Order information from the Exchange and market participants may choose to subscribe to the Exchange's other data products to receive such information. Specifically, market participants that choose not to subscribe to cToM can derive much, if not all, of the same information provided in the cToM feed from other Exchange sources, including, for example, the MIAX Emerald Order Feed (''MOR'').[19] The following cToM information is provided to subscribers of MOR: The Exchange's best bid and

applicable)'' from the explanatory paragraph in Section 6)a).

[11] *See* NYSE American Options Proprietary Market Data Fees, American Options Complex Fees ($1,500 per month Access Fee and $1,000 per month Redistribution Fee), at *https://www.nyse.com/publicdocs/nyse/data/NYSE_American_Options_Market_Data_Fee_Schedule.pdf; see also* NYSE Arca Options Proprietary Market Data Fees, Arca Options Complex Fees ($1,500 per month Access Fee and $1,000 per month Redistribution Fee), at *https://www.nyse.com/publicdocs/nyse/data/NYSE_Arca_Options_Proprietary_Data_Fee_Schedule.pdf;* Nasdaq PHLX LLC Price List—U.S. Derivatives Data, PHLX Orders Fees (Internal Distributor fee of $3,000 per month and External Distributor fee of $3,500 per month), at *http://www.nasdaqtrader.com/Trader.aspx?id=DPPriceListOptions#PHLX.*

[12] *See* Securities Exchange Act Release No. 92358 (July 9, 2021), 86 FR 37361 (July 15, 2021) (SR–EMERALD–2021–21) (the ''First Proposed Rule Change'').

[13] *Id.*

[14] *See* Securities Exchange Act Release No. 92789 (August 27, 2021), 86 FR 49364 (September 2, 2021) (SR–MIAX–2021–28, SR–EMERALD–2021–21) (the ''Suspension Order'').

[15] *See* SR–EMERALD–2021–32 (the ''Second Proposed Rule Change'').

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] *See supra* note 11.

[19] *See* MIAX website, Market Data & Offerings, at *https://www.miaxoptions.com/market-data-offerings* (last visited October 13, 2021). In general, MOR provides real-time ulta-low [sic] latency updates on the following information: New Simple Orders added to the MIAX Emerald Order Book; updates to Simple Orders resting on the MIAX Emerald Order Book; new Complex Orders added to the Strategy Book (*i.e.,* the book of Complex Orders); updates to Complex Orders resting on the Strategy Book; MIAX Emerald listed series updates; MIAX Emerald Complex Strategy definitions; the state of the MIAX Emerald System; and MIAX Emerald's underlying trading state.

offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange; the identification of the complex strategies currently trading on the Exchange; and the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). In addition to the cToM information contained in MOR, complex strategy last sale information can be derived from the Exchange's ToM feed based [sic]. Specifically, market participants may deduce that last sale information for multiple trades in related options series that are disseminated via the ToM feed with the same timestamp are likely part of a Complex Order transaction and last sale.

The Exchange also notes that no market participant is required by any rule or regulation to utilize the Exchange's Complex Order functionality or subscribe to the cToM data feed. Further, unlike orders on the Exchange's Simple Order Book, Complex Orders are not protected and will never trade through Priority Customer [20] orders, thus protecting the priority that is established in the Simple Order Book.[21] Additionally, unlike the continuous quoting requirements of Market Makers in the simple order market, there are no continuous quoting requirements respecting Complex Orders. It is a business decision whether market participants utilize Complex Order strategies on the Exchange and whether to purchase cToM data to help effect those strategies.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and similar to, or even lower than, the fees assessed by other exchanges that provide similar data products.[22] Indeed, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's cToM data product, other exchanges offer similar data products and complex order functionality. As such, if a market participant views another exchange's complex order functionality and related data feed(s) as more attractive than what is offered by the Exchange, then such market participant can merely choose not to utilize the Exchange's Complex Order functionality or purchase cToM. Instead, that market participant can utilize similar complex functionality elsewhere and purchase another exchange's complex data product, which likely offers similar data points, albeit based on that other market's complex order trading activity.

Selling market data, such as cToM, is also a means by which exchanges compete to attract business. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.[23] The Exchange therefore believes that the proposed fees for cToM reflect the competitive environment [24] and would be properly assessed on Member or non-Member users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. The Exchange's proposed fees would not differentiate between subscribers that purchase cToM and are set at a modest level that would allow any interested Member or non-Member to purchase such data based on their business needs.

The Exchange also believes the proposed cToM fees are reasonable and not unfairly discriminatory because since the Exchange initially established the cToM data product when it launched trading operations on March 1, 2019, all Exchange Members have had the ability to receive the Exchange's cToM data free of charge for the past two and a half years.[25] Since 2019, when the Exchange launched operations with Complex Order functionality, the Exchange has spent time and resources building out various Complex Order functionality in its System to provide better trading strategies and risk functionality for market participants in order to better compete with other exchanges' complex functionality and similar data products focused on complex orders.[26] The cToM data product allows market participants to better utilize the Exchange's Complex Order functionality by providing insights into the Exchange's Complex Order flow. The Exchange currently has 13 subscribers (12 Members and 1 non-Member) for its cToM data product. Each one of these subscribers have not paid any cToM data fees (other than the 2 months in which the First Proposed Rule Change was in effect) but have received the benefit of the Exchange building out its Complex Order functionality to better compete with other exchanges complex functionality. The Exchange notes that no market participant ceased subscribing to the cToM feed since July 1, 2021, the date on which the fees became effective when proposed in the First Proposed Rule Change.

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to assess Internal Distributors fees that are less than the fees assessed for External Distributors for subscriptions to the cToM data feed because Internal Distributors have limited, restricted usage rights to the market data, as compared to External Distributors, which have more expansive usage rights. All Members and non-Members that determine to receive any market data feed of the Exchange (or its affiliates, MIAX PEARL, LLC and MIAX), must first execute, among other things, the MIAX Exchange Group Exchange Data Agreement (the ''Exchange Data Agreement'').[27] Pursuant to the Exchange Data Agreement, Internal Distributors are restricted to the ''internal use'' of any market data they receive. This means that Internal Distributors may only distribute the Exchange's market data to the recipient's officers and employees and its affiliates.[28] External Distributors may distribute the Exchange's market data to persons who are not officers, employees or affiliates of the External Distributor,[29] and may charge their own fees for the distribution of such market data. Accordingly, the Exchange believes it is fair, reasonable and not unfairly discriminatory to assess External Distributors a higher fee for the Exchange's market data products as External Distributors have greater usage

[20] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). The term ''Priority Customer Order'' means an order for the account of a Priority Customer. *See* Exchange Rule 100.

[21] The ''Simple Order Book'' is the Exchange's regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(5) [sic]. *See supra* note 5.

[22] *See supra* note 11.

[23] *See id.*

[24] Currently, 11 of 16 registered options exchanges compete for complex market share. The Exchange had a complex market share of approximately 5.70% for the month of July 2021 and 5.80% for the month of August 2021. For the months of July and August 2021, no single exchange had a complex market share of more than approximately 20%.

[25] *See supra* note 6.

[26] *See* Securities Exchange Act Release Nos. 85345 (March 18, 2019), 84 FR 10848 (March 22, 2019) (SR–EMERALD–2019–13) (adopting complex stock-option order functionality); 85346 (March 18, 2019), 84 FR 10854 (March 22, 2019) (SR–EMERALD–2019–14) (adopting additional price protection during a Complex Auction and the Complex Liquidity Exposure Process to provide additional price discovery).

[27] *See* Exchange Data Agreement, available at *https://miaxweb2.pairsite.com/sites/default/files/page-files/MIAX_Exchange_Group_Data_Agreement_09032020.pdf.*

[28] *See id.*

[29] *See id.*

rights to commercialize such market data. The Exchange also utilizes more resources to support External Distributors versus Internal Distributors, as External Distributors have reporting and monitoring obligations that Internal Distributors do not have, thus requiring additional time and effort of Exchange staff. The Exchange believes the proposed cToM fees are equitable and not unfairly discriminatory because the fee level results in a reasonable and equitable allocation of fees amongst subscribers for similar services, depending on whether the subscribers is an Internal or External Distributor. Moreover, the decision as to whether or not to purchase market data is entirely optional to all market participants. Potential purchasers are not required to purchase the market data, and the Exchange is not required to make the market data available. Purchasers may request the data at any time or may decline to purchase such data. The allocation of fees among users is fair and reasonable because, if market participants deem the proposed fees to be unfair or inequitable, firms can discontinue their use of the cToM data.

Further, the Exchange no longer believes it is necessary to provide cToM data for free to attract market participants since the Exchange's Strategy Book is now established and the Exchange no longer needs to rely on such waivers to attract market participants to its Complex Order market or cToM subscribers. The Exchange believes that the proposal is equitable and not unfairly discriminatory because the proposed cToM fees will apply to all market participants of the Exchange on a uniform basis. The Exchange also notes that the proposed monthly cToM fees for Internal and External Distributors are the same prices that the Exchange charges for its ToM data product, and are generally lower than other options exchanges' data feed prices for their comparable data feed products.[30]

The Exchange believes the proposed change to delete certain text from Section 6)a) of the Fee Schedule promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system because the proposed change is a non-substantive edit to the Fee Schedule to remove unnecessary text. The Exchange believes that this proposed change will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule and that it is in the public interest for the Fee Schedule to be accurate and concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to sell a data product similar to those offered by other competitor options exchanges.[31] The Exchange made Complex Order functionality and cToM available in order to keep pace with changes in the U.S. options industry and evolving customer needs, and believes the data product will continue to contribute to robust competition among national securities exchanges. Other U.S. options exchanges offer complex order functionality and market data products that are substantially similar to that offered by the Exchange. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Furthermore, the Exchange operates in a highly competitive environment, and its ability to price cToM is constrained by competition among exchanges that offer similar data products and complex order functionality to their customers. As discussed, there are currently a number of similar products available to market participants and investors. Other U.S. options exchanges offer market data products that are substantially similar to cToM, which the Exchange must consider in its pricing discipline in order to compete for the market data.[32] For example, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or inappropriate burden on intermarket competition as other exchanges are free to introduce their own comparable data product and lower their prices to better compete with the Exchange's offering. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fees apply uniformly to any purchaser, in that it does not differentiate between subscribers that purchase cToM. The proposed fees are set at a modest level that would allow any interested Member or non-Member to purchase such data based on their business needs.

The Exchange does not believe that the proposed rule change to make a minor, non-substantive edit to Section 6)a) of the Fee Schedule by deleting unnecessary text will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. This proposed rule change is not being made for competitive reasons, but rather is designed to remedy a minor non-substantive issue and will provide added clarity to the Fee Schedule. The Exchange believes that it is in the public interest for the Fee Schedule to be accurate and concise so as to eliminate the potential for confusion on the part of market participants. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[33] and Rule 19b–4(f)(2)[34] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine

[30] *See supra* note 11.

[31] *Id.*

[32] *Id.*

[33] 15 U.S.C. 78s(b)(3)(A)(ii).

[34] 17 CFR 240.19b–4(f)(2).

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–EMERALD–2021–34 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–EMERALD–2021–34. 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–EMERALD–2021–34, and should be submitted on or before November 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–23672 Filed 10–29–21; 8:45 am]

BILLING CODE 8011–01–P

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93426; File No. SR–MIAX–2021–50]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish Fees for the cToM Market Data Product

October 26, 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 October 14, 2021, Miami International Securities Exchange, LLC (''MIAX'' 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 is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to establish fees for the market data product known as MIAX Complex Top of Market (''cToM'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 6)a) of the Fee Schedule to establish fees for the cToM data product.

Background

The Exchange previously adopted rules governing the trading of Complex Orders[3] on the MIAX System[4] in 2016.[5] At that time, the Exchange also adopted the market data product cToM and expressly waived fees for cToM to provide an incentive to prospective market participants to subscribe to that market data feed.[6] The Exchange has not charged fees to cToM subscribers in the nearly five years since it was first available for subscription.

In summary, cToM provides subscribers with the same information as the MIAX Top of Market (''ToM'') data product as it relates to the Strategy Book,[7] *i.e.,* the Exchange's best bid and offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange. However, cToM provides subscribers with the following additional information that is not included in ToM: (i) The identification of the complex strategies currently trading on the Exchange; (ii) complex strategy last sale information; and (iii) the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). cToM is a distinct market data product from ToM. ToM subscribers are not required to subscribe to cToM, and cToM subscribers are not required to subscribe to ToM.[8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 518(a)(5) for the definition of Complex Orders.

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] *See* Securities Exchange Act Release No. 79072 (October 7, 2016), 81 FR 71131 (October 14, 2016) (SR–MIAX–2016–26) (Order Approving a Proposed Rule Change to Adopt New Rules to Govern the Trading of Complex Orders).

[6] *See* Securities Exchange Act Release No. 79146 (October 24, 2016), 81 FR 75171 (October 28, 2016) (SR–MIAX–2016–36) (providing a complete description of the cToM data feed).

[7] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

[8] *See supra* note 6.

Proposal

The Exchange now proposes to amend Section 6)a) of the Fee Schedule to charge monthly fees to Distributors [9] of cToM. Specifically, the Exchange proposes to assess Internal Distributors $1,250 per month and External Distributors $1,750 per month for the cToM data feed.[10] The Exchange notes that the proposed monthly cToM fees for Internal and External Distributor are the same prices that the Exchange charges for its ToM data product, and are identical to the prices the Exchange's affiliate, MIAX Emerald, LLC (''MIAX Emerald'') proposes to charge for its cToM product. Further, the proposed prices are similar to or less than competing options exchanges' prices for their comparable complex order data feed products.[11]

Like it does today for ToM, MIAX proposes to assess cToM fees on Internal and External Distributors in each month the Distributor is credentialed to use cToM in the production environment. Also, like the Exchange does today for ToM, market data fees for cToM will be reduced for new Distributors for the first month during which they subscribe to cToM, based on the number of trading days that have been held during the month prior to the date on which that subscriber has been credentialed to use cToM in the production environment. Such new Distributors will be assessed a pro-rata percentage of the fees in the table in Section 6)a) of the Fee Schedule, which is the percentage of the number of trading days remaining in the affected calendar month as of the date on which they have been credentialed to use cToM in the production environment, divided by the total number of trading days in the affected calendar month.

The Exchange initially filed this proposal on June 30, 2021 with the proposed fees to be effective beginning July 1, 2021.[12] The First Proposed Rule Change was published for comment in the **Federal Register** on July 15, 2021.[13] Although the Commission did not receive any comment letters on the First Proposed Rule Change, on August 27, 2021, the Commission issued its Suspension of and Order Instituting Proceedings to Determine Whether to Approve or Disapprove Proposed Rule Changes to Establish Fees for the Exchanges' cToM Market Data Products (relating to the First Proposed Rule Change and a similar filing by the Exchange's affiliate, MIAX Emerald, to also adopt cToM fees).[14] On September 30, 2021, the Exchange withdrew the First Proposed Rule Change and resubmitted its proposal to adopt cToM fees.[15] On October 14, 2021, the Exchange withdrew the Second Proposed Rule Change and submitted this proposal to adopt cToM fees.

