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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1471

Pima Agriculture Cotton Trust Fund (Agriculture Pima Trust) and Agriculture Wool Apparel Manufacturers Trust Fund (Agriculture Wool Trust)

AGENCY: Commodity Credit Corporation and Foreign Agricultural Service, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This final rule amends the USDA regulations on the Agriculture Pima Trust and Agriculture Wool Trust to make technical corrections to update outdated dates and references and to clarify the eligibility and manner in which payments will be calculated under the programs.

DATES: This rule is effective December 6, 2021.

FOR FURTHER INFORMATION CONTACT: Curt Alt; Telephone: (202) 690–4784; email: *curt.alt@usda.gov.* Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact Angela Ubrey (Human Resources, 202–772–4836) or Constance Goodwin (Office of Civil Rights, 202–379–6431).

SUPPLEMENTARY INFORMATION: The Agriculture Pima and Agriculture Wool Trusts provide annual payments to U.S. cotton and wool producers to reduce the injury resulting from tariffs on cotton and wool fabrics that are higher than tariffs on certain apparel articles made of cotton and wool fabric. The program regulations were last updated in 2019 to incorporate changes introduced in the Agriculture Improvement Act of 2018 (2018 Farm Bill; Pub. L. 115–334), but the Commodity Credit Corporation (CCC) has identified areas where technical corrections are necessary to remove unnecessary and outdated references and dates. This final rule makes those technical corrections where needed.

In addition, this final rule also clarifies the qualifying fabric in the payment calculation for manufacturers of cotton shirts to eliminate confusion for applicants and reduce the risk of waste, fraud, and abuse. The clarifying revisions are intended to resolve any confusion among manufacturers of cotton shirts as to the calculation of qualifying fabric to be submitted in their affidavits. CCC is updating the regulations to clarify, consistent with Section 12314 of the Agricultural Act of 2014 (Pub. L. 113–79), as revised in Section 12602 of the 2018 Farm Bill, that the reporting and documentation requirements for the requested affidavits is based on qualifying fabric that was purchased in the preceding year in the amount of qualifying fabric that was actually used by the manufacturer in the production of men's and boys' shirts in that year in order to reduce the potential for improper payments. This clarification is intended to ensure that CCC calculates payments on the same qualifying fabric basis for all applicants. The value of qualifying fabric purchased for any other purpose, including fabric held in inventory or destined for resale or other use, is not eligible for payment under the Agriculture Pima Trust and should not be included by the manufacturer in the amount reported in its affidavit.

This rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Accordingly, notice and other public procedure on this rule are unnecessary and this rule may be made effective less than 30 days after publication in the **Federal Register**. See 5 U.S.C. 553. Further, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, thus, is exempt from the provisions of that Act.

E-Government Act Compliance

CCC is committed to complying with the E-Government Act of 2002 (44 U.S.C. chapter 36), to promote the use of the internet and other information technologies to provide increased opportunities for citizens' access to Government information and services, and for other purposes.

Executive Order 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The requirements in Executive Orders 12866 and 13573 for the analysis of costs and benefits apply to rules that are determined to be significant. It has been determined that this action is not significant for the purposes of Executive Order 12866; therefore, was not reviewed by the Office of Management and Budget.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has designated this action as not a major rule, as defined by 5 U.S.C. 804(2).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, ''Civil Justice Reform.'' This rule does not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. This rule will not be retroactive.

Executive Order 12372

Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' requires consultation with officials of State and local governments that would be directly affected by the proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This rule will not directly affect State or local officials and, for this reason, it is

excluded from the scope of Executive Order 12372.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally requires an agency to prepare a regulatory flexibility analysis of any rule that is subject to notice and comment rulemaking under the Administrative Procedure Act (APA) or any other law, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Regulatory Flexibility Act does not apply to this rule because CCC is not required by the APA or any other law to publish a notice of proposed rulemaking with respect to the subject matter of the rule.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, ''Federalism.'' This rule will not have any substantial direct effect on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, except as required by law. This rule does not impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States was not required.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. CCC does not expect this rule to have any effect on Indian tribes.

Unfunded Mandates

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions on State, local, or Tribal governments or the private sector. Agencies generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of $100 million or more in any 1 year for State, local, or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternative methods and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 for State, local, or Tribal governments, or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act

This final rule contains no new reporting, recordkeeping, or third-party disclosure requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 1471

Agricultural commodities, Imports.

For the reasons set forth in the preamble, CCC revises 7 CFR part 1471 to read as follows:

PART 1471—PIMA AGRICULTURE COTTON TRUST FUND (AGRICULTURE PIMA TRUST) AND AGRICULTURE WOOL APPAREL MANUFACTURERS TRUST FUND (AGRICULTURE WOOL TRUST)

Subpart A—Agriculture Pima Trust

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1471.1 Provisions common to this subpart.
1471.2 Pima cotton payments.
1471.3 Affidavit of producers of ring spun pima cotton yarn.
1471.4 Affidavit of manufacturers of pima cotton shirts.
1471.5 Affidavit of pima cotton trade associations.

Subpart B—Agriculture Wool Trust

1471.10 Provisions common to this subpart.
1471.11 Payments to manufacturers of certain worsted wool fabrics.
1471.12 Refund of duties paid on imports of certain wool products.
1471.13 Monetization of the wool tariff rate quota.
1471.14 Wool yarn, wool fiber, and wool top duty compensation payment.

Authority: Sections 12314 and 12315, Pub. L. 113–79, 128 Stat. 649, as amended by sections 12602 and 12603, Pub. L. 115–334, 132 Stat. 4490 (7 U.S.C. 2101 note and 7101 note).

Subpart A—Agriculture Pima Trust

§ 1471.1 Provisions common to this subpart.

(a) *Agriculture Pima Trust*—(1) *Establishment.* The Agriculture Pima Trust has been established to provide funding for payments under this subpart.

(2) *Purpose.* The purpose of the Agriculture Pima Trust is to reduce the injury to domestic manufacturers resulting from tariffs on cotton fabric that are higher than tariffs on certain apparel articles made of cotton fabric.

(3) *Funding availability.* $16,000,000 will be available annually for eligible payments authorized under this subpart.

(4) *Definitions.* As used in this subpart:

Agriculture Pima Trust means the Pima Agriculture Cotton Trust Fund.

CCC means the Commodity Credit Corporation.

FAS means the Foreign Agricultural Service.

Secretary means the Secretary of Agriculture.

U.S. means the United States of America.

(b) *Other provisions common to this subpart*—(1) *Affidavits.* FAS shall annually, not later than February 15 of the year of the applicable payment, make affidavits available on the FAS website. Affidavits must be submitted in accordance with the instructions provided on the FAS website.

(2) *Filing deadline.* Any person filing an affidavit under this subpart for a particular year must file the affidavit not later than March 15 of the applicable calendar year.

(3) *Affirmation.* By submitting an affidavit under this subpart, an applicant is affirming that all information contained in the application is complete and correct and that the information does not contain a false claim, statement, or representation.

(4) *Document retention.* All persons receiving a payment under this subpart must maintain all pertinent documentation for 3 years after the year of receipt of the payment.

(5) *False statements.* Persons providing false or fraudulent claims, or persons making materially false statements or representations in their affidavit, are subject to civil or criminal penalties pursuant to 18 U.S.C. 1001.

(6) *Confidentiality.* Specific business information that is marked ''business confidential'' will be protected from disclosure to the full extent permitted by law.

(7) *Review of affidavits.* Affidavits will be reviewed to determine whether they are complete and responsive to the

content and form of affidavit requirements under this subpart.

(8) *Finality of determinations by Secretary.* A determination by the Secretary about a payment under this subpart shall be final and is not subject to appeal or protest.

(9) *Timing of payments.* A payment for which a person is eligible under this subpart will be disbursed not later than April 15 of the applicable year.

(10) *Sequester.* Payments covered by this subpart shall be subject to sequester of payments, if required by law.

§ 1471.2 Pima cotton payments.

From available funds in the Agriculture Pima Trust, CCC will annually make payments as follows:

(a) Twenty-five percent of the amounts in the Agriculture Pima Trust shall be paid to one or more nationally recognized associations established for the promotion of pima cotton for use in textile and apparel goods, as determined by the Secretary, during the calendar year immediately preceding the payment.

(b) Twenty-five percent of the amounts in the Agriculture Pima Trust shall be paid to yarn spinners of pima cotton that produce ring spun cotton yarns in the U.S. during the calendar year immediately preceding the payment, to be allocated to each yarn spinner in an amount that bears the same ratio as:

(1) The yarn spinner's production of ring spun cotton yarns measuring less than 83.33 decitex (exceeding 120 metric number) from pima cotton in single and plied form during the prior calendar year; bears to

(2) The production of the yarns described in paragraph (b)(1) of this section during the prior calendar year by all yarn spinners that qualify under this paragraph (b).

(3) A yarn spinner will not receive an amount under this paragraph (b) that exceeds the cost of pima cotton that was:

(i) Purchased during the prior calendar year; and

(ii) Used in spinning any cotton yarns.

(4) The Secretary will reallocate any amounts reduced by reason of the limitation under paragraph (b)(3) of this section to spinners using the ratio described in this paragraph (b), disregarding production of any spinner subject to that limitation.

(c) Fifty percent of the amounts in the Agriculture Pima Trust shall be paid to manufacturers that certify, pursuant to the affidavit under § 1471.4, that, during the calendar year immediately preceding the payment, they used imported cotton fabric to produce men's and boys' shirts, to be allocated to each manufacturer in an amount that bears the same ratio as:

(1) The dollar value (excluding duty, shipping, and related costs) of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during the prior calendar year to produce men's and boys' shirts; bears to

(2) The dollar value (excluding duty, shipping, and related costs) of the fabric described in paragraph (c)(1) of this section purchased during the prior calendar year by all manufacturers that qualify under this paragraph (c).

§ 1471.3 Affidavit of producers of ring spun pima cotton yarn.

In addition to any applicable information requirements in § 1471.1, a producer of ring spun cotton yarn must annually provide an affidavit that affirms:

(a) During the calendar year immediately preceding the payment, the yarn spinner used pima cotton to produce ring spun cotton yarns in the U.S. measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form;

(b) In the prior calendar year, the yarn spinner actually produced the quantity, measured in pounds, of ring spun cotton yarns measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form, reported on the affidavit;

(c) The yarn spinner maintains supporting documentation about such production during the prior calendar year that shows the actual quantity of such yarns produced, and evidencing the yarns as ring spun pima cotton yarns measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form; and

(d) The dollar amount of pima cotton purchased during the prior calendar year that was used in spinning any cotton yarns, and for which the producer maintains supporting documentation.

§ 1471.4 Affidavit of manufacturers of cotton shirts.

(a) *Definition of qualifying fabric.* In this section, the term ''qualifying fabric'' means imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp.

(b) *In general.* In addition to any applicable information requirements in § 1471.1, a producer of men's and boys' cotton shirts must annually provide an affidavit that affirms:

(1) During the calendar year immediately preceding the payment, the manufacturer used qualifying fabric to cut and sew men's and boys' cotton shirts in the U.S. and the manufacturer has maintained production records evidencing the dollar value of qualifying fabric used to cut and sew men's and boys' cotton shirts;

(2) The dollar value of qualifying fabric purchased by the manufacturer during the calendar year immediately preceding the payment, except that the dollar value of fabric reported shall not exceed the dollar value of qualifying fabric used by the manufacturer to cut and sew men's and boys' woven cotton shirts in the U.S. during the calendar year immediately preceding the payment, as supported by production records maintained under paragraph (b)(1) of this section;

(3) The manufacturer maintains invoices and other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of qualifying fabric purchased, the date of purchase, and evidencing the fabric as qualifying fabric; and

(4) The imported cotton fabric purchased in the calendar year immediately preceding the payment was suitable for use in the manufacturing of men's and boys' cotton shirts.

(c) *Date of purchase.* For purposes of the affidavit under paragraph (b) of this section, the date of purchase shall be the invoice date.

(d) *Dollar value of purchase.* For purposes of the affidavit under paragraph (b) of this section, the dollar value shall be determined excluding duty, shipping, and related costs.

(e) *Fabric use.* For purposes of the affidavit under paragraph (b) of this section, and in specific reference to paragraph (b)(2) of this section, a manufacturer shall not report a dollar value of qualifying fabric purchased that is more than the dollar value of qualifying fabric that it used to cut and sew men's and boys' shirts during the calendar year immediately preceding the payment. The value of qualifying fabric purchased for any other purpose, including fabric held in inventory or destined for resale or other use, is not eligible for payment under the Agriculture Pima Trust and shall not be included by the manufacturer in the amount reported under paragraph (b)(2) of this section.

§ 1471.5 Affidavit of pima cotton trade associations.

In addition to any applicable information requirements in § 1471.1, trade associations filing a claim for a payment under the Agriculture Pima Trust must provide a statement that states that during the calendar year

immediately preceding the payment they were, as determined by the Secretary, a domestic nationally recognized association established and operating for the promotion of pima cotton for domestic use in textile and apparel goods.

Subpart B—Agriculture Wool Trust

§ 1471.10 Provisions common to this subpart.

(a) *Agriculture Wool Trust*—(1) *Establishment.* The Agriculture Wool Trust has been established to provide funding for payments under this subpart.

(2) *Purpose.* The purpose of the Agriculture Wool Trust is to reduce the injury to domestic manufacturers resulting from tariffs on wool fabric that are higher than tariffs on certain apparel articles made of wool fabric.

(3) *Funding availability.* Not more than $30,000,000 will be available annually for payments authorized under this subpart.

(4) *Definitions.* As used in this subpart:

Agriculture Wool Trust means the Agriculture Wool Apparel Manufacturers Trust Fund.

CCC means the Commodity Credit Corporation.

FAS means the Foreign Agricultural Service.

HTS means the Harmonized Tariff Schedule of the United States.

Secretary means the Secretary of Agriculture.

TRQ means Tariff Rate Quota.

U.S. means the United States of America.

(b) *Provisions common to this subpart*—(1) *Affidavits.* FAS shall annually, not later than February 15 of the year of the applicable payment, make affidavits available on the FAS website. Affidavits must be submitted in accordance with the instructions provided on the FAS website.

(2) *Filing deadline.* Any person filing an affidavit under this subpart for a particular year must file the affidavit not later than March 1 of such year.

(3) *Affirmation.* By submitting an affidavit under this subpart, an applicant is affirming that all information contained in the application is complete and correct and that the information does not contain a false claim, statement, or representation.

(4) *Document retention.* All persons receiving a payment under this subpart must maintain all pertinent documentation for three years after the year of receipt of the payment.

(5) *False statements.* Persons providing false or fraudulent claims or making materially false statements or representations are subject to civil or criminal penalties pursuant to 18 U.S.C. 1001.

(6) *Confidential information.* Specific business information provided in affidavits that is marked ''business confidential'' will be protected from disclosure to the full extent permitted by law.

(7) *Review of affidavits.* Affidavits will be reviewed to determine whether they are complete and responsive to the content and form of affidavit requirements in this subpart.

(8) *Finality of determination by the Secretary.* A determination by the Secretary about a payment under this subpart shall be final and is not subject to appeal or protest.

(9) *Timing of payments.* A payment for which a person is eligible under this subpart will be disbursed not later than April 15 of the applicable year.

(10) *Proration and sequester.* Payments covered by this subpart will be subject to proration in the event that insufficient funds exist in the Agriculture Wool Trust during the year of the payment, and will be subject to sequester, if required by law.

(11) *HTS subheadings.* All references to subheadings of the HTS in this subpart are to the subheadings as described in the HTS in 2014.

§ 1471.11 Payments to manufacturers of certain worsted wool fabrics.

(a) *Definitions.* In this section the following definitions apply:

Eligible person means a manufacturer in the U.S. of qualifying worsted wool fabric during the calendar year immediately preceding the payment and during each of calendar years 1999, 2000, and 2001.

Qualifying worsted wool fabric means a worsted wool fabric containing at least 85% by weight worsted wool of the kind described in subheading 9902.51.11 or 9902.51.15 of the 2014 HTS that, during the calendar year immediately preceding the payment and during each of calendar years 1999, 2000, and 2001, was manufactured by an eligible person in the United States.

(b) *Distribution of funds.* From amounts in the Agriculture Wool Trust, CCC will annually make payments to eligible persons that manufactured qualifying worsted wool fabric as provided in paragraph (b)(1) or (2) of this section.

(1) *Payments for production under subheading 9902.51.11 of the HTS.* A total of $2,666,000 will be allocated annually among eligible persons covered by this paragraph (b)(1) on the basis of the percentage of each eligible person's total production (actual production, not estimates) of qualifying worsted wool fabric that is of the kind described in subheading 9902.51.11 of the HTS for each of the calendar years 1999, 2000, and 2001 in relation to the total production of such fabric by all eligible persons who qualify for payments under this paragraph (b)(1) for each of the calendar years 1999, 2000, and 2001.

(2) *Payments for production under subheading 9902.51.15.* A total of $2,666,000 will be allocated annually among eligible persons covered by this paragraph (b)(2) on the basis of the percentage of each eligible person's total production (actual production, not estimates) of qualifying worsted wool fabric that conforms in composition to subheading 9902.51.15 of the HTS for each of the calendar years 1999, 2000, and 2001 in relation to the total production of such fabric by all eligible persons who qualify for payments under this paragraph (b)(2) for each of the calendar years 1999, 2000, and 2001.

(c) *Annual affidavit*—(1) *In general.* An eligible person applying for a payment under this section shall comply with all applicable reporting requirements of this section and of § 1471.10.

(2) *Specific business information.* An eligible person shall annually report the actual dollar value and the actual quantity (linear yards) of qualifying worsted wool fabric that was manufactured in the calendar year immediately preceding the payment and for each of calendar years 1999, 2000, and 2001.

(3) *Manufacturing of wool.* When reporting the annual dollar value and quantity of the qualifying wool fabric that was manufactured, an eligible person may either have manufactured the qualifying worsted wool on its own behalf or had another person manufacture the qualifying worsted wool fabric, provided the eligible person owned the qualifying worsted wool fabric at the time of manufacture.

§ 1471.12 Refund of duties paid on imports of certain wool products.

(a) *Eligible wool.* Eligible wool under the Duty Refund program means imported wool yarn of the kind described in section 505 of the Trade and Development Act of 2000 Public Law 106–200 (May 18, 2000).

(b) *Payments*—(1) *Eligibility.* Persons eligible for a Duty Refund payment are manufacturers who, in the year immediately preceding the payment, were actively engaged in manufacturing wool (as determined by FAS), and in calendar years 2000, 2001, and 2002—

(i) Imported eligible wool directly or indirectly; and

(ii) Used the imported wool to make men's or boy's suits; or

(iii) Further manufactured the eligible imported wool.

(2) *Payment amount.* Persons eligible for a Duty Refund payment shall be paid the same amounts that were made to the persons by U.S. Customs and Border Protection (CBP) in 2005.

§ 1471.13 Monetization of the wool tariff rate quota.

(a) *Definitions.* In this section the following definitions apply:

(1) *Lower duty rate.* The term ''lower duty rate'' means the duty rate as codified in the 2014 HTS that would have been applicable to qualifying worsted wool fabric of the kind described in subheadings 9902.51.11, 9902.51.15, and 9902.51.16 of the 2014 HTS prior to the expiration of the Wool TRQ on December 31, 2014.

(2) *Eligible person.* The term ''eligible person'' means a manufacturer (or a successor-in-interest to the manufacturer) in the U.S. or in a Foreign Trade Zone authorized under the Foreign-Trade Zones Act of 1934 (19 U.S.C. 81a–81u) that, during the calendar year immediately preceding the payment, imported qualifying worsted wool fabric and used the imported qualifying worsted wool fabric as described in paragraph (a)(3) of this section.

(3) *Qualifying worsted wool fabric.* The term ''qualifying worsted wool fabric'' means imported worsted wool fabric containing at least 85% by weight worsted wool of the kind described in subheading 9902.51.11, 9902.51.15, or 9902.51.16 of the 2014 HTS that, during the calendar year immediately preceding the payment was:

(i) Imported by an eligible person in the U.S.; and

(ii) Used by the eligible person in the U.S.

(A) In the case of wool fabric of the kind described in subheading 9902.51.11 or 9902.51.15 of the HTS, the qualifying fabric shall be used to produce worsted wool suits, suit-type jackets, or trousers for men and boys; or

(B) In the case of wool fabric of the kind described in subheading 9902.51.16 of the HTS, the qualifying fabric shall be used in manufacturing.

(4) *Successor-in-interest.* The term ''successor-in-interest'' means a person that is eligible to claim a payment under this section as if the person were the original eligible person, without regard to section 3727, title 31, United States Code. A person may succeed to the status of the successor-in-interest to the eligible person and become eligible for the payment because of—

(i) An assignment of the claim;

(ii) An assignment of the original eligible person's right to manufacture under the same trade name; or

(iii) A reorganization of the eligible person.

(b) *Purposes.* The purposes of a TRQ monetization payment are to provide an eligible person—

(1) Compensation for termination of the TRQ for qualifying worsted wool fabric; and

(2) A payment that is equivalent to the amount the eligible person would have saved during the calendar year immediately preceding the payment for imports of qualifying worsted wool fabric if the lower duty rate under the applicable 2014 HTS subheading(s) of a qualifying worsted wool fabric were in effect.

(c) *Calculation of monetized TRQ payment.* A payment will be established by calculating the savings that would have been realized by the eligible person for imports of qualifying worsted wool fabric had the lower duty rate been in effect by—

(1) Establishing the reported dollar value of imported worsted wool fabric, for each of the 2014 HTS subheadings of worsted wool fabric, during the calendar year immediately preceding the payment;

(2) Subtracting the duty rate (converted to numeric value) for each applicable 2014 HTS subheading of worsted wool fabric that would have been paid in calendar year 2014 from the duty rate (converted to numeric value) that was actually paid in the calendar year immediately preceding the payment;

(3) For each applicable 2014 HTS subheading of worsted wool fabric, multiplying the numeric values described in paragraphs (c)(1) and (2) of this section; and

(4) Adding each product obtained in paragraph (c)(3) of this section.

(d) *Annual affidavit*—(1) *In general.* An eligible person applying for a payment under this section shall comply with all applicable reporting requirements of this section and of § 1471.10.

(2) *Specific business information*—(i) *Imports and production.* An eligible person shall, for the entire calendar year immediately preceding the payment, report the actual dollar value and the actual quantity (square meters) of their imports into the U.S. of qualifying worsted wool fabric and the amount of qualifying worsted wool fabric used by the eligible person in the U.S.

(ii) *Direct and indirect importers.* Eligible persons that directly import qualifying worsted wool fabric and pay the import duty for such wool are considered to be direct importers of the qualifying worsted wool fabric. Persons that import qualifying worsted wool fabric through a third party broker are considered to be indirect importers of the qualifying worsted wool fabric. Eligible persons must state in their annual affidavit whether, in the calendar year immediately preceding the payment, they were direct or indirect importers, and the dollar value of the imported qualifying worsted wool fabric. The reported dollar value of such imports by indirect importers will be subject to a 10% reduction.

(iii) *Import documentation.* Eligible persons must maintain supporting documentation for the amounts reported on their affidavits and shall provide copies of such supporting documentation upon the request of FAS.

(3) *Production of garments or manufacturing of qualifying worsted wool fabric*—(i) *Production of garments.* When reporting the annual dollar value and quantity of imported qualifying worsted wool fabric of the kind described in subheadings 9902.51.11 and 9902.51.15 of the 2014 HTS, an eligible person may either have cut and sewn the wool on its own behalf or had another person cut and sew the wool on behalf of the eligible person, provided the eligible person owned the wool at the time it was cut and sewn.

(ii) *Manufacturing of qualifying worsted wool fabric.* When reporting the annual dollar value and quantity of imported qualifying worsted wool fabric of the kind described in subheading 9902.51.16 of the 2014 HTS, an eligible person may either have manufactured the wool on its own behalf or had another person manufacture the wool on behalf of the eligible person, provided the eligible person owned the wool at the time of manufacture.

§ 1471.14 Wool yarn, wool fiber, and wool top duty compensation payment.

(a) *Definitions.* In this section the following definitions apply:

(1) *Duty.* The term ''duty'' means the duty rate codified in the HTS for a year that is applicable to qualifying wool of the kind described in subheadings 9902.51.13 and 9902.51.14 of the 2014 HTS.

(2) *Eligible person.* The term ''eligible person'' means a manufacturer (or a successor-in-interest to the manufacturer) in the U.S. or in a Foreign Trade Zone authorized under the Foreign-Trade Zones Act of 1934 (19 U.S.C. 81a–81u) that, during the

calendar year immediately preceding the payment, imported qualifying wool and manufactured the qualifying wool directly or had another person manufacture the qualifying wool, providing the eligible person owned the qualifying wool at the time it was manufactured.

(3) *Qualifying wool.* The term ''qualifying wool'' means imported wool yarn of the kind described in subheading 9902.51.13 of the 2014 HTS or imported wool fiber or wool top of the kind described in subheading 9902.51.14 of the 2014 HTS, that, during the calendar year immediately preceding the payment, was imported, either directly or indirectly, by an eligible person (or a successor-in-interest) into the U.S. and manufactured by the eligible person in the U.S.

(4) *Successor-in-interest.* The term ''successor-in-interest'' means a person that is eligible to claim a payment under this section as if the person were the original eligible manufacturer, without regard to section 3727, title 31, United States Code. A person may succeed to the status of the successor-in-interest to the eligible person and become eligible for the payment because of—

(i) An assignment of the claim;

(ii) An assignment of the eligible person's right to manufacture under the same trade name; or

(iii) A reorganization of the eligible person.

(b) *Import duties.* The duties on imports of qualifying wool were suspended in their entirety in section 503 of the Trade and Development Act of 2000. The suspension of the duties for both HTS subheadings of qualifying wool was extended through December 31, 2014. These duties were reinstated as of January 1, 2015.

(c) *Duty compensation payment*—(1) *Calculation of payment.* The duty compensation payment of an eligible person will be established by calculating, as provided in paragraphs (c)(2) through (4) of this section, the savings that would have been realized by the eligible person for imports of qualifying wool had the duty suspension been in effect.

(2) *Savings for each subheading.* The savings realized by an eligible person for imports of qualifying wool under a HTS subheading covered by this section shall be obtained by multiplying:

(i) The reported dollar value of imports under a HTS subheading during the calendar year immediately preceding the payment; and

(ii) The duty applicable to that HTS subheading in the calendar year preceding the payment, converted to numeric value.

(3) *Sum of subheading savings.* The product obtained in paragraph (c)(2) of this section for imports of qualifying wool previously described under each HTS subheading shall be added to the savings obtained for imports under the other HTS subheading (as applicable).

(4) *Duty compensation payment amount.* The sum obtained in paragraph (c)(3) of this section shall equal the annual duty compensation payment for the eligible person for the applicable calendar year.

(d) *Annual affidavit required*—(1) *In general.* An eligible person applying for a payment under this section shall comply with all applicable reporting requirements described in this section and § 1471.10.

(2) *Specific business information*—(i) *Imports and production.* An eligible person shall, for the calendar year immediately preceding the payment, report the actual dollar value and the actual quantity of:

(A) Imports into the U.S. of qualifying wool by the eligible person; and

(B) Such qualifying wool that was manufactured in the U.S. by the eligible person.

(ii) *Direct and indirect importers*—(A) *In general.* Eligible persons that import qualifying wool through a third party broker are considered to be indirect importers of the qualifying wool. Persons that directly import qualifying wool and pay the import duty for such wool are considered to be direct importers of the qualifying wool.

(B) *Reported dollar value.* Eligible persons must state in their annual affidavit whether, in the calendar year immediately preceding the payment, they were direct or indirect importers, and the dollar value of the imported qualifying wool. The reported dollar value of imports by indirect importers will be subject to a 10% reduction.

(C) *Affirmation.* An eligible person shall annually affirm in the affidavit that, in the calendar year immediately preceding the payment, the eligible person:

(*1*) Directly or indirectly imported the qualifying wool into the U.S.;

(*2*) Manufactured the qualifying wool in the U.S.; and

(*3*) Imported qualifying wool from the country of origin identified in the affidavit.

(iii) *Import documentation.* Eligible persons must maintain supporting documentation for the amounts reported on their affidavits and shall provide copies of such supporting documentation upon the request of FAS.

(3) *Manufacture of qualifying wool.* When reporting the annual dollar value and quantity of imported qualifying wool, and the annual dollar value and quantity of the qualifying wool that was manufactured, an eligible person may either have manufactured the qualifying wool on its own behalf or had another person manufacture the qualifying wool, provided the eligible person owned the qualifying wool at the time of manufacture.

Robert Ibarra,

Executive Vice President, Commodity Credit Corporation.

In concurrence with:

Daniel Whitley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2021–25982 Filed 12–3–21; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1484

Programs To Help Develop Foreign Markets for Agricultural Commodities

AGENCY: Commodity Credit Corporation and Foreign Agricultural Service, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Office of Management and Budget (OMB) revised and renumbered certain provisions in its regulation establishing uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities. This final rule amends the U.S. Department of Agriculture's (USDA) regulations on Programs to Help Develop Foreign Markets for Agricultural Commodities (''FMD regulation'') to make technical corrections to reflect the revised OMB regulations. This final rule also makes three minor changes to the FMD regulation: To modify the timing of the evaluation provision; to add one additional exemption for a USA Pavilion waiver request; and to add certain flexibilities to the sample shipment requirements.

DATES: This rule is effective December 6, 2021.

FOR FURTHER INFORMATION CONTACT: Curt Alt, (202) 690–4784, *curt.alt@usda.gov.* Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact Angela Ubrey (Human Resources, 202–772–4836) or Constance Goodwin (Office of Civil Rights, 202–379–6431).

SUPPLEMENTARY INFORMATION: The FMD regulation, 7 CFR part 1484, refers to

and cites various sections of 2 CFR part 200. As a result of amendments that OMB made to 2 CFR part 200 in August 2020, the Commodity Credit Corporation (CCC) has identified a number of instances where technical corrections are necessary. This final rule makes those technical corrections where needed. In addition, this final rule also modifies the timing of the evaluation provision and adds one additional exemption for a USA Pavilion waiver request.

This rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Accordingly, notice and other public procedure on this rule are unnecessary and this rule may be made effective less than 30 days after publication in the **Federal Register**. See 5 U.S.C. 553.

Catalog of Federal Domestic Assistance

The program covered by this regulation is listed in the Catalog of Federal Domestic Assistance (CFDA) under the following Foreign Agricultural Service (FAS) CFDA number: 10.600, Foreign Market Development Cooperator Program.

E-Government Act Compliance

CCC is committed to complying with the E-Government Act of 2002 (44 U.S.C. chapter 36), to promote the use of the internet and other information technologies to provide increased opportunities for citizens' access to Government information and services, and for other purposes.

Executive Order 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The requirements in Executive Orders 12866 and 13573 for the analysis of costs and benefits apply to rules that are determined to be significant. It has been determined that this action is not significant for the purposes of Executive Order 12866; therefore, this rule was not reviewed by the Office of Management and Budget.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, ''Civil Justice Reform.'' This rule does not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. This rule will not be retroactive.

Executive Order 12372

Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' requires consultation with officials of State and local governments that would be directly affected by the proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This rule will not directly affect State or local officials and, for this reason, it is excluded from the scope of Executive Order 12372.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally requires an agency to prepare a regulatory flexibility analysis of any rule that is subject to notice and comment rulemaking under the Administrative Procedure Act (APA) or any other law, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Regulatory Flexibility Act does not apply to this rule because CCC is not required by the APA or any other law to publish a notice of proposed rulemaking with respect to the subject matter of the rule. Therefore, this action is not a rule as defined by the Regulatory Flexibility Act and, thus, is exempt from the provisions of that Act.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, ''Federalism.'' This rule will not have any substantial direct effect on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, except as required by law. This rule does not impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States was not required.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. CCC does not expect this rule to have any effect on Indian tribes.

Unfunded Mandates

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions on State, local, or Tribal governments or the private sector. Agencies generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of $100 million or more in any 1 year for State, local, or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternative methods and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 for State, local, or Tribal governments, or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act

This final rule contains no new reporting, recordkeeping, or third-party disclosure requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 1484

Agricultural commodities, Exports.

For the reasons set forth in the preamble, CCC amends part 1484 of title

7 of the Code of Federal Regulations as follows:

PART 1484—PROGRAMS TO HELP DEVELOP FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES

■ 1. The authority citation for 7 CFR part 1484 continues to read as follows:

Authority: 7 U.S.C. 5623, 5662–5663.

■ 2. In § 1484.52, revise paragraphs (b)(7) and (40) to read as follows:

§ 1484.52 Reimbursement rules.

* * * * *

(b) * * *

(7) Where USDA has sponsored or endorsed a U.S. pavilion at a retail or trade exhibit or show, whether held outside or inside the United States, project funds may be used to reimburse the travel and/or non-travel expenditures of only those Cooperators located within the U.S. pavilion. Such expenditures must also adhere to the standard terms and conditions of the U.S. pavilion organizer. Upon written request, CCC may temporarily waive this paragraph (b)(7), on a case by case basis, where the trade show is segregated into product pavilions, a company's distributor or importer is located outside the U.S. pavilion, or when a company can demonstrate that there is a benefit to being located outside the U.S. pavilion. Such waiver will be provided to the Cooperator in writing;

* * * * *

(40) Shipment of samples or other program materials;

* * * * *

§ 1484.70 [Amended]

■ 3. In § 1484.70(b)(1), remove the citation ''2 CFR 200.328(b)(2)'' and add in its place the citation ''2 CFR 200.329(c)(2)''.

■ 4. In § 1484.72(c), revise the first sentence to read as follows:

§ 1484.72 Evaluation.

* * * * *

(c) When required by CCC, a Cooperator shall complete a program evaluation. * * *

* * * * *

§ 1484.79 [Amended]

■ 5. In § 1484.79(a), remove the citation ''2 CFR 200.331'' and add in its place the citation ''2 CFR 200.332''.

■ 6. In § 1484.81, revise paragraphs (a) introductory text, (a)(1), and (b)(2) to read as follows:

§ 1484.81 Suspension and termination of agreements.

(a) An agreement or subaward may be suspended or terminated in accordance with 2 CFR 200.339 or 200.340. FAS may suspend or terminate an agreement if it determines that:

(1) One of the bases in 2 CFR 200.339 or 200.340 for termination or suspension by FAS has been satisfied; or

* * * * *

(b) * * *

(2) Must comply with any closeout and post-closeout procedures specified in the agreement and 2 CFR 200.344 and 200.345.

Robert Ibarra,

Executive Vice President, Commodity Credit Corporation.

In concurrence with:

Daniel Whitley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2021–25984 Filed 12–3–21; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1485

Grant Agreements for the Development of Foreign Markets for U.S. Agricultural Commodities

AGENCY: Commodity Credit Corporation and Foreign Agricultural Service, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Office of Management and Budget (OMB) revised and renumbered certain provisions in its regulation establishing uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities. This final rule amends the USDA regulations on Grant Agreements for the Development of Foreign Markets for U.S. Agricultural Commodities (''MAP regulation'') to make technical corrections to reflect the revised OMB regulations. This final rule also makes several minor changes to the MAP regulation to modify the timing of the evaluation provision, add one additional exemption for a USA Pavilion waiver request, clarify the market representation in the contracting procedures provision, and add certain flexibilities to the origin statement and sample shipment requirements.

DATES: This rule is effective December 6, 2021.

FOR FURTHER INFORMATION CONTACT: Curt Alt, (202) 690–4784, *curt.alt@usda.gov.* Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact Angela Ubrey (Human Resources, 202–772–4836) or Constance Goodwin (Office of Civil Rights, 202–379–6431).

SUPPLEMENTARY INFORMATION: The MAP regulation, 7 CFR part 1485, refers to and cites various sections of 2 CFR part 200. As a result of amendments that OMB made to 2 CFR part 200 in August 2020, the Commodity Credit Corporation (CCC) has identified a number of instances where technical corrections are necessary. This final rule makes those technical corrections where needed. In addition, this final rule also modifies the timing of the evaluation provision, adds one additional exemption for a USA Pavilion waiver request, clarifies the market representation in the contracting procedures provision, and adds certain flexibilities to the origin statement and sample shipment requirements.

This rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Accordingly, notice and other public procedure on this rule are unnecessary and this rule may be made effective less than 30 days after publication in the **Federal Register**. See 5 U.S.C. 553.

Catalog of Federal Domestic Assistance

The program covered by this regulation is listed in the Catalog of Federal Domestic Assistance (CFDA) under the following Foreign Agricultural Service (FAS) CFDA number: 10.601, Market Access Program.

E-Government Act Compliance

CCC is committed to complying with the E-Government Act of 2002 (44 U.S.C. chapter 36), to promote the use of the internet and other information technologies to provide increased opportunities for citizens' access to Government information and services, and for other purposes.

Executive Order 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts,

and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The requirements in Executive Orders 12866 and 13573 for the analysis of costs and benefits apply to rules that are determined to be significant. It has been determined that this action is not significant for the purposes of Executive Order 12866; therefore, this rule was not reviewed by the Office of Management and Budget.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, ''Civil Justice Reform.'' This rule does not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. This rule will not be retroactive.

Executive Order 12372

Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' requires consultation with officials of State and local governments that would be directly affected by the proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This rule will not directly affect State or local officials and, for this reason, it is excluded from the scope of Executive Order 12372.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally requires an agency to prepare a regulatory flexibility analysis of any rule that is subject to notice and comment rulemaking under the Administrative Procedure Act (APA) or any other law, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Regulatory Flexibility Act does not apply to this rule because CCC is not required by the APA or any other law to publish a notice of proposed rulemaking with respect to the subject matter of the rule. Therefore, this action is not a rule as defined by the Regulatory Flexibility Act and, thus, is exempt from the provisions of that Act.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, ''Federalism.'' This rule will not have any substantial direct effect on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, except as required by law. This rule does not impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States was not required.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. CCC does not expect this rule to have any effect on Indian tribes.

Unfunded Mandates

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions on State, local, or Tribal governments or the private sector. Agencies generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of $100 million or more in any 1 year for State, local, or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternative methods and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 for State, local, or Tribal governments, or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act

This final rule contains no new reporting, recordkeeping, or third-party disclosure requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 1485

Agricultural commodities, Exports.

For the reasons set forth in the preamble, CCC amends part 1485 of title 7 of the Code of Federal Regulations as follows:

PART 1485—GRANT AGREEMENTS FOR THE DEVELOPMENT OF FOREIGN MARKETS FOR U.S. AGRICULTURAL COMMODITIES

■ 1. The authority citation for 7 CFR part 1485 continues to read as follows:

Authority: 7 U.S.C. 5623, 5662–5663.

■ 2. In § 1485.15, revise paragraph (c)(6) to read as follows:

§ 1485.15 Operational procedures for brand programs.

* * * * *

(c) * * *

(6) Require: That all product labels, promotional material, and advertising will identify the origin of the eligible commodity as ''American,'' ''Product of the United States of America,'' ''Product of the U.S.,'' ''Product of the U.S.A.,'' ''Product of America,'' ''Grown in the United States of America,'' ''Grown in the U.S.,'' ''Grown in the U.S.A.,'' ''Grown in America,'' ''Made in the United States of America,'' ''Made in the U.S.,'' ''Made in the U.S.A.,'' ''Made in America,'' or product of, grown in, or made in any state or territory of the United States of America spelled out in its entirety, or other U.S. regional designation if approved in advance by CCC; that such origin identification will be conspicuously displayed in a manner easily observed as identifying the origin of the product; and that such origin identification will conform, to the extent possible, to the U.S. standard of ⅙ inch (.42 centimeters) in height based on the lower case letter ''o.'' The use of these terms as a descriptor or in the name of the product (*e.g.,* Texas style chili, Bob's American Pizza) does not satisfy the product origin requirement. Phrases ''product of,'' ''grown in,'' or ''made in'' are encouraged, but not required. A MAP Participant that wishes to use an origin statement that varies from those set out in this subsection must submit the proposed statement to CCC for review and must receive approval to use the statement before its

use in an activity. A MAP Participant may request an exemption from this requirement on a case by case basis. All such requests shall be in writing and include justification satisfactory to CCC that this labeling requirement would hinder a MAP Participant's promotional efforts. CCC will determine, on a case by case basis, whether sufficient justification exists to grant an exemption from the labeling requirement. In addition, CCC may temporarily waive this requirement where CCC has determined that such labeling will likely harm sales rather than help them. Such determinations will be announced to MAP Participants via a program notice issued on FAS' website;

* * * * *

■ 3. In § 1485.17, revise paragraphs (b)(4) and (18) to read as follows:

§ 1485.17 Reimbursement rules.

* * * * *

(b) * * *

(4) In–store and food service promotions, product demonstrations to the trade and to consumers, and distribution of product samples (but not the purchase of the product samples), including shipment of samples or other program materials;

* * * * *

(18) Where USDA has sponsored or endorsed a U.S. pavilion at a retail, trade, or consumer exhibit or show, whether held outside or inside the United States, MAP funds may be used to reimburse the travel and/or non–travel expenditures of only those MAP Participants located within the U.S. pavilion. Such expenditures must also adhere to the standard terms and conditions of the U.S. pavilion organizer. Upon written request, CCC may temporarily waive this paragraph (b)(18), on a case by case basis, where the trade show is segregated into product pavilions, a company's distributor or importer is located outside the U.S. pavilion, or when a company can demonstrate that there is a benefit to being located outside the U.S. pavilion. Such waiver will be provided to the MAP Participant in writing; and

* * * * *

§ 1485.22 [Amended]

■ 4. In § 1485.22(b)(1), remove the citation ''2 CFR 200.328(b)(2)'' and add in its place the citation ''2 CFR 200.329(c)(2)''.

■ 5. In § 1485.23(b), revise the first sentence to read as follows:

§ 1485.23 Evaluation.

* * * * *

(b) When required by CCC, a MAP Participant shall complete a program evaluation. * * *

* * * * *

§ 1485.29 [Amended]

■ 6. In § 1485.29(d)(5), remove the word ''in-country'' everywhere it appears and add in its place ''market''.

§ 1485.34 [Amended]

■ 7. In § 1485.34(a), remove the citation ''2 CFR 200.331'' and add in its place the citation ''2 CFR 200.332''.

■ 8. In § 1485.36, revise paragraphs (a) introductory text, (a)(1), and (b)(2) to read as follows:

§ 1485.36 Suspension and termination of agreements.

(a) An agreement or subaward may be suspended or terminated in accordance with 2 CFR 200.339 or 200.340. FAS may suspend or terminate an agreement if it determines that:

(1) One of the bases in 2 CFR 200.339 or 200.340 for termination or suspension by FAS has been satisfied; or

* * * * *

(b) * * *

(2) Must comply with any closeout and post-closeout procedures specified in the agreement and 2 CFR 200.344 and 200.345.

Robert Ibarra,

Executive Vice President, Commodity Credit Corporation.

In concurrence with:

Daniel Whitley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2021–25985 Filed 12–3–21; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0653; Project Identifier AD–2021–00170–R; Amendment 39–21784; AD 2021–22–11]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters Inc. (MDHI) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain MD Helicopters Inc. (MDHI), Model 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters. This AD was prompted by a report of a spiral crack in the pilot-to-copilot tail rotor torque tube (torque tube). This AD requires a one-time visual and recurring borescope inspections of the torque tube and depending on the results, removing the torque tube from service. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone (800) 388–3378; fax (480) 346–6813; or at *https://www.mdhelicopters.com.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. Service Information that is incorporated by reference is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0653.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0653; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for 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: Payman Soltani, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5313; email *payman.soltani@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to MDHI Model 369D, 369E, 369F,

369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters, with torque tube part number 369H7531–9/–11/–13, installed. The NPRM published in the **Federal Register** on August 13, 2021 (86 FR 44652). In the NPRM, the FAA proposed to initially require visually inspecting the torque tube exterior using a flashlight and mirror and borescope inspecting the interface of the torque tube and bushing segments for a crack, elongation, and other damage, which may be indicated by any corrosion, pitting, crazing, dents, dings, displacement of material at the bolt hole edge, or fretting of the hole. Thereafter, the NPRM proposed to require repeating the borescope inspection. If there is a crack, elongation, or other damage, the NPRM proposed to require removing the torque tube from service. The NPRM was prompted by a report of a spiral crack in the torque tube that appears to have originated from a hole where the tail rotor torque tube control fitting attaches to the torque tube on a Model 369FF helicopter. This crack resulted in increased left pedal movement and subsequent reduced directional control pedal authority. Other model helicopters are affected due to design similarity. This condition, if not addressed, could result in failure of the torque tube, loss of tail rotor control, and subsequent loss of control of the helicopter.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. The minor editorial changes include updating the cross reference in Note 2 from ''paragraph (g)(1)(ii)'' to ''paragraph (g)(1)(ii) of this AD,'' and deleting paragraph ''(i) No Reporting Requirement'' of the published NPRM because it is unnecessary. As a result of deleting that paragraph, some paragraph identifiers have changed.

Related Service Information Under 1 CFR Part 51

The FAA reviewed MD Helicopters Service Bulletin SB369D–229R2 for Model 369D helicopters, SB369E–129R2 for Model 369E helicopters, SB369F–119R2 for Model 369F and 369FF helicopters, SB369H–263R2 for Model 369H, 369HE, 369HM, and 369HS helicopters, SB500N–066R2 for Model 500N helicopters, and SB600N–080R2 for Model 600N helicopters, each dated March 24, 2021 (co-published as one document and collectively referred to as ''Revision 2''). This service information specifies procedures for a one-time visual inspection and recurring borescope inspections, completing a Service Operation Report, and returning a removed torque tube to an authorized service center or MDHI.

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

Other Related Service Information

The FAA also reviewed MD Helicopters Service Bulletin SB369H–263, SB369D–229, SB369E–129, SB369F–119, SB500N–066, and SB600N–080, each dated January 30, 2020 (co-published as one document and collectively referred to as ''initial issuance''), and MD Helicopters Service Bulletin SB369H–263R1, SB369D–229R1, SB369E–129R1, SB369F–119R1, SB500N–066R1, and SB600N–080R1, each dated May, 15 2020 (co-published as one document and collectively referred to as ''Revision 1''). The initial issuance and Revision 1 of this service information specify the same procedures as Revision 2 of this service information, except Revision 1 clarified the torque value to apply to the nut and Revision 2 deletes Method 2 of the Accomplishment Instructions and adds a recurring 300-hour borescope inspection of the torque tube.

Differences Between This AD and the Service Information

For helicopters that have accumulated 600 or less total hours time-in-service (TIS), Revision 2 of the service information specifies an initial compliance time of during the next 100-hour inspection, whereas this AD requires initial actions within 100 hours TIS after the effective date of this AD instead. For helicopters that have accumulated more than 600 total hours TIS, Revision 2 of the service information specifies an initial compliance time of within 5 hours of flight time, whereas this AD requires initial actions within 5 hours TIS or 30 days after the effective date of this AD, whichever occurs later, instead.

Revision 2 of the service information specifies returning a removed torque tube, whereas this AD requires removing the torque tube from service instead. Revision 2 of the service information specifies completing a Service Operation Report, whereas this AD does not include that requirement.

Costs of Compliance

The FAA estimates that this AD affects 58 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Visually inspecting the torque tube takes a minimal amount of time. Borescope inspecting the torque tube takes about 1 work-hour for an estimated cost of $85 per helicopter and $4,930 for the U.S. fleet, per inspection cycle.

If required, replacing the torque tube takes about 5 work-hours and parts cost about $983 for an estimated cost of $1,408 per helicopter.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–22–11 MD Helicopters Inc. (MDHI): Amendment 39–21784; Docket No. FAA–2021–0653; Project Identifier AD–2021–00170–R.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to MD Helicopters Inc. (MDHI) Model 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, 369HS, 500N, and 600N helicopters, certificated in any category, with pilot-to-copilot tail rotor torque tube (torque tube) part number 369H7531–9/-11/-13, installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

(e) Unsafe Condition

This AD was prompted by a report of a spiral crack in the torque tube. The FAA is issuing this AD to prevent failure of a torque tube. The unsafe condition, if not addressed, could result in loss of tail rotor control and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Using a flashlight and mirror, visually inspect the exterior of the torque tube at the interface of the torque tube and bushing segments, and borescope inspect the interior of the torque tube at the interface of the torque tube and bushing segments for a crack, elongation, and other damage, which may be indicated by any corrosion, pitting, crazing, dents, dings, displacement of material at the bolt hole edge, or fretting of the hole by following the Accomplishment Instructions, paragraphs 2.A.(1). through (3).(a)., of MD Helicopters Service Bulletin SB369H–263R2, SB369D–229R2, SB369E–129R2, SB369F–119R2, SB500N–066R2, or SB600N–080R2, each dated March 24, 2021, as applicable to your model helicopter, as follows:

Note 1 to the introductory text of paragraph (g)(1): Scaling of the inner diameter primer or paint may be an indication of a crack.

(i) For helicopters that have accumulated 600 or less total hours time-in-service (TIS), within 100 hours TIS after the effective date of this AD.

(ii) For helicopters that have accumulated more than 600 total hours TIS, within 5 hours TIS or 30 days after the effective date of this AD, whichever occurs later. Note 2 to paragraph (g)(1)(ii): It is advised to limit flights with increased, excessive, or rapid pedal movements before the first instance of the actions required by paragraph (g)(1)(ii) of this AD are accomplished.

(iii) If there is a crack, elongation, or other damage, before further flight, remove the torque tube from service.

(2) Thereafter following paragraph (g)(1) of this AD, at intervals not to exceed 300 hours TIS, borescope inspect the interior of the torque tube at the interface of the torque tube and bushing segments as required by paragraph (g)(1) of this AD. If there is a crack, elongation, or other damage, before further flight, remove the torque tube from service.

(h) Credit for Previous Actions

You may take credit for the instance of the actions required by paragraphs (g)(1)(i) or (ii) of this AD if you performed corresponding actions before the effective date of this AD using MD Helicopters Service Bulletin SB369H–263, SB369D–229, SB369E–129, SB369F–119, SB500N–066, or SB600N–080, each dated January 30, 2020, as applicable to your model helicopter, or MD Helicopters Service Bulletin SB369H–263R1, SB369D–229R1, SB369E–129R1, SB369F–119R1, SB500N–066R1, or SB600N–080R1, each dated May, 15 2020, as applicable to your model helicopter.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Payman Soltani, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, FAA, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5313; email *payman.soltani@faa.gov.*

(2) MD Helicopters Service Bulletin SB369H–263, SB369D–229, SB369E–129, SB369F–119, SB500N–066, and SB600N–080, each dated January 30, 2020 (co-published as one document and collectively referred to as ''initial issuance''), and MD Helicopters Service Bulletin SB369H–263R1, SB369D–229R1, SB369E–129R1, SB369F–119R1, SB500N–066R1, and SB600N–080R1, each dated May, 15, 2020 (co-published as one document and collectively referred to as ''Revision 1''), which are not incorporated by reference, contain additional information about the subject of this AD. This service information is available at the contact information specified in paragraphs (k)(3) and (4) of this AD.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) MD Helicopters Service Bulletin SB369D–229R2, dated March 24, 2021.

(ii) MD Helicopters Service Bulletin SB369E–129R2, dated March 24, 2021.

(iii) MD Helicopters Service Bulletin SB369F–119R2, dated March 24, 2021.

(iv) MD Helicopters Service Bulletin SB369H–263R2, dated March 24, 2021.

(v) MD Helicopters Service Bulletin SB500N–066R2, dated March 24, 2021.

(vi) MD Helicopters Service Bulletin SB600N–080R2, dated March 24, 2021.

Note 3 to paragraph (k)(2): The service bulletins listed in paragraphs (k)(2)(i) through (vi) of this AD are co-published as one document.

(3) For MD Helicopters service information identified in this AD, contact MD Helicopters, Inc., Attn: Customer Support Division, 4555 E. McDowell Rd., Mail Stop M615, Mesa, AZ 85215–9734; telephone (800) 388–3378; fax (480) 346–6813; or at *https://www.mdhelicopters.com.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(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 14, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26332 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0660; Project Identifier AD–2021–00398–T; Amendment 39–21809; AD 2021–23–11]

RIN 2120–AA64

Airworthiness Directives; Learjet Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Learjet Inc. Model 45 airplanes. This AD was prompted by a report of a fuel leak due to a cracked fuel line between the engine fuel control and the engine fuel flow meter. This AD requires replacing the existing fuel flow meter bracket assembly with a redesigned bracket assembly and reporting information to the FAA. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact Learjet Inc., One Learjet Way, Wichita, KS 67209; phone: (316) 946–2000; email: *ac.ict@aero.bombardier.com;* website: *https://businessaircraft.bombardier.com/en/aircraft/Learjet.html.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0660.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0660; 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: Thomas Teplik, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 S. Airport Road, Wichita, KS 67209; phone: (316) 946–4196; email: *thomas.teplik@faa.gov* or *Wichita-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain serial numbered Learjet Inc. Model 45 (Learjet 40), Model 45 (Learjet 45), Model 45 (Learjet 70), and Model 45 (Learjet 75) airplanes. The NPRM published in the **Federal Register** on August 13, 2021 (86 FR 44660). The NPRM was prompted by a report of a fuel leak due to a cracked fuel line between the engine fuel control and the engine fuel flow meter on a Model 45 (Learjet 45) airplane. Further analysis of the fleet of all the 45 models revealed similar failures in this area including the following: 16 fuel line failures, 2 instances of multiple inlet attaching bolts breaking, 9 leaking fuel controls, a broken gearbox strut, 4 cracked No. 6 bearing oil supply lines, and 7 cracked engine oil tanks. The FAA evaluated the flammable fluid leaks and broken parts and determined that they may have resulted from vibration. In the NPRM, the FAA proposed to require replacing the existing fuel flow meter bracket assembly with a redesigned bracket assembly and reporting information to the FAA. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following service documents required for compliance with this AD:

- Bombardier Learjet 40 Service Bulletin (SB) SB 40–73–01, Revision 1;
- Bombardier Learjet 45 SB 45–73–2, Revision 1;
- Bombardier Learjet 70 SB 70–73–01, Revision 1; and
- Bombardier Learjet 75 SB 75–73–01, Revision 2; all documents dated January 9, 2017.

As applicable to the model configuration specified, each service bulletin contains procedures for replacing the existing fuel flow meter bracket assembly with a redesigned fuel flow meter bracket assembly that has an increased material thickness. 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**.

Differences Between This AD and the Service Information

This AD requires reporting certain maintenance information to the FAA, where the service information does not. The information provided in the reports is related to contributing factors that the FAA found showed a correlation between the reported engine fan vibration levels and the cracking fuel line between engine fuel control and the engine fuel flow meter and a correlation between the cracking fuel line and a certain batch of fan disks. In addition, the FAA found that a contributing factor could be the susceptibility of the fuel flow meter bracket assembly to the engine installation vibration. The requested reporting information allows the FAA to determine whether further rulemaking action is necessary to mitigate the unsafe condition.

Also, the effectivity of Bombardier Learjet 45 SB 45–73–2, Revision 1, dated January 9, 2017, begins with serial number 45–005. This AD also applies to airplane serial numbers 45–002 through 45–004 because, although these three airplanes are not currently in service, they are subject to the unsafe condition. Thus, it is necessary to include them in the event they are returned to service.

Costs of Compliance

The FAA estimates that this AD affects 443 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
Replacing the bracket assembly.	4.5 work-hours × $85 per hour = $382.50	$3,895	$4,277.50	$1,894,932.50
Reporting and reviewing logbooks.	9 work-hours × $85 per hour = $765	Not Applicable	765	338,895

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–11 Learjet Inc.: Amendment 39–21809; Docket No. FAA–2021–0660; Project Identifier AD–2021–00398–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Learjet Inc. Model 45 (Learjet 40), Model 45 (Learjet 45), Model 45 (Learjet 70), and Model 45 (Learjet 75) airplanes, serial numbers 45–002 through 45–556 and 45–2001 through 45–2146, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 7100, Powerplant System.

(e) Unsafe Condition

This AD was prompted by a report of a fuel leak due to a cracked fuel line between the engine fuel control and the engine fuel flow meter. The FAA is issuing this AD to prevent cracking and failures. The unsafe condition, if not addressed, could result in an engine installation fire, which could progress to an uncontrolled fire and consequent loss of control of the airplane.

(f) Compliance

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

(g) Reporting Requirement

Within 60 days after the effective date of this AD, report the following information, where available, to the Wichita ACO Branch via email at *thomas.teplik@faa.gov* and *Wichita-COS@faa.gov;* or by mail to Wichita ACO Branch, FAA, Attn: Thomas Teplik, 1801 S. Airport Road, Room 100, Wichita, KS 67209.

(1) Name of the owner; the address of the owner; name of the organization doing the actions required by this AD; the date the actions were completed; the name of the person submitting the report; the address, telephone number, and email of the person submitting the report.

(2) The fan vibration levels that have been recorded in the airplane and engine maintenance records since November 1, 2019. Include the airplane and engine serial numbers.

(3) The date of each vibration level recorded and the associated hours time-in-service (TIS) for the airplane and each engine.

(4) For each fan vibration level reported, include:

(i) Whether molybdenum coating for the fan was applied per Temporary Revision 72–494, dated August 15, 2017 (or as subsequently incorporated into the engine's Inspection/Repair Manual TFE731 (ATA Number 72–IR–02)).

(ii) If molybdenum coating was applied using a different process than Temporary Revision 72–494, dated August 15, 2017 (or as subsequently incorporated into the engine's Inspection/Repair Manual TFE731 (ATA Number 72–IR–02)), report the process by which the molybdenum coating was applied and the revision level of the

document defining the application process for the molybdenum coating.

Note 1 to paragraph (g)(4): Temporary Revision 72–494, dated August 15, 2017, specifies applying a dry film lubricant on the mating surfaces of the fan hub and the fan blades. The lubricating solid for this dry film lubricant is molybdenum disulfide, which is referred to in this AD as molybdenum coating.

(5) For each fan vibration level reported, the fan hub serial number and hours TIS for this fan hub.

(6) Installation date and service bulletin (SB) revision level for the installation of the bracket assembly with fuel flow meter and hose if installed before the effective date of this AD.

(7) Any failures of the bracket assembly with fuel flow meter and hose installed in accordance with any SB listed in paragraph (h) of this AD or any prior revision of these SBs.

(8) Installation date and SB revision level used for installation of the fuel control screws within the engine fuel control in accordance with Honeywell SB TFE731–73–5146.

(9) Any failures of fuel control screws after compliance with Honeywell SB TFE731–73–5146.

(h) Replacement

Within 12 months after the effective date of this AD or 750 hours TIS after the effective date of this AD, whichever occurs first, replace the engine fuel flow meter bracket in accordance with the Accomplishment Instructions, paragraphs 3.A through 3.C, of the following Bombardier SB, listed in paragraphs (h)(1) through (4) of this AD, applicable to your airplane model configuration.

(1) Bombardier Learjet 40 SB 40–73–01, Revision 1, dated January 9, 2017.

(2) Bombardier Learjet 45 SB 45–73–2 Revision 1, dated January 9, 2017.

(3) Bombardier Learjet 70 SB 70–73–01 Revision 1, dated January 9, 2017.

(4) Bombardier Learjet 75 SB 75–73–01, Revision 2, dated January 9, 2017.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the action required by paragraph (h) of this AD, if that action was performed before the effective date of this AD using Bombardier Learjet 40 SB 40–73–01, Basic Issue; Bombardier Learjet 45 Service Bulletin SB 45–73–2, Basic Issue; Bombardier Learjet 70 SB 70–73–01, Basic Issue; or Bombardier Learjet 75 SB 75–73–01, Basic Issue; all dated October 3, 2016; or Bombardier Learjet 75 SB 75–73–01, Revision 1, dated October 10, 2016.

(2) To take credit for any previous action, you must comply with paragraph (g) of this AD within 60 days after the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

For more information about this AD, contact Thomas Teplik, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 S. Airport Road, Wichita, KS 67209; phone: (316) 946–4196; email: *thomas.teplik@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Bombardier Learjet 40 Service Bulletin 40–73–01, Revision 1, dated January 9, 2017.

(ii) Bombardier Learjet 45 Service Bulletin 45–73–2 Revision 1, dated January 9, 2017.

(iii) Bombardier Learjet 70 Service Bulletin 70–73–01 Revision 1, dated January 9, 2017.

(iv) Bombardier Learjet 75 Service Bulletin 75–73–01, Revision 2, dated January 9, 2017.

(3) For service information identified in this AD, contact Learjet Inc., One Learjet Way, Wichita, KS 67209; phone: (316) 946–2000; email: *ac.ict@aero.bombardier.com;* website: *https://businessaircraft.bombardier.com/en/aircraft/Learjet.html.*

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

(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 November 1, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26331 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0691; Project Identifier MCAI–2020–01542–T; Amendment 39–21812; AD 2021–23–14]

RIN 2120–AA64

Airworthiness Directives; 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 Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by reports of erratic electrical system status on the push button annunciators (PBAs) and the engine instrument and crew alerting system (EICAS). This AD requires revising the existing airplane flight manual (AFM) to incorporate procedures to be applied during erroneous electrical status indication conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0691.

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–2021–0691; 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: Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; 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–2020–46, dated November 17, 2020 (TCCA AD CF–2020–46) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0691.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on August 23, 2021 (86 FR 47036). The NPRM was prompted by reports of erratic electrical system status on the PBAs and the EICAS. The NPRM proposed to require revising the existing AFM to incorporate procedures to be applied during erroneous electrical status indication conditions. The FAA is issuing this AD to address erroneous indications that could mislead pilots, causing them to turn off active electrical power sources, leading to partial or complete loss of electrical power. Loss of electrical power could result in the loss of flight displays and reduced controllability of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data 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.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following sections of the applicable AFMs. This service information provides procedures to inform the pilots not to turn off active generators in the event of an erroneous electrical status indication.

- Section 03–19, Electrical, of Chapter 03, Emergency Procedures, of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, Revision 63, dated April 1, 2021. (For obtaining this section of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, use Document Identification No. CH 300 AFM–I.)
- Section 05–19, Electrical, of Chapter 05, Non-Normal Procedures, of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, Revision 63, dated April 1, 2021. (For obtaining this section of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, use Document Identification No. CH 300 AFM–I.)
- Section 03–19, Electrical, of Chapter 03, Emergency Procedures, of the Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 29, dated April 1, 2021.
- Section 05–19, Electrical, of Chapter 05, Non-Normal Procedures, of the Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 29, dated April 1, 2021.

These documents are distinct since they apply to different airplane configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 275 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
1 work-hour × $85 per hour = $85	$0	$85	$23,375

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:

2021–23–14 Bombardier, Inc.: Amendment 39–21812; Docket No. FAA–2021–0691; Project Identifier MCAI–2020–01542–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 and subsequent.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of erratic electrical system status on the push button annunciators (PBAs) and the engine instrument and crew alerting system (EICAS), while on-ground and during flight. The FAA is issuing this AD to address erroneous indications that could mislead pilots, causing them to turn off active electrical power sources, leading to partial or complete loss of electrical power. Loss of electrical power could result in the loss of flight displays and reduced controllability of the airplane.

(f) Compliance

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

(g) Revision of the Airplane Flight Manual (AFM)

Within 60 days after the effective date of this AD: Revise the Emergency Procedures and Non-Normal Procedures sections of the existing AFM to include the information in Section 03–19, Electrical, of Chapter 03, Emergency Procedures, and Section 05–19, Electrical, of Chapter 05, Non-Normal Procedures, of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, Revision 63, dated April 1, 2021 (for airplanes having serial numbers 20003 through 20500 inclusive); or Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 29, dated April 1, 2021 (for airplanes having serial numbers 20501 through 20999 inclusive); as applicable.