The Exchange also proposes to amend the paragraph below the table of fees for ToM and cToM in Section 6)a) of the Fee Schedule to make a minor, non-substantive corrective edit. In particular, the Exchange proposes to delete the phrase ''(as applicable)'' in the first sentence following the table of fees for ToM and cToM. The purpose of this proposed change is to remove unnecessary text from the Fee Schedule.

Implementation

The proposed rule change is immediately effective upon filing.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [16] in general, and furthers the objectives of Section 6(b)(4) of the Act [17] in particular, in that it is an equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Particularly, cToM further broadens the availability of U.S. option market data to investors consistent with the principles of Regulation NMS. The data product also promotes increased transparency through the dissemination of cToM. Particularly, cToM provides subscribers with the same information as ToM as it relates to the Strategy Book (*i.e.,* the Exchange's best bid and offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange), but includes the following additional information: (i) The identification of the complex strategies currently trading on the Exchange; (ii) complex strategy last sale information; and (iii) the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). The Exchange believes cToM provides a valuable tool that subscribers can use to gain substantial insight into the trading activity in Complex Orders, but also emphasizes such data is not necessary for trading and that such information can be derived from other Exchange sources. Moreover, other exchanges offer similar data products for their own complex market data.[18]

The Exchange believes that its proposal is reasonable, equitable and not unfairly discriminatory because it is a business decision of each subscriber of cToM whether to subscribe to the feed or not. cTom is also not the exclusive source for Complex Order information from the Exchange and market participants may choose to subscribe to the Exchange's other data products to receive such information. Specifically, market participants that choose not to subscribe to cToM can derive much, if not all, of the same information provided in the cToM feed from other Exchange sources, including, for example, the MIAX Options Order Feed

[9] A ''Distributor'' of MIAX data is any entity that receives a feed or file of data either directly from MIAX or indirectly through another entity and then distributes it either internally (within that entity) or externally (outside that entity). All Distributors are required to execute a MIAX Distributor Agreement. *See* Section 6)a) of the Fee Schedule.

[10] The Exchange also proposes to make a minor related change to remove the phrase ''(as applicable)'' from the explanatory paragraph in Section 6)a).

[11] *See* NYSE American Options Proprietary Market Data Fees, American Options Complex Fees ($1,500 per month Access Fee and $1,000 per month Redistribution Fee), at *https://www.nyse.com/publicdocs/nyse/data/NYSE_American_Options_Market_Data_Fee_Schedule.pdf; see also* NYSE Arca Options Proprietary Market Data Fees, Arca Options Complex Fees ($1,500 per month Access Fee and $1,000 per month Redistribution Fee), at *https://www.nyse.com/publicdocs/nyse/data/NYSE_Arca_Options_Proprietary_Data_Fee_Schedule.pdf;* Nasdaq PHLX LLC Price List—U.S. Derivatives Data, PHLX Orders Fees (Internal Distributor fee of $3,000 per month and External Distributor fee of $3,500 per month), at *http://www.nasdaqtrader.com/Trader.aspx?id=DPPriceListOptions#PHLX.*

[12] *See* Securities Exchange Act Release No. 92359 (July 9, 2021), 86 FR 37393 (July 15, 2021) (SR–MIAX–2021–28) (the ''First Proposed Rule Change'').

[13] *Id.*

[14] *See* Securities Exchange Act Release No. 92789 (August 27, 2021), 86 FR 49364 (September 2, 2021) (SR–MIAX–2021–28, SR–EMERALD–2021–21) (the ''Suspension Order'').

[15] *See* SR–MIAX–2021–44 (the ''Second Proposed Rule Change'').

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] *See supra* note 11.

(''MOR'').[19] The following cToM information is provided to subscribers of MOR: The Exchange's best bid and offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange; the identification of the complex strategies currently trading on the Exchange; and the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). In addition to the cToM information contained in MOR, complex strategy last sale information can be derived from the Exchange's ToM feed based [sic]. Specifically, market participants may deduce that last sale information for multiple trades in related options series that are disseminated via the ToM feed with the same timestamp are likely part of a Complex Order transaction and last sale.

The Exchange also notes that no market participant is required by any rule or regulation to utilize the Exchange's Complex Order functionality or subscribe to the cToM data feed. Further, unlike orders on the Exchange's Simple Order Book, Complex Orders are not protected and will never trade through Priority Customer[20] orders, thus protecting the priority that is established in the Simple Order Book.[21] Additionally, unlike the continuous quoting requirements of Market Makers in the simple order market, there are no continuous quoting requirements respecting Complex Orders. It is a business decision whether market participants utilize Complex Order strategies on the Exchange and whether to purchase cToM data to help effect those strategies.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and similar to, or even lower than, the fees assessed by other exchanges that provide similar data products.[22] Indeed, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's cToM data product, other exchanges offer similar data products and complex order functionality. As such, if a market participant views another exchange's complex order functionality and related data feed(s) as more attractive than what is offered by the Exchange, then such market participant can merely choose not to utilize the Exchange's Complex Order functionality or purchase cToM. Instead, that market participant can utilize similar complex functionality elsewhere and purchase another exchange's complex data product, which likely offers similar data points, albeit based on that other market's complex order trading activity.

Selling market data, such as cToM, is also a means by which exchanges compete to attract business. If the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of the data and/or avail themselves of similar products offered by other exchanges.[23] The Exchange therefore believes that the proposed fees for cToM reflect the competitive environment[24] and would be properly assessed on Member or non-Member users. The Exchange also believes the proposed fees are equitable and not unfairly discriminatory as the fees would apply equally to all users who choose to purchase such data. The Exchange's proposed fees would not differentiate between subscribers that purchase cToM and are set at a modest level that would allow any interested Member or non-Member to purchase such data based on their business needs.

The Exchange also believes the proposed cToM fees are reasonable and not unfairly discriminatory because since the Exchange initially established the cToM data product in 2016, all Exchange Members have had the ability to receive the Exchange's cToM data free of charge for the past five years.[25] Since 2016, when the Exchange adopted Complex Order functionality, the Exchange has spent time and resources building out various Complex Order functionality in its System to provide better trading strategies and risk functionality for market participants in order to better compete with other exchanges' complex functionality and similar data products focused on complex orders.[26] The cToM data product allows market participants to better utilize the Exchange's Complex Order functionality by providing insights into the Exchange's Complex Order flow. The Exchange currently has 15 subscribers (14 Members and 1 non-Member) for its cToM data product. Each one of these subscribers have not paid any cToM data fees (other than the 2 months in which the First Proposed Rule Change was in effect) but have received the benefit of the Exchange building out its Complex Order functionality to better compete with other exchanges complex functionality. The Exchange notes that no market participant ceased subscribing to the cToM feed since July 1, 2021, the date on which the fees became effective when proposed in the First Proposed Rule Change.

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to assess Internal Distributors fees that are less than the fees assessed for External Distributors for subscriptions to the cToM data feed because Internal Distributors have limited, restricted usage rights to the market data, as compared to External Distributors, which have more expansive usage rights. All Members and non-Members that determine to receive any market data feed of the Exchange (or its affiliates, MIAX PEARL, LLC and MIAX Emerald), must first execute, among other things, the MIAX Exchange Group Exchange Data Agreement (the ''Exchange Data Agreement'').[27] Pursuant to the Exchange Data Agreement, Internal Distributors are restricted to the ''internal use'' of any market data they receive. This means that Internal

[19] *See* MIAX website, Market Data & Offerings, at *https://www.miaxoptions.com/market-data-offerings* (last visited October 13, 2021). In general, MOR provides real-time ulta-low [sic] latency updates on the following information: New Simple Orders added to the MIAX Order Book; updates to Simple Orders resting on the MIAX Order Book; new Complex Orders added to the Strategy Book (*i.e.,* the book of Complex Orders); updates to Complex Orders resting on the Strategy Book; MIAX listed series updates; MIAX Complex Strategy definitions; the state of the MIAX System; and MIAX's underlying trading state.

[20] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). The term ''Priority Customer Order'' means an order for the account of a Priority Customer. *See* Exchange Rule 100.

[21] The ''Simple Order Book'' is the Exchange's regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(15). *See supra* note 5.

[22] *See supra* note 11.

[23] *See id.*

[24] Currently, 11 of 16 registered options exchanges compete for complex market share. The Exchange had a complex market share of approximately 12.13% for the month of July 2021 and 10.78% for the month of August 2021. For the months of July and August 2021, no single exchange had a complex market share of more than approximately 20%.

[25] *See supra* note 6.

[26] *See* Securities Exchange Act Release Nos. 79405 (November 28, 2016), 81 FR 87086 (December 2, 2016) (SR–MIAX–2016–44) (amendment to clarify the manner in which the System allocates contracts at the end of a Complex Auction); 80089 (February 22, 2017), 82 FR 12153 (February 28, 2017) (SR–MIAX–2017–06) (adopting the Complex MIAX Options Price Collar, an additional price protection feature); 81229 (July 27, 2017), 82 FR 36023 (August 2, 2017) (SR–MIAX–2017–34) (amendment to ensure price and trade protections apply to Complex Orders); 89085 (June 17, 2020), 85 FR 37719 (June 23, 2020) (SR–MIAX–2020–16) (adopting new order type, Complex Attributable Order).

[27] *See* Exchange Data Agreement, available at *https://miaxweb2.pairsite.com/sites/default/files/page-files/MIAX_Exchange_Group_Data_Agreement_09032020.pdf.*

Distributors may only distribute the Exchange's market data to the recipient's officers and employees and its affiliates.[28] External Distributors may distribute the Exchange's market data to persons who are not officers, employees or affiliates of the External Distributor,[29] and may charge their own fees for the distribution of such market data. Accordingly, the Exchange believes it is fair, reasonable and not unfairly discriminatory to assess External Distributors a higher fee for the Exchange's market data products as External Distributors have greater usage rights to commercialize such market data. The Exchange also utilizes more resources to support External Distributors versus Internal Distributors, as External Distributors have reporting and monitoring obligations that Internal Distributors do not have, thus requiring additional time and effort of Exchange staff. The Exchange believes the proposed cToM fees are equitable and not unfairly discriminatory because the fee level results in a reasonable and equitable allocation of fees amongst subscribers for similar services, depending on whether the subscribers is an Internal or External Distributor. Moreover, the decision as to whether or not to purchase market data is entirely optional to all market participants. Potential purchasers are not required to purchase the market data, and the Exchange is not required to make the market data available. Purchasers may request the data at any time or may decline to purchase such data. The allocation of fees among users is fair and reasonable because, if market participants deem the proposed fees to be unfair or inequitable, firms can discontinue their use of the cToM data.

Further, the Exchange no longer believes it is necessary to provide cToM data for free to attract market participants since the Exchange's Strategy Book is now established and the Exchange no longer needs to rely on such waivers to attract market participants to its Complex Order market or cToM subscribers. The Exchange believes that the proposal is equitable and not unfairly discriminatory because the proposed cToM fees will apply to all market participants of the Exchange on a uniform basis. The Exchange also notes that the proposed monthly cToM fees for Internal and External Distributors are the same prices that the Exchange charges for its ToM data product, and are generally lower than other options exchanges' data feed prices for their comparable data feed products.[30]

The Exchange believes the proposed change to delete certain text from Section 6)a) of the Fee Schedule promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system because the proposed change is a non-substantive edit to the Fee Schedule to remove unnecessary text. The Exchange believes that this proposed change will provide greater clarity to Members and the public regarding the Exchange's Fee Schedule and that it is in the public interest for the Fee Schedule to be accurate and concise so as to eliminate the potential for confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposal will promote competition by permitting the Exchange to sell a data product similar to those offered by other competitor options exchanges.[31] The Exchange made Complex Order functionality and cToM available in order to keep pace with changes in the U.S. options industry and evolving customer needs, and believes the data product will continue to contribute to robust competition among national securities exchanges. Other U.S. options exchanges offer complex order functionality and market data products that are substantially similar to that offered by the Exchange. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Furthermore, the Exchange operates in a highly competitive environment, and its ability to price cToM is constrained by competition among exchanges that offer similar data products and complex order functionality to their customers. As discussed, there are currently a number of similar products available to market participants and investors. Other U.S. options exchanges offer market data products that are substantially similar to cToM, which the Exchange must consider in its pricing discipline in order to compete for the market data.[32] For example, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as discussed, market participants are under no obligation to utilize. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

The Exchange also does not believe the proposed fees would cause any unnecessary or in appropriate [sic] burden on intermarket competition as other exchanges are free to introduce their own comparable data product and lower their prices to better compete with the Exchange's offering. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fees apply uniformly to any purchaser, in that it does not differentiate between subscribers that purchase cToM. The proposed fees are set at a modest level that would allow any interested Member or non-Member to purchase such data based on their business needs.

The Exchange does not believe that the proposed rule change to make a minor, non-substantive edit to Section 6)a) of the Fee Schedule by deleting unnecessary text will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. This proposed rule change is not being made for competitive reasons, but rather is designed to remedy a minor non-substantive issue and will provide added clarity to the Fee Schedule. The Exchange believes that it is in the public interest for the Fee Schedule to be accurate and concise so as to eliminate the potential for confusion on the part of market participants. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal does not address any competitive issues and is intended to protect investors by providing further transparency regarding the Exchange's Fee Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[28] *See id.*

[29] *See id.*

[30] *See supra* note 11.

[31] *Id.*

[32] *Id.*

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,[33] and Rule 19b–4(f)(2)[34] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2021–50 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–MIAX–2021–50. 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–MIAX–2021–50, and should be submitted on or before November 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–23671 Filed 10–29–21; 8:45 am]

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[33] 15 U.S.C. 78s(b)(3)(A)(ii).

[34] 17 CFR 240.19b–4(f)(2).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93428; File No. SR–NASDAQ–2021–040]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Establish the "Extended Trading Close" and a New "Extended Trading Close" Order Type

October 26, 2021.