Note 1 to paragraph (g): For obtaining the sections for Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, use Document Identification No. CH 300 AFM–I.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Section 03–19, Electrical, of Chapter 03, Emergency Procedures, and Section 05–19, Electrical, of Chapter 05, Non-Normal Procedures, of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, Revision 62, dated December 22, 2020; or Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 28, dated December 22, 2020; as applicable.

Note 2 to paragraph (h): For obtaining the sections for Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, use Document Identification No. CH 300 AFM–I.

(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 Bombardier, Inc.'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–2020–46, dated November 17, 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–2021–0691.

(2) For more information about this AD, contact Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

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

(k) Material Incorporated by Reference

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

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

(i) Section 03–19, Electrical, of Chapter 03, Emergency Procedures, of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, Revision 63, dated April 1, 2021.

(ii) Section 03–19, Electrical, of Chapter 03, Emergency Procedures, of the Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 29, dated April 1, 2021.

(iii) Section 05–19, Electrical, of Chapter 05, Non-Normal Procedures, of the Bombardier Challenger 300 (Imperial Version) Airplane Flight Manual, Publication No. CSP 100–1, Revision 63, dated April 1, 2021.

(iv) Section 05–19, Electrical, of Chapter 05, Non-Normal Procedures, of the Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 29, dated April 1, 2021.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.*

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

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

Issued on November 2, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26391 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0697; Project Identifier MCAI–2020–01540–R; Amendment 39–21802; AD 2021–23–04]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model A109E helicopters. This AD was prompted by reports of cracking in the center fuselage frame assembly in the intersection of the lateral pylon and floor spar at station (STA) 1815 on the left- and right-hand sides. This AD requires repetitive inspections of the intersection of the lateral pylon and floor spar at STA 1815 for cracking and, depending on the findings, repair, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 10, 2022.

ADDRESSES: For EASA material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0697.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0697; 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 EASA AD, 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: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0256, dated November 17, 2020 (EASA AD 2020–0256), to correct an unsafe condition for Leonardo S.p.A., formerly Finmeccanica S.p.A., AgustaWestland S.p.A., and Agusta S.p.A., Model A109E helicopters, serial numbers 11001 through 11674 inclusive.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Leonardo S.p.a. Model A109E helicopters. The NPRM published in the **Federal Register** on August 26, 2021 (86 FR 47608). The NPRM was prompted by reports of cracking in the center fuselage frame assembly in the intersection of the lateral pylon and floor spar at STA 1815 on the left- and right-hand sides. The NPRM proposed to require repetitive inspections of the intersection of the lateral pylon and floor spar at STA 1815 for cracking and, depending on the findings, repair, as specified in EASA AD 2020–0256.

The FAA is issuing this AD to address cracking in the intersection of the lateral pylon and floor spar at STA 1815 on the left- and right-hand sides, which, if not addressed, could affect the structural integrity of the helicopter. See EASA AD 2020–0256 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from one commenter. The commenter was an individual. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request for Terminating Action

An individual requested that the NPRM include a terminating action for the repetitive inspections once an operator has completed the repairs using the procedures in Parts II and III of the Accomplishment Instructions of Leonardo Helicopters Alert Service Bulletin 109EP–173, dated November 10, 2020. The commenter did not provide justification for this request, but the FAA infers that it is because the NPRM does not provide a terminating action for the repetitive inspections.

The FAA does not agree with the commenter's request. Neither EASA AD 2020–0256, nor Leonardo Helicopters Alert Service Bulletin 109EP–173, dated November 10, 2020, provide terminating action for the repetitive inspections specified in Paragraph (1), ''Repetitive Inspection,'' of EASA AD 2020–0256. Paragraph (4), ''Terminating Action,'' of EASA AD 2020–0256 states ''None.'' Paragraph (3), ''Corrective Action(s),'' of EASA AD 2020–0256 specifies that, after accomplishing a repair in an affected area using Parts II (for the left-hand side) and III (for the right-hand side) of the Accomplishment Instructions of Leonardo Helicopters Alert Service Bulletin 109EP–173, dated November 10, 2020, the next inspection can be deferred, but the repetitive inspections of the affected area must continue. Leonardo Helicopters has not provided a modification to the affected area that eliminates the unsafe condition identified in this AD; therefore, the FAA cannot include a terminating action in this AD. The FAA has not changed this AD in regard to this issue.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0256 requires repetitive inspections of STA 1815 for cracking, fluorescent liquid penetrant

inspections of any cracking to determine the extent of the cracking, and repair if necessary. For both the left- and right-hand side repair, the actions include removing equipment and furnishings to gain access to the work area; testing the flight control system for correct travel of the flight controls; performing an operational test of the cockpit and passenger doors caution system; installing a new forward cap; installing a new angle, butt strap, and web; installing new cotter pins; and reinstalling the removed equipment and furnishings when the repair is complete.

For the left-hand side repair, the actions also include replacing the nut plates with new nut plates, and an operational test of the collective control system and tail rotor control system. For the right-hand side repair, the actions include an operational test of the cyclic control system.

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

Differences Between This AD and the EASA AD

EASA AD 2020–0256 specifies to accomplish corrective actions if ''any crack is detected in an affected area'' during a required inspection. Figure 1 of the service information referenced in EASA AD 2020–0256 depicts the affected area, but the FWD bulkhead is mislabeled as AFT. This AD includes an exception to clarify the correct location of the FWD bulkhead depicted in Figure 1.

Costs of Compliance

The FAA estimates that this AD affects 70 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	6 work-hours × $85 per hour = $510 per inspection cycle	$0	$510 per inspection cycle.	$35,700 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair left-hand side	120 work-hours × $85 per hour = $10,200	$6,600	$16,800
Repair right-hand side	120 work-hour × $85 per hour = $10,200	5,200	15,400

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,

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–04 Leonardo S.p.a.: Amendment 39–21802; Docket No. FAA–2021–0697; Project Identifier MCAI–2020–01540–R.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model A109E helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0256, dated November 17, 2020 (EASA AD 2020–0256).

(d) Subject

Joint Aircraft Service Component (JASC) Code: 5300, Fuselage Structure.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the center fuselage frame assembly in the intersection of the lateral pylon and floor spar at station (STA) 1815 on the left- and right-hand sides. The FAA is issuing this AD to address cracking in the intersection of the lateral pylon and floor spar at STA 1815 on the left- and right-hand sides, which, if not addressed, could affect the structural integrity of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0256.

(h) Exceptions to EASA AD 2020–0256

(1) Where EASA AD 2020–0256 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2020–0256 AD refers to its effective date, this AD requires using the effective date of this AD.

(3) Where Figure 1 of the service information referenced in EASA AD 2020–0256 depicts the AFT bulkhead twice, for clarification, the FWD bulkhead is mislabeled as AFT and depicted on the left side of Figure 1, below 109–0320–96 POST ASSY (REF) and above FWD CAP.

(4) Where the service information referenced in EASA AD 2020–0256 specifies discarding parts, this AD requires removing those parts from service.

(5) Where paragraph (2) of EASA AD 2020–0256 or the service information referenced in EASA AD 2020–0256 specifies to contact the manufacturer for repair information, for this AD: Before further flight, do the repair using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Leonardo S.p.a.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(6) This AD does not mandate compliance with the ''Remarks'' section of EASA AD 2020–0256.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0256 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0256, dated November 17, 2020.

(ii) [Reserved].

(3) For EASA AD 2020–0256, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0697.

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

Issued on October 26, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26333 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0722; Project Identifier MCAI–2021–00329–T; Amendment 39–21813; AD 2021–23–15]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by a report that during re-engineering of galley G5, a 9G forward full scale qualification test was performed, and the door of the waste compartment opened before the required load was reached. This AD requires modifying the waste compartment door of each affected galley, as specified in a European Aviation Safety Agency (EASA) AD, which is incorporated by reference The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 10, 2022.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0722.

For Zodiac Galleys Europe and Safran service information identified in this AD, contact Safran Cabin CZ s.r.o., Univerzitni 1119/34, 301 00 Plzen, Czech Republic; telephone: +420 377

664 111; internet *https://www.safran-group.com/companies/safran-cabin.*

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0722; 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 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: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0255, dated November 27, 2018 (EASA AD 2018–0255) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on September 1, 2021 (86 FR 48919). The NPRM was prompted by a report that during re-engineering of galley G5, a 9G forward full scale qualification test was performed, and the door of the waste compartment opened before the required load was reached. The NPRM proposed to require modifying the waste compartment door of each affected galley, as specified in EASA AD 2018–0255.

The FAA is issuing this AD to address failure of the galley door and release of trolleys during a rejected take-off or an emergency landing, which could result in injury to occupants. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

EASA AD 2018–0255 describes procedures for modifying the waste compartment door of each affected galley. The modification includes installing a door catch bracket and a new striker.

Safran has issued Zodiac Galleys Europe Service Bulletin 213510–25–001, Revision B, dated January 28, 2018; Zodiac Galleys Europe Service Bulletin 213510–25–001, Revision C, dated May 24, 2018; and Safran Service Bulletin 213510–25–001, Revision D, dated August 15, 2019. This service information describes procedures for modifying the waste compartment door of each affected galley by installing a door catch bracket and striker. These documents are distinct because they contain revised instructions and figures.

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

Costs of Compliance

The FAA estimates that this AD affects 141 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
5 work-hours × $85 per hour = $425	$0	$425	$59,925

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–15 Airbus SAS: Amendment 39–21813; Docket No. FAA–2021–0722; Project Identifier MCAI–2021–00329–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; as identified in European Aviation Safety Agency (EASA) AD 2018–0255, dated November 27, 2018 (EASA AD 2018–0255).

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

(e) Reason

This AD was prompted by a report that during re-engineering of galley G5, a 9G forward full scale qualification test was performed, and the door of the waste compartment opened before the required load was reached. The FAA is issuing this AD to address failure of the galley door and release of trolleys during a rejected take-off or an emergency landing, which could result in injury to occupants and damage to the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2018–0255.

(h) Exceptions to EASA AD 2018–0255

(1) Where EASA AD 2018–0255 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2018–0255 does not apply to this AD.

(h) Clarification of Required Service Information

Where Paragraph (1) of EASA AD 2018–0255 requires using, among other service information, ''Zodiac Galleys Europe SB 213510–25–001 rev. B,'' this AD requires using ''Zodiac Galleys Europe Service Bulletin 213510–25–001, Revision B, dated January 28, 2018; or Zodiac Galleys Europe Service Bulletin 213510–25–001, Revision C, dated May 24, 2018; or Safran Service Bulletin 213510–25–001, Revision D, dated August 15, 2019.''

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2018–0255 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Aviation Safety Agency (EASA) AD 2018–0255, dated November 27, 2018.

(ii) Zodiac Galleys Europe Service Bulletin 213510–25–001, Revision B, dated January 28, 2018.

(iii) Zodiac Galleys Europe Service Bulletin 213510–25–001, Revision C, dated May 24, 2018.

(iv) Safran Service Bulletin 213510–25–001, Revision D, dated August 15, 2019.

(3) For EASA AD 2018–0255, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) For Zodiac Galleys Europe and Safran service information identified in this AD, contact Safran Cabin CZ s.r.o., Univerzitni 1119/34, 301 00 Plzen, Czech Republic; telephone: +420 377 664 111; internet *https://www.safran-group.com/companies/safran-cabin.*

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

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

Issued on November 2, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26394 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0712; Project Identifier 2019–CE–018–AD; Amendment 39–21807; AD 2021–23–09]

RIN 2120–AA64

Airworthiness Directives; ASI Aviation (Type Certificate Previously Held by Reims Aviation S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2015–16–07 R1, which applied to certain Reims Aviation S.A. (type certificate now held by ASI Aviation) Model F406 airplanes. AD 2015–16–07 R1 required inspecting the left-hand and right-hand rudder control pedal torque tubes and replacing with a serviceable part as necessary. Since the FAA issued AD 2015–16–07 R1, the European Aviation Safety Agency (EASA) superseded its mandatory continuing airworthiness information (MCAI) to correct an unsafe condition on these products. This AD retains the requirements of AD 2015–16–07 R1, expands the applicability, and requires repeating the inspections using updated procedures. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact ASI Aviation, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone: +33 3 26 48 46 84; fax: +33 3 26 49 18 57; email: *contact@asi-aviation.fr;* website: *https://asi-aviation.fr/page-Accueil.html.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0712.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0712; 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 MCAI, 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: Gregory Johnson, Aviation Safety Engineer, International Validation Section, FAA, 901 Locust, Room 301, Kansas City, MO 64106–2641; phone: (720) 626–5462; email: *gregory.johnson@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–16–07 R1, Amendment 39–18328 (80 FR 72563, November 20, 2015) (AD 2015–16–07 R1). AD 2015–16–07 R1 applied to certain Reims Aviation S.A. (type certificate now held by ASI Aviation) Model F406 airplanes and required inspecting the left-hand and right-hand rudder control pedal torque tubes and replacing with a serviceable part as necessary. The NPRM published in the **Federal Register** on August 27, 2021 (86 FR 48083).

The NPRM was prompted by AD 2019–0016, dated January 29, 2019 (referred to after this as ''the MCAI''), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states:

> An occurrence was reported where one pilot rudder control pedal of an F 406 aeroplane detached in flight. No change in aeroplane attitude occurred. The rudder was controlled using the co-pilot rudder pedals, and an uneventful landing was made. Investigation results determined that the affected rudder pedal torque tube had failed due to a crack.
>
> This condition, if not detected and corrected, could lead to further cases of rudder pedal torque tube failure, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, ASI Aviation issued SB [service bulletin] F406–104 to provide inspection instructions. Consequently, EASA issued Emergency AD 2015–0159–E (later revised) to require a one-time inspection of the rudder control pedal torque tubes, both left-hand (LH) and right-hand (RH), and, depending on findings, replacement with a serviceable part. That [EASA] AD also required inspection of replacement rudder control pedal torque tubes before installation.
>
> Since EASA AD 2015–0159R1 was issued, further occurrences were reported of finding cracks on rudder pedal torque tubes. Consequently, ASI Aviation issued the SB (as defined in this [EASA] AD) to provide instructions for repetitive visual, dye- or fluorescent-penetrant, and magnetic particle inspections.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2015–0159R1, which is superseded, and requires implementation of repetitive inspections of the affected parts and, depending on findings, replacement.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0712.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018. The service information specifies procedures for repetitively inspecting the left-hand and right-hand rudder control pedal torque tubes for cracks and replacing with a serviceable part. 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**.

Differences Between This AD and the MCAI

The MCAI specifies an initial compliance time of during the next 600 flight hour (FH) maintenance check for a visual and a dye or fluorescent penetrant inspection. This AD requires those initial inspections before further flight.

The MCAI specifies an initial compliance time of during the next 2,400 FH maintenance check for a magnetic particle inspection. This AD requires that initial inspection within

100 hours time-in-service after the effective date of this AD.

If a crack is detected during any inspection, the MCAI specifies contacting ASI Aviation for further information. This AD requires replacing the rudder control pedal torque tube with a serviceable part.

Costs of Compliance

The FAA estimates that this AD affects 4 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 airplane	Cost on U.S. operators
Inspections	5 work-hours × $85 per hour = $425 per inspection cycle.	$0	$425 per inspection cycle	$1,700 per inspection cycle.

The FAA estimates the following costs to replace a rudder control pedal torque tube if required by the results of the inspections. The FAA has no way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per airplane
Replacement	20 work-hours × $85 per hour = $1,700	$9,100	$10,800

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by

■ a. Removing Airworthiness Directive 2015–16–07 R1, Amendment 39–18328 (80 FR 72563, November 20, 2015); and

■ b. Adding the following new airworthiness directive:

2021–23–09 ASI Aviation (Type Certificate Previously Held by Reims Aviation S.A.): Amendment 39–21807; Docket No. FAA–2021–0712; Project Identifier 2019–CE–018–AD.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

This AD replaces AD 2015–16–07 R1, Amendment 39–18328 (80 FR 72563, November 20, 2015) (AD 2015–16–07 R1).

(c) Applicability

This AD applies to ASI Aviation (type certificate previously held by Reims Aviation S.A.) Model F406 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Unsafe Condition

This AD was prompted by reports of detachment of the pilot's rudder control pedal in flight. The FAA is issuing this AD to detect and correct cracking of the pilot's rudder control pedal. The unsafe condition, if not addressed, could result in detachment of the pedal with possible loss of airplane directional control.

(f) Compliance

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

(g) Definition

For the purpose of this AD, a serviceable part is:

(1) A rudder control pedal torque tube (left-hand (LH) part number (P/N) 5115260–1 or right-hand (RH) P/N 5115260–2) that has had a magnetic particle inspection by following the instructions of Part B of ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018, and no cracks were found; or

(2) A new rudder control pedal torque tube (LH P/N 5115260–1 or RH P/N 5115260–2) that has never been installed on an airplane.

(h) Repetitive Inspections and Corrective Actions

(1) Before further flight after the effective date of this AD, and thereafter at intervals not to exceed 600 hours time-in-service (TIS), do a visual inspection and a dye or fluorescent penetrant inspection for cracks of the LH and RH rudder control pedal torque tubes by

following the Accomplishment Instructions, Part A or Part AA, in ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018.

(2) Within 100 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 2,400 hours TIS, do a magnetic particle inspection for cracks of the LH and RH rudder control pedal torque tubes by following the Accomplishment Instructions, Part B, in ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018.

(3) If, during any inspection required by paragraph (h)(1) or (2) of this AD, any crack is detected on a rudder control pedal torque tube, you are not required to contact ASI Aviation as specified in steps A.16, AA.5, and B.4 of ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018. Instead, before further flight, replace the rudder control pedal torque tube with a serviceable part as defined by this AD.

(i) Installation Limitation

As of the effective date of this AD, do not install a rudder control pedal torque tube P/N 5115260–1 (LH) or P/N 5115260–2 (RH) on any airplane unless it is a serviceable part as defined by this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD or email: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(k) Related Information

(1) For more information about this AD, contact Gregory Johnson, Aviation Safety Engineer, International Validation Section, FAA, 901 Locust, Room 301, Kansas City, MO 64106–2641; phone: (720) 626–5462; email: *gregory.johnson@faa.gov.*

(2) Refer to European Aviation Safety Agency (EASA) AD 2019–0016, dated January 29, 2019, 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–2021–0712.

(l) Material Incorporated by Reference

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

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

(i) ASI Aviation Service Bulletin No. F406–104, Revision 1, dated December 14, 2018.

(ii) [Reserved].

(3) For service information identified in this AD, contact ASI Aviation, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone: +33 3 26 48 46 84; fax: +33 3 26 49 18 57; email: *contact@asi-aviation.fr;* website: *https://asi-aviation.fr/page-Accueil.html.*

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *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. 2021–26329 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0157; Project Identifier AD–2020–00483–T; Amendment 39–21806; AD 2021–23–08]

RIN 2120–AA64

Airworthiness Directives; Learjet Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Learjet Inc. (Learjet) Model 45 airplanes. This AD was prompted by reports of corrosion found on the upper surface of the lower center wing mid spar splice plate. This AD requires repetitively inspecting the center wing area for corrosion and deterioration of protective treatments, removing any corrosion, and treating any deteriorated areas. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact Learjet Inc., One Learjet Way, Wichita, KS 67209; phone: (316) 946–2000; email: *ac.ict@aero.bombardier.com;* website: *https://businessaircraft.bombardier.com/en/aircraft/learjet.html.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0157; 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: Tara Shawn, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209; phone: (316) 946–4141; fax: (316) 946–4107; email: *tara.shawn@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain serial numbered Learjet Inc. (Learjet) Model 45 (Learjet 40), Model 45 (Learjet 45), Model 45 (Learjet 70), and Model 45 (Learjet 75) airplanes. The NPRM published in the **Federal Register** on July 28, 2021 (86 FR 40379). The NPRM was prompted by a report from Learjet of corrosion found in the center wing area of a Model 45 (Learjet 45) airplane. Exfoliating corrosion was found on the upper surface of the lower center wing mid spar splice plate during unrelated maintenance. The corrosion appeared to extend half way through the thickness of the splice plate. Since the initial report, the FAA has received 23 additional reports of corrosion from Learjet.

The FAA determined areas of the wing center section are not sealed against the elements; in addition, the fuselage has drain holes that allow condensation to drain into the center wing. The accumulation and retention of moisture in the center wing section may lead to corrosion. In the NPRM, the FAA proposed to require repetitively inspecting the center wing area for corrosion and deterioration of protective treatments, removing any corrosion, and treating any deteriorated areas. This

condition, if not addressed, could result in failure of the wing centerline joint and lead to partial wing separation with consequent loss of control of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from an individual. The following presents the comment received on the NPRM and the FAA's response to the comment.

An individual requested the FAA allow credit for previous visual inspections using Inspection Reference Number (IRN) 5710190. The commenter stated that IRN 5710190 requires the same inspection as the applicable service bulletin. The commenter noted that while some operators might not have used the service bulletin listed in paragraph (k) of the NPRM, operators of aircraft over 8 years old will have used IRN 5710190.

The FAA agrees and has added the applicable maintenance manual references for IRN 5710190 to paragraph (k) of this AD, which provides credit for previous actions.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for the changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following service documents required for compliance with this AD:

- Bombardier Learjet 40 Service Bulletin 40–57–06, Revision 1, dated October, 26, 2020;
- Bombardier Learjet 45 Service Bulletin 45–57–13, Revision 1, dated October, 26, 2020;
- Bombardier Learjet 70 Service Bulletin 70–57–02, Revision 1, dated October, 26, 2020; and
- Bombardier Learjet 75 Service Bulletin 75–57–01, Revision 2, dated April 19, 2021.

As applicable to the model configuration specified, each service bulletin contains procedures for inspecting for corrosion and deterioration of protective treatments of the center wing area from the front spar to the rear spar between wing stations 33.00L to 33.00R, treating deteriorated areas, and removing any corrosion. Bombardier Learjet 75 Service Bulletin 75–57–01, Revision 2, dated April 19, 2021, does not apply to newly-manufactured airplanes, since Learjet added this inspection to the Airworthiness Limitation Section, which will be delivered with new airplanes starting at S/N 45–597.

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

Costs of Compliance

The FAA estimates that this AD affects 450 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	7.5 work-hours × $85 per hour = $637.50.	Not applicable	$637.50	$286,875
Report to FAA	1 work-hours × $85 per hour = $85	Not applicable	85	38,250

The extent of corrosion and deterioration of protective treatments may vary significantly from airplane to airplane. The FAA has no way of determining how much damage may be found on each airplane, the cost to remove the corrosion or treat deteriorated areas (or replacing the part, if needed), or the number of airplanes that may require repair.

If corrosion is found and removed, the FAA estimates that it would take 2 work-hours per airplane to provide data to Learjet. With an average labor rate of $85 per work-hour, the FAA estimates a cost of $170 per airplane.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–08 Learjet Inc.: Amendment 39–21806; Docket No. FAA–2021–0157; Project Identifier AD–2020–00483–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Learjet Inc. Model 45 (Learjet 40), Model 45 (Learjet 45), Model 45 (Learjet 70), and Model 45 (Learjet 75) airplanes, serial numbers 45–002 through 45–596 and 45–2001 through 45–2146, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5714, Wing, Center Box.

(e) Unsafe Condition

This AD was prompted by reports of corrosion found on the upper surface of the lower center wing mid spar splice plate. The FAA is issuing this AD to detect and correct corrosion or deterioration of protective treatments on the center wing area. The unsafe condition, if not addressed, could result in failure of the wing centerline joint and lead to partial wing separation with consequent loss of control of the airplane.

(f) Compliance

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

(g) Applicable Service Bulletins

Use the following service bulletin, as applicable to your airplane model configuration, to perform the actions required by paragraph (h) of this AD:

(1) Bombardier Learjet 40 Service Bulletin 40–57–06, Revision 1, dated October 26, 2020;

(2) Bombardier Learjet 45 Service Bulletin 45–57–13, Revision 1, dated October 26, 2020;

(3) Bombardier Learjet 70 Service Bulletin 70–57–02, Revision 1, dated October 26, 2020; or

(4) Bombardier Learjet 75 Service Bulletin 75–57–01, Revision 2, dated April 19, 2021.

(h) Wing Center Spar Inspection, Related Investigative Inspections, and Corrective Actions

At the applicable initial compliance time specified in paragraph (h)(1) or (2) of this AD and thereafter at intervals not to exceed 8 years, inspect the center wing area for corrosion and deterioration of protective treatments and perform all related corrective actions by following the Accomplishment Instructions, steps 3.A. and 3.B., of the applicable service bulletin listed in paragraph (g) of this AD.

(1) For airplanes with 8 or fewer years since the date of issuance of the original airworthiness certificate or the date of issuance of the original export certificate of airworthiness, whichever date is earlier: Before or upon accumulating 8 years or within 12 months after the effective date of this AD, whichever occurs later; or

(2) For airplanes that have accumulated more than 8 years since the date of issuance of the original airworthiness certificate or the date of issuance of the original export certificate of airworthiness, whichever date is earlier: Within 12 months after the effective date of this AD.

(i) Service Information Exception

Where Bombardier Learjet 40 Service Bulletin 40–57–06, Revision 1, dated October 26, 2020, Bombardier Learjet 45 Service Bulletin 45–57–13, Revision 1, dated October 26, 2020, Bombardier Learjet 70 Service Bulletin 70–57–02, Revision 1, dated October 26, 2020, and Bombardier Learjet 75 Service Bulletin 75–57–01, Revision 2, dated April 19, 2021, specify contacting Learjet Inc. for appropriate action: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(j) Reporting Requirement

Within 30 days after completing the initial inspection required by paragraph (h) of this AD or within 30 days after the effective date of this AD, whichever occurs later, submit a report of the findings (both positive and negative) of the inspection to: *Wichita-COS@faa.gov;* or Ann Johnson, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209. This reporting requirement is limited to the initial inspection results only. The report must include: The name of the owner; the address of the owner; the name of the organization doing the actions required by this AD; the date the inspection was completed; the name of the person submitting the report; the address, telephone number, and email of the person submitting the report; the airplane serial number; the date of issuance of the original airworthiness certificate, or the date of issuance of the original export certificate of airworthiness (whichever date is earlier); whether protective treatments are deteriorated, and if so, the location of deteriorated areas; whether corrosion was detected, and if so, the location of corrosion; and a list of parts replaced if the level of corrosion required replacement of parts.

(k) Credit for Previous Actions

You may take credit for the initial wing spar inspection required by the introductory text to paragraph (h) of this AD if you performed the visual inspection before the effective date of this AD using Bombardier Learjet 40 Service Bulletin 40–57–06, Basic Issue, dated February 25, 2019; Bombardier Learjet 40 Maintenance Manual MM–105, Temporary Revision No. 4–32, Inspection Reference Number AC5710190, dated March 25, 2021; Bombardier Learjet 40 Maintenance Manual MM–105, Inspection Reference Number AB5710190, dated April 29, 2019, or November 14, 2019; Bombardier Learjet 45 Service Bulletin 45–57–13, Basic Issue, dated February 25, 2019; Bombardier Learjet 45 Maintenance Manual MM–104, Temporary Revision No. 4–47, Inspection Reference Number AC5710190, dated March 25, 2021; Bombardier Learjet 45 Maintenance Manual MM–104, Inspection Reference Number AB5710190, dated April 29, 2019, or November 14, 2019; Bombardier Learjet 70 Service Bulletin 70–57–02, Basic Issue, dated February 25, 2019; Bombardier Learjet 70/75 eINSPECTOR version (2019.2.25) thru version (2021.4.23), Inspection Reference Number 5710190; Bombardier Learjet 75 Service Bulletin 75–57–01, Basic Issue, dated February 25, 2019; or Bombardier Learjet 75 Service Bulletin 75–57–01, Revision 1, dated October 26, 2020.

(1) To take credit for the initial inspection, you must comply with paragraph (j) of this AD within 30 days after the effective date of this AD.

(2) You cannot take credit for the recurring inspections, only the initial inspection.

(l) Alternative Methods of Compliance (AMOCs)

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this

AD if it is approved by a Learjet Inc. Designated Engineering Representative, or a Unit Member of the Learjet Organization Designation Authorization, that has been authorized by the Manager, Wichita ACO Branch, to make those findings. To be approved, the repair, modification, or alteration method must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(m) Related Information

For more information about this AD, contact Tara Shawn, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Wichita, KS 67209; phone: (316) 946–4141; fax: (316) 946–4107; email: *tara.shawn@faa.gov.*

(n) 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) Bombardier Learjet 40 Service Bulletin 40–57–06, Revision 1, dated October, 26, 2020.

(ii) Bombardier Learjet 45 Service Bulletin 45–57–13, Revision 1, dated October, 26, 2020.

(iii) Bombardier Learjet 70 Service Bulletin 70–57–02, Revision 1, dated October, 26, 2020.

(iv) Bombardier Learjet 75 Service Bulletin 75–57–01, Revision 2, dated April 19, 2021.

(3) For service information identified in this AD, contact Learjet Inc., One Learjet Way, Wichita, KS 67209; phone: (316) 946–2000; email: *ac.ict@aero.bombardier.com;* website: *businessaircraft.bombardier.com/en/aircraft/learjet.html.*

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

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

Issued on October 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26330 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0332; Project Identifier AD–2020–01414–T; Amendment 39–21819; AD 2021–23–20]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 and 787–9 airplanes. This AD was prompted by reports that shimming requirements were not met during the assembly of certain structural joints, which can result in reduced fatigue thresholds of the affected structural joints. This AD requires repetitive inspections for cracking of certain areas of the front spar pickle fork and front spar outer chord and repair of any cracking found. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0332.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0332; 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: Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3529; email: *Greg.Rutar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8 and 787–9 airplanes. The NPRM published in the **Federal Register** on May 7, 2021 (86 FR 24551). The NPRM was prompted by reports that shimming requirements were not met during the assembly of certain structural joints, which can result in reduced fatigue thresholds of the affected structural joints. In the NPRM, the FAA proposed to require repetitive inspections for cracking of certain areas of the front spar pickle fork and front spar outer chord and repair of any cracking found. The FAA is issuing this AD to address undetected fatigue cracking, which could weaken primary structure so it cannot sustain limit load, and could result in reduced structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from American Airlines (AAL) who supported the NPRM.

The FAA received additional comments from four commenters, including Boeing, United Airlines (UAL), Avianca Airlines (AVA), and AAL. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify Applicability

Boeing asked that the applicability specified in paragraph (c) of the proposed AD be clarified, as follows: ''This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020.'' Boeing stated that, although the applicability is the same in each bulletin, identifying both will avoid confusion for operators.

The FAA agrees with the commenter for the reason provided. Paragraph (c) of

the proposed AD only identifies Boeing Alert Requirements Bulletin B787–81205–SB530075–00 RB, Issue 001, dated September 8, 2020; therefore, the FAA has changed paragraph (c) of this AD to identify both bulletins, as requested by the commenter.

Request To Remove Certain Thresholds

AAL asked that the FAA remove the flight length sensitive (FLS) threshold requirements in paragraph (g) of the proposed AD. AAL stated that the ''Compliance'' paragraph specified in Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020, includes the formulas to calculate the FLS threshold, and these formulas are based on aircraft cycles and hours. AAL added that its internal tracking process can only use flight-cycles, flight-hours, and days, its systems cannot use formulas to take full advantage of the FLS threshold. AAL noted that the current compliance data would require the use of the most conservative values or constant monitoring of aircraft utilization. AAL suggested that the FAA include simplified limits in this paragraph, allowing operators to maximize the hours and cycle threshold.

UAL also asked that the FAA remove the formula for the threshold requirements in paragraph (g) of the proposed AD. UAL suggested incorporating simplified flight-hour and flight-cycle limits that can be easily tracked in its existing system. UAL added that its system is not able to accommodate the existing formula.

The FAA does not agree with the commenter's request. FLS threshold requirements were developed with the flexibility to take advantage of individual aircraft utilization. An operator may choose to develop simplified thresholds, provided they are at or below the required compliance times. As stated in paragraph (g) of this AD, guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletins B787–81205–SB530075–00 and B787–81205–SB530076–00, both Issue 001, dated both September 8, 2020. Appendix A of these documents is particularly instructive regarding compliance times. The FAA has not changed this AD in this regard.