I. Introduction

On July 12, 2021, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to add Equity 4, Rule ("Rule") 4755 and amend Rules 4702 and 4703 to establish the "Extended Trading Close," as well as the "ETC Eligible LOC" and "Extended Trading Close" order types. The proposed rule change was published for comment in the **Federal Register** on July 28, 2021.[3] On September 9, 2021, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On October 25, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the proposed rule change as originally filed.[6] The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and to institute proceedings pursuant to Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal

The Exchange proposes to adopt the Extended Trading Close ("ETC"), which would be a process during which eligible orders in Nasdaq-listed securities[8] may match and execute at the Nasdaq official closing price ("NOCP"), as determined by the Nasdaq closing cross or the LULD closing cross (together, the "Closing Cross"), for a five-minute period immediately following the Closing Cross.[9] According to the Exchange, the ETC would be complementary to the Closing Cross and is not intended or expected to be a substitute for the Closing Cross,[10] and it would allow participants an additional

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92466 (July 22, 2021), 86 FR 40667. The comment letters received on the proposed rule change are available on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2021-040/srnasdaq2021040.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 92905, 86 FR 51390 (September 15, 2021). The Commission designated October 26, 2021 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] In Amendment No. 1, the Exchange modified the scenarios in which executions in the Extended Trading Close would be suspended, and made other conforming and clarifying changes throughout the proposed rule change. Amendment No. 1 is available on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2021-040/srnasdaq2021040.htm.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] The Exchange states that it is appropriate to limit participation in the ETC to orders in Nasdaq-listed securities, given the Exchange's role as the primary listing market and its commitment in investing in and enhancing the Closing Cross (as defined herein) for Nasdaq-listed securities. *See* Amendment No. 1 at 20. The Exchange also states that the vast majority of participants looking to trade at the closing price participate in the primary listing market's closing auction and do not route orders to non-primary listing market destinations. *See id.*

[9] *See* proposed Rule 4755(a)(5).

[10] *See* Amendment No. 1 at 18. The Exchange states that it does not expect the ETC to have an impact on participation in the Closing Cross, and that a number of off-exchange venues already offer their participants the ability to receive the NOCP after the Closing Cross. *See id.*

opportunity to access liquidity in Nasdaq-listed securities at the NOCP for a limited period of time after the Closing Cross concludes.[11]

As proposed, only ''ETC Orders'' and ''ETC Eligible LOC Orders'' (together, ''ETC Eligible Orders'') would be eligible to participate in the ETC.[12] An ETC Order would be a new order type for Nasdaq-listed securities that may be executed only during the ETC and only at the NOCP as determined by the Closing Cross.[13] An ETC Order may be entered, cancelled, or modified between the time when the ETC commences and ends.[14] If an ETC Order is not fully executed at the conclusion of the ETC, then any unexecuted portion of the order would be cancelled.[15] An ETC Eligible LOC Order would be a LOC order for a Nasdaq-listed security entered through RASH or FIX[16] that did not fully execute during the Closing Cross, and would participate in the ETC if the NOCP, as determined by the Closing Cross, is at or within its limit price.[17] A participant may choose to disable a LOC order from participating in the ETC, in which case the system would cancel any shares of the LOC order that remain unexecuted after the Closing Cross.[18] In addition, if a participant enters a time-in-force that continues after the time of the Closing Cross to a LOC order (*i.e.,* closing cross/extended hours order), then such order would bypass the ETC.[19] Any unexecuted portion of an ETC Eligible LOC Order may be cancelled or modified by the participant at any time during the ETC, and any unexecuted portion of an ETC Eligible LOC Order at the conclusion of the ETC would be cancelled.[20]

As proposed, the ETC would commence upon the conclusion of the Closing Cross and end at 4:05 p.m. (or 1:05 p.m. on a day when the Exchange closes early).[21] The system would match and execute ETC Eligible Orders continuously throughout the ETC, in time priority order based on the time the system received each order into the ETC,[22] and at the NOCP as determined by the Closing Cross.[23] If fewer than all shares of ETC Eligible Orders are executed by the conclusion of the ETC, then the system would cancel any unexecuted portions of such orders.[24]

Also as proposed, beginning at 4:00:05 p.m. (or 1:00:05 p.m. on a day when the Exchange closes early), the Exchange would disseminate by electronic means an ETC order imbalance indicator every 5 seconds until the ETC concludes.[25] The ETC order imbalance indicator would disseminate the following information: (a) Symbol; (b) the number of shares of ETC Eligible Orders that have been matched and executed at the NOCP during the ETC, as of the time of dissemination of the ETC order imbalance indicator; (c) the size of any ETC imbalance[26] (exclusive of orders with minimum quantity instructions[27]); and (d) the buy or sell direction of any ETC imbalance.[28]

Moreover, as proposed, the Exchange system would suspend execution of ETC Eligible Orders in a security whenever it detects: (i) An order in that same security resting on the Nasdaq continuous book in after-hours trading[29] with a bid (offer) price that is higher than (lower than) the NOCP for that security, as determined by the Closing Cross;[30] or (ii) the after-hours trading last sale price, or the best after-hours trading bid (offer) price, of the

[11] *See id.* at 4. The Exchange states that, for participants with limit-on-close (''LOC'') orders that do not execute in full in the Closing Cross, the ETC would give these LOC orders another opportunity to execute at the NOCP before the after-market trading price moves far away from it. *See id.* at 15. The Exchange also states that, with the ETC, participants would have an opportunity to access liquidity at the NOCP even if they did not participate in the Closing Cross. *See id.* According to the Exchange, by increasing opportunities for participants to execute their orders at the NOCP, it would allow them to execute sizable orders without market impact as a complement to the Closing Cross and as an alternative to after-hours trading. *See id.*

[12] ETC Orders and ETC Eligible LOC Orders may only execute against other ETC Orders and ETC Eligible LOC Orders. *See* proposed Rules 4702(b)(17)(A) and 4702(b)(12)(A).

[13] *See* proposed Rule 4702(b)(17)(A). An ETC Order may be assigned a minimum quantity order attribute, and the minimum quantity condition may be satisfied only by execution against one or more orders, each of which must have a size that satisfies the minimum quantity condition. *See* proposed Rule 4702(b)(17)(B). *See also* Amendment No. 1 at 13–14 n.18. If no orders in the ETC satisfy a minimum quantity condition for an ETC Order, then the ETC Order with a minimum quantity condition would rest on the Nasdaq book in time priority unless and until there is an order that can satisfy the minimum quantity condition to allow for execution of the ETC Order; if no such order is present in the ETC at its conclusion, then the ETC Order would cancel. *See* proposed Rule 4702(b)(17)(B). Moreover, an ETC Order may be referred to as having a time-in-force of ''ETC.'' *See* proposed Rule 4703(a)(8).

[14] The system would reject an ETC Order that is submitted prior to the commencement of the ETC. *See* proposed Rule 4702(b)(17)(A). In addition, the system would not accept an ETC Order entered on any day when insufficient interest exists in the system to conduct a Closing Cross for that security, or when the Exchange invokes contingency procedures due to a disruption that prevents the execution of the Closing Cross. *See id.*

[15] *See id.*

[16] The Exchange states that it typically assumes a more active role in managing the order flow submitted by users of the RASH and FIX protocols, and in contrast, users of the OUCH and FLITE protocols generally assume a more active role in managing their order flow. *See* Amendment No. 1 at 15–16.

[17] *See* proposed Rule 4702(b)(12)(A). The Exchange also proposes to amend Rule 4702(b)(12) to describe the participation of LOC orders in the LULD closing cross.

[18] *See id.* Post-only orders, midpoint peg post-only orders, supplemental orders, and market maker peg orders may not operate as ETC Eligible LOC Orders, and ETC Eligible LOC Orders would be rejected if they are assigned a pegging attribute. *See* Amendment No. 1 at 9 n.14.

[19] *See* proposed Rule 4702(b)(12)(B).

[20] *See* proposed Rule 4702(b)(12)(A).

[21] As proposed, the ETC would not occur for a security on any day when insufficient interest exists in the Exchange system to conduct the Closing Cross for that security or when the Exchange invokes contingency procedures due to a disruption that prevents the execution of the Closing Cross. *See* proposed Rule 4755(b). Moreover, the Exchange would cancel executions in a security that occur in the ETC if the Exchange nullifies the Closing Cross in that security pursuant to the rules governing clearly erroneous transactions. *See id.* The Exchange also states that if short sale orders in securities subject to Regulation SHO are permitted to execute in the Closing Cross pursuant to Rule 201 of Regulation SHO, then the system would also permit short sale executions in such securities to occur in the ETC; whereas the system would reject short sale orders in securities if short sale orders in such securities were not permitted to execute in the Closing Cross. *See* Amendment No. 1 at 8 n.11. Moreover, the restrictions of Rule 201 of Regulation SHO will apply to the ETC to the extent that the current national best bid is being calculated, collected, and disseminated for securities. *See id.*

[22] ETC Eligible LOC Orders would receive new timestamps upon entry into the ETC and prioritized amongst each other and ETC Orders based on the time the system received each order into the ETC. *See* Amendment No. 1 at 9. Specifically, the system would submit ETC Eligible LOC Orders for participation in the ETC, and would assign them new timestamps, in random order. *See id.* at 9 n.15. Therefore, ETC Eligible LOC Orders may not necessarily enter the ETC with the same relative priority that they had prior to the ETC. *See id.* Moreover, due to the time required for the system to process ETC Eligible LOC Orders for participation in the ETC, it is possible that an ETC Eligible LOC Order would enter the ETC with a lower time priority than an ETC Order entered after the Closing Cross concludes. *See id.*

[23] *See* proposed Rule 4755(b)(2). All ETC Eligible Orders executed in the ETC would be trade reported anonymously and disseminated via the consolidated tape. *See* proposed Rule 4755(b)(5).

[24] *See* proposed Rule 4755(b)(4).

[25] *See* proposed Rule 4755(b)(1).

[26] ETC imbalance would mean the number of shares of buy or sell ETC Eligible Orders that have not been matched during the ETC. *See* proposed Rule 4755(a)(4).

[27] The Exchange states that it proposes to exclude ETC Eligible Orders with minimum quantity instructions from the calculation of the size of the ETC imbalance because the size of such orders may be misleading to participants, given that such orders would rest on the book and would not execute if the minimum quantity instruction was not satisfied. *See* Amendment No. 1 at 18–19.

[28] *See* proposed Rule 4755(a)(8).

[29] *See* proposed Rule 4755(a)(1) (defining ''after hours trading'' to mean trading in a Nasdaq-listed security that commences immediately following the conclusion of the Closing Cross, during post-market hours, as that term is defined in Equity 1, Section 1(a)(9)).

[30] According to the Exchange, this limitation would prevent the Exchange from trading through orders on its own continuous book in after-hours trading that do not participate in the ETC. *See* Amendment No. 1 at 6.

security other than on the Nasdaq continuous book is either more than 0.5% or $0.01 higher than (lower than) the NOCP for that security as determined by the Closing Cross, whichever is greater.[31] The system would resume execution of ETC Eligible Orders in a security in scenario (i) if and when the system determines, during the ETC, that the Nasdaq continuous book in after-hours trading is clear of resting orders in that security with a bid (offer) price that is higher than (lower than) the NOCP for that security, as determined by the Closing Cross.[32] The system would resume execution of ETC Eligible Orders in a security in scenario (ii) if and when the after-hours trading last sale price or the best after-hours trading bid (offer) price of the underlying security (other than on the Nasdaq continuous book) returns to within the greater of the 0.5% or $0.01 thresholds during the ETC.[33] If execution of ETC Eligible Orders remains suspended as of the conclusion of the ETC, then the system would cancel any remaining unexecuted ETC Eligible Orders in that security.[34]

The Exchange represents that it will surveil the ETC for any unfair or manipulative trading practices.[35]

III. Summary of Comments and the Exchange's Response

The Commission received a comment letter opposing the proposal.[36] This commenter states that the Exchange has not effectively identified the purpose, use case, or client demand for the ETC,[37] and expresses the concern that the ETC would diminish the quality of the Closing Cross process, encourage harmful arbitrage behavior, and negatively impact aspects of the continuous market.[38]

Specifically, this commenter does not believe that the ETC would enhance the Closing Cross process, or improve price discovery or liquidity in the Closing Cross.[39] Rather, this commenter believes that the ETC could detract from the Closing Cross because some market participants would withhold their interest from the Closing Cross and refrain from submitting orders until they know the NOCP.[40] This, according to the commenter, would detract from the robustness and quality of the closing price.[41]

This commenter also believes that the ETC would allow sophisticated participants to engage in arbitrage by quickly identifying price differences between the Closing Cross price and the prevailing after-hours market price before other participants.[42] According to the commenter, these sophisticated participants could use ETC-only order types and ETC imbalance information to opportunistically submit orders to engage with other participants' ETC activity at a previously determined fixed price using the ETC and unwind risk in the after-market at prices that more accurately reflect the current value of the security.[43]

Finally, this commenter states that the availability of information going into the closing auction becomes the principal driver of price discovery in the continuous market in the last five to ten minutes of trading.[44] According to the commenter, if participants do not submit their true interest in hopes they could trade in greater size utilizing the ETC, the breadth and quality of market information could be affected and result in more uncertainty and volatility in continuous trading behavior leading into the close.[45]

In its response letter, the Exchange disagrees with the commenter's concerns that the ETC would threaten the integrity of the Closing Cross.[46] The Exchange reiterates that the ETC would compete with other venues that already offer mechanisms that enable their customers to execute orders at the Closing Cross price after the Closing Cross concludes.[47] The Exchange also does not believe that the ETC would siphon orders away from the Closing Cross.[48] According to the Exchange, the Closing Cross is robust, efficient, and affords its participants reasonable assurance that their orders will execute, and the published indicative price and order imbalance information prior to the commencement of the Closing Cross enable its participants to mitigate their risks of participating in the Closing Cross.[49] The Exchange believes that the ETC should not significantly alter the behavior of participants for which execution assurance is important,[50] and that the ETC could bolster participants' willingness to participate in the Closing Cross because the ETC would provide an added opportunity for their LOC orders to execute at the Closing Cross price.[51] The Exchange further states that it expects participants to use the ETC as a ''clean-up'' mechanism for executing orders that are not executed in the Closing Cross or to facilitate other specific client needs.[52]

[31] *See* proposed Rule 4755(b)(3). According to the Exchange, this limitation would help to mitigate the risk that orders in Nasdaq-listed securities that participate in the ETC would execute at a price that is no longer reflective of the value of the security on trading venues other than Nasdaq. *See* Amendment No. 1 at 7.

[32] *See* proposed Rule 4755(b)(3).

[33] *See id.*

[34] *See id.*

[35] *See* Amendment No. 1 at 19. As proposed, the Exchange intends to introduce the ETC and begin accepting ETC Orders during the Fourth Quarter of 2021. *See id.* at 14. The Exchange states that, at least 30 days prior to launching the ETC and beginning to accept ETC Orders, it would publish a Nasdaq Trader Alert announcing the launch date. *See id.*

[36] *See* letter from Mehmet Kinak, Global Head of Systematic Trading & Market Structure and Jonathan Siegel, Senior Legal Counsel—Legislative & Regulatory Affairs, T. Rowe Price, to Vanessa Countryman, Secretary, Commission, dated August 18, 2021.

[37] *See id.* at 1.

[38] *See id.* This commenter also provides alternative recommendations for the closing auction. *See id.* at 3.