Request To Use Alternative Repair Method

AVA asked that the FAA change the following language used in paragraph (h)(2) of the proposed AD ''This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.'' AVA stated that this means submitting a request for an alternative method of compliance (AMOC) is required in accordance with paragraph (i)(3) of the proposed AD. AVA added that the proposed repair is based on the time delay required to obtain an AMOC letter, which affects the operational return to service of the affected aircraft, and noted that a Form 8100–9 is already an approved document that certifies compliance with the airworthiness standard. AVA proposed that only an 8100–9 approval form be required for doing a repair after contacting Boeing.

The FAA does not agree with the commenter's request. An FAA Form 8100–9, which is both a repair data approval and AMOC approval, may be issued by the Boeing Company Organization Designation Authorization (ODA), provided it has been authorized by the Manager, Seattle ACO Branch, FAA, as required by paragraph (i)(3) of this AD. Therefore, the FAA has not changed this AD in this regard.

Request To Use Later Revision of the Service Information

AVA asked that the FAA include a paragraph in this AD that approves any further revision or issue of Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020, for compliance with this AD.

The FAA does not agree with the commenter's request. The FAA may not in an AD refer to any document that does not yet exist. In general terms, the FAA is required by Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference, as specified in 1 CFR 51.1(f), to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as referenced material, in which case the FAA may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for incorporation by reference. See 1 CFR part 51.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either the FAA must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an alternative method of compliance with this AD under the provisions of paragraph (i) of this AD.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB530075–00 RB, Issue 001, dated September 8, 2020. The service information describes procedures for repetitive high frequency eddy current (HFEC) inspections for cracking around all the fasteners common to the front spar pickle fork outer chord surface between stringer S–22 and stringer S–24 at station (STA) 873 on the left and right sides, and along the entire forward edge of the front spar pickle fork outer chord covered by the body chord splice angle between stringer S–24 and stringer S–25 at STA 873 on the left and right sides, and repair of any cracking found. The service information also describes procedures for repetitive ultrasonic (UT) inspections for cracking of the front spar pickle fork outer chord along the upper, lower and aft edges of the end fittings at stringer S–23 at STA 873, on the left and right sides, and repair of any cracking found.

The FAA also reviewed Boeing Alert Requirements Bulletin B787–81205–SB530076–00 RB, Issue 001, dated September 8, 2020. The service information describes procedures for repetitive HFEC inspections for cracking along the entire forward edge of the front spar body chord in the area covered by the body chord splice angle at stringer S–25 on the left and right sides, and the splice fitting at BL 0, STA 873, and repair of any cracking found. The service information also describes procedures for repetitive detailed inspections of the front spar body chord horizontal flange surface between stringer S–26 to stringer S–40 at STA 873 on the left and right sides and repair of any cracking found. The service information also describes procedures for repetitive UT inspections for cracking of the of the front spar body chord horizontal flange along the upper and lower edges of the end fittings at stringer S–27, at STA 873 on the left and right sides, and repair of any cracking found.

This service information is reasonably available because the interested parties

have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 79 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections ..	14 work-hours × $85 per hour = $1,190 per inspection cycle.	$0	$1,190 per inspection cycle ...	$94,010 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–20 The Boeing Company: Amendment 39–21819; Docket No. FAA–2021–0332; Project Identifier AD–2020–01414–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports that shimming requirements were not met during the assembly of certain areas of the front spar pickle fork and front spar outer chord structural joints, which can result in reduced fatigue thresholds of the affected structural joints. The FAA is issuing this AD to address undetected fatigue cracking, which could weaken primary structure so it cannot sustain limit load, and could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletins B787–81205–SB530075–00 and B787–81205–SB530076–00, both Issue 001, dated both September 8, 2020, which are referred to in Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin B787–81205–SB530076–00 RB, Issue 001, dated September 8, 2020, uses the phrase ''the issue 001 date of the Requirements Bulletin B787–81205–SB530076–00 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletins B787–81205–SB530075–00 RB and B787–81205–SB530076–00 RB, both Issue 001, both dated September 8, 2020, specify contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

For more information about this AD, contact Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3529; email: *Greg.Rutar@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB530075–00 RB, Issue 001, dated September 8, 2020.

(ii) Boeing Alert Requirements Bulletin B787–81205–SB530076–00 RB, Issue 001, dated September 8, 2020.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

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

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

Issued on November 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26393 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0546; Project Identifier MCAI–2021–00387–P; Amendment 39–21815; AD 2021–23–17]

RIN 2120–AA64

Airworthiness Directives; Hoffmann GmbH & Co. KG Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–25–05 for all Hoffmann GmbH & Co. KG (Hoffmann) model HO–V 72 propellers. AD 2020–25–05 required amending the existing aircraft flight manual (AFM) with abnormal propeller vibration instructions. AD 2020–25–05 also required visual inspection and non-destructive test (NDT) inspection of the propeller hub and, depending on the results of the inspections, replacement of the propeller hub with a part eligible for installation. AD 2020–25–05 also required replacement of the propeller hub before exceeding 30 years since the date of manufacture. This AD was prompted by reports of cracks at different positions on two affected propeller hubs and subsequent manufacturer revision of the service information, which showed that the 30-year life limit of the propeller hub is no longer needed. This AD requires amending the existing AFM by inserting abnormal propeller vibration instructions, visual inspection and NDT inspection of the propeller hub and, depending on the results of the inspections, replacement of the propeller hub with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact Hoffmann GmbH & Co. KG, Küpferlingstrasse 9, 83022, Rosenheim, Germany; phone: +49 0 8031 1878 0; email: *info@hoffmann-prop.com;* website: *https://hoffmann-prop.com.* 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–2021–0546.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0546; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is Document Operations, 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: Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7761; fax: (781) 238–7199; email: *michael.schwetz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–25–05, Amendment 39–21347 (85 FR 78702, December 7, 2020), (AD 2020–25–05). AD 2020–25–05 applied to all Hoffmann model HO–V 72 propellers. The NPRM published in the **Federal Register** on July 6, 2021 (86 FR 35416). The NPRM was prompted by reports of cracks at different positions on two affected propeller hubs and subsequent manufacturer revision of the service information, which showed that the 30-year life limit of the propeller hub is no longer needed. In the NPRM, the FAA proposed to continue to require amending the existing AFM with abnormal propeller vibration instructions. In the NPRM, the FAA also proposed to continue to require visual inspection and NDT inspection of the propeller hub and, depending on the results of the inspections, replacement of the propeller hub with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2020–0226R1, dated March 31, 2021

(referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

Cracks have been reported at different positions on two affected parts, both installed on Slingsby T67 ''Firefly'' aeroplanes. One crack was found during scheduled inspection, the other crack during an unscheduled inspection after abnormal vibrations occurred. Both cases are under investigation by Hoffmann Propeller.

This condition, if not detected and corrected, could lead to in-flight propeller detachment, possibly resulting in damage to the airplane and/or injury to persons on the ground.

To address this potential unsafe condition, Hoffmann issued the SB, providing applicable instructions.

For the reasons described above, EASA issued Emergency AD 2020–0226–E to require inspections of affected parts and, depending on findings, replacement, and introduces a life limit for affected parts. That [EASA] AD also required, for certain aeroplanes, amendment of the applicable Aircraft Flight Manual (AFM).

Since that [EASA] AD was issued, recent analyses of inspection results showed that the life limit of 30 years is no longer necessary and Hoffmann Propeller issued Revision D of the SB accordingly.

This [EASA] AD is revised to delete the life limit and to introduce a clarification for corrective action(s) during overhaul in paragraph (6) [of EASA AD].

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–2021–0546.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one individual commenter. The individual commenter supported the NPRM without change.

Clarification of Required Actions

The FAA revised paragraph (g), Required Actions, of this AD by clarifying that the propeller hub must be replaced with a part eligible for installation if any crack is detected during an overhaul inspection.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Hoffmann Propeller GmbH & Co. KG Service Bulletin SB E53, Rev. D, dated February 18, 2021. The service bulletin describes procedures for visual and NDT inspections of the propeller hub for cracks. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 35 propellers 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
Amend AFM	1 work-hour × $85 per hour = $85	$0	$85	$2,975
Visually inspect propeller hub	1 work-hour × $85 per hour = $85	0	85	2,975
NDT inspect propeller hub	8 work-hours × $85 per hour = $680	0	680	23,800

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the mandated inspections. The FAA 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 propeller hub	5 work-hours × $85 per hour = $425	$1,600	$2,025

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive 2020–25–05, Amendment 39–21347 (85 FR 78702, December 7, 2020); and
■ b. Adding the following new airworthiness directive:

2021–23–17 Hoffmann GmbH & Co. KG: Amendment 39–21815; Docket No. FAA–2021–0546; Project Identifier MCAI–2021–00387–P.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

This AD replaces AD 2020–25–05, Amendment 39–21347 (85 FR 78702, December 7, 2020).

(c) Applicability

This AD applies to all Hoffmann GmbH & Co. KG model HO–V 72 propellers.

(d) Subject

Joint Aircraft System Component (JASC) Code 6114, Propeller Hub Section.

(e) Unsafe Condition

This AD was prompted by reports of cracks at different positions on two affected propeller hubs. The FAA is issuing this AD to prevent failure of the propeller hub. The unsafe condition, if not addressed, could result in release of the propeller, damage to the airplane, and injury to persons on the ground.

(f) Compliance

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

(g) Required Actions

(1) Before the next flight after December 22, 2020 (the effective date of AD 2020–25–05), amend the existing aircraft flight manual by inserting the procedure: ''Abnormal propeller vibrations: As applicable, reduce engine RPM.''

(2) Before the next flight after the effective date of this AD, and thereafter, before the next flight after any flight where abnormal propeller vibrations have been experienced, visually inspect propeller hub HO–V 72 ( ) ( )–( )–( ) for cracks using paragraph 2.1 of Hoffmann Propeller GmbH & Co. KG Service Bulletin SB E53, Rev. D, dated February 18, 2021 (the SB).

(3) Within 20 flight hours after the effective date of this AD, perform a non-destructive test (NDT) inspection of propeller hub HO–V 72 ( ) ( )–( )–( ) using paragraph 2.3 of the SB.

(4) During each overhaul of propeller hub HO–V 72 ( ) ( )–( )–( ) after the effective date of this AD, perform an NDT inspection using paragraph 2.3 of the SB.

(5) If, during any inspection required by paragraph (g)(2), (3), or (4) of this AD, any crack is detected, replace propeller hub HO–V 72 ( ) ( )–( )–( ) with a part eligible for installation.

(h) Definition

For the purpose of this AD, a ''part eligible for installation'' is a propeller hub HO–V 72 ( ) ( )–( )–( ) with zero hours time since new or a propeller hub HO–V 72 ( ) ( )–( )–( ) that has passed an NDT inspection using paragraph 2.3 of the SB.

(i) Non-Required Actions

(1) Sending the propeller to Hoffmann for investigation, as contained in paragraph 2.1 of the SB, is not required by this AD.

(2) Reporting propeller hubs with cracks to Hoffmann, as contained in paragraph 2.3 of the SB, is not required by this AD.

(j) Credit for Previous Actions

You may take credit for the initial visual inspection and NDT inspection of the propeller hub required by paragraphs (g)(2), (3), and (4) of this AD if you performed any of these actions before the effective date of this AD using Hoffmann Propeller GmbH & Co. KG SB E53, Rev. A, dated October 9, 2020; Rev. B, dated October 14, 2020; or Rev. C, dated December 9, 2020.

(k) Special Flight Permit

A special flight permit may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a service facility to perform the NDT inspection. Special flight permits are prohibited to perform the visual inspection of the propeller hub.

(l) Alternative Methods of Compliance (AMOCs)

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

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

(m) Related Information

(1) For more information about this AD, contact Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7761; fax: (781) 238–7199; email: *michael.schwetz@faa.gov*.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0226R1, dated March 31, 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–2021–0546.

(n) 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) Hoffmann Propeller GmbH & Co. KG (Hoffmann) Service Bulletin SB E53, Rev. D, dated February 18, 2021.

(ii) [Reserved]

(3) For Hoffmann service information identified in this AD, contact Hoffmann GmbH & Co. KG, Küpferlingstrasse 9, 83022, Rosenheim, Germany; phone: +49 0 8031 1878 0; email: *info@hoffmann-prop.com;* website: *https://hoffmann-prop.com.*

(4) You may view this service information at 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 November 4, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26365 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0720; Project Identifier 2019–SW–079–AD; Amendment 39–21808; AD 2021–23–10]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW109SP helicopters. This AD was prompted by reports of an ineligible hydraulic pump being installed on Model AW109SP helicopters. This AD requires inspecting each hydraulic pump for damage and, depending on the inspections results,

removing parts from service and accomplishing other corrective actions. This AD also requires removing certain parts from service before they exceed their life limits. The corrective actions are required to be accomplished as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 4, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 10, 2022.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0720.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0720; 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 EASA AD, 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: Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email *Darren.Gassetto@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0213, dated August 29, 2019 (EASA AD 2019–0213), to correct an unsafe condition for Leonardo S.p.a. (formerly Finmeccanica S.p.A. Helicopter Division, AgustaWestland S.p.A, Agusta S.p.A.) Model AW109SP helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Leonardo S.p.a. Model AW109SP helicopters. The NPRM published in the **Federal Register** on September 8, 2021 (86 FR 50289). The NPRM was prompted by reports of a hydraulic pump part number (P/N) 109–0760–42–103 being ineligibly installed on Model AW109SP helicopters. EASA advises that because hydraulic pump P/N 109–0760–42–103 is not eligible for installation on Model AW109SP helicopters, applicable instructions for continued airworthiness are not available. The NPRM proposed to require accomplishing the actions specified in EASA AD 2019–0213, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of the proposed AD and except as discussed under ''Differences Between this Proposed AD and EASA AD 2019–0213.''

The FAA is issuing this AD to address the ineligible installation of the affected part-numbered hydraulic pump on Model AW109SP helicopters since there are no applicable instructions for continuing airworthiness available. See EASA AD 2019–0213 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2019–0213 requires inspecting each affected hydraulic pump and depending on the inspection results, replacing an affected hydraulic pump with a serviceable hydraulic pump, before further flight. EASA AD 2019–0213 also requires replacing any affected hydraulic pump before exceeding 1,600 total flight hours (FH) since first installation on a helicopter, or within 200 FH, whichever occurs later. Finally, EASA AD 2019–0213 prohibits installing any affected hydraulic pump on any helicopter.

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

Other Related Service Information

The FAA also reviewed Leonardo S.p.a. Helicopters, Alert Service Bulletin No. 109SP–134, dated July 29, 2019. This service information specifies procedures for inspecting and replacing hydraulic pump P/N 109–0760–42–103.

Differences Between This AD and EASA AD 2019–0213

EASA AD 2019–0213 applies to Model AW109SP helicopters, all serial numbers, whereas this AD only applies to Model AW109SP helicopters with certain part-numbered hydraulic pumps installed.

Costs of Compliance

The FAA estimates that this AD affects 17 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Visually inspecting each hydraulic pump for wear, burrs, and abrasion takes about 4 work-hours and parts cost about $5 for an estimated cost of $345 per inspection and $5,865 for the U.S. fleet.

Removing from service each affected hydraulic pump and replacing with an airworthy hydraulic pump takes about 6 work-hours and parts cost about $22,819 for an estimated cost of $23,329 per pump replacement.

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,

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–10 Leonardo S.p.a.: Amendment 39–21808; Docket No. FAA–2021–0720; Project Identifier 2019–SW–079–AD.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW109SP helicopters, certificated in any category, with an affected part as identified in European Union Aviation Safety Agency (EASA) AD 2019–0213, dated August 29, 2019 (EASA AD 2019–0213).

(d) Subject

Joint Aircraft Service Component (JASC) Codes: 2913, Hydraulic Pump (Elect/Eng), Main.

(e) Unsafe Condition

This AD was prompted by reports of the ineligible installation of hydraulic pump part number (P/N) 109–0760–42–103 on Model AW109SP helicopters resulting in the applicable instructions for continued airworthiness not being available. The FAA is issuing this AD to address this unsafe condition. The unsafe condition, if not addressed, could result in failure of the hydraulic pump and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0213.

(h) Exceptions to EASA AD 2019–0213

(1) Where EASA AD 2019–0213 requires compliance in terms of flight hours, this AD requires using hours time-in-service (TIS).

(2) Where EASA AD 2019–0213 requires compliance from its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (2) of EASA AD 2019–0213 specifies to replace a part if any discrepancy is detected during the inspection, this AD requires removing that part from service.

(4) Where paragraph (3) of EASA AD 2019–0213 specifies to replace a part before exceeding 1,600 flight hours since first installation on a helicopter, this AD requires removing that part from service before 1,600 hours TIS since first installation on a helicopter.

(5) Where the service information required by EASA AD 2019–0213 specifies discarding the o-ring and gasket, this AD requires removing those parts from service.

(6) Where the service information required by EASA AD 2019–0213 specifies recording compliance with the service bulletin in the helicopter logbook, this AD does not include that requirement.

(7) This AD does not require the ''Remarks'' section of EASA AD 2019–0213.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2019–0213 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

For more information about this AD, contact Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7323; email *Darren.Gassetto@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0213, dated August 29, 2019.

(ii) [Reserved].

(3) For EASA AD 2019–0213, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0720.

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

Issued on October 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26334 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0338; Project Identifier AD–2020–01423–T; Amendment 39–21820; AD 2021–23–21]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 and 787–9 airplanes. This AD was prompted by reports that shimming requirements were not met during the assembly of certain structural joints, which can result in reduced fatigue thresholds and cracking of the affected structural joints. This AD requires repetitive inspections for cracking of certain areas of the aft wheel well bulkhead (AWWB) body chord and AWWB side fitting and failsafe straps, and repair of any cracking found. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 10, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 10, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0338.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0338; 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: Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3529; email: *Greg.Rutar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8 and 787–9 airplanes. The NPRM published in the **Federal Register** on May 10, 2021 (86 FR 24778). The NPRM was prompted by reports that shimming requirements were not met during the assembly of certain structural joints, which can result in reduced fatigue thresholds and cracking of the affected structural joints. In the NPRM, the FAA proposed to require repetitive inspections for cracking of certain areas of the AWWB body chord and AWWB side fitting and failsafe straps, and repair of any cracking found. The FAA is issuing this AD to address undetected fatigue cracking, which could weaken primary structure so it cannot sustain limit load, and could result in reduced structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from United Airlines who supported the NPRM without change.

The FAA received additional comments from two commenters, including Avianca Airlines (AVA) and Boeing. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Use Alternative Repair Method

AVA asked that the FAA change the following language used in paragraph (h)(3) of the proposed AD ''This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.'' AVA stated that this means submitting a request for an alternative method of compliance (AMOC) is required in accordance with paragraph (i)(3) of the proposed AD. AVA added that the proposed repair is based on the time delay required to obtain an AMOC letter, which affects the operational return to service of the affected aircraft, and noted that a Form 8100–9 is already an approved document that certifies compliance with the airworthiness standard. AVA proposed that only an 8100–9 approval form be required for doing a repair after contacting Boeing.

The FAA does not agree with the commenter's request. An FAA Form 8100–9, which is both a repair data approval and AMOC approval, may be issued by the Boeing Company Organization Designation Authorization (ODA), provided it has been authorized by the Manager, Seattle ACO Branch, FAA, as required by paragraph (i)(3) of this AD. Therefore, the FAA has not changed this AD in this regard.

Request To Use Later Revision of the Service Information

AVA asked that the FAA include a paragraph in the proposed AD that approves any further revision or issue of Boeing Alert Requirements Bulletins B787–81205–SB530077–00 RB and B787–81205–SB530078–00 RB, both Issue 001, both dated September 8, 2020, for compliance with the proposed AD.

The FAA does not agree with the commenter's request. The FAA may not in an AD refer to any document that does not yet exist. In general terms, the FAA is required by Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference, as specified in 1 CFR 51.1(f), to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as referenced material, in which case the FAA may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for incorporation by reference. See 1 CFR part 51.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either the FAA must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an alternative method of compliance with this AD under the provisions of paragraph (i) of this AD.

Request To Clarify Applicability

Boeing asked that the applicability specified in paragraph (c) of the proposed AD be clarified, as follows: ''This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletins B787–81205–SB530077–00 RB and B787–81205–SB530078–00 RB, both Issue 001, both dated September 8, 2020.'' Boeing stated that, although the applicability is the same in each bulletin, identifying both will avoid confusion for operators.

The FAA agrees with the commenter for the reason provided. Paragraph (c) of this AD only identifies Boeing Alert Requirements Bulletin B787–81205–SB530077–00 RB, Issue 001, dated September 8, 2020; therefore, the FAA has changed paragraph (c) of this AD to identify both bulletins, as requested by the commenter.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB530077–00 RB, Issue 001, dated September 8, 2020. The service information describes procedures for repetitive high frequency eddy current (HFEC) inspections for cracking of the forward edge of the AWWB side fitting and failsafe strap at station (STA) 1209 on the left and right side, and the AWWB side fitting outer chord surface and failsafe strap, and repair of any cracking found.

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB530078–00 RB, Issue 001, dated September 8, 2020. The service information describes procedures for repetitive HFEC inspections for cracking of the forward edge of the horizontal flange of the AWWB body chord and around all the fastener heads and vertical beam clips common to the AWWB body chord horizontal flange.

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

Costs of Compliance

The FAA estimates that this AD affects 79 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections ...	16 work-hours × $85 per hour = $1,360 per inspection cycle.	$0	$1,360 per inspection cycle.	$107,440 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–23–21 The Boeing Company: Amendment 39–21820; Docket No. FAA–2021–0338; Project Identifier AD–2020–01423–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 10, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 and 787–9 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletins B787–81205–SB530077–00 RB and B787–81205–SB530078–00 RB, both Issue 001, both dated September 8, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports that shimming requirements were not met during the assembly of certain aft wheel well bulkhead (AWWB) structural joints, which can result in reduced fatigue thresholds and cracking of the affected structural joints. The FAA is issuing this AD to address undetected fatigue cracking, which could weaken

primary structure so it cannot sustain limit load, and could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletins B787–81205–SB530077–00 RB and B787–81205–SB530078–00 RB, both Issue 001, both dated September 8, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletins B787–81205–SB530077–00 RB and B787–81205–SB530078–00 RB, both Issue 001, both dated September 8, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletins B787–81205–SB530077–00 and B787–81205–SB530078–00, both Issue 001, both dated September 8, 2020, which are referred to in Boeing Alert Requirements Bulletins B787–81205–SB530077–00 RB and B787–81205–SB530078–00 RB, both Issue 001, both dated September 8, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin B787–81205–SB530077–00 RB, Issue 001, dated September 8, 2020, uses the phrase ''the issue 001 date of the Requirements Bulletin B787–81205–SB530077–00 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB530078–00 RB, Issue 001, dated September 8, 2020, uses the phrase ''the issue 001 date of the Requirements Bulletin B787–81205–SB530078–00 RB,'' this AD requires using ''the effective date of this AD.''

(3) Where Boeing Alert Requirements Bulletins B787–81205–SB530077–00 RB and B787–81205–SB530078–00 RB, both Issue 001, both dated September 8, 2020, specify contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

For more information about this AD, contact Greg Rutar, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3529; email: *Greg.Rutar@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB530077–00 RB, Issue 001, dated September 8, 2020.

(ii) Boeing Alert Requirements Bulletin B787–81205–SB530078–00 RB, Issue 001, dated September 8, 2020.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

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

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

Issued on November 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26392 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0732; Airspace Docket No. 21–AGL–29]

RIN 2120–AA66

Amendment of Class E Airspace; Galesburg, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Monmouth Municipal Airport, Monmouth, IL, contained within the Galesburg, IL, airspace legal description. This action is the result of an airspace review caused by the decommissioning of the Galesburg very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program.

DATES: Effective 0901 UTC, March 24, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: 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 Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. FAA Order JO 7400.11 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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is

promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E surface area and Class E airspace extending upward from 700 feet above the surface at Monmouth Municipal Airport, Monmouth, IL, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (86 FR 49939; September 7, 2021) for Docket No. FAA–2021–0732 to amend the Class E airspace at Monmouth Municipal Airport, Monmouth, IL, contained within the Galesburg, IL, airspace legal description. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 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 E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

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 Rule

This amendment to 14 CFR part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.3-mile (decreased from a 6.8-mile) radius of Monmouth Municipal Airport, Monmouth, IL.

This action is due to an airspace review caused by the decommissioning of the Galesburg VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IL E5 Galesburg, IL [Amended]

Galesburg Municipal Airport, IL
(Lat. 40°56′17″ N, long. 90°25′52″ W)
Monmouth Municipal Airport, IL
(Lat. 40°55′47″ N, long. 90°37′52″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Galesburg Municipal Airport, and within a 6.3-mile radius of the Monmouth Municipal Airport.

Issued in Fort Worth, Texas, on December 1, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–26370 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0883]

RIN 1625–AA87

Security Zone; Houston Ship Channel, Houston, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for navigable waters extending 600 feet, or to the shoreline, whichever is closer, from the outer edge of the Houston Ship Channel. The security zone is required to protect against the interruption of commerce in relation to the 23rd World Petroleum Congress. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Houston-Galveston.

DATES: This rule is effective from December 4, 2021, until December 9, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0883 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Robert Cole, Waterways Management Division. Sector Houston-Galveston, U.S. Coast

Guard; telephone 281–464–4736, email *Robert.D.Cole@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable as immediate action is needed to respond to the threat of interruption to the flow of commercial vessel traffic during the 23rd World Petroleum Congress event. The security zone will span from Houston Ship Channel Lights ''101'' and ''102,'' continuing north to the Captain of the Port Houston-Galveston permanent Houston, TX security zone.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port (COTP) Houston-Galveston has determined that potential protests beginning December 4, 2021, in response to the 23rd World Petroleum Congress, will be a threat to the viability of the Houston Ship Channel. This rule is needed to protect the flow of commerce for the duration of the event.

IV. Discussion of the Rule

This rule establishes a security zone from December 4, 2021 through December 9, 2021. The security zone will cover all navigable waters extending 600-feet, or to the shoreline, whichever is closer, from the outer edge of the Houston Ship Channel from Houston Ship Channel from Houston Ship Channel Lights ''101'' at 29°41′58″ N, 95°0′24″ W, and ''102'' at 29°42′7″ N, 95°0′21″ W, continuing north to the permanent Houston Ship Channel security zone defined in 33 CFR 165.814(a)(1) that begins at a line between 29°45′14″ N, 095°05′47″ W and 29°45′04″ N, 095°05′33″ W. The duration of the zone is intended to protect against the interruption of commerce in relation to the 23rd World Petroleum Congress. Entry of into this zone is prohibited except for the following:

- Commercial vessels operating at waterfront facilities within these zones;
- Commercial vessels transiting directly to or from waterfront facilities within these zones;
- Vessels providing direct operational/logistic support to commercial vessels within these zones;
- Vessels operated by the appropriate port authority or by facilities located within these zones; and
- Vessels operated by federal, state, county, or municipal agencies.

No other vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size and limited duration of the rule. Standard commercial ship and barge traffic will experience no interruption.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone lasting 6 days that will prohibit entry extending 600 feet, or to the shoreline, whichever is closer, from the outer edge of the Houston Ship Channel from Houston Ship Channel from Houston Ship Channel Lights ''101'' at 29°41′58″ N, 95°0′24″ W, and ''102'' at 29°42′7″ N, 95°0′21″ W, continuing north to the permanent Houston Ship Channel security zone defined in 33 CFR 165.814(a)(1) that begins at a line between 29°45′14″ N, 095°05′47″ W and 29°45′04″ N, 095°05′33″ W. It is categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T08–0883 to read as follows:

§ 165.T08–0883 Security Zone; Houston Ship Channel, Houston, TX.

(a) *Location.* The following area is a security zone: The waters in vicinity of Galveston Bay, from surface to bottom, extending 600-foot, or to the shoreline, whichever is closer, from the outer edge of the Houston Ship Channel from Houston Ship Channel Lights ''101'' at 29°41′58″ N, 95°0′24″ W, and ''102'' at 29°42′7″ N, 95°0′21″ W, continuing north to the permanent Houston Ship Channel security zone defined in 33 CFR 165.814(a)(1) that begins at a line between 29°45′14″ N, 095°05′47″ W and 29°45′04″ N, 095°05′33″ W. These coordinates are based on NAD 83.

(b) *Regulations.* (1) Entry of into these zones is prohibited except for the following:

(i) Commercial vessels operating at waterfront facilities within these zones;

(ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(iii) Vessels providing direct operational/logistic support to commercial vessels within these zones;

(iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(v) Vessels operated by federal, state, county, or municipal agencies.

(2) Other persons or vessels requiring entry into a zone described in this section must request express permission to enter from the Captain of the Port Houston-Galveston, or designated representative. The Captain of the Port Houston-Galveston's designated representatives are any personnel granted authority by the Captain of the Port Houston-Galveston to receive, evaluate, and issue written security zone entry permits, or designated on-scene U.S. Coast Guard patrol personnel.

(3) To request permission as required by these regulations contact ''Houston Traffic'' via VHF Channels 11/12 or by phone at 281–464–4837.

(c) *Enforcement period.* This section will be enforced between December 4, 2021, to December 9, 2021.

Dated: November 30, 2021

Jason E. Smith,

Captain, U.S. Coast Guard, Captain of the Port Houston-Galveston.

[FR Doc. 2021–26374 Filed 12–3–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0603; FRL–9234–01–OCSPP]

Cyflumetofen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of cyflumetofen in or on hop, dried cones. The Interregional Project Number 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 6, 2021. Objections and requests for hearings must be received on or before February 4, 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–2020–0603, is available at *https://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 *https://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 Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2020–0603 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 February 4, 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–2020–0603, 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 *https://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 *https://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 25, 2021 (86 FR 11488) (FRL–10020–47), 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 0E8862) by IR–4, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. The petition requested that 40 CFR 180.677 be amended by establishing a tolerance for the residue of the of the miticide cyflumetofen, 2-methoxyethyl α-cyano-α-[4-(1,1-dimethylethyl)phenyl]-β-oxo-2-(trifluoromethyl)benzenepropanoate in or on hop, dried cones at 30 parts per million (ppm). That document referenced a summary of the petition prepared by IR–4, the petitioner, which is available in the docket, *https://www.regulations.gov.* There were no comments received in response to the notice of filing.

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 in FFDCA section 408(b)(2)(D), 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 cyflumetofen including exposure resulting from the tolerance established by this action. EPA's assessment of exposures and risks associated with cyflumetofen 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 rulemaking 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 republishing the same sections is unnecessary. 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 cyflumetofen, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to cyflumetofen and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological profile. For a discussion of the Toxicological Profile of cyflumetofen, see Unit III.A. of the May 8, 2019 rulemaking (84 FR 20037) (FRL–9990–60).

Toxicological points of departure/Levels of concern. For a summary of the Toxicological Points of Departure/Levels of Concern for cyflumetofen used

for human risk assessment, see Unit III.B. of the May 8, 2019 rulemaking.

Exposure assessment. Much of the exposure assessment remains the same although updates have occurred to accommodate exposures from the petitioned-for tolerance. These updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, please reference Unit III.C. of the May 8, 2019 rulemaking.

EPA's dietary exposure assessments have been updated to include the additional exposure from the new use of cyflumetofen on hops. The assessment used the same assumptions as the May 8, 2019 final rule concerning tolerance-level residues, default processing factors for all processed commodities, and 100 percent crop treated.

Drinking water exposure. EPA has revised the cyflumetofen drinking water assessment since the May 8, 2019 final rule. Based on the Pesticide in Water Calculator's (PWC) version 1.52, the estimated drinking water concentration (EDWC) of cyflumetofen in surface water is estimated to be 0.18 ppb for non-cancer chronic exposures. The EDWC of 0.18 ppb was used in the chronic dietary assessment.