[39] *See id.* at 1. This commenter also distinguishes the ETC from off-exchange trading venues' mechanisms that allow their participants to receive the NOCP, and states that these other mechanisms are pre-arranged matched trades or guaranteed close trades that (unlike the ETC) are received prior to the Closing Cross and the determination of the closing price. *See id.* at 2. This commenter also states that when a trade is sent to an off-exchange mechanism after the Closing Cross, it is generally a trade that is executed by a broker in a principal capacity, and these transactions tend to be ''clean-up'' trades for orders that did not complete in the auction or trades to facilitate other specific needs of a client. *See id.* The commenter believes that these existing clean-up and facilitation mechanisms generally work well and does not believe there is a void that the Exchange needs to fill in this regard. *See id.*

[40] *See id.* at 1–2.

[41] *See id.* at 2. This commenter also expresses the concern that Commission approval of the ETC might encourage others to offer similar functions that would likely further detract from participation and price discovery in the closing auction. *See id.*

[42] *See id.* at 3.

[43] *See id.*

[44] *See id.*

[45] *See id.*

[46] *See* letter from Brett M. Kitt, Associate Vice President & Principal Associate General Counsel, Nasdaq, to Vanessa Countryman, Secretary, Commission, dated September 9, 2021.

[47] *See id.* at 1–2. While the Exchange would support a Commission review of ''echo prints'' of the Closing Cross price and their effects on market efficiency, the Exchange believes that, unless or until the Commission so acts, there is no reasonable basis to allow off-exchange venues to offer echo prints, while denying the Exchange the ability to do the same. *See id.* at 3.

[48] *See id.* at 2. The Exchange states that, to the extent that it assesses that the ETC has become too large relative to the Closing Cross, or that members are indeed utilizing the ETC as a regular substitute for the Closing Cross, then it will propose such actions as are necessary to mitigate any threat to the Closing Cross or its price discovery function. *See id.* at 3.

[49] *See id.* at 2.

[50] The Exchange also states that, for those participants that seek to execute large volumes of shares at the Closing Cross price, exclusive participation in the ETC is unlikely to meet their needs, as ETC-only orders will execute only to the extent that there exists matching share volume in the ETC that is sufficient to do so. *See id.* According to the Exchange, because it would disseminate ETC imbalance information only after the ETC commences, participants in the ETC would have less assurance about the outcome of their participation than when they participate in the Closing Cross, or in the Closing Cross and ETC together. *See id.*

[51] *See id.*

[52] *See id.* The Exchange also states that market forces should determine whether the market for this

In addition, the Exchange does not share the commenter's concerns regarding arbitrage, and states that any risk that ETC participants would face harm from arbitrageurs is likely to be considerably less than the risks that market participants presently face when they trade after-hours.[53] The Exchange also states that because it would suspend ETC executions if significant deviations emerge between the Closing Cross price and the after-hours market price of a security, this should limit the instances in which egregious arbitrage occurs.[54] Finally, the Exchange reiterates that participation in the ETC is voluntary, and therefore any participant that is concerned about arbitrageurs is free to not participate in the ETC or cancel its orders in the ETC.[55]

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2021–040, as Modified by Amendment No. 1, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[56] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change, as modified by Amendment No. 1.

Pursuant to Section 19(b)(2)(B) of the Act,[57] the Commission is providing notice of the grounds for disapproval under consideration. As described above, the Exchange has proposed to adopt the ETC, which would be a five-minute process immediately following the Closing Cross during which ETC Eligible Orders could match and execute against other ETC Eligible Orders continuously at the NOCP.[58] As proposed, the Exchange would disseminate an ETC order imbalance indicator during the ETC, which would include certain information regarding ETC Eligible Orders. As described above, the Commission has received a commenter letter that expresses concerns regarding the potential impact of the ETC on the Closing Cross and on continuous trading, and the potential for the ETC to encourage arbitrage behavior. The Commission has also received a response letter from the Exchange. Moreover, on October 25, 2021, the Exchange submitted an amendment to the proposed rule change.

The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposal with Sections 6(b)(5)[59] and 6(b)(8)[60] of the Act. Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed, among other things, 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, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 6(b)(8) of the Act requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5), 6(b)(8), or any other provision of the Act, or rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[61] any request for an opportunity to make an oral presentation.[62]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by November 22, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by December 6, 2021. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–NASDAQ–2021–040 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–NASDAQ–2021–040. The 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

service is already saturated and whether there is new room for competition. *See id.*

[53] *See id.* at 3.

[54] *See id.*

[55] *See id.*

[56] 15 U.S.C. 78s(b)(2)(B).

[57] *Id.*

[58] However, as described above, the Exchange would suspend execution of ETC Eligible Orders in a security whenever it detects: (i) An order in that same security resting on the Nasdaq continuous book in after-hours trading with a bid (offer) price that is higher than (lower than) the NOCP for that security; or (ii) the after-hours trading last sale price, or the best after-hours trading bid (offer) price, of the security (other than on the Nasdaq continuous book) is more than 0.5% or $0.01 higher than (lower than) the NOCP for that security, whichever is greater. The Exchange would resume execution of ETC Eligible Orders in a security in scenario (i) if and when the system determines, during the ETC, that the Nasdaq continuous book in after-hours trading is clear of resting orders in that security with a bid (offer) price that is higher than (lower than) the NOCP. The Exchange would resume execution of ETC Eligible Orders in a security in scenario (ii) if and when the after-hours trading last sale price or the best after-hours trading bid (offer) price of the security (other than on the Nasdaq continuous book) returns to within the greater of the 0.5% or $0.01 thresholds during the ETC.

[59] 15 U.S.C. 78f(b)(5).

[60] 15 U.S.C. 78f(b)(8).

[61] 17 CFR 240.19b–4.

[62] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NASDAQ–2021–040 and should be submitted by November 22, 2021. Rebuttal comments should be submitted by December 6, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[63]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–23670 Filed 10–29–21; 8:45 am]

BILLING CODE 8011–01–P

[63] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93424; File No. SR–MIAX–2021–49]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt an Incentive Program for Market Makers in SPIKES® Options

October 26, 2021.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 12, 2021, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to adopt an incentive program for Market Makers[3] in SPIKES® options.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to implement a SPIKES Options Market Maker Incentive Program (the ''Incentive Program'') for the period beginning October 1, 2021, and ending December 31, 2021.[4] The Incentive Program is designed to improve liquidity, volume, and quote width spreads in SPIKES options. Technical details regarding the Incentive Program were published in a Regulatory Circular on September 30, 2021.[5] The Exchange originally filed this proposal on September 30, 2021, (SR–MIAX–2021–45). On October 12, 2021, the Exchange withdrew SR–MIAX–2021–45 and refiled this proposal.

[3] The term ''Market Makers'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[4] The Exchange notes that at the end of the period, the Program will expire unless the Exchange files another 19b–4 Filing to amend its fees.

[5] *See* MIAX Options Regulatory Circular 2021–56, SPIKES Options Market Maker Incentive Program (September 30, 2021) available at *https://www.miaxoptions.com/sites/default/files/circular-files/MIAX_Options_RC_2021_56.pdf.*

Background

On October 12, 2018, the Exchange received approval from the Commission to list and trade options on the SPIKES® Index, which measures expected 30-day volatility of the SPDR® S&P 500 ETF Trust (commonly known and referred to by its ticker symbol, ''SPY'').[6] The Exchange adopted its initial SPIKES transaction fees on February 15, 2019.[7] Options on the SPIKES Index began trading on the Exchange on February 19, 2019.

SPIKES Options Market Maker Incentive Program

The Exchange proposes to implement a SPIKES Options Market Maker Incentive Program for SPIKES options to incentivize Market Makers to improve liquidity, available volume, and the quote spread width of SPIKES options. To be eligible to participate in the Incentive Program, a Market Maker must meet certain minimum requirements related to quote spread width in certain in-the-money (ITM) and out-of-the-money (OTM) options as determined by the Exchange and communicated to Members via Regulatory Circular.[8] Market Makers must also satisfy a minimum time in the market in the front 2 expiry months of 70%, and have an average quote size of 25 contracts.

The Exchange proposes to establish two separate incentive compensation pools that will be used to compensate Market Makers that satisfy the criteria pursuant to the proposed Incentive Program.

Incentive 1 Pool

The first pool (Incentive 1) will be a total amount of $40,000 per month, which will be allocated to Market Makers that meet the minimum requirements of the Incentive Program. Market Makers will be required to meet minimum spread width requirements in a select number of ITM and OTM SPIKES option contracts as determined by the Exchange and communicated to

[6] *See* Securities Exchange Act Release No. 84417 (October 12, 2018), 83 FR 52865 (October 18, 2018) (SR–MIAX–2018–14) (Order Granting Approval of a Proposed Rule Change by Miami International Securities Exchange, LLC to List and Trade on the Exchange Options on the SPIKES® Index).

[7] *See* Securities Exchange Release No. 85283 (March 11, 2019), 84 FR 9567 (March 15, 2019) (SR–MIAX–2019–11). On September 30, 2020, the Exchange filed its proposal to, among other things, reorganize the Fee Schedule to adopt new Section 1(b), Proprietary Products Exchange Fees, and moved the fees and rebates for SPIKES options into new Section 1(b)(i). *See* Securities Exchange Act Release No. 90146 (October 9, 2020), 85 FR 65443 (October 15, 2020) (SR–MIAX–2020–32).

[8] *Supra* note 5.

Members[9] via Regulatory Circular.[10] A complete description of how the Exchange calculates the minimum spread width requirements in ITM and OTM SPIKES options can be found in the published Regulatory Circular,[11] additionally an example is provided below. Market Makers will also be required to maintain the minimum spread width, described above, for at least 70% of the time in the front two (2) SPIKES options contract expiry months and maintain an average quote size of at least 25 SPIKES options contracts. The amount available to each individual Market Maker will be capped at $10,000 per month for satisfying the minimum requirements of the Incentive Program. In the event that more than four Market Makers meet the requirements of the Incentive Program, each qualifying Market Maker will be entitled to receive a pro-rated share of the $40,000 monthly compensation pool dependent upon the number of qualifying Market Makers in that particular month. For example, if five Market Makers qualify for compensation under Incentive 1 of the Incentive Program, each Market Maker would receive a rebate of $8,000 for that particular month.

Incentive 2 Pool

The second pool (Incentive 2 Pool) will be capped at a total amount of $100,000 per month which will be used during the Incentive Program to further incentivize Market Makers who meet or exceed the requirements of Incentive 1 (''qualifying Market Makers'') to provide tighter quote width spreads. The Exchange will rank each qualifying Market Maker's quote width spread relative to each other qualifying Market Maker's quote width spread. Market Makers with tighter spreads in certain strikes, as determined by the Exchange and communicated to Members via Regulatory Circular,[12] will be eligible to receive a pro-rated share of the compensation pool as calculated by the Exchange and communicated to Members via Regulatory Circular,[13] not to exceed $25,000 per Member per month. Qualifying Market Makers will be ranked relative to each other based on the quality of their spread width (*i.e.,* tighter spreads are ranked higher than wider spreads) and the Market Maker with the best quality spread width will receive the highest rebate, while other eligible qualifying Market Makers will receive a rebate relative to their quality spread width.

Incentive Pool 2 Example

Each qualifying Market Maker's ITM/OTM market width for eligible Incentive Program options will be calculated, weighted, and ranked. ITM market width will be given a 25% weighting and OTM market width will be given a 75% weighting. Eligible ITM options require a maximum quote width spread of 150 basis points (''bps'') and each eligible OTM option requires a maximum quote width of 100 bps (as calculated below).

The formula employed by the Exchange to calculate the bps for an individual strike is: {(Ask Quote − Bid Quote)/Futures price} * 10,000, where the futures price is in the same expiry being measured. For example, a SPIKE 19 Put expiring on 10/20/2021 has a bid quote of $0.25 and an ask quote of $.45 and the October SPIKE Future is trading at 20.30. Using the aforementioned formula the Exchange can calculate the Member's bps on that strike as: {($0.45 − $0.25)/20.30} * 10,000; or ($0.20/20.30) * 10,000; or .009852 * 10,000 = 98.52217 bps. To establish the market quality baseline bps the Exchange combines target bps in ITM and OTM options (150 bps * 25% = 37.5 bps and 100 bps * 75% = 75 bps; 37.5 bps + 75 bps = 112.50 bps).

To determine the pool amount the Exchange will contribute $5,000 for each basis point improvement from the Exchange established baseline of 112.50 bps. The Exchange will calculate a Member's Improvement Value (''MIV'') by subtracting the Member's monthly average bps from the Exchange established baseline of 112.50 bps. If for the month ''Market Maker A'' has an average score of 109 and ''Market Maker B'' has an average score of 107 the Exchange will calculate the amount of Incentive Pool 2 based on the average total improvement of the qualifying Market Makers from the baseline and for every bps of improvement the Exchange will contribute $5,000 to Incentive Pool 2. In this example, the average of ''Market Maker A'' (109) and ''Market Maker B'' (107) is 108. The Exchange would therefore contribute $22,500 to Incentive Pool 2 (112.5 − 108 = 4.5 * $5,000).

The Exchange will calculate a pro-rata distribution for each Market Maker based upon their improvement value, which is the number of bps improvement from the Exchange established baseline of 112.5. ''Market Maker A'' has an MIV of 3.5 (112.5 − 109) and ''Market Maker B'' has an MIV of 5.5 bps (112.5 = 107). To determine each Market Makers' pro-rata share of the Incentive 2 Pool the Exchange sums the MIVs of each Market Maker (3.5 + 5.5) = 9 and divides each Market Maker's MIV by that total to establish their weighted percentage: 38.89% and 61.11% for ''Market Maker A'' and ''Market Maker B,'' respectively. ''Market Maker A'' would then be entitled to 38.89% of the $22,500 Incentive 2 Pool or $8,750. Whereas ''Market Maker B'' would be entitled to 61.11% of the $22,500 Incentive 2 Pool or $13,750.

The total amount in Incentive Pool 2 is capped at $100,000 per month and the total amount allocated to any one Member is capped at $25,000 per month.

The details of the Incentive Program are contained in a Regulatory Circular distributed to all Members.[14]

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[15] in general, and furthers the objectives of Section 6(b)(4) of the Act[16] in particular, in that it is an equitable allocation of reasonable fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act 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 and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to adopt an Incentive Program for Market Makers in SPIKES options. The Incentive Program is reasonably designed because it will incent Market Makers to provide quotes and increased liquidity in select SPIKES options contracts. The proposed Incentive Program is reasonable, equitably allocated and not unfairly discriminatory because all Market Makers in SPIKES options may qualify for Incentive 1 and Incentive 2, dependent upon each Market Maker's quoting in SPIKES options in a particular month. Additionally, if a

[9] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[10] *Supra* note 5.

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4) and (5).

SPIKES Market Maker does not satisfy the requirements of Incentive Pool 1 or 2, then it simply will not receive the rebate offered by the Incentive Program for that month.