Non-occupational exposure. There are no new proposed residential (non-occupational) uses for cyflumetofen at this time; however, there are registered uses of cyflumetofen on commercial vegetable gardens and ornamental plants. EPA's residential exposure assessment has changed since the May 8, 2019 final rule based on a revised practice. Because all current cyflumetofen labels require handlers to wear personal protective equipment, EPA assumes that cyflumetofen is applied by professional applicators, not residential (homeowner) applicators. Therefore, the current assessment does not consider exposure to residential handlers or exposure from direct homeowner applications to ornamentals or home gardens. EPA assumes that potential dermal exposure from consumers handling ornamentals or vegetable transplants is negligible. Additionally, there is no toxicity endpoint for dermal exposure, so a quantitative residential post-application dermal risk assessment is not required. Therefore, the aggregate exposure assessment no longer includes residential handler or residential post-application exposures.

Cumulative exposures. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to cyflumetofen and any other substances and cyflumetofen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that cyflumetofen has a common mechanism of toxicity with other substances.

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 8, 2019 final rule for a discussion of the Agency's rationale for that determination.

Aggregate risk 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 the chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic term 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.

An acute dietary risk was not conducted as toxicological effects attributable to a single dose were not identified. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are less than 3% for children 1–2 years old, the population subgroup with the highest exposure estimate.

Because EPA has determined that there are no residential exposures, the chronic dietary risk is the same as the overall aggregate risk for cyflumetofen and is not of concern. As stated in Unit III.A. of the May 8, 2019 final rule, EPA concluded that the nonlinear approach for assessing potential cancer risk is appropriate. The chronic risk resulting from aggregate exposure to cyflumetofen is below the Agency's level of concern; therefore, the Agency concludes that there is not a cancer risk of concern from exposure to cyflumetofen.

Therefore, based on the risk assessments and information described above, EPA concludes that there is reasonable certainty that no harm will result in the general population, or to infants and children, from aggregate exposure to cyflumetofen residues. More detailed information can be found at *https://www.regulations.gov* in the document titled ''Cyflumetofen. Human Health Risk Assessment for the Section 3 Registration Action for a New Use on Hops.'' in docket ID number EPA–HQ–OPP–2020–0603.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the July 1, 2020 rulemaking (85 FR 39491) (FRL–10009–25).

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). The Codex has not established MRLs for residues of cyflumetofen in/on hops.

V. Conclusion

Therefore, a tolerance is established for residues of cyflumetofen, 2-methoxyethyl α-cyano-α-[4-(1,1-dimethylethyl)phenyl]-β-oxo-2-(trifluoromethyl)benzenepropanoate in or on hop, dried cones at 30 ppm.

VI. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not

require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

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: November 24, 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 I 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 § 180.677, amend the table in paragraph (a) by adding a table heading and adding in alphabetical order an entry for ''Hop, dried cones'' to read as follows:

§ 180.677 Cyflumetofen; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Hop, dried cones	30
* * * * *	

* * * * *

[FR Doc. 2021–26397 Filed 12–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0639; FRL–9233–01–OCSPP]

2,5-Furandione, Polymer With Ethenylbenzene, Octyl Imide, Imide With Polyethylene-Polypropylene Glycol 2-Aminopropyl Me Ether; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether, when used as an inert ingredient in a pesticide chemical formulation. Spring Regulatory Sciences, on behalf of Colorants Solutions USA LLC, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether (CAS Reg. No. 1812871–29–6) on food or feed commodities.

DATES: This regulation is effective December 6, 2021. Objections and requests for hearings must be received on or before February 4, 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–2021–0639, is available at *https://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 concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, 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 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0639 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 February 4, 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–2021–0639, by one of the following methods.

- *Federal eRulemaking Portal: https://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 *https://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Background and Statutory Findings

In the **Federal Register** of October 21, 2021 (86 FR 58239) (FRL–8792–01–OCSPP), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–11612) filed by Spring Regulatory Sciences, 6620 Cypresswood Dr., Suite 250, Spring, TX 77379, on behalf of Colorants Solutions USA LLC., 4000 Monroe Road, Charlotte, NC 28205. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether (CAS Reg. No. 1812871–29–6). That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any substantive public comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use 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 an exemption from the requirement of 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 . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. To determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). 2,5-Furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether (CAS Reg. No.1812871–29–6) conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize: An adequate biodegradation study (MRID 51632702) was submitted for 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether showing lack of biodegradation (0% >28 days).

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

The polymer's number average molecular weight (MW) of 11,239 daltons is greater than 10,000 daltons. However, the polymer contains less than 2% oligomeric material below MW 500 (<0.1%) and less than 5% oligomeric material below MW 1,000 (<0.1%).

Thus, 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The minimum number average MW of 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether is 11,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether conforms to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether to share a common mechanism of toxicity with any other substances, and 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

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). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. 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 Codex has not established a MRL for 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether.

IX. Conclusion

Accordingly, EPA finds that exempting residues of 2,5-furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885,

April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

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

XI. 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: December 1, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I 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 § 180.960, amend the table by adding a table heading and in alphabetical order an entry for ''2,5-Furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether, minimum number average molecular weight (in amu), 11,000'' to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO § 180.960

Polymer	CAS No.
* * * * * * *	
2,5-Furandione, polymer with ethenylbenzene, octyl imide, imide with polyethylene-polypropylene glycol 2-aminopropyl Me ether, minimum number average molecular weight (in amu), 11,000	1812871–29–6
* * * * * * *	

[FR Doc. 2021–26412 Filed 12–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0424; FRL–9063–01–OCSPP]

Isoprothiolane; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of isoprothiolane in or on banana; rice, bran; rice, husked; and rice, polished rice. Nichino America, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 6, 2021. Objections and requests for hearings must be received on or before February 4, 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–2020–0424, is available at *https://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.

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FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, 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 Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2020–0424 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 February 4, 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–2020–0424, by one of the following methods:

- *Federal eRulemaking Portal: https://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 *https://www.epa.gov/dockets/contacts.html.*

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of December 21, 2020 (85 FR 82998) (FRL–10016–93), 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 9E8820) by Nichino America, Inc., 4550 Linden Hill Road, Suite 501, Wilmington, DE 19808. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide isoprothiolane, Diisopropyl 1,3-dithiolan-2-ylidenemalonate, in or on raw agricultural commodities banana at 1 part per million (ppm); rice, bran, at 30 ppm; rice, husked, at 6 ppm; and rice, polished at 1.5 ppm. That document referenced a summary of the petition prepared by Nichino America, Inc., the registrant, which is available in the docket, *https://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to the comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has revised one commodity definition and is establishing several tolerances at different levels than requested by the registrant. The reasons for these changes are explained in Unit IV.D.

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. Neither of these exposures are relevant to this action, however. 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 in FFDCA section 408(b)(2)(D), 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 isoprothiolane. EPA's assessment of exposures and risks associated with isoprothiolane follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The primary target organ for isoprothiolane is the liver in rats and mice. Consistent decreases in body weight were also observed at the same or lower doses than the liver effects throughout the database. Adverse liver effects included increases in liver enzymes, increased liver weight (absolute and relative), hepatocellular hypertrophy, eosinophilic foci of cellular alterations, eosinophilic cytoplasmic inclusions, and spongiosis hepatis in rats. In mice, following chronic dosing, amyloidosis was observed across several organs at the highest-tested dose. There is no evidence of increased qualitative or quantitative susceptibility in the rat and rabbit developmental toxicity studies or the 2-generation rat reproduction study.

There was no evidence of immunotoxicity, or neurotoxicity observed in any species in the submitted toxicity database.

Isoprothiolane is classified as ''Suggestive Evidence of Carcinogenic Potential'' based upon increases of skin keratoacanthomas and keratoacanthomas, papillomas, basal cell epitheliomas and/or squamous cell carcinomas combined in male rats. Isoprothiolane is not considered to be genotoxic. The Agency has determined that quantification of risk using a non-linear approach (*i.e.,* chronic reference dose (cRfD)) will adequately account for all chronic toxicity, including any potential carcinogenicity, that could result from exposure to isoprothiolane.

Specific information on the studies received and the nature of the adverse effects caused by isoprothiolane as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *https://www.regulations.gov* in document Isoprothiolane. Human Health Risk Assessment for Isoprothiolane Tolerances for Banana and Rice without a U.S. Registration (First Food Use) hereinafter ''Isoprothiolane Human Health Risk Assessment'' at pages 23–44 in docket ID number EPA–HQ–OPP–2020–0424.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticide.*

A summary of the toxicological endpoints for isoprothiolane used for human risk assessment can be found in the Isoprothiolane Human Health Risk Assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to isoprothiolane, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from isoprothiolane in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for isoprothiolane; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues or tolerance level residues adjusted to account for the residue of concern for risk assessment; default and empirical processing factors; and 100 percent crop treated (PCT).

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on its review of available data, EPA has concluded that a nonlinear RfD approach will adequately account for all chronic toxicity, including any potential carcinogenicity, that could result from exposure to isoprothiolane. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for isoprothiolane. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* Residues are not expected in drinking water as the products will not be used in the U.S.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Isoprothiolane is not registered for any use patterns; therefore, there is no residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to isoprothiolane and any other substances and isoprothiolane does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that isoprothiolane has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/pesticide-cumulative-risk-assessment-framework.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying

this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of increased qualitative or quantitative susceptibility in the rat and rabbit developmental toxicity studies or the 2-generation rat reproduction study. In the rat developmental study, developmental effects (decrease fetal weights, increased incidence of small fetuses, and increased incidence of a skeletal variation (un-ossification of thoracic vertebral body)) were observed in the presence of maternal toxicity (decreased maternal body weight). In the rabbit developmental toxicity study, no significant developmental or maternal effects were seen. In the 2-generation reproductive toxicity study in rats, parental toxicity was manifested as decreases in body weights and food consumption in P and F1 parents; increases in liver weights and spleen weights (P and F1 parents); decreases in thymus weights (P and F1 females); and increased incidences of microscopic findings in the liver (centrilobular hepatic hypertrophy), thymus (thymic atrophy) of P and F1 females. Offspring toxicity (decreased body weights and delayed physical development (delayed eye opening)) and reproductive toxicity (decreased ovary and uterus weights, atrophy of the endometrium and myometrium in the uterus, and atrophy of the ovaries) were observed in the presence of parental toxicity.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for isoprothiolane is complete at this time.

ii. Although acute (ACN) and subchronic (SCN) neurotoxicity studies were not available, neurobehavior (functional observation battery (FOB) and motor activity) was assessed in two 13-week oral studies in rats and mice on isoprothiolane; no changes in FOB and motor activity were observed. There was no evidence of neurotoxicity in the isoprothiolane database including subchronic studies or in the routine clinical observations of the chronic studies. EPA's Hazard and Science Policy Council recommended waiving the acute and subchronic neurotoxicity studies at this time. There is no indication that isoprothiolane is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that isoprothiolane results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. Tolerance-level residues or adjusted tolerance level residues (adjusted to account for the residue of concern), were used for the commodities. An assumption of 100% crop treated was also used for the chronic dietary analysis. There are no residual uncertainties in the exposure database. The residue database is adequate. The Human Health Risk Assessment will not underestimate the exposure and risks posed by isoprothiolane.

E. 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 PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, isoprothiolane is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to isoprothiolane from food and water will utilize 5.8% of the cPAD for all infants (<1 year old), the population group receiving the greatest exposure. There are no residential uses for isoprothiolane.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because isoprothiolane is not registered in the United States, the only exposures will be dietary, from residues in or on imported rice commodities or banana; therefore, no short-term or intermediate-term residential exposure is expected.

Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short or intermediate-term risk for isoprothiolane.

4. *Aggregate cancer risk for U.S. population.* As stated in Unit III.A., EPA has concluded that the chronic reference dose will adequately account for all repeated exposure/chronic toxicity, including carcinogenicity, that could result from exposure to isoprothiolane. Based on the lack of chronic risk at regulated levels of exposure, EPA concludes that isoprothiolane will not pose an aggregate cancer risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to isoprothiolane residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology 88449–M is available to enforce the tolerance expression in/on banana. Method No. 88449–M includes analysis by liquid chromatography with tandem mass spectroscopy (LC/MS/MS). For rice, the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) review indicated that the QuEChERS (quick, easy, cheap, effective, rugged, and safe) method is adequate for the determination of isoprothiolane.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

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). The Codex Alimentarius is a joint

United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. 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 Codex has established MRLs for isoprothiolane in or on rice, husked at 6 ppm and rice, polished at 1.5 ppm. These MRLs are the same as the tolerances established for isoprothiolane in the United States. There are currently no Codex MRLs for banana or rice, bran.

C. Response to Comments

EPA received one comment in response to the December 21, 2020 Notice of Filing, which recommended that the use of pesticides on food should be banned. Although the Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops, the existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that the quizalofop ethyl tolerances are safe. The commenter has provided no information indicating that a safety determination cannot be supported.

D. Revisions to Petitioned-For Tolerances

EPA is establishing two tolerances at different levels than requested by the petitioner. Specifically, EPA is establishing the tolerance for banana at 0.9 ppm rather than 1 based on the Organization for Economic Co-operation and Development (OECD) tolerance calculation procedure. The proposed ''rice, bran'' tolerance was 30 ppm. EPA is establishing the ''rice, bran'' tolerance at 15 ppm rather than 30 ppm based on the field trial and processing data. In addition, EPA revised the commodity definition from the proposed ''rice, polished'' to ''rice, polished rice'' to conform to current practices.

V. Conclusion

Therefore, tolerances are established for residues of isoprothiolane, including its metabolites and degradates, as determined by measuring only isoprothiolane (bis(1-methylethyl) 2-(1,3-dithiolan-2-ylidene)propanedioate), in or on banana at 0.9 ppm; rice, bran, at 15 ppm; rice, husked, at 6 ppm; and rice, polished rice at 1.5 ppm.

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 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 tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

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: November 23, 2021.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I 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. Add § 180.721 to subpart C to read as follows:

§ 180.721 Isoprothiolane; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide isoprothiolane, including its metabolites and degradates, in or on the commodities in Table 1 to this paragraph (a). Compliance with the tolerance levels specified in Table 1 to this paragraph (a) is to be determined by measuring only residues of isoprothiolane (bis(1-methylethyl) 2-(1,3-dithiolan-2-ylidene)propanedioate) in or on the commodities:

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Banana [1]	0.9
Rice, bran [1]	15
Rice, husked [1]	6
Rice, polished rice [1]	1.5

[1] There are no U.S. registrations as of December 6, 2021.

(b)–(d) [Reserved]

[FR Doc. 2021–26369 Filed 12–3–21; 8:45 am]

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SURFACE TRANSPORTATION BOARD

49 CFR Part 1180

[Docket No. EP 282 (Sub-No. 21)]

Petition for Rulemaking—Railroad Consolidation Procedures—Exemption for Emergency Temporary Trackage Rights

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is adopting a final rule establishing a new class exemption for emergency temporary trackage rights. The final rule also makes certain other related changes to the class exemptions for trackage rights and temporary trackage rights.

DATES: The rule is effective December 30, 2021.

FOR FURTHER INFORMATION CONTACT: Nathaniel Bawcombe at (202) 245–0376. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In 2003, the Board adopted a class exemption at 49 CFR 1180.2(d)(8) for temporary overhead trackage rights of not more than one year in duration. *See R.R. Consolidation Procs.—Exemption for Temp. Trackage Rts.,* EP 282 (Sub-No. 20) (STB served May 23, 2003), modified (STB served May 17, 2004). Under 49 CFR 1180.4(g)(1), exemptions sought under 49 CFR 1180.2(d)(8) (and various other class exemptions under 49 CFR 1180.2(d)) cannot become effective until at least 30 days after a railroad files a verified notice of exemption for the transaction. As a result, when a railroad seeks to have a temporary trackage rights exemption become effective in less than 30 days, the railroad must petition the Board for waiver of the 30-day period. In such cases, in addition to serving and publishing notice of the exemption in the **Federal Register**, the Board also issues a separate decision acting on the waiver request and setting the effective date of the exemption. *See, e.g., Union Pac. R.R.—Temp. Trackage Rts. Exemption—BNSF Ry.,* FD 36424 et al. (STB served Aug. 10, 2020) (granting a waiver of the 30-day notice period for a trackage rights exemption under 49 CFR 1180.2(d)(8) and setting effective date); *Ala. & Gulf Coast Ry.—Temp. Trackage Rts. Exemption—Kan. City S. Ry.,* FD 36418 (STB served July 2, 2020) (same). In this final rule, the Board creates a new class exemption at 49 CFR 1180.2(d)(9) for emergency temporary trackage rights that eliminates the 30-day notice period in certain circumstances. The final rule also makes certain other related changes to the existing class exemptions for trackage rights and temporary trackage rights.

Background

On October 9, 2020, the Association of American Railroads (AAR) filed a petition requesting that the Board initiate a rulemaking proceeding to establish a new emergency temporary trackage rights class exemption for specific limited situations that would allow emergency temporary trackage rights to take effect within five days of a carrier filing a verified notice of exemption without requiring waiver of the 30-day notice requirement under 49 CFR 1180.4(g)(1). On November 4, 2020, Samuel J. Nasca, for and on behalf of SMART-Transportation Division-New York State Legislative Board (SMART/TD–NY), filed a reply in opposition to AAR's petition. SMART/TD–NY argued that the Board should decline to institute a rulemaking proceeding because AAR's proposed emergency temporary trackage rights exemption is unwarranted given the existing trackage rights exemptions and because the proposed exemption would threaten rail safety by allowing operation by carrier personnel unfamiliar with the line over which the trackage rights would be granted. (SMART/TD–NY Reply 3–4, Nov. 4, 2020.)

On May 28, 2021, after considering the petition and the responsive comment, the Board issued a Notice of Proposed Rulemaking. *Pet. for Rulemaking—R.R. Consolidation Procs.—Exemption for Emergency Temporary Trackage Rts.* (*NPRM*), EP 282 (Sub-No. 21) (STB served May 28, 2021). In the *NPRM,* the Board explained that SMART/TD–NY's arguments were unpersuasive because the proposed class exemption would make the process of obtaining temporary trackage rights in an emergency more efficient and predictable, and the proposed rule would not affect rail safety because it would not impact the existing Federal Railroad Administration (FRA) safety regulations, such as the regulation governing operations of more than one railroad over the same track, as in a trackage rights arrangement. *NPRM,* EP 282 (Sub-No. 21), slip op. at 4.

As explained in the *NPRM,* the proposed rule differed in some respects from AAR's petition request. The proposed exemption would be available only for ''unforeseen'' track outages expected to last more than seven days where there is no reasonable alternative to maintain pre-outage levels of service. *Id.* at 5. The Board also proposed a requirement that the verified notice provide a description of the situation that includes, to the extent possible, the following information: The nature of the event that caused the unforeseen outage; the location of the outage, the date that the emergency situation occurred; the date the track outage was discovered; and the expected duration of the outage. *Id.*

The proposed rule limited the emergency temporary trackage rights to an initial period not to exceed three months, with the option to request a renewal for an additional three months. *Id.* Under the proposed rule, the exemption would become effective not upon publication in the **Federal Register** but rather upon service of the Board's notice, which would occur within five days after the railroad's verified notice of exemption is filed. *Id.* at 6. The Board's notice would be published in the **Federal Register** concurrently with service if possible, or as soon thereafter as practicable. *Id.* Additionally, the Board proposed that, should the track outage be resolved and use of the trackage rights become unnecessary prior to the expiration of the exemption period, carriers be required to file a notice stating that the outage has been resolved and that trackage rights are no longer needed, as well as the date on which use of the trackage rights ceased. *Id.* at 6.

The Board proposed not requiring a caption summary for exemptions under 49 CFR 1180.2(d)(9) and to eliminate the existing caption summary requirements for exemptions under 49 CFR 1180.2(d)(7) and 49 CFR 1180.2(d)(8). *NPRM,* EP 282 (Sub-No. 21), slip op. at 7. Under the proposed rule, the caption summary requirements would be replaced by a requirement that the parties provide in their verified notices the same information currently required in caption summaries. *Id.*

The proposed rule would also clarify that the Board's regulation at 49 CFR 1180.4(g)(4), pertaining to interchange

commitments,[1] would not apply to transactions under the proposed new 49 CFR 1180.2(d)(9) or to trackage rights transactions under 49 CFR 1180.2(d)(7) or 49 CFR 1180.2(d)(8), an issue that has been the cause of some confusion among parties in the past. *NPRM,* EP 282 (Sub-No. 21), slip op. at 8.

Comments on the NPRM

In response to the *NPRM,* the Board received comments from the National Transportation Safety Board (NTSB) on July 9, 2021, and from AAR, SMART/TD–NY, and the American Short Line and Regional Railroad Association (ASLRRA) on July 11, 2021. AAR and SMART/TD–NY filed replies on August 11, 2021.

The NTSB states it is supportive of reducing the delay for track exemptions under existing regulations, but it ''is concerned that the reduced time to grant waivers could reduce the level of safety, especially for railroad crews and others affected by trains operating in detour territories that may be unfamiliar.'' (NTSB Comments 1.) The NTSB claims that the *NPRM* lacks discussion about existing FRA regulations that require a train engineer to be familiar with the territory. (*Id.* at 2.) According to the NTSB, a 30-day notice provides time for familiarization with the territory and regulations but the five-day period under the proposed rule may not provide such opportunity. (*Id.*) Therefore, the NTSB proposes that the verified notice of exemption required under the proposed rule be expanded to include a verification that safety hazards associated with unfamiliarity with the detour territory are identified and managed. (*Id.*) In addition, the NTSB proposes that verified notices be required to include a plan for addressing engineer familiarity with the detour territory on which they will be operating. (*Id.*)

SMART/TD–NY argues that the proposed exemption would adversely affect rail safety and reduce work opportunities for rail employees. (SMART/TD–NY Comments 6–7; SMART/TD–NY Reply 4–5, 7, 10, Aug. 11, 2021.) SMART/TD–NY claims that currently, in emergency situations, rail carriers seek an exemption under 49 CFR 1180.2(d)(8) and file a petition for a waiver of the 30-day period under 49 CFR 1180.4(g)(1) and that while they wait for the exemption to become effective, they operate pursuant to detour arrangements under which their operations are guided and directed by a pilot crewmember of the carrier that controls the line.[2] (SMART/TD–NY Reply 3, Aug. 11, 2021.) In contrast, according to SMART/TD–NY, the proposed rule would allow a carrier to begin operations over the line of a foreign carrier as soon as the Board serves its notice of exemption. (*Id.* at 4.) SMART/TD–NY argues that although the proposed rule requires that the Board serve its notice within five days after a carrier has filed a verified notice of exemption, ''[i]t is inconceivable the Board would wait even one day, much less than five days.'' (*Id.* at 5.) Therefore, according to SMART/TD–NY, emergency temporary trackage rights would become effective almost immediately and without the transition period of detour operations, thereby allowing carriers to operate with personnel insufficiently experienced in foreign territory operations and eliminating work opportunities associated with detour operations.[3] (SMART/TD–NY Comments 6; SMART/TD–NY Reply 4–5, 7, Aug. 11, 2021.)

SMART/TD–NY also argues that the proposed exemption is unwarranted because the existing exemption and waiver process is sufficient to address emergency situations and is not unduly inefficient. (SMART/TD–NY Comments 4–5; SMART/TD–NY Reply 6–7, Aug. 11, 2021.) SMART/TD–NY claims that the current process is not inefficient because verified notices of exemption and petitions for waiver are short documents that are easy to prepare, that the notice is ''self-executing'' and does not need to be approved by the Board, and that the petitions for waiver are routinely granted. (SMART/TD–NY Reply 6, Aug. 11, 2021.) SMART/TD–NY also asserts that there have previously been no claims that the current process is inefficient. (*Id.* at 7.) According to SMART/TD–NY, these facts demonstrate that the ''claimed serious inefficiency'' of the current process is a ''hoax.'' (*Id.* at 6.)

SMART/TD–NY opposes the Board's proposal not to require a caption summary in verified notices of exemption filed under 49 CFR 1180.2(d)(9) and to eliminate the caption summary requirement for notices filed under 49 CFR 1180.2(d)(7) and (d)(8). (SMART/TD–NY Reply 11–12, Aug. 11, 2021.) SMART/TD–NY claims that removing the caption summary requirement is inconsistent with the requirement that notice of the emergency temporary trackage rights be published in the **Federal Register**. (*Id.* at 12.)

AAR supports the proposed rule but asks the Board to clarify several issues. AAR argues that the regulatory text should include examples of the types of events that would constitute an unforeseen track outage under proposed 49 CFR 1180.2(d)(9) and that the Board should clarify that pursuing an exemption under proposed 49 CFR 1180.2(d)(9) would not preclude a subsequent exemption under 49 CFR 1180.2(d)(8) if the circumstances of the unforeseen event require more than six months to restore the outage.[4] (AAR Comments 5–6.)

Responding to the arguments made by SMART/TD–NY, AAR also argues that the proposed exemption—which would remove regulatory requirements in limited circumstances—is warranted because the existing exemption and waiver process is inefficient. (AAR Reply 2–4.) AAR claims that the exemption would make the process of obtaining a trackage rights exemption in an emergency more efficient, that it advances the rail transportation policy (RTP) of 49 U.S.C. 10101 in several ways, and that, by removing regulation in certain emergency situations, it furthers the statutory directive in 49 U.S.C. 10502 that the Board exempt rail carriers from regulation ''to the maximum extent'' consistent with the law. (*Id.* at 3–4.)

In addition, AAR argues that, contrary to the claims made by SMART/TD–NY and the NTSB, the proposed exemption would not adversely impact rail safety. (AAR Comments 10–12; AAR Reply 4–6.) AAR claims that the exemption would not impact the application of FRA safety regulations, including those that require an engineer to be properly

[1] 49 CFR 1180.4(g)(4) provides that parties seeking Board approval for transactions under 49 CFR part 1180 must certify ''whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means.''

[2] SMART/TD–NY explains that detour operations differ from trackage rights operations in that trackage rights operations involve a carrier using only its own employees to operate over a line controlled by another carrier, whereas in detour operations the engineer of the carrier operating over a line controlled by another carrier is guided by an experienced crewmember of the carrier that controls the line. (SMART Reply 3, Aug. 11, 2021.)

[3] SMART/TD–NY further argues that the proposed rule should not be enacted because it would be an ''extension of [Board] regulation, over and above, what has been traditional railroad self-regulation for emergency temporary trackage operations'' through detour arrangements. (SMART/TD–NY Comments 5.)

[4] SMART/TD–NY argues that AAR's proposal to allow carriers to utilize the temporary trackage rights exemption under 49 CFR 1180.2(d)(8) after obtaining emergency temporary trackage rights under 49 CFR 1180.2(d)(9) demonstrates that the existing temporary trackage rights exemption is sufficient. (SMART/TD–NY Reply 11, Aug. 11, 2021.)

certified for joint operations and require that train crews be familiar with the territory over which they operate. (AAR Comments 10–11; AAR Reply 5–6.) AAR states that these requirements would not be waived or otherwise affected if carriers were to obtain emergency temporary trackage rights under the proposed exemption. (AAR Comments 11; AAR Reply 6.)

ASLRRA supports the proposed rule and agrees with the Board's findings that the proposed exemption is consistent with the requirements of 49 U.S.C. 10502 and promotes the RTP by making the process of obtaining trackage rights in emergency situations more efficient and predictable. (ASLRRA Comments 2.)

Final Rule

After considering the comments and replies received in response to the *NPRM,* the Board is adopting the rule proposed in the *NPRM* as a final rule. Under 49 U.S.C. 10502, the Board is required, to the maximum extent consistent with 49 U.S.C. subtitle IV part A, to exempt a person, class of persons, or a transaction or service from regulation whenever it finds that: (1) Regulation is not necessary to carry out the RTP of 49 U.S.C. 10101, and (2) either the transaction or service is of limited scope or regulation is not needed to protect shippers from an abuse of market power. As explained in the *NPRM* and further below, the new emergency temporary trackage rights exemption would make the process of obtaining trackage rights to restore service in an emergency more efficient and predictable, thereby promoting the RTP by providing for the expeditious handling and resolution of proceedings, 49 U.S.C. 10101(15); encouraging the efficient management of railroads, 49 U.S.C. 10101(9); and promoting the continuation of a sound rail system, 49 U.S.C. 10101(4), and coordination between carriers, 49 U.S.C. 10101(5). (*NPRM,* EP 282 (Sub-No. 21), slip op. at 4.) In addition, as explained in the *NPRM,* the new class exemption is limited in scope, both in terms of the duration of the rights and the circumstances in which the exemption would apply, and regulation is not needed to protect shippers from an abuse of market power because the temporary trackage rights would be for overhead operations only and would benefit shippers by enhancing the ability of carriers to maintain service in emergency situations. (*Id.*)

As noted above, AAR requests that the regulatory text in the final rule include examples of the types of events that would constitute an unforeseen track outage. The Board finds that the regulatory language proposed in the *NPRM* is sufficiently clear without a list of examples and therefore declines to make the change requested by AAR. However, the Board clarifies here that several of the examples suggested by AAR in its comments—natural disasters, severe weather events, flooding, accidents, and washouts—are among the types of events contemplated by the final rule. The Board notes, however, that a term like ''incident,'' which was also suggested by AAR, (AAR Comments 5), is too broad to include as an example of an event that would constitute an ''unforeseen'' track outage since an incident is simply an event or occurrence and not necessarily something unforeseen. Similarly, ''bridge or tunnel damage,'' another example suggested by AAR as an ''unforeseen'' track outage, is too broad, as it could encompass damage that results from normal wear and tear and therefore is not unforeseen. To the extent that an outage resulting from bridge and tunnel damage would qualify for the new exemption, it would have to be caused by an unforeseen event such as a natural disaster, a severe weather event, etc.

AAR also asks that the Board clarify that if a carrier were to obtain an exemption under 49 CFR 1180.2(d)(9), it would not be precluded from later seeking an exemption under 49 CFR 1180.2(d)(8) in the event that resolving the track outage takes longer than the maximum six months allowed under the proposed 49 CFR 1180.2(d)(9). The Board agrees that in situations where a carrier has obtained an emergency temporary trackage rights exemption under 49 CFR 1180.2(d)(9) and the track outage cannot be resolved in six months, the carrier should have the option of seeking a temporary trackage rights exemption under 49 CFR 1180.2(d)(8). To preclude the use of exemptions under 49 CFR 1180.2(d)(8) in such situations would leave carriers without the ability to obtain a potentially necessary trackage rights exemption despite a continuing track outage.

The NTSB and SMART/TD–NY suggest that the emergency temporary trackage rights exemption could adversely affect rail safety. The NTSB and SMART/TD–NY argue that the reduction in time for carriers to obtain emergency trackage rights authority might result in carriers beginning operations before their engineers have had time to familiarize themselves with territory over which they will be operating.[5] However, while the new exemption will generally speed up the process for authorizing trackage rights in an emergency, the Board notes that the timing difference will be fairly minor, particularly given the current practice regarding waiver petitions. Currently, when a carrier files a verified notice of exemption under 49 CFR 1180.2(d)(8) combined with a petition to waive the 30-day notice period under 49 CFR 1180.4(g)(1), the Board typically serves a notice and a decision waiving the 30-day notice period within a few business days of the carrier's filing of its verified notice.[6] Under the new 49 CFR 1180.2(d)(9) process where exemptions will become effective upon the Board's service of a notice, service of such a notice will be required within five days of the verified notice's filing date, but the Board anticipates that service will occur within one or two business days in most cases.[7] Accordingly, in practice, the time frames under each approach are not drastically different.

Furthermore, regardless of how quickly trackage rights exemptions become effective, FRA safety regulations governing joint operations determine whether a carrier can operate on another carrier's line using only its own engineer or whether detour operations involving a pilot engineer are required. *See* 49 CFR 240.229. The NTSB suggests that the Board should add a requirement that parties include a verification that safety hazards associated with

[5] (*See* NTSB Comments 2 (''A 30-day notice provides time for familiarization with the territory and regulations; a [five]-day period may not provide such opportunity . . . .''); SMART/TD–NY Reply 4–5, Aug. 11, 2021 (expressing support for NTSB's concern that reducing the time between filing of a verified notice and the effective date of the exemption to five days would adversely affect safety).)

[6] *See, e.g., Union Pac. R.R.,* FD 36424 et al. (granting waiver of 30-day notice period within two business days after carrier filed verified notice of exemption); *Ala. & Gulf Coast Ry.,* FD 36418 (granting waiver of 30-day notice period one day after carrier filed verified notice of exemption); *Norfolk S. Ry.—Temp. Trackage Rts. Exemption—Kan. City S. Ry.,* FD 36359 (STB served Oct. 11, 2019) (granting waiver of 30-day notice period within two business days after carrier filed verified notice of exemption); *Kan. City S. Ry.—Temp. Trackage Rts. Exemption—Norfolk S. Ry.,* FD 36314 et al. (STB served June 13, 2019) (granting waiver of 30-day notice period within four business days after carrier filed verified notice of exemption).

[7] SMART/TD–NY claims it is ''inconceivable'' that the Board will not serve notices on the same day it receives verified notices under 49 CFR 1180.2(d)(9). (SMART/TD–NY Reply 5, Aug. 11, 2021.) However, this argument ignores the time it takes for Board staff to review the notice for compliance with applicable regulatory requirements, draft and review a notice for service, and complete the administrative processes involved with service and publication. Regardless, as discussed elsewhere in this decision, the Board does not consider the time between filing and service of a notice of exemption a cause for concern.

unfamiliarity with the detour territory are identified and managed and that verified notices include a plan for addressing engineer familiarity with the detour territory upon which they will be operating. (NTSB Comments 2.) But the FRA, rather than the Board, exercises primary authority over matters of rail safety,[8] and because the new emergency temporary trackage rights exemption does not waive or nullify the application of FRA safety regulations governing these topics, additional Board regulations imposing essentially the same requirements would be unnecessarily duplicative.

The Board also finds unpersuasive SMART/TD–NY's argument that the proposed rule should be rejected because emergency situations can be dealt with efficiently enough using the current process of filing notices of exemption under 49 CFR 1180.2(d)(8) combined with a petition to waive the 30-day notice period under 49 CFR 1180.4(g)(1). Although waiver petitions are generally not lengthy and are routinely granted, it is nonetheless more efficient to eliminate the burden associated with these petitions and the accompanying administrative processes. Moreover, although the new emergency temporary trackage rights exemption will not dramatically speed up the process for authorizing trackage rights in an emergency, any time saved in an emergency situation where service needs to be quickly restored is valuable.[9] In short, the Board does not agree with the assertion that creating a more efficient and predictable process, and in turn providing benefits to shippers, carriers, and the public, is unwarranted because trackage rights operations can be authorized under the less efficient and predictable existing regulations.[10]

SMART/TD–NY's opposition to the elimination of caption summaries appears to be based on a misunderstanding of the role of caption summaries. SMART/TD–NY's arguments suggest that it believes if parties are not required to submit caption summaries for trackage rights transactions that the Board will no longer publish notices of exemption for these transactions in the **Federal Register**, (SMART/TD–NY Reply 12, Aug. 11, 2021), but that is not the case. It is true that the purpose of the caption summary requirement was to facilitate **Federal Register** publication by providing the Board with a document that could be published as the Board's notice.[11] However, as explained in the *NPRM,* caption summaries have not routinely been used for that purpose. *NPRM,* EP 282 (Sub-No. 21), slip op. at 7. Rather than relying on parties for caption summaries, the Board prepares its own notices for publication in the **Federal Register** to ensure that they are accurate and contain all relevant information. The requirement for parties to draft and submit caption summaries has become unnecessary.[12] The Board will continue to draft and publish notices in the **Federal Register** for trackage rights exemptions after the final rule becomes effective.

For the foregoing reasons, the Board will adopt as a final rule the amendments to 49 CFR part 1180 as proposed in the *NPRM,* without modification.[13] The text of the final rule is set forth below.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. 601–604. In its final rule, the agency must either include a final regulatory flexibility analysis, 604(a), or certify that the proposed rule would not have a ''significant impact on a substantial number of small entities,'' 605(b). Because the goal of the RFA is to reduce the cost to small entities of complying with federal regulations, the RFA requires an agency to perform a regulatory flexibility analysis of impacts on small entities only when a rule directly regulates those entities. In other words, the impact must be a direct impact on small entities ''whose conduct is circumscribed or mandated'' by the proposed rule. *White Eagle Coop.* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009).

In the *NPRM,* the Board certified that the proposed rule would not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.[14] The Board explained that the proposed change is intended to make the process of obtaining Board approval of temporary trackage agreements in emergency situations more efficient and predictable and does not mandate the conduct of small entities. Currently, if small entities wish to receive temporary trackage rights in emergency situations, they must file for a notice of exemption in addition to filing a petition for waiver. The *NPRM* explained that the proposed rule would provide a more expedited procedural mechanism for carriers to quickly obtain approval for trackage rights in emergency situations without having to obtain a waiver of the 30-day notice period under 49 CFR 1180.4(g)(1). The regulations would require the carrier utilizing the trackage

[8] *See, e.g., Ass'n of Am. R.R.—Pet. for Declaratory Ord.,* FD 36369, slip op. at 16 (STB served Dec. 30, 2020).

[9] As explained in the *NPRM,* the emergency temporary trackage rights exemption will also make the process more predictable for carriers. Under the current process, the Board typically issues a waiver decision within a few business days, but there is no regulatory deadline requiring the Board to do so, and carriers therefore cannot predict when a waiver decision will be issued. Under the new emergency temporary trackage rights exemption, carriers will know that the Board must issue a notice within five days and will be able to plan accordingly.

[10] SMART/TD–NY also argues that because detour arrangements are voluntary and not regulated by the Board, the new exemption would constitute an extension of rail regulation because it would be used in lieu of detour operations. (SMART/TD–NY Comments 5.) The new exemption does not represent an extension of rail regulation. Rather, it reduces the regulatory burden on parties by providing a more streamlined alternative for carriers to obtain an exemption from the regulatory process for approval of temporary trackage rights, and, for the reasons explained above, it should have little to no effect on whether parties choose to use detour operations.

[11] The caption summary regulations originally indicated that caption summaries themselves would be published in the **Federal Register**. *R.R. Consolidation Procs.—Exemption for Temp. Trackage Rts.,* EP 282 (Sub-No. 20), slip op. at 9 (STB served May 23, 2003); *R.R. Consolidation Procs.—Trackage Rts. Exemption,* 1 I.C.C. 270, 283 (1985).

[12] As noted in the *NPRM,* the caption summary requirements will be replaced by a requirement that the parties provide in their verified notices the same information currently required in caption summaries. *NPRM,* EP 282 (Sub-No. 21), slip op. at 7.

[13] The final rule's adoption without modification of the proposed amendments to 49 CFR part 1180 includes those that affect existing class exemptions. As discussed above, the *NPRM* proposed requiring parties to provide certain information in the body of their verified notices rather than in a separate caption summary and proposed clarifying that 49 CFR 1180.4(g)(4)'s requirement to provide certifications regarding interchange commitments does not apply to trackage rights transactions.

[14] For the purpose of RFA analysis for rail carriers subject to the Board's jurisdiction, the Board defines a ''small business'' as only including those rail carriers classified as Class III rail carriers under 49 CFR 1201.1–1. *See Small Entity Size Standards Under the Regul. Flexibility Act,* EP 719 (STB served June 30, 2016) (with Board Member Begeman dissenting). Class III carriers have annual operating revenues of $40.4 million or less in 2019 dollars. Class II rail carriers have annual operating revenues of less than $900 million in 2019 dollars. The Board calculates the revenue deflator factor annually and publishes the railroad revenue thresholds on its website. 49 CFR 1201.1–1; *Indexing the Annual Operating Revenues of R.Rs.,* EP 748 (STB served July 12, 2021). As the Railroad Price Index remained the same from 2019 to 2020, there was no adjustment to the thresholds for 2020. *Indexing the Annual Operating Revenues of R.Rs.,* EP 748, slip op. at 2 n.2.

rights to file a notice if the carrier ceases to use the trackage rights prior to when the exemption period would have otherwise expired. However, because such notices would consist of a brief statement that use of the trackage rights has ceased and the date on which use of the trackage rights ceased, the Board stated in the *NPRM* that it did not believe that the burden associated with these notices would outweigh the reduction in burden associated with eliminating the requirement to file a petition for waiver of the 30-day notice period under 49 CFR 1180.4(g)(1). Accordingly, the Board concluded that the impact of the proposed rule should slightly reduce the paperwork burden for small entities. The Board also found that the economic impact of the proposed rule, if any, would be minimal, as the burdens associated with obtaining approval of temporary trackage rights agreements in emergencies would be slightly reduced and the rule would likely provide some economic benefit by expediting, in some cases, the process of approving trackage rights agreements necessary to restore service at pre-outage levels. Therefore, the Board certified under 5 U.S.C. 605(b) that the proposed rule would not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

The Board is adopting as a final rule the amendments to 49 CFR part 1180 as proposed in the *NPRM,* without modification. Therefore, the Board certifies under 5 U.S.C. 605(b) that the final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.[15] This decision will be served upon the Chief Counsel for Advocacy, Offices of Advocacy, U.S. Small Business Administration, Washington, DC 20416.

Paperwork Reduction Act

In this proceeding, the Board is modifying an existing collection of information that is currently approved by the Office of Management and Budget (OMB) through November 30, 2023, under the collection of Statutory Licensing Authority (OMB Control Number: 2140–0023). In the *NPRM,* the Board sought comments pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3521, and OMB regulations, 5 CFR 1320.8(d)(3), regarding: (1) Whether the collection of information, as modified in the proposed rule and further described in the Appendix to the *NPRM,* is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. No comments were received pertaining to the collection of this information under the PRA.

This modification to an existing collection will be submitted to OMB for review as required under the PRA, 44 U.S.C. 3507(d), and 5 CFR 1320.11.

Congressional Review Act

Pursuant to the Congressional Review Act, 5 U.S.C. 801–808, the Office of Information and Regulatory Affairs has designated this rule as non-major, as defined by 5 U.S.C. 804(2).

List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

It is ordered:

1. The Board adopts the final rule set forth in this decision.

2. Notice of this decision will be published in the **Federal Register**.

3. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

4. This decision is effective on December 30, 2021.

Decided: November 28, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Raina White,

Clearance Clerk.

Code of Federal Regulations

For the reasons set forth in the preamble, the Surface Transportation Board proposes to amend part 1180 of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

■ 1. The authority citation for part 1180 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 1321, 10502, 11323–11325.

■ 2. Amend § 1180.2 as follows:
■ a. Revise the first sentence of paragraph (d) introductory text;
■ b. In paragraph (d)(8):
■ i. Remove ''(i)'', ''(ii)'', ''(iii)'', and ''(iv)'' and add in their place ''{i}'', ''{ii}'', ''{iii}'', and ''{iv}'', respectively;
■ ii. Remove the words ''49 CFR 1180.4(g)(2)(iii)'' and add in their place the words ''49 CFR 1180.4(g)(1)(ii)''; and
■ iii. Remove the words ''these rules'' and add in their place the words ''this paragraph (d)(8)''; and
■ c. Add paragraph (d)(9).

The revision and addition read as follows:

§ 1180.2 Types of transactions.

* * * * *

(d) A transaction is exempt if it is within one of the nine categories described in paragraphs (d)(1) through (9) of this section. * * *

* * * * *

(9) Acquisition of emergency temporary trackage rights by a rail carrier over lines owned or operated by any other rail carrier or carriers that are: {i} Based on written agreements, {ii} not filed or sought in responsive applications in rail consolidation proceedings, {iii} for overhead operations only, {iv} scheduled to expire on a specific date not to exceed three months from the effective date of the exemption, and {v} sought in response to an unforeseen track outage and expected to last more than seven days where there is no reasonable alternative to maintain pre-outage levels of service. If during the exemption period, the outage is resolved and use of the temporary emergency trackage rights ceases to be necessary to maintain service at pre-outage levels, the rail carrier must file a notice stating that the outage has been resolved and that use of the trackage rights has ceased and identifying the date on which use of the trackage rights ceased. Such a notice should be filed within 5 business days of the date on which use of the trackage rights ceased. The emergency temporary trackage rights authority expires upon the official filing date of the notice. If the operations contemplated by the exemption will not be concluded within the initial exemption period, the rail

[15] As noted above, the final rule adopts the proposals to require parties to file certain information in the body of their verified notices rather than in a separate caption summary and to clarify that 49 CFR 1180.4(g)(4) does not apply to trackage rights transactions. Requiring parties to provide certain information in verified notices rather than in caption summaries and clarifying that certifications regarding interchange commitments are not required for trackage rights transactions will not increase the economic impact on parties. Therefore, these requirements do not alter the conclusion that the final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

carrier may, prior to expiration of the period, file a request for a renewal of the temporary rights for an additional period of up to 3 months, including the reason(s) therefor. Rail carriers acquiring temporary trackage rights need not seek authority from the Board to discontinue the trackage rights as of the expiration date specified under § 1180.4(g)(1)(ii). All transactions under this paragraph (d)(9) will be subject to applicable statutory labor protective conditions.

■ 3. Amend § 1180.4 as follows:
■ a. Revise paragraph (g)(1);
■ b. Remove paragraph (g)(2);
■ c. Redesignate paragraphs (g)(3) and (4) as paragraphs (g)(2) and (3); and
■ d. Amend newly redesignated paragraph (g)(3) by removing the subject heading and revising the first sentence of paragraph (g)(3)(i).

The revisions read as follows:

§ 1180.4 Procedures.

* * * * *

(g) * * *

(1) To qualify for an exemption under § 1180.2(d), a railroad must file a verified notice of the transaction with the Board. Except for verified notices filed under § 1180.2(d)(9), all verified notices under § 1180.2(d) must be filed at least 30 days before the transaction is consummated, indicating the proposed consummation date. Verified notices filed under § 1180.2(d)(9) will become effective upon service of notice of the transaction by the Board. Before a verified notice is filed, the railroad shall obtain a docket number from the Board's Section of Administration, Office of Proceedings.

(i) All notices filed under § 1180.2(d) shall contain the information required in § 1180.6(a)(1)(i) through (iii), (a)(5) and (6), and (a)(7)(ii), and indicate the level of labor protection to be imposed.

(ii) Notices filed under §§ 1180.2(d)(7), 1180.2(d)(8), or 1180.2(d)(9) shall also contain the following information:

(A) The name of the tenant railroad;

(B) The name of the landlord railroad;

(C) A description of the trackage rights, including a description of the track. For notices under § 1180.2(d)(8) and (9), the notice must state that the trackage rights are overhead rights. For notices under § 1180.2(d)(7), the notice must state whether the trackage rights are local or overhead;

(D) The date the trackage rights transaction is proposed to be consummated;

(E) The date temporary trackage rights will expire, if applicable; and

(F) For notices under § 1180.2(d)(9), a description of the situation resulting in the outage in sufficient detail to allow the Board to determine an emergency exits, including, to the extent possible, the nature of the event that caused the unforeseen outage, the location of the outage, the date that the emergency situation occurred, the date the outage was discovered, and the expected duration of the outage.

(iii) Except for notices filed under § 1180.2(d)(9), the Board shall publish a notice of exemption in the **Federal Register** within 16 days of the filing of the notice. For notices filed under § 1180.2(d)(9), the Board shall serve a notice of exemption on parties of record within 5 days after the verified notice of exemption is filed and shall publish that notice in the **Federal Register**. The publication of notices under § 1180.2(d) will indicate the labor protection required.

(iv) If the notice contains false or misleading information that is brought to the Board's attention, the Board shall summarily revoke the exemption for that carrier and require divestiture.

(v) The filing of a petition to revoke under 49 U.S.C. 10502(d) does not stay the effectiveness of an exemption. Except for notices filed under § 1180.2(d)(9), stay petitions must be filed at least 7 days before the exemption becomes effective. For notices filed under § 1180.2(d)(9), stay petitions should be filed as soon as possible before the exemption becomes effective.

(vi) Other exemptions that may be relevant to a proposal under this provision are codified at 49 CFR part 1150, subpart D, which governs transactions under 49 U.S.C. 10901.

* * * * *

(3)(i) Except for notices filed under §§ 1180.2(d)(7), 1180.2(d)(8), or 1180.2(d)(9), the filing party must certify whether a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means (''interchange commitment''). * * *

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[FR Doc. 2021–26239 Filed 12–3–21; 8:45 am]

BILLING CODE 4915–01–P

Proposed Rules

Federal Register
Vol. 86, No. 231
Monday, December 6, 2021

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Doc. No. AMS–SC–21–0068; SC21–983–1 PR]

Increased Assessment Rate for Pistachios

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Administrative Committee for Pistachios (Committee) to increase the assessment rate established for 2021–22 and subsequent production years. The proposed assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by January 5, 2022.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk electronically by Email: *MarketingOrderComment@usda.gov* or internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *https://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of individuals or entities submitting comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Peter Sommers, Marketing Specialist, or Gary Olson, Regional Director, West Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724 or Email: *PeterR.Sommers@usda.gov* or *GaryD.Olson@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, or Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement and Order No. 983, as amended (7 CFR part 983), regulating the handling of pistachios grown in California, Arizona, and New Mexico. Part 983 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers of pistachios operating within the production area, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866 and 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This proposed rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have tribal implications. AMS has determined this proposed rule is unlikely to have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, pistachio handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate would be applicable to all assessable pistachios for the 2021–22 production year and continue until amended, suspended, or terminated. The production year runs from September 1 to August 31. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of the entry of the ruling.

This proposed rule would increase the assessment rate from $0.00015 per pound of pistachios, the rate established for 2020–21 and subsequent production years, to $0.0007 per pound of pistachios for 2021–22 and subsequent production years.

The Order authorizes the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. Members are familiar with the Committee's needs and with costs of goods and services in their local area and are in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting, and all directly affected

persons have an opportunity to participate and provide input.

For 2020–21 and subsequent production years, the Committee recommended, and USDA approved, an assessment rate of $0.00015 per pound of pistachios. This assessment rate would continue to be in effect from production year to production year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on July 20, 2021, and unanimously recommended expenditures of $828,000 and an assessment rate of $0.0007 per pound of pistachios handled for 2021–22 and subsequent production years. In comparison, the prior year's budgeted expenditures were $679,800. The proposed assessment rate of $0.0007 is $0.00055 higher than the rate currently in effect. The Committee recommended increasing the assessment rate to pay for additional Committee staff in preparation for the retirement of key staff positions (manager and administrative assistant) and to provide adequate income to cover all of the Committee's budgeted expenses for the 2021–22 production year.

Major expenditures recommended by the Committee for the 2021–22 production year include $462,500 for personnel expenses, $125,000 for research, $100,000 for a contingency fund, $82,700 for administration, and $57,800 for office expenses. Budgeted expenses for these items in the 2020–21 production year were $336,500, $125,000, $80,000, $80,700, and $57,600, respectively.

The Committee derived the recommended assessment rate by considering anticipated expenses, an estimated crop of 975,000 million pounds of pistachios, and the amount of funds available in the authorized reserve. Income derived from handler assessments, calculated at $682,500 (975,000,000 pounds multiplied by $0.0007 assessment rate), along with other income ($220,200), would be adequate to cover budgeted expenses of $828,000. Excess assessment revenue would be added to the Committee's reserve fund. Funds in the Committee's financial reserve are expected to be approximately $385,157 at the end of the 2021–22 production year, which would be within the Order's requirement of no more than approximately two production years' budgeted expenses.

The assessment rate proposed in this rulemaking would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee will continue to meet prior to or during each production year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. Dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2022–23 production year budget, and those for subsequent production years, would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 19 handlers subject to regulation under the Order, and approximately 1,624 producers of pistachios in the production area. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $1,000,000, and small agricultural service firms have been defined as those whose annual receipts are less than $30,000,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service (NASS), the national average producer price for pistachios for the 2019–20 production year was $2.75 per pound. Committee data indicates 2019–20 production year total pistachio production was 582,111,271 pounds. The total 2019–20 production year value of the pistachio crop was calculated as $1,600,805,995 (582,111,271 pounds times $2.75 per pound equals $1,600,805,995). Dividing the crop value by the estimated number of producers (1,624) yields an estimated average receipt per producer of $985,718, which is just below the SBA threshold for small producers.

According to USDA Market News data, the reported terminal price for 2021 for pistachios ranged between $150.00 to $250.00 per 25-pound carton. The average of this range is $200.00 ($150.00 plus $250.00 divided by 2 equals $200.00). Dividing the average value by 25-pounds per carton yields an estimated average price per pound of $8.00 ($200.00 average value for 25-pound carton divided by 25). Multiplying the 2019–20 production year total pistachio production of 582,111,271 pounds by the estimated average price per pound of $8.00 equals $4,656,890,168. Dividing this figure by 19 regulated handlers yields estimated average annual handler receipts of $245,099,483, which is well above the SBA threshold for small agriculture service firms.

Therefore, using the above data, and assuming a normal distribution, the majority of pistachio producers may be classified as small entities and the majority of handlers of pistachios may be classified as large entities.

The proposed assessment rate of $0.0007 that the Committee approved complies with section 983.71(b) of the Order, which states that any proposed assessment rate must not exceed one-half of one percent of the average price received by producers in the preceding production year. The average price received by producers in the preceding production year was $2.75 per pound of pistachios. Thus, $2.75 times 0.5 percent equals $0.01375, which is greater than the proposed assessment rate of $0.0007.

This proposal would increase the assessment rate collected from handlers for 2021–22 and subsequent production years from $0.00015 to $0.0007 per pound of pistachios. The Committee unanimously recommended 2021–22 production year expenditures of $828,000 and an assessment rate of $0.0007 per pound of pistachios handled. The proposed assessment rate of $0.0007 per pound of pistachios is $0.00055 higher than the current rate. The volume of assessable pistachios for the 2021–22 production year is estimated to be 975 million pounds. Thus, the $0.0007 per pound assessment rate should provide $682,500 in assessment income (975,000,000 multiplied by $0.0007). Income derived from handler assessments, along with an estimated $220,000 of other income,

would be adequate to cover budgeted expenses for the 2021–22 production year.

Major expenditures recommended by the Committee for the 2021–22 production year include $462,500 for personnel expenses, $125,000 for research, $100,000 for a contingency fund, $82,700 for administration, and $57,800 for office expenses. Budgeted expenses for these items in the 2020–21 production year were $336,500, $125,000, $80,000, $80,700, and $57,600, respectively.

The Committee recommended increasing the assessment rate due to cover the Committee's budgeted expenses for the 2021–22 production year and maintain its financial reserve. Additionally, the Committee has approved a hiring search for both the Manager and Administrative Assistant, as both are expected to retire in the near future. The increased assessment income would accommodate the hiring of additional staff to aid in the transition.

Prior to arriving at this budget and assessment rate recommendation, the Committee discussed an alternative that considered the timing of when additional staff salaries would be required to assist the management transition. However, the Committee determined that the recommended assessment rate would fully fund budgeted expenses, avoid utilizing reserves, and permit the Committee to hire the needed staff to facilitate the replacement of the key management positions.

This proposed rule would increase the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and a portion of assessment costs may be passed on to producers. However, these costs would be offset by benefits derived by the operation of the Order.

The Committee's meeting was widely publicized throughout the pistachio industry. All interested persons were invited to attend the meeting and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the July 20, 2021, meeting was a public meeting, and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit comments on this proposed rule, including regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements would be necessary as a result of this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large pistachio handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 983

Marketing agreements, Pistachios, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, Agricultural Marketing Service proposes to amend 7 CFR part 983 as follows:

PART 983—PISTACHIOS GROWN IN CALIFORNIA, ARIZONA, AND NEW MEXICO

■ 1. The authority citation for 7 CFR part 983 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 983.253 is revised to read as follows:

§ 983.253 Assessment rate.

On and after September 1, 2021, an assessment rate of $0.0007 per pound is established for California, Arizona, and New Mexico pistachios.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–26256 Filed 12–3–21; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 986

[Doc. No. AMS–SC–21–0080; SC21–986–2]

Decreased Assessment Rate for Pecans Grown in 15 States

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the American Pecan Council (Council) to decrease the assessment rate established for the 2021–22 and subsequent fiscal years. The proposed assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by January 5, 2022.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be submitted to the Docket Clerk electronically by Email: *MarketingOrderComment@usda.gov* or internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Abigail Campos, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Abigail.Campos@usda.gov* or *Christian.Nissen@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237,

Washington, DC 20250–0237; Telephone: (202) 720–2491, or Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement and Marketing Order No. 986, as amended (7 CFR part 986), regulating the handling of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas. Part 986, (referred to as ''the Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Council locally administers the Order and is comprised of growers and handlers of pecans operating within the production area, and one accumulator and one public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866 and 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This proposed rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have tribal implications. AMS has determined that this proposed rule is unlikely to have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, pecan handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rates would be applicable to all assessable pecans for the 2021–22 fiscal year, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Order provides that based on the recommendation of the Council or other available data, the Secretary shall fix three base rates of assessments for inshell pecans handled during each fiscal year. This proposed rule would decrease the assessment rates from $0.03 per pound for improved varieties and $0.02 per pound for native and seedling varieties and for substandard pecans, the rates that were established for the 2016–17 and subsequent fiscal years, to $0.01 per pound for improved varieties and $0.00 per pound for native and seedling varieties and for substandard pecans handled for the 2021–22 and subsequent fiscal years.

The Order authorizes the Council, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Council are familiar with the Council's needs and with the costs of goods and services in their local area and can formulate an appropriate budget and assessment rates. The assessment rates are formulated and discussed in a public meeting and all directly affected persons have an opportunity to participate and provide input.

For the 2016–17 and subsequent fiscal years, the Council recommended, and USDA approved, assessment rates of $0.03 per pound for improved varieties and $0.02 per pound for native and seedling varieties and for substandard pecans handled. The assessment rates continue in effect from fiscal year to fiscal year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Council or other information available to USDA.

The Council held a virtual meeting on September 22, 2021, and recommended 2021–22 expenditures of $9,002,508, and a decreased assessment rate of $0.01 per pound of improved varieties, and $0.00 per pound for native and seedling varieties and for substandard pecans. In comparison, the previous fiscal year's budget expenditures were $11,741,400. The assessment rate for improved varieties of $0.01 and the assessment rate of $0.00 for native and seedling varieties and for substandard pecans are $0.02 lower than the rates currently in effect.

On February 12, 2021, USDA established the Pecan Promotion, Research and Information Order, a new research and promotion program. Under the new program, research and promotion activities for pecans would be funded through the collection of assessments from U.S. growers and importers.

With the new program in effect, the Council recommended reducing expenditures for research and promotion under the Order. With these reductions, total budgeted expenditures for 2021–22 are estimated at $9,002,508 which is $2,738,892 less than the $11,741,400 budgeted for 2020–21. The Council unanimously voted to decrease the assessment rates to reflect the reduction in expenditures, and to offset the assessments collected under the new program so the assessment burden on the industry does not increase.

The major expenditures for the Council for the 2021–22 year include $2,510,000 for international relations, $2,180,000 for marketing, and $1,447,066 for general administration. Budgeted expenses for these items in 2020–21 were $1,968,000, $6,715,000, and $1,425,000, respectively.

The Council derived the recommended assessment rates by considering anticipated expenses, expected shipments of pecans, Market Access Program (MAP) funds, and the amount of funds available in the authorized reserve. Assessable shipments for the year are an estimated 315 million pounds of improved varieties, which should provide approximately $3,150,000 in assessment income (315,000,000 pounds multiplied by $0.01). Income derived from handler assessments calculated at the proposed rate, along with interest income, MAP funds, and funds from the Council's authorized reserve, would be adequate to cover projected budgeted expenses of $9,002,508. Funds in the reserve are

estimated to be $2,800,000 at the end of the 2021–22 fiscal year, which would be within the maximum permitted by § 986.64 of the Order (approximately three fiscal years' expenses).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Council or other available information.

Although these assessment rates would be in effect for an indefinite period, the Council will continue to meet prior to or during each fiscal year to recommend a budget of expenses and consider recommendations for modification of the assessment rates. The dates and times of Council meetings are available from the Council or USDA. Council meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Council recommendations and other available information to determine whether modification of the assessment rates is needed. Further rulemaking would be undertaken as necessary. The Council's 2021–22 budget and those for subsequent fiscal years would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 4,500 growers of pecans in the production area and approximately 150 handlers subject to regulation under the Order. Small agricultural growers are defined by the Small Business Administration (SBA) as those having annual receipts less than $1,000,000, and small agricultural service firms are defined as those whose annual receipts are less than $30,000,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service (NASS), the 2020–21 crop value was $435.28 million. With a crop size of 305.36 million pounds, the season average grower price was $1.43. Dividing the $435.28 million crop value by the estimated number of pecan growers (4,500) yields an annual average receipts per grower estimate of $96,729. This is well below the SBA threshold for small growers.

Evidence presented at the pecan marketing order promulgation hearing indicates an average handler margin of $0.58 per pound. Adding this margin to the average grower price of $1.43 for in-shell pecans yields an estimated annual handler price of $2.01 per pound. With a total 2020–21 utilization of 305.36 million pounds, the total estimated value of production at the handler level for the fiscal year was $613.77 million ($2.01 per pound multiplied by 305.36 million pounds). Dividing this $613.77 million figure by the number of handlers (150) yields an average annual receipts per handler estimate of $4.09 million. This is well below the SBA threshold for small agricultural service firms. Assuming a normal distribution, the majority of pecan growers and handlers may be classified as small entities.

This proposal would decrease the assessment rates collected from handlers for the 2021–22 and subsequent fiscal years from $0.03 to $0.01 per pound of improved varieties and from $0.02 to $0.00 per pound of native and seedling varieties and for substandard pecans handled. The Council recommended 2021–22 fiscal year expenditures of $9,002,508 and proposed assessment rates of $0.01 per pound for improved varieties and $0.00 per pound for native and seedling varieties and for substandard pecans. The proposed assessment rates are $0.02 per pound for improved varieties and $0.01 per pound for native and seedling varieties lower than 2016–17 rates. The quantity of assessable pecans for the 2021–22 fiscal year is estimated at 315 million pounds. Thus, the $0.01 per pound for improved varieties and $0.00 per pound for native and seedling varieties and for substandard pecans rate should provide $3,150,000 in assessment income. Income derived from handler assessments, along with interest income, MAP funds, and funds from the Council's authorized reserve, would be adequate to cover budgeted expenses.

The major expenditures projected by the Council for the 2021–22 year include $2,510,000 for international relations, $2,180,000 for marketing, and $1,447,066 for general administration. Budgeted expenses for these items in 2020–21 were $2,510,000, $6,285,000, and $1,447,066, respectively.

The Council recommended decreasing the assessment rates to reflect a reduction in research and promotion expenditures as these activities would be caried out by the new USDA research and promotion program also funded by the industry. Consequently, the Council recommended a corresponding decrease in the assessment rates to reflect the decrease in research and promotion expenditures.

Prior to arriving at the estimated expenditures and assessment rates, the Council considered information from various sources, such as the Council's Governance Committee. Alternative expenditure levels were discussed by this Committee, based upon the relative value of various activities to the pecan industry, and the impact of the new research and promotion program. The Council determined that based on the information currently available, program activities would be appropriately funded, and no alternate expenditure levels were deemed appropriate.

Using NASS data, a weighted average grower price for the past 3 seasons (2018–19 through 2020–21) is $1.66 per pound. This provides a reasonable forecast of the average grower price for 2021–22 season. The proposed assessment rate of $0.01 per pound for improved varieties represents 0.6 percent of the $1.66 weighted average price (six tenths of one percent; $0.01 divided by $1.66 × 100).

This action would decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to growers. However, decreasing the assessment rates reduces the burden on handlers and may also reduce the burden on growers.