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to offer this financial incentive to SPIKES Market Makers because it benefits all market participants trading in SPIKES. SPIKES Options is a Proprietary Product [17] on the Exchange and this Incentive Program encourages SPIKES Market Makers to satisfy a heightened quoting standard, average quote size, and time in market. An increase in quoting activity and tighter quotes may yield a corresponding increase in order flow from other market participants, which benefits all investors by deepening the Exchange's liquidity pool, potentially providing greater execution incentives and opportunities, while promoting market transparency and improving investor protection.

The Exchange believes that the Incentive Program is equitable and not unfairly discriminatory because it will promote an increase in SPIKES options liquidity, which may facilitate tighter spreads and an increase in trading opportunities to the benefit of all market participants. The Exchange believes it is reasonable to operate the Incentive Program for a limited period of time to strengthen market quality for all market participants. The resulting increased volume and liquidity will benefit those Members who are eligible to participate in the Incentive Program and will also benefit those Members who are not eligible to participate in the Incentive Program by providing more trading opportunities and tighter spreads.

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.

Intra-Market Competition

The Exchange believes that the proposal to adopt an Incentive Program does not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes that the proposal would increase intra-market competition by incentivizing Market Makers to quote SPIKES options, which will enhance the quality of quoting and increase the volume of contracts available to trade in SPIKES options. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity for SPIKES options. Enhanced market quality and increased transaction volume in SPIKES options that results from the anticipated increase in Market Maker activity on the Exchange will benefit all market participants and improve competition on the Exchange.

Inter-Market Competition

The Exchange believes the proposed rule change does not impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes in connection with the Incentive Program are limited to SPIKES options which are a proprietary product of the Exchange and as such are listed and traded exclusively on the Exchange.

Additionally, as noted above, the Incentive Program is designed to improve volume and liquidity in SPIKES options. Greater volume and liquidity benefits all market participants by providing more trading opportunities, tighter spreads, and added market transparency and price discovery. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 13% of the market share.[18] Thus, in such a low-concentrated and highly competitive market, no single options exchange possess significant pricing power in the execution of option order flow.

Accordingly, the Exchange does not believe its proposal to adopt an Incentive Program imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[19] and Rule 19b–4(f)(2) [20] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2021–49 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–MIAX–2021–49. 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

[17] The term ''Proprietary Product'' means a class of options that is listed exclusively on the Exchange. *See* Exchange Rule 100.

[18] *See* MIAX's ''The Market at a Glance'', *available at https://www.miaxoptions.com/* (last visited September 28, 2021).

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

[20] 17 CFR 240.19b–4(f)(2).

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–MIAX–2021–49 and should be submitted on or before November 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–23673 Filed 10–29–21; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17242 and #17243; CALIFORNIA Disaster Number CA–00348]

Administrative Declaration of a Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of California dated 10/26/2021.

Incident: Hopkins Fire.

Incident Period: 09/12/2021 through 09/20/2021.

DATES: Issued on 10/26/2021.

Physical Loan Application Deadline Date: 12/27/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 07/26/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Mendocino.

Contiguous Counties:

California: Glenn, Humboldt, Lake, Sonoma, Tehama, Trinity.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.125
Homeowners without Credit Available Elsewhere	1.563
Businesses with Credit Available Elsewhere	5.710
Businesses without Credit Available Elsewhere	2.855
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.855
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17242 5 and for economic injury is 17243 0.

The State which received an EIDL Declaration # is California.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–23763 Filed 10–29–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17240; CALIFORNIA Disaster Number CA–00350 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of CALIFORNIA dated 10/27/2021.

Incident: Pipeline Oil Spill.

Incident Period: 10/02/2021 and continuing.

DATES: Issued on 10/27/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 07/27/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Orange.

Contiguous Counties:

California: Los Angeles, Riverside, San Bernardino, San Diego.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	2.855
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for economic injury is 172400.

The State which received an EIDL Declaration #17240 is California.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–23764 Filed 10–29–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17119 and #17120; CALIFORNIA Disaster Number CA–00340]

Presidential Declaration Amendment of a Major Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major

disaster for the State of California (FEMA–4610–DR), dated 08/24/2021.

Incident: Wildfires.

Incident Period: 07/14/2021 and continuing.

DATES: Issued on 10/26/2021.

Physical Loan Application Deadline Date: 11/08/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of California, dated 08/24/2021, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 11/08/2021.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–23692 Filed 10–29–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the date, time, and agenda for the next meeting of the Interagency Task Force on Veterans Small Business Development (IATF).

DATES: Wednesday, December 1, 2021, from 1:00 p.m. to 3:30 p.m. EST.

ADDRESSES: Due to the coronavirus pandemic, the meeting will be held via Microsoft Teams.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is strongly encouraged. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line—''RSVP for December 1, 2021, IATF Public Meeting.'' To submit a written comment, individuals should email *veteransbusiness@sba.gov* with subject line—''Response for December 1, 2021, IATF Public Meeting'' no later than November 19, 2021, or contact Timothy Green, Deputy Associate Administrator, Office of Veterans Business Development (OVBD) at (202) 205–6773. Comments received in advanced will be addressed as time allows during the public comment period. All other submitted comments will be included in the meeting record. During the live meeting, those who wish to comment will be able to do so during the public comment period.

Participants can join the meeting via computer *https://bit.ly/DecIATF* or phone. Call in (audio only): Dial: 202–765–1264: Phone Conference ID: 172 643 550#.

Special accommodation requests should be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* All applicable documents will be posted on the IATF website prior to the meeting: *https://www.sba.gov/page/interagency-task-force-veterans-small-business-development.* For more information on veteran-owned small business programs, please visit *www.sba.gov/ovbd.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (IAFT). The IATF is established pursuant to Executive Order 13540 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans.

The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, updates on past and current events, and the IATF's objectives for fiscal year 2022.

Dated: October 27, 2021.

Andrienne Johnson,

Committee Management Officer.

[FR Doc. 2021–23694 Filed 10–29–21; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17241; WASHINGTON Disaster Number WA–00099 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Washington dated 10/26/2021.

Incident: White Center Fire.

Incident Period: 07/05/2021.

DATES: Issued on 10/26/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 07/26/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

Primary Counties: King.

Contiguous Counties:

Washington: Chelan, Kitsap, Kittitas, Pierce, Snohomish, Yakima.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	2.880
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for economic injury is 172410.

The State which received an EIDL Declaration #17241 is Washington.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2021–23762 Filed 10–29–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the date, time, and agenda for a meeting of the Advisory Committee on Veterans Business Affairs (ACVBA).

DATES: Thursday, December 2, 2021, from 9:00 a.m. to 4:00 p.m. EST.

ADDRESSES: Due to the coronavirus pandemic, the meeting will be held via Microsoft Teams using a call-in number listed below.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is strongly encouraged. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line—''RSVP for December 2, 2021, ACVBA Public Meeting.'' To submit a written comment, individuals should email *veteransbusiness@sba.gov* with subject line—''Response for December 2, 2021, ACVBA Public Meeting'' no later than November 19, 2021, or contact Timothy Green, Deputy Associate Administrator, Office of Veterans Business Development (OVBD) at (202) 205–6773. Comments received in advanced will be addressed as time allows during the public comment period. All other submitted comments will be included in the meeting record. During the live meeting, those who wish to comment will be able to do so during the public comment period.

Participants can join the meeting via computer *https://bit.ly/DecACVBA* or phone. Call in (audio only): Dial: 202–765–1264: Phone Conference ID: 202 183 215#.

Special accommodation requests should be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* All applicable documents will be posted on the ACVBA website prior to the meeting: *https://www.sba.gov/page/advisory-committee-veterans-business-affairs.* For more information on veteran-owned small business programs, please visit *www.sba.gov/ovbd.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs. The ACVBA is established pursuant to 15 U.S.C. 657(b) note and serves as an independent source of advice and policy. The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, updates on past and current events, and the ACVBA's objectives for fiscal year 2022.

Dated: October 27, 2021.

Andrienne Johnson,

Committee Management Officer.

[FR Doc. 2021–23691 Filed 10–29–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 11571]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Andy Warhol, Lifetimes'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Andy Warhol, Lifetimes'' at the Aspen Museum of Art, Aspen, Colorado, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–23723 Filed 10–29–21; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11404]

60-Day Notice of Proposed Information Collection: MyTravelGov

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *January 3, 2022.*

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2021–0033'' in the search field, clicking the ''Comment Now'' button, and completing the comment form.
- *Email: PublicCommentsEX@state.gov.*
- *Regular Mail:* Send written comments to: CA/EX Special Assistant, U.S. Department of State, Bureau of Consular Affairs, Office of the Executive Director, SA–17, 7th Floor, Washington, DC 20522–1707.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection: MyTravelGov.*
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Department of State, Bureau of Consular Affairs, Office of Public and Congressional Affairs (CA/P).
- *Form Number:* No form.
- *Respondents:* Individuals.
- *Estimated Number of Respondents:* 4,128,741.
- *Estimated Number of Responses:* 4,128,741.
- *Average Time per Response:* 5 minutes.
- *Total Estimated Burden Time:* 344,062 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• 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.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

MyTravelGov is an electronic account creation and validation portal. U.S. citizens interested in submitting electronic applications for consular benefits vice submission of a paper application will need to create a unique account through MyTravelGov in order to ensure secure electronic transmission of personally identifiable information to the Department. The information collected will also be used by servers to validate subsequent logons to the account or attempts to reset the account password to ensure the security and integrity of accounts.

Methodology

Information is collected when an individual logs on to the MyTravelGov web portal and elects to create an account.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2021–23726 Filed 10–29–21; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 11576]

30-Day Notice of Proposed Information Collection: Six DDTC Information Collections

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to December 1, 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: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Battista, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political Military Affairs, U.S. Department of State, Washington, DC 20522–0112, via phone at (202) 663–3136, or via email at *battistaal@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data.

• *OMB Control Number:* 1405–0003.

• *Type of Request:* Extension of a Currently Approved Collection.

• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

• *Form Number:* DSP–5.

• *Respondents:* Business, Nonprofit Organizations, and Individuals.

• *Estimated Number of Respondents:* 1,668.

• *Estimated Number of Responses:* 19,210.

• *Average Time per Response:* 1 hour.

• *Total Estimated Burden Time:* 19,210 hours.

• *Frequency:* On Occasion.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

• *Title of Information Collection:* Application/License for Temporary Import of Unclassified Defense Articles.

• *OMB Control Number:* 1405–0013.

• *Type of Request:* Extension of Currently Approved Collection.

• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

• *Form Number:* DSP–61.

• *Respondents:* Business, Nonprofit Organizations, and Individuals.

• *Estimated Number of Respondents:* 141.

• *Estimated Number of Responses:* 578.

• *Average Time per Response:* 30 minutes.

• *Total Estimated Burden Time:* 289 hours.

• *Frequency:* On Occasion.

• *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.

• *Title of Information Collection:* Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data.

• *OMB Control Number:* 1405–0022.

• *Type of Request:* Extension of Currently Approved Collection.

• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

• *Form Number:* DSP–85.

• *Respondents:* Business, Nonprofit Organizations, and Individuals.

• *Estimated Number of Respondents:* 64.

• *Estimated Number of Responses:* 277.

• *Average Time per Response:* 30 minutes.

• *Total Estimated Burden Time:* 138.5 hours.

• *Frequency:* On Occasion.

• *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.

• *Title of Information Collection:* Application/License for Temporary Export of Unclassified Defense Articles.

• *OMB Control Number:* 1405–0023.

• *Type of Request:* Extension of Currently Approved Collection.

• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.

• *Form Number:* DSP–73.

• *Respondents:* Business and Nonprofit Organizations.

• *Estimated Number of Respondents:* 339.

• *Estimated Number of Responses:* 2,196.

• *Average Time per Response:* 1 hour.

• *Total Estimated Burden Time:* 2,196 hours.

• *Frequency:* On Occasion.

• *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.

• *Title of Information Collection:* Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Classified Technical Data.

• *OMB Control Number:* 1405–0092.

• *Type of Request:* Extension of Currently Approved Collection.

• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• *Form Number:* DSP–6; DSP–62; DSP–74.
• *Respondents:* Business, Nonprofit Organizations, and Individuals.
• *Estimated Number of Respondents:* 440.
• *Estimated Number of Responses:* 1,742.
• *Average Time per Response:* 30 minutes.
• *Total Estimated Burden Time:* 871 hours.
• *Frequency:* On Occasion.
• *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.
• *Title of Information Collection:* Nontransfer and Use Certificate.
• *OMB Control Number:* 1405–0021.
• *Type of Request:* Extension of Currently Approved Collection.
• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• *Form Number:* DSP–83.
• *Respondents:* Business, Nonprofit Organizations, and Individuals.
• *Estimated Number of Respondents:* 675.
• *Estimated Number of Responses:* 675.
• *Average Time per Response:* 1 hour.
• *Total Estimated Burden Time:* 675 hours.
• *Frequency:* On Occasion.
• *Obligation to Respond:* Required in Order to Obtain or Retain Benefits.

We are soliciting public comments to permit the Department to:
• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
• 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.
• Enhance the quality, utility, and clarity of the information to be collected.
• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The export, temporary import, and brokering of defense articles, including technical data, and defense services are authorized by the Department of State, Directorate of Defense Trade Controls (DDTC) in accordance with the International Traffic in Arms Regulations (''ITAR,'' 22 CFR parts 120–130) and section 38 of the Arms Export Control Act. Those who manufacture, broker, export, or temporarily import defense articles, including technical data, or defense services must register with the Department of State and obtain a decision from the Department as to whether it is in the interests of U.S. foreign policy and national security to approve covered transactions. Also, registered brokers must submit annual reports regarding all brokering activity that was transacted, and registered manufacturers and exporter must maintain records of defense trade activities for five years.