The September 22, 2021 Council meeting was widely publicized throughout the pecan industry. Meetings are held virtually or in a hybrid style. Participants have a choice whether to attend in person or virtually and can participate in the Council's deliberations on all issues. Interested persons are invited to submit comments on this proposed rule, including the regulatory and informational collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the OMB and assigned OMB No. 0581–0291 Federal Marketing Order for Pecans. No changes in those requirements would be necessary because of this proposed rule.

Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large pecan handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the Council and other available information, USDA has determined that this proposed rule is consistent with and will effectuate the purposes of the Act.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 986

Marketing agreements, Pecans, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Agricultural Marketing Service proposes to amend 7 CFR part 986 as follows:

PART 986—PECANS GROWN IN THE STATES OF ALABAMA, ARKANSAS, ARIZONA, CALIFORNIA, FLORIDA, GEORGIA, KANSAS, LOUISIANA, MISSOURI, MISSISSIPPI, NORTH CAROLINA, NEW MEXICO, OKLAHOMA, SOUTH CAROLINA, AND TEXAS

■ 1. The authority citation for 7 CFR part 986 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 986.161 is revised to read as follows:

§ 986.161 Assessment rates.

On and after October 1, 2021, assessment rates of $0.01 per pound for pecans classified as improved, $0.00 per pound for pecans classified as native and seedling, and $0.00 per pound for pecans classified as substandard pecans are established.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2021–26236 Filed 12–3–21; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1019; Project Identifier 2020–CE–006–AD]

RIN 2120–AA64

Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Schempp-Hirth Flugzeugbau GmbH Model Ventus-2a and Ventus-2b gliders. This proposed AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as severe corrosion on the inboard flaperon actuation push rods and ball bearing connecting the flaperon push rod to the bell crank inside the wing. This proposed AD would require inspecting the affected parts of the flaperon control in the wings and taking corrective actions if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 20, 2022.

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

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

For service information identified in this NPRM, contact Schempp-Hirth Flugzeugbau GmbH, Krebenstrasse 25, 73230 Kirchheim/Teck, Germany; phone: +49 7021 7298–0; fax: +49 7021 7298–199; email: *info@schempp-hirth.com;* website: *https://www.schempp-hirth.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1019; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–1019; Project Identifier 2020–CE–006–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any

personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jim Rutherford, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0063, dated March 18, 2020 (referred to after this as ''the MCAI''), to address an unsafe condition on Schempp-Hirth Flugzeugbau GmbH Models Ventus-2a, Ventus-2b, Ventus-2c, Ventus-2cM, and Ventus-2cT gliders. The MCAI states:

> Severe corrosion has been found on the inboard flaperon actuation push rod of some sailplanes. Subsequent investigation determined that, when water ballast is dumped in flight, some water may be sucked into the wing upper side and enter the wing via the flaperon push rod. Intruding water may cause corrosion especially on the ball bearing connecting the flaperon push rod to the bell crank inside the wing.
>
> This condition, if not detected an[d] corrected, could lead to hard steering (when the ball bearing is damaged) or increased play (when the ball bearing has failed), possibly resulting in reduced control of the (powered) sailplane.
>
> To address this potential unsafe condition, Schempp-Hirth Flugzeugbau GmbH issued the [technical note] TN to provide inspection and replacement instructions.
>
> For the reason described above, this [EASA] AD requires repetitive inspections of the affected parts, as identified in the TN, and, depending on findings, replacement with serviceable parts.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1019.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note No. 349–42/825–57, Revision 2, dated February 24, 2020. This service information contains procedures for inspecting the pushrod, joint head, and bell crank of the flaperon control of the wings for corrosion or other damage, and replacing or servicing (repair) if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA also reviewed Schempp-Hirth Flugzeugbau GmbH Technical Note No. 349–42/825–57, Revision 2, dated February 24, 2020. This service information specifies inspecting the pushrod, joint head, and bell crank of the flaperon control of the wings by following Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note No. 349–42/825–57, Revision 2, dated February 24, 2020.

FAA's Determination

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

Proposed AD Requirements

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

Differences Between This Proposed AD and the MCAI

The MCAI applies to Schempp-Hirth Flugzeugbau GmbH Model Ventus-2c, Ventus-2cM, and Ventus-2cT gliders, and this proposed AD would not because they do not have an FAA type certificate.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 33 gliders of U.S. registry. The FAA also estimates that it would take about 1 work-hour per glider to comply with the inspection that would be required by this proposed AD. Based on these figures, the FAA estimates the inspection cost of this proposed AD on U.S. operators to be $2,805 or $85 per glider, per inspection cycle.

In addition, the FAA estimates that each repair or replacement action required by this proposed AD would take up to 8 work-hours and require parts costing up to $800. Based on these figures, the FAA estimates the repair or replacement cost of this proposed AD on U.S. operators to be up to $1,480 per glider.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Schempp-Hirth Flugzeugbau GmbH: Docket No. FAA–2021–1019; Project Identifier 2020–CE–006–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 20, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Schempp-Hirth Flugzeugbau GmbH Model Ventus-2a and Ventus-2b gliders, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2700, Flight Control System.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and address an unsafe condition on an aviation product. The MCAI describes the unsafe condition as severe corrosion on the inboard flaperon actuation push rods and ball bearing connecting the flaperon push rod to the bell crank inside the wing. The FAA is issuing this AD to prevent hard steering and increased play. The unsafe condition, if not addressed, could result in reduced control of the glider.

(f) Compliance

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

(g) Inspections and Corrective Actions

Within 90 days after the effective date of this AD and thereafter at intervals not to exceed 12 months, inspect the pushrod, joint head, and bell crank of the flaperon control of the wings for corrosion and other damage in accordance with Action 1 in Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note No. 349–42/825–57, Revision 2, dated February 24, 2020, and before further flight, repair or replace the affected part, as applicable, in accordance with Action 2 in Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note No. 349–42/825–57, Revision 2, dated February 24, 2020.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD and email to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(i) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0063, dated March 18, 2020, 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–2021–1019.

(3) For service information identified in this AD, contact Schempp-Hirth Flugzeugbau GmbH, Krebenstrasse 25, 73230 Kirchheim/Teck, Germany; telephone: +49 7021 7298–0; fax: +49 7021 7298–199; email: *info@schempp-hirth.com;* website: *https://www.schempp-hirth.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on November 24, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–26326 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–109128–21]

RIN 1545–BQ11

Information Reporting of Health Insurance Coverage and Other Issues

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations providing that ''minimum essential coverage,'' as that term is used in health insurance-related tax laws, does not include Medicaid coverage that is limited to COVID–19 testing and diagnostic services provided under the Families First Coronavirus Response Act. The proposed regulations also would provide an automatic extension of time for providers of minimum essential coverage (including health insurance issuers, self-insured employers, and government agencies) to furnish individual statements regarding such coverage and would provide an alternative method for furnishing individual statements when the shared responsibility payment amount is zero. Additionally, the proposed regulations would provide an automatic extension of time for ''applicable large employers'' (generally employers with 50 or more full-time or full-time equivalent employees) to furnish statements relating to health insurance that the employer offers to its full-time employees. The proposed regulations would affect some taxpayers who claim the premium tax credit; health insurance issuers, self-insured employers, government agencies, and other persons that provide minimum essential coverage to individuals; and applicable large employers.

DATES: Written or electronic comments and requests for a public hearing must be received by February 4, 2022. Requests for a public hearing must be submitted as prescribed in the ''Comments and Requests for a Public Hearing'' section.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–109128–21) by following the online instructions for submitting comments. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The

Internal Revenue Service (IRS) expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment submitted electronically, and to the extent practicable, on paper, to its public docket. Send paper submissions to: CC:PA:LPD:PR (REG–109128–21), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, call Gerald Semasek, Office of Associate Chief Counsel (Income Tax and Accounting), (202) 317–7006 (not a toll-free number); concerning submissions of comments and requests for a public hearing, call Regina Johnson at (202) 317–5177 (not a toll-free number) or send an email to *publichearings@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to 26 CFR parts 1 (Income Tax Regulations) and 301 (Procedure and Administration Regulations) under sections 5000A, 6055, and 6056 of the Internal Revenue Code (Code).

1. Minimum Essential Coverage Under Section 5000A

Beginning in 2014, under the Patient Protection and Affordable Care Act, Public Law 111–148, 124 Stat. 119 (2010), and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, 124 Stat. 1029 (2010) (collectively, the Affordable Care Act or ACA), eligible individuals who purchase coverage under a qualified health plan through a Health Insurance Exchange (Exchange) established under section 1311 of the ACA may claim a premium tax credit under section 36B of the Code. Section 36B and § 1.36B–3 of the Income Tax Regulations provide that a taxpayer is allowed a premium tax credit only for months that are coverage months for individuals in the taxpayer's family, as defined in § 1.36B–1(d). Under § 1.36B–3(c)(1)(iii), a ''coverage month'' for an individual includes only those months the individual is not eligible for minimum essential coverage other than coverage in the individual market.

Section 5000A was added to the Code by section 1501 of the ACA. Section 5000A(f)(1) defines ''minimum essential coverage'' to include various types of health plans and programs, including, for example, specified government-sponsored programs such as the Medicare program under Part A of title XVIII of the Social Security Act; the Medicaid program under Title XIX of the Social Security Act; the Children's Health Insurance Program under Title XXI of the Social Security Act (CHIP); the TRICARE program under chapter 55 of Title 10, United States Code (U.S.C.); health care programs for veterans and other individuals under chapter 17 or 18 of Title 38, U.S.C.; coverage for Peace Corps volunteers under 22 U.S.C. 2504(e); coverage under the Nonappropriated Fund Health Benefits Program under section 349 of Public Law 103–337; and coverage under an eligible employer-sponsored plan. Section 1.5000A–2(b)(2) of the Income Tax Regulations lists certain government-sponsored programs that do not constitute minimum essential coverage.

Section 5000A requires that individuals have minimum essential coverage for each month in the taxable year, qualify for an exemption from the minimum essential coverage requirement, or make an individual shared responsibility payment upon filing a federal income tax return. Section 11081 of Public Law 115–97, 131 Stat. 2054, 2092 (2017), commonly referred to as the Tax Cuts and Jobs Act (TCJA), reduces the individual shared responsibility payment amount to zero for months beginning after December 31, 2018.

2. Information Reporting Under Sections 6055 and 6056

Section 6055 of the Code provides that all persons who provide minimum essential coverage to an individual must report certain information to the IRS that identifies covered individuals and the period of coverage. *See* section 6055(a) and (b). Those persons also must furnish a statement to the covered individuals containing the same information. *See* section 6055(c). Under section 6055(a), (c)(2), and § 1.6055–1(f) and (g), every person that provides minimum essential coverage to an individual during the calendar year is required to file with the IRS an information return and a transmittal on or before February 28 (March 31 if filed electronically) of the year following the calendar year to which it relates and to furnish to the responsible individual identified on the return a written statement on or before January 31 of the year following the calendar year to which the statement relates. The information returns and written statements must include certain information about the reporting entity, the name and taxpayer identification number (TIN) of the responsible individual, the name and TIN of each individual covered under the health policy, and any other information specified in IRS instructional materials. *See* § 1.6055–1(e) and (g)(4). The IRS generally has designated Form 1094–B, *Transmittal of Health Coverage Information Returns,* and Form 1095–B, *Health Coverage,* to meet the section 6055 requirements.

Section 6056 of the Code requires an applicable large employer (ALE), as defined in section 4980H(c) of the Code, that is required to meet the requirements of section 4908H to file annually information returns and furnish written statements in relation to the health insurance, if any, that the employer offers to its full-time employees. These information returns and written statements are needed in order to administer the employer shared responsibility provisions of section 4980H.

Under section 6056(a), (c)(2), and § 301.6056–1(e) and (g), every ALE or member of an aggregated group that is determined to be an ALE (ALE member) is required to file with the IRS an information return and a transmittal on or before February 28 (March 31 if filed electronically) of the year following the calendar year to which it relates and to furnish to full-time employees a written statement on or before January 31 of the year following the calendar year to which the statement relates. The IRS generally has designated Form 1094–C, *Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns,* and Form 1095–C, *Employer-Provided Health Insurance Offer and Coverage,* to meet the section 6056 requirements.

In addition, an ALE member that offers coverage through a self-insured health plan must complete the reporting required under section 6055, specifically the information regarding each individual enrolled in the self-insured health plan, using Form 1095–C, Part III, rather than Form 1095–B. ALE members use Form 1095–C, Part III, to meet the section 6055 reporting requirement for all employees. For individuals who are not full-time employees, ALE members report only certain information to reflect that the Form 1095–C is being used to complete the section 6055 reporting applicable to individuals who are not full-time employees, but not the section 6056 reporting applicable only to full-time employees.

The current regulations under sections 6055 and 6056 allow the IRS to grant an extension of time of up to 30 days to furnish Forms 1095–B and 1095–C for good cause shown. *See* §§ 1.6055–1(g)(4)(i)(B)(*1*) and 301.6056–1(g)(1)(ii)(A). Additionally, filers of Forms 1095–B, 1094–C and 1095–C may receive an automatic 30-day extension of time to file the forms with the IRS by submitting Form 8809, *Application for Extension of Time to File Information Returns,* on or before the due date for filing the forms. *See* §§ 1.6081–1 and 1.6081–8.

3. Information Reporting Penalties Under Sections 6721 and 6722

Section 6721 imposes a penalty for failing to timely file an information return or for filing an incorrect or incomplete information return. Section 6722 imposes a penalty for failing to timely furnish an information statement or furnishing an incorrect or incomplete information statement. The section 6721 and 6722 penalties are imposed with regard to information returns and statements listed in section 6724(d), which include those required by sections 6055 and 6056. Section 6724 provides that no penalty will be imposed under section 6721 or 6722 with respect to any failure if it is shown that the failure is due to reasonable cause and not to willful neglect.

The preambles to the section 6055 and 6056 regulations provided that the IRS would not impose section 6721 and 6722 penalties on reporting entities for the reporting of 2015 health coverage and offers of coverage if those entities could show that they made good faith efforts to comply with the information reporting requirements (transitional good faith relief). *See* T.D. 9660, 79 FR 13220 at 13226 (Mar. 10, 2014); T.D. 9661, 79 FR 13231 at 13246 (Mar. 10, 2014). The transitional good faith relief covered incorrect or incomplete information, including TINs or dates of birth, reported on information returns or statements. The relief did not apply to a failure to timely file or furnish a return or statement, or when the filer failed to make a good faith effort to comply with the reporting requirements. The preambles to the section 6055 and 6056 regulations also stated that reporting entities failing to meet the reporting requirements of the regulations may have been eligible for penalty relief if the IRS determined the standards for reasonable cause under section 6724 were satisfied. The Treasury Department and the IRS reiterated the transitional good faith relief in Notice 2015–68, 2015–41 I.R.B. 547 (Oct. 13, 2015), and Notice 2015–87, 2015–52 I.R.B. 889 (Dec. 28, 2015).

Explanation of Provisions

1. Medicaid Coverage of COVID–19 Testing and Diagnostic Services Under Section 5000A

Notice 2020–66, 2020–40 I.R.B. 785 (Sept. 28, 2020), provides that Medicaid coverage that is limited to COVID–19 testing and diagnostic services under section 6004(a)(3) of the Families First Coronavirus Response Act, Public Law 116–127, 134 Stat. 178 (Mar. 18, 2020) is not minimum essential coverage under a government-sponsored program. As a consequence, an individual's eligibility for such coverage for one or more months does not prevent those months from qualifying as coverage months for purposes of determining eligibility for the premium tax credit under section 36B. Notice 2020–66 applies to taxable years beginning in or after 2020.

Notice 2020–66 further indicates that the Treasury Department and the IRS intend to amend § 1.5000A–2 to provide guidance respecting Medicaid coverage for COVID–19 testing and diagnostic services. Accordingly, these proposed regulations propose to amend § 1.5000A–2 by adding Medicaid coverage for COVID–19 testing and diagnostic services to the enumerated health coverages under § 1.5000A–2(b)(2) that do not qualify as minimum essential coverage under a government-sponsored program.

Notice 2020–66 provides that taxpayers, including ALEs, may continue to rely on the guidance described in Notice 2020–66 if no proposed regulations or other guidance are released within 18 months after September 28, 2020, which is the date that Notice 2020–66 was published in the Internal Revenue Bulletin.

2. Time and Manner for Furnishing Statements Under Sections 6055 and 6056

Through a series of notices, the Treasury Department and the IRS extended the due dates for furnishing statements to individuals under sections 6055 and 6056 for years 2015 through 2019. *See* Notice 2016–04, 2016–3 I.R.B. 279 (Jan. 19, 2016); Notice 2016–70, 2016–49 I.R.B. 784 (Dec. 5, 2016); Notice 2018–06, 2018–3 I.R.B. 300 (Jan. 16, 2018); Notice 2018–94, 2018–51 I.R.B. 1042 (Dec. 17, 2018); and Notice 2019–63, 2019–51 I.R.B. 1390 (Dec. 16, 2019). Those notices extended the due date for furnishing Forms 1095–B and 1095–C by 30 days (or the next business day if the 30th day fell on a Saturday, Sunday or legal holiday), except that for 2015 information statements, the furnishing due date was extended by 60 days.

In addition to extending the due dates for furnishing statements, Notices 2018–94 and 2019–63 stated that, as a result of the TCJA's reduction of the shared responsibility payment amount under section 5000A(c) to zero for months beginning after December 31, 2018, the Treasury Department and the IRS were studying how the reporting requirements under section 6055 should change, if at all, for future years. Notice 2019–63 also requested comments on whether an extension of the due date for furnishing statements to individuals pursuant to section 6056 would be necessary for future years, and whether the reporting requirements under section 6055 should change for future years. Only one comment was received.

Notice 2020–76, 2020–47 I.R.B. 1058 (Nov. 16, 2020) provided an automatic extension of time for reporting entities to furnish 2020 information statements (Forms 1095–B and 1095–C) to individuals from January 31, 2021, to March 2, 2021. The notice stated that the Treasury Department and the IRS determined that a substantial number of employers, insurers, and other providers of minimum essential coverage needed additional time beyond January 31, 2021, to gather and analyze the information necessary to prepare and issue the Forms 1095–B and 1095–C. Notice 2020–76 also provided that because of the grant of the automatic extension to March 2, 2021, for furnishing Forms 1095–B and 1095–C, §§ 1.6055–1(g)(4)(i)(B)(1) and 301.6056–1(g)(1)(ii)(A) (allowing the IRS to grant an extension of time of up to 30 days to furnish Forms 1095–B and 1095–C) would not apply. The notice did not extend the due dates for filing 2020 Forms 1095–B, 1094–C, or 1095–C with the IRS. The provisions of §§ 1.6081–1 and 1.6081–8 (allowing an automatic extension of time for filing information returns by submission of a Form 8809 before the due date) were not affected by Notice 2020–76.

The Treasury Department and the IRS received 119 public comments in response to Notice 2020–76. The commenters included health insurance providers, employers, associations, governmental agencies, payroll processors, and others. Nearly all commenters generally supported an extension of the due date for furnishing Forms 1095–B and 1095–C to responsible individuals and employees. The commenters generally indicated that the current January 31 deadline to furnish Forms 1095–B and 1095–C to

responsible individuals and employees, under section 6055(c)(2) and 6056(c)(2), and §§ 1.6055–1(g)(4)(i)(A) and 1.6056–1(g)(1)(i), is difficult to meet.

Commenters noted that the process by which reporting entities compile accurate health coverage offer and enrollment information is complex and often takes more time than the current January 31 deadline allows. Employers are required to compile offer and enrollment information for large numbers of employees, sometimes from multiple systems, verify the accuracy of the information, and transmit the information to vendors so that the statements can be timely issued to individuals. Commenters further indicated that, while health coverage information is tracked throughout the year, accurate reporting on Forms 1095–B and 1095–C includes data and information from the month of December, which necessarily requires employers to spend substantial time after the close of the year compiling and verifying data. A number of commenters stated that the data and information necessary to prepare the forms is not available until mid-January and that the period required to prepare and mail the large numbers of forms can take from three to seven weeks.

Commenters also pointed out that the January 31 deadline for furnishing Forms 1095–B and 1095–C to individuals may make it difficult for employers to make changes to their benefit plans near the end of the calendar year. Commenters further noted that the January 31 deadline coincides with the due dates of other government forms, including Form W–2, Form 1099–NEC, Form 941 for the fourth quarter, and annual Forms 940 and 945. One commenter wrote that the substantial time necessary to complete Forms 1095–B and 1095–C is attributable to the fact that the information required depends upon detailed employer and employee activities. The commenter stated that, in some cases, employers must undertake a day-by-day or person-by-person assessment, which may lead to varied individual results in the codes that are required to be entered on the forms. These factors, the commenter noted, make the Forms 1095–B and 1095–C meaningfully distinguishable from other information returns on which aggregate dollar amounts are reported for the year—for example, Form W–2—without regard to day-by-day activity.

Some of the commenters indicated that, if a more permanent automatic extension of the January 31 furnishing deadline is not provided for future reporting, entities will annually request additional time to produce and mail accurate Forms 1095–B and 1095–C pursuant to the current extension procedures. The result would be that the IRS would need to process a significant number of extension requests each year.

a. Extension of Deadline for Furnishing Statements Under Section 6055

To reduce administrative burdens for reporting entities and the IRS, the Treasury Department and the IRS have determined that the furnishing requirements under § 1.6055–1(g) should be modified by providing an automatic extension of time for reporting entities to furnish statements to responsible individuals. This proposed amendment to the regulations under section 6055 is consistent with Notice 2020–76.

Under these proposed regulations, § 1.6055–1(g)(4)(i) is proposed to be amended to provide that reporting entities are granted an automatic extension of time, not to exceed 30 days, in which to furnish the written statements required by § 1.6055–1(g). Because this extension is automatic, the proposed regulations eliminate the requirement in § 1.6055–1(g)(4)(i)(B)(*1*) that a reporting entity make a written application to the IRS showing good cause to request an extension of time to furnish the statement. Under this proposed amendment to the regulations, statements (Forms 1095–B) furnished to responsible individuals will be timely if furnished no later than 30 days after January 31 of the calendar year following the calendar year in which minimum essential coverage is provided. If the extended furnishing date falls on a weekend day or legal holiday, statements will be timely if furnished on the next business day. *See* section 7503. The automatic 30-day extension would replace both the 30-day extension for good cause in § 1.6055–1(g)(4)(i)(B)(*1*) and the authorization for the Commissioner to provide automatic extensions in § 1.6055–1(g)(4)(i)(B)(*2*).

b. Alternative Manner of Furnishing Statements Under Section 6055

Notice 2020–76 indicates that, because the TCJA reduced the individual shared responsibility payment amount to zero for 2020, responsible individuals do not need the information on Form 1095–B to prepare and file their individual returns. Nonetheless, reporting entities required to furnish Forms 1095–B must expend resources to do so. In light of those factors, the Treasury Department and the IRS determined that relief from the penalty under section 6722 for failing to furnish a statement (Form 1095–B) required under section 6055 for 2020 was in the interest of sound tax administration in certain cases. Thus, Notice 2020–76 provided that the IRS would not assess a section 6722 penalty against a reporting entity for failing to furnish Form 1095–B to responsible individuals for 2020 in cases when two conditions were met (2020 section 6055 furnishing relief). First, a reporting entity was required to post a notice prominently on its website stating that responsible individuals may receive a copy of their 2020 Form 1095–B upon request, accompanied by an email address and a physical address to which a request may be sent, along with a telephone number that responsible individuals may use to contact the reporting entity with any questions. Second, a reporting entity was required to provide a 2020 Form 1095–B to a responsible individual upon request within 30 days of the date the request was received. A reporting entity could furnish the statements to responsible individuals electronically if the requirements of § 1.6055–2 were satisfied.

Because of the combined reporting by ALE members under sections 6055 and 6056 on Form 1095–C for full-time employees of ALE members enrolled in self-insured health plans, the 2020 section 6055 furnishing relief was not extended to the requirement to furnish Forms 1095–C to full-time employees. The 2020 section 6055 furnishing relief, however, applied to penalty assessments related to the requirement to furnish Form 1095–C to a part-time employee enrolled in an ALE member's self-insured plan for any month in 2020, subject to the two requirements of the 2020 section 6055 furnishing relief. Finally, the 2020 section 6055 furnishing relief did not extend to the assessment of penalties relating to failures to file the 2020 Forms 1094–B or 1095–B or the Forms 1094–C or 1095–C, as applicable, with the IRS.

In response to Notice 2020–76, a number of health plan providers, governmental agencies, and associations requested that the 2020 section 6055 furnishing relief be made permanent or extended at least for the time periods when the individual shared responsibility payment amount is zero. These commenters echoed the considerations identified in Notice 2020–76 supporting the 2020 section 6055 furnishing relief. Namely, commenters pointed to the high costs associated with producing and mailing Forms 1095–B although individuals have no need for the information on the Form 1095–B to correctly compute

federal tax liability and timely file returns. Commenters cited additional production and/or mailing costs ranging from a half million to more than four million dollars annually without the relief. One state agency reported receiving only 478 requests for Form 1095–B from approximately one million Medicaid recipients for 2019. Other commenters indicated that a small number of individuals need proof of minimum essential coverage to satisfy certain state requirements, but that very few individuals have otherwise requested the Form 1095–B. Some commenters pointed out that taxpayers may be confused by the receipt of Forms 1095–B.

In light of the public comments received, § 1.6055–1(g)(4) is proposed to be amended by adding new paragraph (g)(4)(ii)(B) to provide an alternative manner for a reporting entity to timely furnish statements. Under this alternative manner of furnishing, the reporting entity must post a clear and conspicuous notice on the entity's website stating that responsible individuals may receive a copy of their statement upon request. The notice must include an email address, a physical address to which a request may be sent, and a telephone number that responsible individuals may use to contact a reporting entity with any questions. This alternative manner of furnishing will apply only to taxable years when the shared responsibility payment amount under section 5000A(b) is zero.

One commenter requested that, if the 2020 section 6055 furnishing relief is extended, a self-insured ALE member should continue to be permitted to use the relief for employees who are enrolled in the ALE's self-insured plan and who are not full-time employees of the ALE. The commenter also requested that the proposed regulations allow a self-insured ALE member to use the 2020 section 6055 furnishing relief for non-employees, such as former employees of the ALE, who are enrolled in the self-insured plan. The proposed regulations adopt both requests in the rules for the alternative method of furnishing. However, consistent with the guidance in Notice 2020–76, the proposed regulations do not allow ALE members to use the alternative method of furnishing for full-time employees who are enrolled in the self-insured plan.

The proposed regulations also address a suggestion of a commenter to Notice 2020–76 who requested that future guidance specify the time period a reporting entity is required to retain the notice on its website and also explain how prominent the notice must be. The provisions of proposed § 1.6055–1(g)(4)(ii)(B) provide that a reporting entity satisfies the furnishing requirements under § 1.6055–1(g)(4) by retaining the website notice until October 15 of the year following the calendar year to which the statement relates. Additionally, the proposed regulations clarify the requirement in Notice 2020–76 that a reporting entity include a prominently posted notice on its website. Under the proposal, a reporting entity must include a clear and conspicuous notice on the reporting entity's website that is reasonably accessible by individuals who may search the entity's website for tax information. A notice posted on a reporting entity's website will satisfy the requirement under proposed § 1.6055–1(g)(4)(ii)(B) if written in plain, non-technical terms and with letters of a font size large enough (including any visual clues or graphical figures) to call to a viewer's attention that the information pertains to tax statements reporting that individuals had health coverage. For example, a reporting entity's website that includes a statement on the main page, or a link on the main page, reading ''Tax Information,'' to a secondary page that includes a statement, in capital letters, ''IMPORTANT HEALTH COVERAGE TAX DOCUMENTS;'' explains how responsible individuals may request a copy of Form 1095–B, Health Coverage, or Form 1095–C, Employer-Provided Health Insurance Offer and Coverage, as applicable; and includes the reporting entity's email address, mailing address, and telephone number, is a clear and conspicuous notice under these proposed regulations.

One commenter requested that the 2020 section 6055 furnishing relief be modified to allow a reporting entity to satisfy the furnishing requirement under § 1.6055–1(g) by including only a link to a member portal through which responsible individuals may receive a copy of the Form 1095–B via electronic download. The commenter stated that because responsible individuals will have located and navigated the website of a reporting entity to locate the entity's address and other contact information, the website notice informing individuals of the ability to request a Form 1095–B should not have to also include contact information. The commenter noted that the process under which responsible individuals will send written requests or call customer service representatives of reporting entities to request Forms 1095–B will take time and add costs to providing health care. Under the commenter's proposal, reporting entities that do not provide a member portal for individuals to download and receive the Form 1095–B will be required to include a website notice with an email address, physical address, and telephone number for individuals to call to request the form, consistent with the first condition of the 2020 section 6055 furnishing relief.

The requirement in these proposed regulations that a reporting entity include its email address, mailing address, and telephone number on a website notice informing individuals of the ability to request a Form 1095–B is consistent with other information reporting provisions. *See, for example,* § 1.6050S–1(c)(1)(iii)(G) (an educational institution or insurer issuing Form 1098–T, *Tuition Statement,* is required to include contact information on statement). A responsible individual may have questions about how to request a copy of the statement required under § 1.6055–1(g) for the taxable year or may have questions about some of the information on the statement. The proposed rule requiring the reporting entity's contact information on a posted website notice fulfills that need for responsible individuals. Accordingly, the comment recommending that a reporting entity may provide only website access to a member portal (and capability to electronically download Form 1095–B) without the reporting entity's contact information is not adopted.

If, in the future, the shared responsibility payment amount under section 5000A(b) is not zero, the Treasury Department and the IRS anticipate that reporting entities will need adequate time to develop or restart processes for preparing and mailing paper statements to responsible individuals. If the shared responsibility payment amount is modified in the future, the Treasury Department and the IRS anticipate providing guidance, if necessary, to allow sufficient time for reporting entities to restart the reporting process.

c. Extension of Deadline for Furnishing Statements Under Section 6056

For the reasons discussed in section 2 of the Explanation of Provisions, the Treasury Department and the IRS have determined that, to reduce administrative burdens for ALE members and the IRS, the furnishing requirements under § 301.6056–1(g)(1) should be modified by providing an automatic extension of time for ALE members to furnish written statements to full-time employees. This proposed amendment to the regulations under

section 6056 is consistent with Notice 2020–76.

Under these proposed regulations, § 301.6056–1(g)(1) is proposed to be amended to provide that ALE members are granted an automatic extension of time, not to exceed 30 days, in which to furnish the written statements to full-time employees. Because the extension is automatic, the proposed regulations eliminate the requirement in § 301.6056–1(g)(1)(ii)(A) that an ALE member make a written application to the IRS showing good cause or to otherwise request an extension of time to furnish the statement. Under this proposed amendment to the regulations, statements (Forms 1095–C) furnished to full-time employees will be timely if furnished no later than 30 days after January 31 of the calendar year in accordance with applicable Internal Revenue Service procedures and instructions. If the extended furnishing date falls on a weekend day or legal holiday, statements will be timely furnished if provided on the next business day. *See* section 7503. The automatic 30-day extension would replace both the 30-day extension for good cause in § 301.6056–1(g)(1)(ii)(A) and the authorization for the Commissioner to provide automatic extensions in § 301.6056–1(g)(1)(ii)(B).

3. Elimination of Transitional Good Faith Relief

As noted in the Background section of this preamble, the preambles to the regulations under sections 6055 and 6056 provided that the IRS would grant transitional good faith relief by not imposing penalties under sections 6721 and 6722 on reporting entities for the reporting of 2015 health coverage and offers of coverage if those entities could show that they made good faith efforts to comply with the information reporting requirements. *See* T.D. 9660; T.D. 9661. The Treasury Department and the IRS extended that transitional good faith relief for years 2015 through 2019 in the series of notices that extended the due dates for the requirements for furnishing statements to individuals under sections 6055 and 6056 for those years. *See* Notice 2016–04; Notice 2016–70; Notice 2018–06; Notice 2018–94; Notice 2019–63; and Notice 2020–76. In Notice 2020–76, the Treasury Department and the IRS stated that 2020 was the last year that transitional good faith relief would be provided. Thus, the transitional good faith relief from penalties under sections 6721 and 6722 for the reporting of incorrect or incomplete information on information returns or statements is not available for reporting for tax year 2021 and subsequent years.