• *1405–0003, Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data:* In accordance with part 123 of the ITAR, any person who intends to permanently export unclassified defense articles or unclassified technical data must obtain authorization from DDTC prior to export. ''Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data'' (Form DSP–5) is the licensing vehicle typically used to obtain permission for the permanent export of unclassified defense articles, including unclassified technical data, enumerated on the USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for the permanent commercial export of unclassified U.S. Munitions List articles, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0013, Application/License for Temporary Import of Unclassified Defense Articles:* In accordance with part 123 of the ITAR, any person who intends to temporarily import unclassified defense articles must obtain DDTC authorization prior to import. ''Application/License for Temporary Import of Unclassified Defense Articles'' (Form DSP–61) is the licensing vehicle typically used to obtain permission for the temporary import of unclassified defense articles covered by USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for the temporary commercial import of unclassified U.S. Munitions List articles, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0022, Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data:* In accordance with part 123 of the ITAR, any person who intends to permanently export, temporarily export, or temporarily import classified defense articles, including classified technical data must first obtain DDTC authorization. ''Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data'' (Form DSP–85) is used to obtain permission for the permanent export, temporary export, or temporary import of classified defense articles, including classified technical data, covered by the USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for all classified commercial defense trade transactions, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0023, Application/License for Temporary Export of Unclassified Defense Articles:* In accordance with part 123 of the ITAR, any person who intends to temporarily export unclassified defense articles must DDTC authorization prior to export. ''Application/License for Temporary Export of Unclassified Defense Articles'' (Form DSP–73) is the licensing vehicle typically used to obtain permission for the temporary export of unclassified defense articles covered by the USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for the temporary commercial export of unclassified U.S. Munitions List articles, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0092, Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Classified Technical Data:* In accordance with part 123 of the ITAR, any person who intends to permanently export, temporarily import, or temporarily export unclassified or classified defense articles or related technical data must obtain DDTC authorization. ''Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Classified Technical Data'' is used to obtain permission for certain changes to previously approved

licenses. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for all requests to amend existing defense trade authorizations made pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0021, Nontransfer and Use Certificate:* Pursuant to § 123.10 of the ITAR, a completed ''Nontransfer and Use Certificate'' (Form DSP–83) must accompany an export license application to export significant military equipment and classified articles and technical data. Pursuant to § 124.10 of the ITAR, a completed ''Nontransfer and Use Certificate'' must be submitted with any request for a manufacturing license agreement or technical assistance agreement that relates to significant military equipment or classified defense articles and technical data. The foreign consignee (if applicable), foreign end-user, and applicant execute this form. By signing the certificate the foreign end-user certifies that they will not, except as specifically authorized by prior written approval of the Department of State, re-export, resell or otherwise dispose of the defense articles enumerated in the application (1) outside the foreign country named as the country of ultimate destination; or (2) to any other person. With respect to agreements that involve classified articles or classified technical data, an authorized representative of the foreign government must also sign the form.

Methodology

This information collection may be sent to the Directorate of Defense Trade Controls via the following methods: Electronically or mail.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, U.S. Department of State.

[FR Doc. 2021–23756 Filed 10–28–21; 11:15 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1319X]

City Utilities of Springfield, Mo.—Abandonment Exemption—in Greene County, Mo.

City Utilities of Springfield, Mo. (City Utilities), has filed with the Surface Transportation Board (Board) a petition under 49 CFR 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon approximately 1.24 miles of rail line extending from approximately milepost 248.86 to approximately milepost 250.1, in Greene County, Mo. (the Line).[1]

City Utilities states that, based on information in its possession, the Line does not contain federally granted rights-of-way. Any documentation in City Utilities' possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 28, 2022.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Persons interested in submitting an OFA must first file a formal expression of intent to file an offer by November 12, 2021, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(1)(i).

Following abandonment, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for interim trail use/rail banking under 49 CFR 1152.29 will be due no later than November 22, 2021.[2]

All pleadings, referring to Docket No. AB 1319X, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on City Utilities' representative, Thomas W. Wilcox, Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington, DC 20006. Replies to the petition are due on or before November 22, 2021.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0294. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any other agencies or persons who comment during its preparation.[3] Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available at *www.stb.gov.*

Decided: October 27, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2021–23760 Filed 10–29–21; 8:45 am]

BILLING CODE 4915–01–P

[1] City Utilities states that it acquired title to the Line and other track from the Burlington Northern Railroad Company (BN) through deeds dated January 15, 1986, and July 21, 1987, and that BN, and subsequently BNSF Railway Company, provided rail operations over the Line to deliver coal to City Utilities' James River Power Station until that facility ceased burning coal in 2015. According to City Utilities, while recently performing due diligence in the process of converting the right-of-way into a multi-use recreational trail, it realized that it inadvertently neglected to seek acquisition authority for the Line from the ICC when City Utilities acquired the Line from BN. City Utilities obtained after-the-fact acquisition authority in October 2021. *See City Utils. of Springfield, Mo.—Acquis. Exemption—Line of BNSF Ry. in Greene Cnty., Mo.,* FD 36543 (STB served Oct. 15, 2021).

[2] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

[3] City Utilities filed its environmental and historic report along with its petition on October 12, 2021, and supplemented the record on October 14, 2021, with a letter from the Missouri State Historic Preservation Office.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2021–0179]

Agency Information Collection Activities: Clearance of Renewed Approval of Information Collection: Airport Noise Compatibility Planning

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Aviation Administration (FAA) invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew an information

collection. The collection involves information on voluntary airport noise compatibility programs. The information to be collected is necessary because noise compatibility program measures are eligible for Federal grants in- aid if they are provided to FAA for review and approval in advance. The respondents are airport sponsors that voluntarily submit noise exposure maps and noise compatibility programs to the FAA for review and approval.

ADDRESSES: Written comments and recommendations for the FAA's request for OMB's approval to renew this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Comments may also be submitted via electronic mail to *susan.staehle@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Staehle by electronic mail at: *susan.staehle@faa.gov* or by phone at: 202–267–7935.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0517.

Title: Airport Noise Compatibility Planning.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an Information Collection.

Background: The voluntarily submitted information from the collection process pursuant to Tile 14 Code of Federal Regulations (CFR) part 150, (*e.g.,* airport noise exposure maps and airport noise compatibility programs, or their revisions) is used by the FAA to conduct reviews of the submissions to determine if an airport sponsor's noise compatibility program is eligible for Federal grant funds. If airport sponsors did not voluntarily submit noise exposure maps and noise compatibility programs for FAA review and approval, the airport sponsor would not be eligible for the set aside of discretionary grant funds. The **Federal Register** Notice with a 60-day review period soliciting comments on this information collection of information was published in the **Federal Register** on April 9, 2021 (86 FR 18586) and no public comments were received.

Respondents: Approximately 15 airport sponsors.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 2,080 hours.

Estimated Total Annual Burden: 31,200 hours.

Issued in: Washington, DC, October 26, 2021.

Susan Staehle,

Environmental Protection Specialist, Office of Airports, Planning and Environmental Division, APP–400.

[FR Doc. 2021–23680 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Safety Advisory 21–1; Fleet-Wide Inspection of Wheel Gauging on Rail Rolling Stock

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory.

SUMMARY: As a result of the derailment of a Washington Metropolitan Area Transit Authority Metrorail train on October 12, 2021, FTA has issued Safety Advisory 21–1 to direct State Safety Oversight Agencies (SSOAs) to report information to FTA regarding out-of-tolerance wheel gauges on all rail transit rolling stock in revenue service. The Safety Advisory also advises SSOAs to require fleet-wide inspections of wheel gauges at rail fixed guideway public transportation systems (RTAs) in their jurisdiction. A copy of Safety Advisory 21–1 can be found on the FTA website at *https://www.transit.dot.gov/regulations-and-guidance/safety/fta-safety-advisories.*

DATES: FTA is requesting SSOA program managers to submit data on the rail transit fleets in revenue service at each RTA in its jurisdiction by December 1, 2021 and to report on the results of wheel gauge inspections conducted by each RTA in its jurisdiction by January 3, 2022.

FOR FURTHER INFORMATION CONTACT: Gail Lyssy, Acting Associate Administrator for Transit Safety and Oversight and Chief Safety Officer, FTA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 366–1783 or *gail.lyssy@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

On October 12, 2021, at about 4:50 p.m. local time, outbound Washington Metropolitan Area Transit Authority (WMATA) Metrorail train 407 derailed between the Rosslyn and Arlington Cemetery stations. The train was traveling southbound on track No. 2 of WMATA's Blue Line toward Franconia-Springfield with 187 passengers onboard. The National Transportation Safety Board is investigating this safety event, focusing on the pressed wheel/axle interface and widening wheel gauge on wheels and axles.

In accordance with 49 CFR part 674, SSOAs are responsible for overseeing the safety of the rail fixed guideway public transportation systems (RTAs) within their State. Each SSOA has investigative and enforcement authority with respect to the safety of all RTAs within their State (§ 674.13(a)(5)).

Action Required

Within 30 days of November 1, 2021, the SSOA must submit the following information to FTA, for the rail transit fleet in revenue service at each RTA in its jurisdiction:

- Total fleet size, by mode;
- Wheel gauge inspection protocols (specifically, the routine periodicity of inspections), by mode; and
- The number of vehicles that failed wheel gauge tolerance levels, based on the RTA's internal and approved procedures, from October 1, 2020 to September 30, 2021, by mode.

FTA seeks to collect this information as a periodic request for information under OMB control number 2132–0558. Equipment subject to Federal Railroad Administration safety oversight is excluded from this reporting requirement.

Recommended Action

FTA advises the SSOA to direct each RTA in its jurisdiction to conduct a wheel gauge inspection of its rail transit fleet in revenue service, which may include inspections conducted on or after October 1, 2021. Within 60 days of November 1, 2021, the SSOA should submit to FTA, for the rail transit fleet in revenue service at each RTA in its jurisdiction:

- The time frame during which these inspections were conducted (starting no earlier than October 1, 2021);
- The total number of revenue service vehicles inspected; and
- The total number of revenue service vehicles that failed wheel gauge

tolerance levels based on the RTA's internal and approved procedures, by mode.

Equipment subject to Federal Railroad Administration safety oversight is excluded from this inspection advisory.

Nuria I. Fernandez,

Administrator.

[FR Doc. 2021–23721 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2021–0016]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: Nondiscrimination as it Applies to FTA Grant Programs.

DATES: Comments must be submitted before January 3, 2022.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (*Note:* The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.* Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Anita Heard (202) 493–0318 or email: *Anita.Heard@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Nondiscrimination as It Applies to FTA Grant Programs. (OMB Number: 2132–0542).

Background: The Federal Transit Laws, 49 U.S.C. 5332(b), provide that ''no person in the United States shall on the grounds of race, color, religion, national origin, sex, or age be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act.'' This applies to employment and business opportunities and is considered to be in addition to the provisions of Title VI of the Civil Rights Act of 1964. Any FTA applicant, recipient, sub-recipient, and contractor who employ 100 or more transit-related employees and requests or receives capital or operating assistance in excess of $1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of $250,000 in the previous Federal fiscal year must implement all of the EEO Program elements. Agencies that have between 50–99 transit-related employees are required to prepare and maintain an EEO Program that includes the statement of policy, dissemination plan, designation of personnel, assessment of employment practices, and a monitoring and reporting system.

Respondents: Transit agencies, States and Metropolitan Planning Organizations.

Estimated Annual Respondents: 53.

Estimated Total Annual Burden Hours: 1,575.

Frequency: Annual.

Nadine Pembleton,

Director Office of Management Planning.

[FR Doc. 2021–23781 Filed 10–29–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0094]

Deepwater Port License Application: Bluewater Texas Terminal LLC

AGENCY: Maritime Administration, U.S. Department of Transportation; U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of availability; notice of virtual public meeting; request for comments.

SUMMARY: The Maritime Administration (MARAD) and the U.S. Coast Guard (USCG) announce the availability of the Draft Environmental Impact Statement (DEIS) for the Bluewater Texas Terminal SPM (Bluewater) Deepwater Port License Application for the export of crude oil from the United States to nations abroad. Additionally, MARAD and USCG announce a virtual public meeting and informational open house website for the Bluewater DEIS. Publication of this notice announces availability of the DEIS, initiates a 45-day comment period, requests public participation in the environmental impact review process, provides information on how to participate in the environmental impact review process, and announces the virtual informational open house and public meeting that will take place online to best comply with Coronavirus Disease 2019 safety guidelines. Previously, a notice of application summarizing the original

Bluewater Deepwater Port License Application was published June 26, 2019, and notices of intent to prepare an environmental impact statement and public meeting were published on July 3, 2019.

DATES: The virtual public meeting will be held on Thursday November 18, 2021 from 6 p.m. to 8 p.m.

Additionally, materials submitted in response to this request for comments on the Bluewater DEIS must be submitted to the *www.regulations.gov* website or the Federal Docket Management Facility as detailed in the **ADDRESSES** section below no later than 45 days after the Environmental Protection Agency (EPA) publishes its notice of availability of the DEIS for the Bluewater Deepwater Port Application in the **Federal Register**.

ADDRESSES: The public docket for the Bluewater Deepwater Port License Application is maintained by the U.S. Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. Comments on the DEIS may be submitted to this address and must include the docket number for this project, which is MARAD–2019–0094. The Federal Docket Management Facility's telephone number is 202–366–9317 or 202–366–9826; the fax number is 202–493–2251.

We encourage you to submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* If you submit your comments electronically, it is not necessary to also submit a hard copy by mail. If you cannot submit material using *http://www.regulations.gov,* please contact either Mr. Ken Smith, USCG or Mr. Carlos Perez-Perez, MARAD, as listed in the following **FOR FURTHER INFORMATION CONTACT** section of this document below.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Smith, Project Manager, USCG, telephone: 202–372–1413, email: *Ken.A.Smith@uscg.mil* or Mr. Carlos I. Perez-Perez, Environmental Protection Specialist, Office of Deepwater Port Licensing and Port Conveyance, MARAD, telephone: 202–366–3790, email: *C.PerezPerez@dot.gov.*

SUPPLEMENTARY INFORMATION: A Notice of Application that summarized the original Bluewater Deepwater Port License Application was published in the **Federal Register** on Wednesday, June 26, 2019 (80 FR 30301).

A Notice of Intent to Prepare an Environmental Impact Statement and Notice of Public Meeting was published in the **Federal Register** on Wednesday, July 3, 2019 (80 FR 32005). This Notice of Availability incorporates the aforementioned **Federal Register** Notices by reference.

The Bluewater Deepwater Port License Application proposes the construction and operation of a deepwater port terminal in the Gulf of Mexico (GOM) off Corpus Christi, Texas and close by Aransas and San Patricio Counties to export domestically produced crude oil.

Virtual Public Meeting

MARAD and USCG will hold one virtual public meeting in connection with the Bluewater DEIS. As stated, the virtual public meeting will be held remotely due to the nationwide impacts of the existing public health emergency under Section 319 of the Public Health Service Act in response to Coronavirus Disease 2019 (COVID–19). Further, the President's declaration of a national emergency due to the COVID–19 outbreak, and state and local actions in response to COVID–19, have impacted the public's ability to assemble and provide feedback on the Bluewater Deepwater Port License Application through in-person public meetings.

The public meeting may end later than the stated time, depending on the number of persons who wish to make a comment on the record. Anyone that is interested in attending the virtual public meeting or speaking during the virtual public meeting must register. Information on how to register for the virtual public meeting is provided in the Virtual Public Meeting and Informational Open House website section.

Request for Comments

We request public comments or other relevant information related to the DEIS for the proposed Bluewater Deepwater Port License Application. These comments will inform our preparation of the Final Environmental Impact Statement (FEIS). We encourage attendance at the virtual public meeting; however, you may submit comments electronically and it is preferred that comments be submitted electronically. Regardless of the method you use to submit comments or materials, all submissions will be posted, without change, to the Federal Docket Management Facility website (*http://www.regulations.gov*) and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Use Notice that is available on the *www.regulations.gov* website, and the Department of Transportation (DOT) Privacy Act Notice that appeared in the **Federal Register** on March 24, 2005 (70 FR 15086), see PRIVACY ACT. You may view docket submissions at the DOT Docket Management Facility or electronically at the *www.regulations.gov* website.

Virtual Public Meeting and Informational Open House Website

You are invited to learn about the proposed Bluewater Deepwater Port License Application at the virtual informational open house website (*www.BluewaterEIS.com*) and to comment on the proposed action and the environmental impact analysis contained in the DEIS during the virtual public meeting.

The public meeting will be hosted on the Zoom platform. The public meeting will be recorded and transcribed for placement in the public docket for the Bluewater Deepwater Port License Application. Comments will be accepted during the public meeting. The Zoom program can be accessed online by visiting the Zoom website at *www.zoom.us.* Speaker and attendee registration are available online at *www.BluewaterEIS.com.*

Meeting Procedure and Special Assistance

Registered speakers will be recognized in the following order: Elected officials, public agency representatives, then individuals or groups in the order in which they registered. In order to accommodate all speakers, speaker time may be limited, meeting hours may be extended, or both. Speakers' transcribed remarks will be included in the public docket. You may also submit written material for inclusion in the public docket. Written material must include the author's name. We ask attendees to respect the meeting procedures in order to ensure a constructive information-gathering session. The presiding officer will use their discretion to conduct the meeting in an orderly manner.

Public meetings are intended to be accessible to all participants. Individuals who require special assistance such as sign language interpretation, non-English language translation services, or other reasonable accommodations, please notify the USCG or MARAD (see **FOR FURTHER INFORMATION CONTACT**) at least 7 business days in advance of the virtual public meeting. Include your contact information as well as information about your specific needs.

Summary of the License Application

For the purposes of this application, the proposed Bluewater Deepwater Port Project is described in three distinguishable segments by locality to include the onshore components, the inshore components, and the offshore components.

Onshore components associated with the proposed Bluewater project are defined as those components on the landward side of the western Redfish Bay Mean High Tide (MHT) line, located in San Patricio and Aransas Counties, Texas. The onshore project components include:

• Approximately 22.13 miles of two new parallel 30-inch-diameter crude oil pipelines extending from a planned multi-use terminal located south of the City of Taft in San Patricio County, Texas.

• The planned Multi-Use Terminal will connect to multiple inbound and outbound crude oil pipelines. Two of those outbound pipelines are the proposed pipeline infrastructure that will extend to the inshore pipeline(s), which connect to the proposed operation facility located on Harbor Island described below. One water tank will be constructed at the Multi-Use Terminal to flush the offshore pipelines running to the Single Point Mooring (SPM) buoys described below.

Inshore components associated with the proposed Bluewater Deepwater Port Project are defined as those components located between the western Redfish Bay MHT line and the MHT line located at the interface of San Jose Island and the Gulf of Mexico. Inshore project components include:

• Approximately 7.29 miles of two new 30-inch-diameter crude oil pipelines connecting to the onshore facility, an approximately 12-acre operations station and a connection to the offshore pipeline. The onshore pipeline would be located within San Patricio County, Texas and Nueces County, Texas and a proposed operations facility would be located on Harbor Island in Nueces County, Texas.

• The operations facility located on Harbor Island will include approximately 12 acres of land and house the necessary infrastructure to support the transport of crude oil through the proposed pipeline infrastructure to the deepwater port for the loading of moored vessels. The facility would consist of pig launchers/receivers, meters and valves, operations building, and a communications facility, but no crude oil storage.

Offshore components associated with the proposed Bluewater Deepwater Port Project are defined as those components located seaward of the MHT line located at the interface of San Jose Island and the Gulf of Mexico. The offshore project components include:

• Approximately 26.76 miles of two new 30-inch-diameter crude oil pipelines extending from the shoreline crossing at the interface of San Jose Island to the offshore Bluewater Deepwater Port Project for crude oil delivery to Single Point Mooring (SPM) buoys.

• Two SPMs in Outer Continental Shelf Matagorda Island Area TX4 lease blocks 698 and 699, approximately 15 nautical miles (17.26 statute miles) off the coast of San Patricio County, Texas in a water depth of approximately 89 feet.

• A catenary anchor leg mooring (CALM) system for each SPM buoy connected to a pipeline end manifold (PLEM) system, mooring hawsers, floating hoses, and submarine hoses to allow for the loading of crude oil to vessels moored at the proposed deepwater port. The SPM buoy system will be permanently moored with a symmetrically arranged six-leg anchor dual chain configuration extending to twelve 72-inch-diameter pile anchors installed on the seafloor.

• Each of the proposed SPM buoy systems will consist of inner and outer cylindrical shells subdivided into twelve equal-sized watertight radial compartments. A rotating table will be affixed to the SPM buoy and allow for the connection of moored vessels to the SPM buoy system via mooring hawsers. Two floating hoses equipped with marine break-away couplings will be utilized for the transfer of crude oil from the SPM buoy systems to the moored vessel. Floating hoses will be equipped with strobe lights at 15-foot intervals for detection at night and low-light conditions.

Privacy Act

You may wish to read the Privacy and Security Notice and the User Notice that are available at *https://www.federalregister.gov/documents/2005/03/24/05-5823/establishment-of-a-new-system-of-records-notice-for-the-federal-docket-management-system*. The Privacy Act notice regarding the Federal Docket Management System is available in the March 24, 2005 issue of the **Federal Register** (70 FR 15086).

(Authority: 33 U.S.C. 1501, *et seq.;* 49 CFR 1.93(h)).

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23807 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0245]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: NSN AGAIN (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0245 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0245 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0245, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel NSN AGAIN is:

—*Intended Commercial Use of Vessel:* ''Yacht charters, mostly day charters with some overnight term charters. We would be carrying passengers for hire only.''

—*Geographic Region Including Base of Operations:* ''Florida, Georgia, South Carolina, North Carolina, Virginia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine.'' (Base of Operations: Fort Lauderdale, FL)

—*Vessel Length and Type:* 66′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0245 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0245 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23770 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0241]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: EUPHORIA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0241 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0241 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0241, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel EUPHORIA is:

—*Intended Commercial Use of Vessel:* ''Sportfishing charter for a private fishing club.''
—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Long Beach, CA)
—*Vessel Length and Type:* 37′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0241 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0241 XXXX or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23766 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0242]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SUBLIME (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0242 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0242 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0242, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SUBLIME is:

—*Intended Commercial Use of Vessel:* ''4-hour or 8-hour day charters in local waterways.''

—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Clearwater Beach, FL)

—*Vessel Length and Type:* 61.2′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2021–0242 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0242 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23767 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0249]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: FISH (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0249 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0249 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0249, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel FISH is:

—*Intended Commercial Use of Vessel:* ''Recreational, Coastwise.''

—*Geographic Region Including Base of Operations:* ''California.'' (Base of Operations: Sausalito, CA)

—*Vessel Length and Type:* 28′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0249 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0249 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23774 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0251]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BORN 2 WINN (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0251 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0251 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0251, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel BORN 2 WINN is:

—*Intended Commercial Use of Vessel:* ''Charter fishing.''

—*Geographic Region Including Base of Operations:* ''Michigan.'' (Base of Operations: South Haven, MI)

—*Vessel Length and Type:* 31′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0251 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0251 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23776 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0250]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LIVIN IT (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0250 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0250 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0250, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LIVIN IT is:

—*Intended Commercial Use of Vessel:* ''Private charters with a 6 pack license.''

—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: San Diego, CA)

—*Vessel Length and Type:* 40′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0250 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0250 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23775 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0243]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: KOHINOOR (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 29, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0243 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0243 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0243, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel KOHINOOR is:

—*Intended Commercial Use of Vessel:* ''Evening sunset cruises, weekend cruises.''

—*Geographic Region Including Base of Operations:* ''Washington'' (Base of Operations: Roche Harbor, WA)

—*Vessel Length and Type:* 61.2′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2021–0243 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0243 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23768 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0246]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: CANDERE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0246 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0246 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0246, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel CANDERE is:

—*Intended Commercial Use of Vessel:* ''1-hour to 4-hour sightseeing tours on Lake Union and Lake Washington in Seattle, WA.''

—*Geographic Region Including Base of Operations:* ''Washington'' (Base of Operations: Seattle, WA)

—*Vessel Length and Type:* 28′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0246 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0246 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23771 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0247]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: WHY KNOT AGAIN (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0247 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0247 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0247, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel WHY KNOT AGAIN is:

—*Intended Commercial Use of Vessel:* ''Sailing day charter.''
—*Geographic Region Including Base of Operations:* ''Puerto Rico.'' (Base of Operations: Puerto del Rey Marina, PR)
—*Vessel Length and Type:* 34′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2021–0247 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0247 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23772 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0244]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ANNIE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0244 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0244 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0244, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ANNIE is:

—*Intended Commercial Use of Vessel:* ''1-hour to 4-hour sightseeing tours on Lake Union and Lake Washington in Seattle, WA.''

—*Geographic Region Including Base of Operations:* ''Washington'' (Base of Operations: Seattle, WA)

—*Vessel Length and Type:* 30′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0244 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0244 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23769 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0248]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: IRON GRYPHON (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before December 1, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0248 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0248 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0248, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel IRON GRYPHON is:

—*Intended Commercial Use of Vessel:* ''Recreational charters.''

—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Miami, FL)

—*Vessel Length and Type:* 78.8′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2021–0248 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0248 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

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, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23773 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0240]

Request for Comments of a Previously Approved Information Collection: Application for Coastwise Endorsement Eligibility Determinations for Foreign-Built Small Passenger Vessels

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on July 15, 2021.

DATES: Comments must be submitted on or before December 1, 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: James Mead, 202–366–5723, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *james.mead@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Coastwise Endorsement Eligibility Determinations for Foreign-built Small Passenger Vessels.

OMB Control Number: 2133–0529.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: Owners of foreign-built small passenger vessels desiring a coastwise endorsement to their USCG issued certificate of documentation

must first obtain a Maritime Administration (MARAD) eligibility determination. Applications for MARAD small passenger vessel coastwise endorsement eligibility provides justification for a positive determination and a uniform means for MARAD to obtain relevant information necessary to perform its administrative function in accordance with statute.

Respondents: Owners of foreign-built small passenger vessels, prospective vessel owners and operators, vessel brokers.

Affected Public: Maritime businesses.

Estimated Number of Respondents: 138.

Total Estimated Number of Responses: 138.

Frequency of Collection: Annually.

Estimated Time per Respondent: 1 hour.

Total Estimated Number of Annual Burden Hours: 138.

Public Comments Invited: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–23765 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0069; Notice 2]

TAP Worldwide, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: TAP Worldwide, LLC, (TAP) has determined that certain model year (MY) 2017–2019 Smittybilt SCOUT Trailer Kits do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less.* TAP filed a noncompliance report dated June 26, 2019. Tap also petitioned NHTSA on July 8, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the grant of TAP's petition.

FOR FURTHER INFORMATION CONTACT: Kerrin Bressant, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–1110.

SUPPLEMENTARY INFORMATION:

I. Overview

TAP has determined that certain MY 2017–2019 Smittybilt SCOUT Trailer Kits do not fully comply with paragraph S4.3.5 and Figure 1 of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less* (49 CFR 571.110). TAP filed a noncompliance report dated June 26, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* TAP also petitioned NHTSA on July 8, 2019, 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.*

Notice of receipt of TAP's petition was published with a 30-day public comment period, on September 20, 2019, in the **Federal Register** (84 FR 49622). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2019–0069.''

II. Trailers Involved

Approximately 176 MY 2017–2019 Smittybilt SCOUT Trailer Kits, manufactured between March 31, 2017, and April 28, 2019, are potentially involved.

III. Noncompliance

TAP explains that the noncompliance is that the vehicle placards on the subject trailer kits, do not fully comply with the formatting and color requirements (which require either ''yellow text on black background'' or ''black text on yellow background'') as required by paragraph S4.3.5 and Figure 1 of FMVSS No. 110. The TAP placards were mounted with black text on a white background.

IV. Rule Requirements

S4.3.5 and Figure 1 of FMVSS No. 110 include the requirements relevant to this petition. Each trailer, except for an incomplete vehicle, must show the information specified in S4.3(c) through (g). This information, per Figures 1 and 2 of FMVSS No. 110, should be illustrated with EITHER ''Yellow Text on Black Background'' or ''Black Text on Yellow Background.'' Additionally, at the manufacturer's option, they may show the information specified in S4.3(h) proximate to the placard or the Tire Information Pressure Label and the listed elements of S4.3(i) in accordance with S4.3(d). The information specified in S4.3(e) shall be shown on both the vehicle placard and on the tire inflation pressure label (if such a label is affixed to provide the information specified in S4.3(c), (d), (h), and (i)) in the format and color scheme set forth in Figures 1 and 2.

V. Summary of TAP's Petition

TAP described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, TAP submitted the following reasoning:

1. The subject tire pressure information labels provide all required and correct technical information, and because such information is found in three other locations, there is no safety risk or risk of tire overloading.

a. TAP states that the SCOUT Trailers are equipped with tires that can handle their load carrying capacity, and there is, accordingly, no risk of overloading. The SCOUT Trailer's tires are safe and comply with all applicable standards. The sole noncompliance at issue in this petition relates to formatting, namely the tire information label, not conforming to the formatting and color requirements provided in Figure 1 of FMVSS No. 110. TAP says that because the tire pressure information labels contain all the information required by FMVSS No. 110 and because such information is accurate, the subject noncompliance will not create a safety

risk to any person towing or using a SCOUT Trailer.

b. Additionally, the correct tire pressure information can be found in three other locations: (1) On the SCOUT Trailer's certification label, as required under 49 CFR part 565; (2) in the SCOUT Trailer owner's manual; and (3) on the SCOUT Trailer's tire sidewall markings. Accordingly, including the tire pressure information label, there are four separate places where a SCOUT Trailer owner can view the tire size, pressure, and load-carrying capacity information of his/her SCOUT Trailer.

c. TAP also stated that because the label provides correct information regarding tire size and inflation pressure, TAP's failure to utilize the formatting, provided in Figure 1 of FMVSS No. 110, will not present a motor vehicle safety risk or cause consumers to misunderstand the label.

2. NHTSA has previously granted petitions with inconsequential noncompliances where the noncompliance relates solely to the labeling that does not conform with formatting requirements and where the manufacturer can show that the noncompliance is unlikely to cause consumer misunderstanding.

a. TAP believes that granting this petition would be consistent with NHTSA's prior decisions on petitions involving label formatting requirements. For example, in connection with a prior petition for inconsequential noncompliance, NHTSA found that deviations in the wording on the label required by FMVSS No. 303 were inconsequential because the rationale and intent of the labeling requirement was nonetheless met, even though the exact, prescribed wording was not used, *See* IMPCO Technologies; Grant of Petition, 65 FR 14009 (March 15, 2000). Similarly, in another matter, NHTSA concluded that the noncompliance with the seat belt assembly label requirements was inconsequential because although the subject assemblies had the wrong label, the likelihood that a seatbelt would be incorrectly installed as a result was low, *See* TRW, Inc., Grant of Petition, 55 FR 7171, 7172 (February 4, 1993).

Finally, in connection with a petition similar to this one, NHTSA recently found that a tire pressure information label that was not completely legible but provided all of the correct information was an inconsequential noncompliance, *See* Mercedes-Benz USA, LLC, Grant of Petition, 84 FR 25118 (May 30, 2019). With respect to that petition, NHTSA reasoned that the noncompliance was inconsequential because the owners could still find the relevant information in other locations, such as in the owner's manual and on the tire sidewall.

Here, TAP's petition for inconsequential noncompliance meets the criteria that NHTSA has previously held such petitions must meet in order to be granted.

3. NHTSA has also granted petitions for inconsequential noncompliances where tire pressure information labels contained incorrect or missing information.

a. TAP says that NHTSA has also granted petitions for inconsequential noncompliance relating to the tire pressure information labels when the label contained incorrect information or was missing tire pressure information altogether, *See* General Motors, LLC, Grant of Petition, 84 FR 25117 (May 30, 2019). In so holding, NHTSA reasoned that owners can determine the correct tire pressure information through the owner's manual or other locations. Also, NHTSA recently granted a petition for inconsequential noncompliance where the tire pressure information label provided tire inflation information for 18-inch tires, even though the vehicle was equipped with 17-inch tires, *See* BMW of North America, LLC, Grant of Petition, 84 FR 26505 (June 6, 2019). NHTSA concluded that there was no risk of underinflating or overloading the tires, and consumers could find the correct tire pressure information in the owner's manual or on the tire sidewall.

Here, not only can the correct tire pressure information for the SCOUT Trailer be found in various other places, but unlike the petitions referenced above, it can also be found on the tire pressure information label itself, as TAP has confirmed that the information listed on the label is accurate.

4. TAP will correct the formatting and color noncompliance on all SCOUT Trailers subsequently sold.

a. To address the noncompliance referenced in the part 573 Report, TAP has reformatted the SCOUT Trailer tire pressure information label and will utilize the properly formatted label on all SCOUT Trailers sold subsequent to the filing of its June 26, 2019, part 573 Report.

TAP concluded by expressing the belief 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's Analysis

TAP Worldwide explained that the noncompliance is that while containing all technical information required by FMVSS No. 110, the installed labels on the subject vehicles do not conform to the formatting and color requirements referenced in Figure 1 of FMVSS No. 110.

The intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and prevent overloading. As notated by TAP in their petition submission, the actual technical information (in this case, the appropriate tire pressure and cargo carrying capacity value) is correct. However, the format of the label (*i.e.,* its coloring—either yellow text and black background or black text with a yellow background surrounded by a red border—and missing tire figure) was not that which is prescribed by Figure 1 in FMVSS No. 110, S4.3. The combination of contrasting colors and the figure representing a tire were placed on the tire and loading information label in order to attract the attention of the consumer to this important tire related information. In lieu of the fact that the noncompliance is an incorrectly colored (formatted) tire pressure label and a missing representation of an actual tire, NHTSA agrees with the manufacturer that the subject noncompliance will not create a safety risk to any person towing or using the subject trailer.

NHTSA's Decision

In consideration of the foregoing analysis, NHTSA finds that TAP Worldwide has met its burden of persuasion that the subject FMVSS No. 110 noncompliance at issue is inconsequential to motor vehicle safety. Accordingly, TAP's petition is hereby granted and TAP Worldwide is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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, this decision applies to the subject trailers that TAP no longer controlled at the time it determined that the noncompliance existed. However, the

granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant trailers under their control after TAP 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. 2021–23649 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2017–0162]

Pipeline Safety: Request for Special Permit; Natural Gas Pipeline Company of America, LLC

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Natural Gas Pipeline Company of America, LLC (NGPL). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by December 1, 2021.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: 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:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: There is a privacy statement published on *http://www.Regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or by email at *kay.mciver@dot.gov.*

Technical: Mr. Steve Nanney by telephone at 713–272–2855, or by email at *steve.nanney@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from NGPL, a subsidiary of Kinder Morgan, Inc., seeking a waiver from the requirements of 49 CFR 192.611(a) and (d): Change in class location: Confirmation or revision of maximum allowable operating pressure, and 49 CFR 192.619(a): Maximum allowable operating pressure: Steel or plastic pipelines. This special permit is being requested in lieu of pipe replacement, pressure testing, or pressure reduction for one (1) pipeline segment totaling 205.84 feet (approximately 0.039 miles) of 30-inch diameter pipe on the Gulf Coast Line 1 Pipeline located in Miller County, Arkansas. The proposed special permit will allow operation of the original Class 1 or Class 2 pipe in the Class 3 location.

The proposed special permit segment on the Gulf Coast Line 1 Pipeline has a maximum allowable operating pressure of 858 pounds per square inch gauge and was constructed in 1950.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the Gulf Coast Line 1 Pipeline is available for review and public comments in Docket No. PHMSA–2017–0162. PHMSA invites interested persons to review and submit comments on the special permit request and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, on August 13, 2021, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2021–23778 Filed 10–29–21; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6118

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 6118, Claim for Refund of Income Tax Return Preparer Penalties.

DATES: Written comments should be received on or before January 3, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (737) 800–6149 or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Claim for Refund of Income Tax Return Preparer Penalties.

OMB Number: 1545–0240.

Form Number: Form 6118.

Abstract: Form 6118 is used by tax return preparers to file for a refund of penalties incorrectly charged. The information enables the IRS to process the claim and have the refund issued to the tax return preparer.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 1 hour, 8 minutes.

Estimated Total Annual Burden Hours: 5,700.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 26, 2021.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2021–23693 Filed 10–29–21; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meetings

TIME AND DATE: November 4, 2021, from 12:00 p.m. to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screensharing. Any interested person may call 877–853–5247 (US toll free), 888–788–0099 (US toll free), +1 929–205–6099 (US toll), or +1 669–900–6833 (US toll), Conference ID 958 0140 0508, to participate in the meeting. The website to participate via Zoom meeting and screenshare is *https://kellen.zoom.us/j/95801400508.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action

The proposed Agenda will be reviewed, and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the September 23, 2021 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Action

Draft Minutes of the September 23, 2021 UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Report of the Federal Motor Carrier Safety Administration (FMCSA)—FMCSA Representative

The FMCSA will provide a report on any relevant activity.

VI. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for updates regarding UCR legislation since the last Board meeting.

VII. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. *Proposal to Select New Independent Auditing Firm of the UCR Depository*—UCR Executive Director and UCR Depository Manager.

For Discussion and Possible Board Action

The UCR Executive Director and the UCR Depository Manager will present a proposal to the Board for consideration to initiate a request for proposal (RFP) to identify and engage a new independent auditing firm to conduct an assurance engagement of the UCR Depository's financial statements for the year ending December 31, 2021. It is a widespread practice to rotate auditing firms every four years to ensure proper integrity of the audit process. The current firm has now provided these audit services for the past four years from 2017–2020. The UCR Audit Subcommittee recommends to the Board

that it proceeds with an RFP process to engage a new auditing firm for the financial statements ending December 31, 2021. The Board may take action to approve the issuance of an RFP to engage a new auditing firm for an audit of the UCR Depository.

B. *Proposal to Adopt Written Internal Control Policies and Procedures for the UCR Depository*—UCR Executive Director and UCR Depository Manager.

For Discussion and Possible Board Action

The UCR Executive Director and the UCR Depository Manager will lead a review of the draft of written internal control policies and procedures entitled, ''Accounting Guidelines'' intended for implementation by the Depository. The UCR Audit Subcommittee recommends to the Board that it adopts the written internal control policies and procedures. The Board may take action to adopt written internal control policies and procedures.

C. *Support States to Improve Registration Compliance*—UCR Audit Subcommittee Chair and DSL Transportation, Inc. (DSL).

The UCR Audit Subcommittee Chair and DSL will lead a discussion regarding methods to help participating states improve registration compliance (percentages). Suggested methods include educating various constituents such as state registration offices, state motor carrier association offices, state highway patrols, etc. New entrant audits are an additional suggestion. The UCR Audit Subcommittee recommends a process to document ''best practices'', develop guidelines for process improvements and a checklist to improve registration compliance percentages.

D. *UCR Compliance Snapshot*—UCR Audit Subcommittee Chair.

The UCR Audit Subcommittee Chair will review the latest numbers and statistics pertaining to states' compliance with Board mandated registration and audit percentages.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. *Maturing of Certificate of Deposit (CD)*—UCR Depository Manager.

For Discussion and Possible Board Action

The UCR Depository Manager will provide an update on the CD that will mature on November 12, 2021. The Board may take action to reinvest the proceeds.

B. *Update on Draft of Calendar Year 2022 Budget*—UCR Depository Manager.

The UCR Depository Manager will provide an update on the continued development of the 2022 operating budget. The budget will be presented to the UCR Board at the December 16, 2021 Board meeting for the Board's consideration and adoption.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

A. *Update on Future Training Initiatives*—UCR Education and Training Subcommittee Chair.

The UCR Education and Training Subcommittee Chair will provide an update on the planned future training initiatives for the UCR Plan.

VIII. Contractor Reports—UCR Executive Director

- *UCR Executive Director's Report*

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

- *DSL Transportation Services, Inc.*

DSL Transportation Services, Inc. will report on the latest data from the Focused Anomaly Reviews (FARs) program, discuss motor carrier inspection results, and other matters.

- *Seikosoft*

Seikosoft will provide an update on recent/new activity related to the National Registration System.

- *UCR Administrator Report (Kellen)*—UCR Operations Director and UCR Depository Manager

The UCR staff will provide a management report covering recent activity for the Depository, Operations, and Communications.

IX. Other Business—UCR Board Chair

The UCR Board Chair will call for any other items Board members would like to discuss.

X. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, October 28, 2021 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021–23874 Filed 10–28–21; 4:15 pm]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0501]

Agency Information Collection Activity Under OMB Review: Veterans Mortgage Life Insurance Inquiry

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. 2900–0501.

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. 2900–0501'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Veterans Mortgage Life Insurance Inquiry (VA Form 29–0543).

OMB Control Number: 2900–0501.

Type of Review: Revision of a previously approved collection.

Abstract: The Veterans Mortgage Life Insurance Inquiry solicits information needed from Veterans for the proper maintenance of Veterans Mortgage Life Insurance accounts. The form is authorized by 38 U.S.C. 2106 and 38CFR 8a.3(e).

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 46096 on August 17, 2021, pages 46096 and 46097.

Affected Public: Individuals and Households.

Estimated Annual Burden: 17 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 200.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–23782 Filed 10–29–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Monday,

No. 208 November 1, 2021

Part II

The President

Notice of October 28, 2021—Continuation of the National Emergency With Respect to Sudan

Federal Register
Vol. 86, No. 208
Monday, November 1, 2021

Presidential Documents

Title 3—

The President

Notice of October 28, 2021

Continuation of the National Emergency With Respect to Sudan

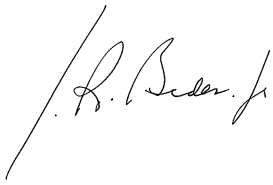
On November 3, 1997, by Executive Order 13067, the President declared a national emergency with respect to Sudan pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), and took related steps to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and policies of the Government of Sudan. On April 26, 2006, by Executive Order 13400, the President determined that the conflict in Sudan's Darfur region posed an unusual and extraordinary threat to the national security and foreign policy of the United States, expanded the scope of the national emergency declared in Executive Order 13067, and ordered the blocking of property of certain persons connected to the Darfur region. On October 13, 2006, by Executive Order 13412, the President took additional steps with respect to the national emergency declared in Executive Order 13067 and expanded in Executive Order 13400. In Executive Order 13412, the President also took steps to implement the Darfur Peace and Accountability Act of 2006 (Public Law 109–344).

On January 13, 2017, by Executive Order 13761, the President found that positive efforts by the Government of Sudan between July 2016 and January 2017 improved certain conditions that Executive Orders 13067 and 13412 were intended to address. Given these developments, and in order to encourage the Government of Sudan to sustain and enhance these efforts, section 1 of Executive Order 13761 provided that sections 1 and 2 of Executive Order 13067 and the entirety of Executive Order 13412 would be revoked as of July 12, 2017, provided that the criteria in section 12(b) of Executive Order 13761 had been met.

On July 11, 2017, by Executive Order 13804, the President amended Executive Order 13761, extending until October 12, 2017, the effective date in section 1 of Executive Order 13761. On October 12, 2017, pursuant to Executive Order 13761, as amended by Executive Order 13804, sections 1 and 2 of Executive Order 13067 and the entirety of Executive Order 13412 were revoked.

Sudan made strides in its transition toward democracy since 2019, but the military takeover of the government and arrest of civilian leaders now threaten those positive gains. The crisis that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997; the expansion of that emergency in Executive Order 13400 of April 26, 2006; and the taking of additional steps with respect to that emergency in Executive Order 13412 of October 13, 2006, Executive Order 13761 of January 13, 2017, and Executive Order 13804 of July 11, 2017, has not been resolved. The situation in Darfur continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13067, as expanded by Executive Order 13400, must continue in effect beyond November 3, 2021.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
October 28, 2021.

[FR Doc. 2021–23963
Filed 10–29–21; 11:15 am]
Billing code 3395–F2–P

Reader Aids

Federal Register

Vol. 86, No. 208

Monday, November 1, 2021

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

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CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

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Notices:
Notice of October 28, 2021 60355

14 CFR

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Proposed Rules:
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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List October 20, 2021

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—NOVEMBER 2021

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Date of FR publication	15 days after publication	21 days after publication	30 days after publication	35 days after publication	45 days after publication	60 days after publication	90 days after publication
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November 18	Dec 3	Dec 9	Dec 20	Dec 23	Jan 3	Jan 18	Feb 16
November 19	Dec 6	Dec 10	Dec 20	Dec 27	Jan 3	Jan 18	Feb 17
November 22	Dec 7	Dec 13	Dec 22	Dec 27	Jan 6	Jan 21	Feb 22
November 23	Dec 8	Dec 14	Dec 23	Dec 28	Jan 7	Jan 24	Feb 22
November 24	Dec 9	Dec 15	Dec 27	Dec 29	Jan 10	Jan 24	Feb 22
November 26	Dec 13	Dec 17	Dec 27	Jan 3	Jan 10	Jan 25	Feb 24
November 29	Dec 14	Dec 20	Dec 29	Jan 3	Jan 13	Jan 28	Feb 28
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