This good faith relief was intended to be transitional to accommodate public concerns with implementing the then newly enacted reporting requirements under the ACA. These reporting requirements have now been in place for six years, and transitional relief is no longer appropriate. Some commenters requested that the relief be extended due to continued difficulty in understanding the reporting requirements, periodic changes to the ACA, and the uncertainty related to the COVID–19 pandemic. Although the Treasury Department and the IRS are sympathetic to those concerns, additional good faith relief is not necessary to address them. The reasonable cause exception under section 6724 already provides adequate relief from penalties under sections 6721 and 6722 for filers who have reasonable cause for failing to timely or accurately complete their reporting requirements. Therefore, the Treasury Department and the IRS will discontinue the transitional good faith relief after tax year 2020.

4. Renewed Comment Request on the Section 6055 2016 Proposed Regulations

In Notice 2015–68, the Treasury Department and the IRS announced that they intended to propose regulations under section 6055 that would: (1) Provide that health insurance issuers must report coverage in a catastrophic plan; (2) allow filers reporting on insured group health plans to use a truncated TIN to identify the employer on the statement furnished to a taxpayer; and (3) specify when a provider of minimum essential coverage is not required to report duplicative or supplemental coverage. The notice also invited comments on issues relating to TIN solicitation and provided that until the issuance of additional guidance, reporting entities would not be subject to penalties for failure to report a TIN if they met certain requirements. Finally, the notice advised that governments of United States possessions or territories are not required to report coverage under Medicaid and the Children's Health Insurance Program (CHIP) and that a state government agency sponsoring coverage under the Basic Health Program is required to report that coverage.

On August 2, 2016, the Treasury Department and the IRS published a notice of proposed rulemaking (REG–103058–16) in the **Federal Register** (81 FR 50671) (2016 proposed regulations). Consistent with Notice 2015–68, the 2016 proposed regulations proposed to address catastrophic health coverage, truncated TINs, and duplicative or supplemental coverage. With regard to TIN solicitations, the 2016 proposed regulations incorporated the penalty relief in Notice 2015–68, with certain revisions to the requirements in response to comments. The 2016 proposed regulations also proposed to incorporate the guidance in Notice 2015–68 related to United States possessions or territories and reporting regarding the Basic Health Program. The 2016 proposed regulations provided that, until the regulations were finalized, reporting entities could rely on the guidance in Notice 2015–68. In addition, any issuer that voluntarily files returns or furnishes statements on catastrophic coverage before final regulations are issued will not be subject to penalties for those returns or statements. *See* Notice 2017–41, 2017–34 I.R.B. 211 (Aug. 21, 2017).

The Treasury Department and the IRS received 16 comments on the 2016 proposed regulations but have not issued a Treasury Decision finalizing the 2016 proposed regulations. No public hearing was requested or held. The Treasury Department and the IRS are renewing their request for comments on all aspects of the 2016 proposed regulations and, after considering the comments received, intend to finalize the 2016 proposed regulations as part of any Treasury Decision finalizing these proposed regulations. Written or electronic comments must be received by February 4, 2022.

Statement of Availability of IRS Documents

IRS revenue procedures, revenue rulings, notices, and other guidance cited in this preamble are published in the Internal Revenue Bulletin and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

Proposed Applicability Date

The regulations under § 1.5000A–2, once final, are proposed to apply for months beginning after September 28, 2020. For months beginning on or after January 1, 2020, and before September 28, 2020, taxpayers may continue to rely on Notice 2020–66. Taxpayers may rely on § 1.5000A–2 of these proposed regulations for months beginning after September 28, 2020, and before the date a Treasury Decision finalizing these regulations is published in the **Federal Register**. The regulations under §§ 1.6055–1 and 301.6056–1, once final,

are proposed to apply for calendar years beginning after December 31, 2021. Taxpayers may rely on §§ 1.6055–1 and 301.6056–1 of these proposed regulations for calendar years beginning after December 31, 2020, and before the date a Treasury Decision finalizing the regulations is published in the **Federal Register**. See the 2016 proposed regulations for the proposed applicability dates of those proposed rules.

Special Analyses

I. Regulatory Planning and Review—Economic Analysis

These proposed regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget (OMB) regarding review of tax regulations.

II. Paperwork Reduction Act

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

There is no collection of information contained in these proposed regulations. The collections of information contained in §§ 1.6055–1 and 301.6056–1 were previously reviewed and approved by OMB in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) and are associated with control numbers 1545–2251 (associated with Form 1095–C) and 1545–2252 (associated with Form 1095–B).

The Paperwork Reduction Act (44 U.S.C. 3501–3520) relates to information collection requests by any government agency. A collection of information generally means the ''obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either (1) answers to identical questions posted to, or identical reporting or recordkeeping requirements imposed on ten or more persons, other than agencies, instrumentalities, or employees of the United States, or (2) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes.'' 44 U.S.C. 3502(3). A collection of information is commonly referred to as a reporting, recordkeeping, or disclosure requirement.

These proposed regulations do not require a reporting entity to provide any information to the Federal government, to maintain specific records, or to disclose any additional information that the reporting entity did not already have a requirement to disclose.

III. Initial Regulatory Flexibility Analysis

When an agency issues a proposed rulemaking, the Regulatory Flexibility Act (5 U.S.C. chapter 6) (Act) requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' that ''describe[s] the impact of the proposed rule on small entities.'' 5 U.S.C. 603(a). The term ''small entities'' is defined in 5 U.S.C. 601 to mean ''small business,'' ''small organization,'' and ''small governmental jurisdiction,'' which are also defined in 5 U.S.C. 601. Small business size standards define whether a business is ''small'' and have been established for types of economic activities, or industry, generally under the North American Industry Classification System (NAICS). *See* Title 13, Part 121 of the Code of Federal Regulations (titled ''Small Business Size Regulations''). The size standards look at various factors, including annual receipts, number of employees, and amount of assets, to determine whether the business is small. *See* Title 13, Part 121.201 of the Code of Federal Regulations for the Small Business Size Standards by NAICS Industry.

Section 605 of the Act provides an exception to the requirement to prepare an initial regulatory flexibility analysis if the agency certifies that the proposed rulemaking will not have a significant economic impact on a substantial number of small entities.

The Treasury Department and the IRS conclude that, although the overall impact of these proposed regulations will substantially reduce the burden on small entities, these proposed regulations, if finalized, will impact a substantial number of small entities and the economic impact on those small entities will be significant. As a result, although the impact of these regulations is positive for small entities, an initial regulatory flexibility analysis is required.

Description of the reasons why the agency action is being considered.

The proposed regulations under § 1.5000A–2 propose to make permanent the guidance in Notice 2020–66 regarding whether certain Medicaid coverage of COVID–19 testing and diagnostic services is minimum essential coverage. The proposed regulations under §§ 1.6055–1 and 301.6056–1 propose to make permanent the extension of time to furnish Forms 1095–B and 1095–C to responsible individuals and employees that has been provided every year since 2015. The proposed regulations under § 1.6055–1 also allow reporting entities to furnish the statement required by section 6055 by providing notice on their website and by providing the statement to the responsible individual upon request.

The proposed regulations under § 1.5000A–2 will ensure that taxpayers have accurate guidance when determining whether they have minimum essential coverage, which in turn will assist taxpayers in determining whether they qualify for the premium tax credit. The proposed regulations under §§ 1.6055–1 and 301.6056–1 will reduce the burden on reporting entities by extending the time to satisfy their reporting obligations with regard to health care coverage without worrying whether the penalty under section 6722 will be imposed. The extension should result in increased timely and accurate reporting. Those proposed regulations also reduce the burden on reporting entities by providing a low-cost option to satisfy the reporting obligation under section 6055 at a time when responsible individuals do not need the information to complete their returns.

Statement of the objectives of, and the legal basis for, the proposed rule.

The principal objectives of the proposed regulations are to provide taxpayers with definitive guidance of what constitutes, or does not constitute, minimum essential coverage, to provide reporting entities with a sufficient amount of time to complete and furnish accurate statements to responsible individuals and full-time employees, and to offer reporting entities under section 6055 a minimally burdensome option by which to furnish the required statement. The legal basis for defining minimum essential coverage is section 5000A(f)(1)(E), which provides the Secretary of the Treasury or her delegate (Secretary) with the authority to determine what types of health coverage constitute minimum essential coverage. The legal basis for the extended due date was originally set forth in the series of notices referenced in the Explanation of Provisions section above, under which the Treasury Department and the IRS extended the dates for furnishing statements to responsible individuals and full-time employees, providing that taxpayers that satisfy the furnishing requirement by the extended due date will not be subject to penalties under sections 6721 and 6722. Section 6724(a) provides that no penalty is imposed under section 6721 or 6722 if it is shown that the failure is due to

reasonable cause and not to willful neglect. Section 7803(a)(2)(A) gives the Commissioner the power to administer, manage, conduct, direct, and supervise the execution and application of internal revenue laws. That same legal basis applies for these proposed regulations. Additionally, §§ 1.6055–1(g)(4)(i)(B) and 301.6056–1(g)(1)(ii) provide the Secretary with the authority to provide extensions of time to furnish statements under sections 6055 and 6056. Regarding the form of the statement to be furnished, sections 6055(b)(1)(A) and 6056(b)(1) provide the Secretary with the authority to prescribe the form of the return that is the basis for the furnishing requirements in sections 6055(c) and 6056(c).

Description and estimate (where feasible) of the number of small entities subject to the proposed rule.

The proposed regulations apply to health insurance issuers, self-insured employers, government agencies, and other providers of minimum essential coverage required to furnish individual statements regarding such coverage under section 6055 and ALE members that are required to furnish information relating to health insurance that the ALE offers to its full-time employees under section 6056. An estimate of the number of small entities subject to the proposed regulations is not feasible because a correlation between small taxpayers and this type of reporting cannot be made. The proposed regulations affect all industries. Taxpayers using any NAICS code could be subject to the proposed regulations.

Description of the projected reporting, recordkeeping, and related requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

As discussed in the Paperwork Reduction Act section above, these proposed regulations do not impose any reporting, recordkeeping, or similar requirements on any small entities.

Identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

The proposed regulations do not duplicate, overlap, or conflict with any Federal statutes or other rules.

Description of any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and minimize any significant economic impact on small entities.

The Treasury Department and the IRS have determined that, without a legislative change, there are no viable alternatives to the provisions in the proposed regulations that would enable reporting entities to continue to satisfy their reporting obligations with a lesser burden.

Accordingly, the Treasury Department and the IRS conclude that the provisions of the proposed regulations will most effectively promote sound tax administration. The revisions to the definition of what is not minimum essential coverage in § 1.5000A–2 will provide concrete advice to ensure that taxpayers can adequately determine whether they have minimum essential coverage. An automatic extension of time to furnish statements under proposed §§ 1.6055–1(g)(4)(i) and 301.6056–1(g)(1) will assist in timely and more accurate reporting. Last, the additional electronic manner of furnishing a statement in proposed § 1.6055–1(g)(4)(ii)(B), at a time when the shared responsibility payment amount is zero, will help reporting entities reduce costs, while still satisfying their statutory reporting obligations. Accordingly, implementation of these proposed regulations will increase tax compliance by providing definitive guidance and will allow reporting entities the time needed to furnish timely and accurate statements, with minimal production and distribution burden regarding the furnishing.

Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel of the Office of Advocacy of the Small Business Administration for comment on its impact on small business.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of $100 million (updated annually for inflation). This proposed rule does not include any Federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Comments and Requests for Public Hearing

Before these proposed regulations or the 2016 proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** section. The Treasury Department and the IRS request comments on all aspects of these proposed regulations, as well as all aspects of the 2016 proposed regulations. Any electronic comments submitted, and to the extent practicable any paper comments submitted, will be made available at *www.regulations.gov* or upon request. All comments, including comments on the 2016 proposed regulations, should reference REG–109128–21.

A public hearing will be scheduled if requested in writing by any person who timely submits written comments. Requests for a public hearing are also encouraged to be made electronically. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**. Announcement 2020–4, 2020–17 I.R.B. 1 (Apr. 20, 2020), provides that until further notice, public hearings conducted by the IRS will be held telephonically. Any telephonic hearing will be made accessible to people with disabilities.

Drafting Information

The principal author of these proposed regulations is Gerald Semasek, Office of Associate Chief Counsel (Income Tax and Accounting). Other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, IRS proposes to amend 26 CFR parts 1 and 301 as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.5000A–2 is amended by:

■ 1. Revising paragraph (b)(2)(vii) and (viii);

■ 2. Adding paragraph (b)(2)(ix).

The revisions and addition read as follows:

§ 1.5000A–2 Minimum essential coverage.

* * * * *

(b) * * *

(2) * * *

(vii) Coverage under section 1079(a), 1086(c)(1), or 1086(d)(1) of title 10, U.S.C., that is solely limited to space available care in a facility of the uniformed services for individuals excluded from TRICARE coverage for care from private sector providers;

(viii) Coverage under section 1074a and 1074b of title 10, U.S.C., for an injury, illness, or disease incurred or aggravated in the line of duty for individuals who are not on active duty; and

(ix) Medicaid coverage limited to COVID–19 testing and diagnostic services provided under section 6004(a)(3) of the Families First Coronavirus Response Act, Pub. L. 116–127, 134 Stat. 178 (March 18, 2020).

■ **Par. 3.** Section 1.5000A–5 is amended by revising paragraph (c) to read as follows:

§ 1.5000A–5 Administration and procedure.

* * * * *

(c) *Applicability date.* Except as otherwise provided in this paragraph (c), this section and § 1.5000A–1 through 1.5000A–4 apply for months beginning after December 31, 2013. Section 1.5000A–2(b)(2)(ix) applies for months beginning after September 28, 2020.

■ **Par. 4.** Section 1.6055–1 is amended by:

■ 1. Revising the first sentence of paragraph (g)(1);

■ 2. Revising paragraph (g)(4)(i) and (ii);

■ 3. Revising paragraph (j).

The revisions read as follows:

§ 1.6055–1 Information reporting for minimum essential coverage.

* * * * *

(g) * * * Except as otherwise provided in paragraph (g)(4)(ii)(B) of this section, every person required to file a return under this section must furnish to the responsible individual identified on the return a written statement. * * *

* * * * *

(4) * * * (i) *Time for furnishing*—Except as otherwise provided in this paragraph (g)(4)(i), a reporting entity must furnish the statements required under paragraph (g)(1) of this section on or before January 31 of the year following the calendar year in which the minimum essential coverage is provided. Reporting entities are granted an automatic extension of time not exceeding 30 days in which to furnish these statements.

(ii) *Manner of furnishing*—(A) *In general.* Except as otherwise provided in paragraph (g)(4)(ii)(B) of this section, if mailed, the statement must be sent to the responsible individual's last known permanent address or, if no permanent address is known, to the individual's temporary address. For purposes of this paragraph (g)(4)(ii)(A), a reporting entity's first class mailing to the last known permanent address, or if no permanent address is known, the temporary address, discharges the requirement to furnish the statement. A reporting entity may furnish the statement electronically if the requirements of § 1.6055–2 are satisfied.

(B) *Alternative manner of furnishing.* A reporting entity shall be treated as furnishing the statement in a timely manner under this paragraph (g)(4) if the shared responsibility payment amount under section 5000A(c) for the calendar year in which the minimum essential coverage is provided is zero and the reporting entity satisfies the requirements in this paragraph (g)(4)(ii)(B). If the reporting entity is an applicable large employer member that sponsors a self-insured group health plan and makes a return in accordance with paragraph (f)(2)(i) of this section related to that plan, the applicable large employer member may use the alternative manner of furnishing described in this paragraph (g)(4)(ii)(B) for statements to non-full-time employees and non-employees who are enrolled in the applicable large employer's self-insured group health plan. A reporting entity may use the alternative manner of furnishing described in this paragraph (g)(4)(ii)(B) only if the reporting entity:

(1) Provides clear and conspicuous notice, in a location on its website that is reasonably accessible to all responsible individuals, stating that responsible individuals may receive a copy of their statement upon request. The notice must include an email address, a physical address to which a request for a statement may be sent, and a telephone number that responsible individuals may use to contact the reporting entity with any questions. A notice posted on a reporting entity's website will satisfy the requirements of this paragraph (g)(4)(ii)(B)(*1*) if it is written in plain, non-technical terms and with letters of a font size large enough, including any visual clues or graphical figures, to call to a viewer's attention that the information pertains to tax statements reporting that individuals had health coverage. For example, a reporting entity's website provides a clear and conspicuous notice if it includes a statement on the main page—or a link on the main page, reading ''Tax Information'', to a secondary page that includes a statement—in capital letters, ''IMPORTANT HEALTH COVERAGE TAX DOCUMENTS''; explains how responsible individuals may request a copy of Form 1095–B, Health Coverage, (or, for an applicable large employer member that sponsors a self-insured group health plan and makes a return in accordance with paragraph (f)(2)(i) of this section, explains how non-full-time employees and non-employees who are enrolled in the plan may request a copy of Form 1095–C, Employer-Provided Health Insurance Offer and Coverage); and includes the reporting entity's email address, mailing address, and telephone number;

(2) Retains the notice in the same location on its website through October 15 of the year following the calendar year to which the statements relate (or the first business day after October 15, if October 15 falls on a Saturday, Sunday or legal holiday); and

(3) Furnishes the statement to a requesting responsible individual within 30 days of the date the request is received. To satisfy the requirement of this paragraph (g)(4)(ii)(B)(*3*), a reporting entity may furnish the statement electronically pursuant to § 1.6055–2(a)(2) through (a)(6).

* * * * *

(j) *Applicability date.* Except as otherwise provided in this paragraph (j), this section applies for calendar years beginning after December 31, 2014. Paragraphs (g)(1), (g)(4)(i), and (g)(4)(ii) of this section apply for calendar years beginning after December 31, 2021, but reporting entities may choose to apply paragraphs (g)(1), (g)(4)(i), and (g)(4)(ii) of this section for calendar years beginning after December 31, 2020. Except as otherwise provided in this paragraph (j), paragraph (g)(4), as

contained in 26 CFR part 1 edition revised as of April 1, 2021, applies to calendar years ending after December 31, 2014 and beginning before January 1, 2022.

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 5.** The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

* * * * *

■ **Par. 6.** Section 301.6056–1 is amended by revising paragraphs (g)(1) and (m) to read as follows:

§ 301.6056–1 Rules relating to reporting by applicable large employers on health insurance coverage offered under employer-sponsored plans.

* * * * *

(g) * * * (1) *Time for furnishing*—Except as otherwise provided in this paragraph (g)(1), each statement required by this section for a calendar year must be furnished to a full-time employee on or before January 31 of the year succeeding the calendar year in accordance with applicable Internal Revenue Service procedures and instructions. Applicable large employers are granted an automatic extension of time not exceeding 30 days in which to furnish these statements.

* * * * *

(m) *Applicability date.* Except as otherwise provided in this paragraph (m), this section applies for calendar years beginning after December 31, 2014. Paragraph (g)(1) of this section applies for calendar years beginning after December 31, 2021, but applicable large employers may choose to apply paragraph (g)(1) of this section for calendar years beginning after December 31, 2020. Except as otherwise provided in this paragraph (m), paragraph (g)(1), as contained in 26 CFR part 1 edition revised as of April 1, 2021, applies to calendar years ending after December 31, 2014 and beginning before January 1, 2022.

Douglas W. O'Donnell,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2021–25785 Filed 12–3–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0874]

RIN 1625–AA00

Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones Update

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend and update its list of recurring safety zone regulations that take place in the Coast Guard Sector Ohio Valley area of responsibility (AOR). Through this rule the current list of recurring safety zones is proposed to be updated with revisions, additional events, and removal of events that no longer take place. This proposed rule would reduce administrative costs involved in producing separate proposed rules for each individual recurring safety zone and serve to provide notice of the known recurring safety zones throughout the year. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before January 5, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0874 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST3 Christopher Matthews, Sector Ohio Valley, U.S. Coast Guard; telephone 502–779–5334, email *Christopher.S.Matthews@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
AOR Area of Responsibility

II. Background, Purpose, and Legal Basis

The Captain of the Port Sector Ohio Valley (COTP) proposes to amend section 165.801 of Title 33 of the Code of Federal Regulations (CFR) to update our regulations for annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones with respect to those in Sector Ohio Valley's area of responsibility (AOR).

The current list of annual and recurring safety zones in Sector Ohio AOR is published under 33 CFR 165.801 in Table no. 1 for annual and recurring safety zones in the AOR. The most recent list was created May 18, 2021 through the rulemaking 86 FR 26837.

The Coast Guard proposes to amend and update the safety zone regulations under 33 CFR part 165 to include the most up to date list of recurring safety zones for events held on or around navigable waters within Sector Ohio Valley's AOR. These events include air shows, fireworks displays, and other marine events requiring a limited access area restricting vessel traffic for safety purposes. The current list in 33 CFR 165.801 needs to be amended to provide new information on existing safety zones, and to include new safety zones expected to recur annually or biannually, and to remove safety zones that are no longer required. Issuing individual regulations for each new safety zone, amendment, or removal of an existing safety zone would create unnecessary administrative costs and burdens. This single proposed rulemaking would considerably reduce administrative overhead and provide the public with notice through publication in the **Federal Register** of the upcoming recurring safety zone regulations.

The Coast Guard encourages the public to participate in this proposed rulemaking through the comment process so that any necessary changes can be identified and implemented in a timely and efficient manner. The Coast Guard will address all public comments accordingly, whether through response, additional revision to the regulation, or otherwise.

III. Discussion of Proposed Rule

Part 165 of Title 33 of the CFR contains regulations establishing limited access areas to restrict vessel traffic for the safety of persons and property. Section 165.801 establishes recurring safety zones to restrict vessel transit into and through specified areas to protect spectators, mariners, and other persons and property from potential hazards

presented during certain events taking place in the AOR. This section requires amendment from time to time to properly reflect the recurring safety zone regulations in the AOR. This proposed rule would amend and update § 165.801 by revising the current Table 1.

This proposed rule would add the following 2 safety zones to the existing Table 1 of § 165.801 as follows:

Date	Event/sponsor	Ohio Valley location	Regulated area
2. 2 days—Third Friday and Saturday in April.	Thunder Over Louisville	Louisville, KY	Ohio River, Miles 597.0–604.0 (Kentucky).
76. 1 day—One weekend in the month of August or September.	Owensboro Fireworks and Bridge Lights show.	Owensboro, KY	Ohio River, Miles 756–757 (Kentucky).

This proposed rule would remove the following 4 safety zones to the existing Table 1 of § 165.801 as follows:

Date	Event/sponsor	Ohio Valley location	Regulated area
6. 3 Days in May	US Rowing Southeast Youth Championship Regatta.	Oak Ridge, TN	Clinch River, Miles 48.5–52.
65. 1 Day in July	Three Rivers Regatta	Knoxville, TN	Tennessee River, Miles 642–653 (Tennessee).
95. 1 Day in October	Outdoor Chattanooga/Swim the Suck	Chattanooga, TN	Tennessee River, Miles 452.0–454.5.
96. 1 day in October	Chattajack	Chattanooga, TN	Tennessee River, Miles 462.7–465.5 (Tennessee).

This proposed rule would amend the following 1 safety zone to the existing Table 1 of § 165.801 as follows:

Date	Event/sponsor	Ohio Valley location	Regulated area
23. One day—The weekend of Labor Day.	Newburgh Fireworks Display	Newburgh, IN	Ohio River, Miles 777.3–778.3 (Indiana).

The effect of this proposed rule would be to restrict general navigation in the safety zones during the events. Vessels intending to transit the designated waterway through the safety zones would only be allowed to transit the area when the COTP, or a designated representative, has deemed it safe to do so or at the completion of the event. The proposed annually recurring safety zones are necessary to provide for the safety of life on navigable waters during the events.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

The Coast Guard expects the economic impact of this proposed rule to be minimal, therefore a full regulatory evaluation is unnecessary. This proposed rule would establish safety zones limiting access to certain areas under 33 CFR part 165 within Sector Ohio Valley's AOR. The effect of this proposed rulemaking would not be significant because these safety zones would be limited in scope and duration. Additionally, the public would be given advance notification through the **Federal Register**, and/or Notices of Enforcement and, thus, will be able to plan operations around the safety zones. Broadcast Notices to Mariners, Local Notices to Mariners, and Safety Marine Information Broadcasts would inform the community of these safety zones. Vessel traffic would be allowed to request permission from the COTP or a designated representative to enter the restricted areas. Broadcast Notices to Mariners, Local Notices to Mariners, and Safety Marine Information Broadcasts would inform the community of these safety zones. Vessel traffic would be allowed to request permission from the COTP or a designated representative to enter the restricted areas.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety

zone may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2021–0874 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2.

■ 2. In § 165.801, revise table 1 to read as follows:

§ 165.801 Annual Fireworks displays and other events in the Eighth Coast Guard District recurring safety zones.

* * * * *

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
1. 3 days—Third or Fourth weekend in April.	Henderson Breakfast Lions Club Tri-Fest.	Henderson, KY	Ohio River, Miles 802.5–805.5 (Kentucky).
2. 2 days—Third Friday and Saturday in April.	Thunder Over Louisville	Louisville, KY	Ohio River, Miles 597.0–604.0 (Kentucky).
3. Multiple days—April through November.	Pittsburgh Pirates Season Fireworks	Pittsburgh, PA	Allegheny River, Miles 0.2–0.9 (Pennsylvania).
4. Multiple days—April through November.	Cincinnati Reds Season Fireworks	Cincinnati, OH	Ohio River, Miles 470.1–470.4; extending 500 ft. from the State of Ohio shoreline (Ohio).
5. Multiple days—April through November.	Pittsburgh Riverhounds Season Fireworks.	Pittsburgh, PA	Monongahela River, Miles 0.22–0.77 (Pennsylvania).
6. 1 day—First week in May	Belterra Park Gaming Fireworks	Cincinnati, OH	Ohio River, Miles 460.0–462.0 (Ohio).
7. 1 day—One Friday in May prior to memorial day.	Live on the Levee Memorial Day Fireworks/City of Charleston.	Charleston, WV	Kanawha River, Miles 58.1–59.1 (West Virginia).
8. 1 day—Saturday before Memorial Day.	Venture Outdoors Festival	Pittsburgh, PA	Allegheny River, Miles 0.0–0.25; Monongahela River, Miles 0.0–0.25 (Pennsylvania).
9. 3 days in June	CMA Festival	Nashville, TN	Cumberland River, Miles 190.7–191.1 extending 100 feet from the left descending bank (Tennessee).
10. 1 day in June	Cumberland River Compact/Nashville Splash Bash.	Nashville, TN	Cumberland River, Miles 189.7–192.1 (Tennessee).
11. 2 days—A weekend in June	Rice's Landing Riverfest	Rice's Landing, PA	Monongahela River, Miles 68.0–68.8 (Pennsylvania).
12. 2 days—Second Friday and Saturday in June.	City of Newport, KY/Italianfest	Newport, KY	Ohio River, Miles 468.6–471.0 (Kentucky and Ohio).
13. 1 day in June	Friends of the Festival, Inc./Riverbend Festival Fireworks.	Chattanooga, TN	Tennessee River, Miles 462.7–465.2 (Tennessee).
14. 1 day—Second or Third week of June.	TriState Pottery Festival Fireworks	East Liverpool, OH	Ohio River, Miles 42.5–45.0 (Ohio).
15. 3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).
16. 1 day—One weekend in June	West Virginia Symphony Orchestra/Symphony Sunday.	Charleston, WV	Kanawha River, Miles 59.5–60.5 (West Virginia).
17. One weekend in June	Alzheimer's Water Lantern Festival/IC Care.	Wheeling, WV	Ohio River Mile 90.3–91.8.
18. 1 day—Last weekend in June or first weekend in July.	Riverview Park Independence Festival	Louisville, KY	Ohio River, Miles 617.5–620.5 (Kentucky).
19. 1 day—Last weekend in June or First weekend in July.	City of Point Pleasant/Point Pleasant Sternwheel Fireworks.	Point Pleasant, WV	Ohio River, Miles 265.2–266.2, Kanawha River Miles 0.0–0.5 (West Virginia).
20. 1 day—Last weekend in June or first weekend in July.	City of Aurora/Aurora Firecracker Festival.	Aurora, IN	Ohio River, Mile 496.7; 1400 ft. radius from the Consolidated Grain Dock located along the State of Indiana shoreline at (Indiana and Kentucky).
21. 1 day—Last week of June or first week of July.	PUSH Beaver County/Beaver County Boom.	Beaver, PA	Ohio River, Miles 25.2–25.6 (Pennsylvania).
22. 1 day—Last weekend in June or first week in July.	Evansville Freedom Celebration/4th of July Fireworks.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).
23. 1 day—Last week in June or First week in July.	Rising Sun Fireworks	Rising Sun, IN	Ohio River, Miles 506.0–507.0 (Indiana).
24. 1 day—Weekend before the 4th of July.	Kentucky Dam Marine/Kentucky Dam Marina Fireworks.	Gilbertsville, KY	350 foot radius, from the fireworks launch site, on the entrance jetties at Kentucky Dam Marina, on the Tennessee River at Mile Marker 23 (Kentucky).
25. 1 day in July	Town of Cumberland City/Lighting up the Cumberlands.	Cumberland City, TN.	Cumberland River, Miles 103.0–105.5 (Tennessee).
26. 1 day in July	Chattanooga Presents/Pops on the River.	Chattanooga, TN	Tennessee River, Miles 462.7–465.2 (Tennessee).
27. 1 day in July	Randy Boyd/Independence Celebration Fireworks Display.	Knoxville, TN	Tennessee River, Miles 625.0–628.0 (Tennessee).
28. 1 day—July 3rd	Moors Resort and Marina/Kentucky Lake Big Bang.	Gilbertsville, KY	600 foot radius, from the fireworks launch site, on the entrance jetty to Moors Resort and Marina, on the Tennessee River at mile marker 30.5. (Kentucky).
29. 1 day—3rd or 4th of July	City of Paducah, KY	Paducah, KY	Ohio River, Miles 934.0–936.0; Tennessee River, Miles 0.0–1.0 (Kentucky).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
30. 1 day—3rd or 4th of July	City of Hickman, KY/Town Of Hickman Fireworks.	Hickman, KY	700 foot radius from GPS coordinate 36°34.5035 N, 089°11.919 W, in Hickman Harbor located at mile marker 921.5 on the Lower Mississippi River (Kentucky).
31. 1 day—July 4th	City of Knoxville/Knoxville Festival on the 4th.	Knoxville, TN	Tennessee River, Miles 646.3–648.7 (Tennessee).
32. 1 day in July	Nashville NCVC/Independence Celebration.	Nashville, TN	Cumberland River, Miles 189.7–192.3 (Tennessee).
33. 1 day in July	Shoals Radio Group/Spirit of Freedom Fireworks.	Florence, AL	Tennessee River, Miles 254.5–257.4 (Alabama).
34. 1 day—4th of July (Rain date—July 5th).	Monongahela Area Chamber of Commerce/Monongahela 4th of July Celebration.	Monongahela, PA	Monongahela River, Miles 032.0–033.0 (Pennsylvania).
35. 1 day—July 4th	Cities of Cincinnati, OH and Newport, KY/July 4th Fireworks.	Newport, KY	Ohio River, Miles 469.6–470.2 (Kentucky and Ohio).
36. 1 day—July 4th	Wellsburg 4th of July Committee/Wellsburg 4th of July Freedom Celebration.	Wellsburg, WV	Ohio River, Miles 73.5–74.5 (West Virginia).
37. 1 day—week of July 4th	Wheeling Symphony fireworks	Wheeling, WV	Ohio River, Miles 90–92 (West Virginia).
38. 1 day—First week or weekend in July.	Summer Motions Inc./Summer Motion	Ashland, KY	Ohio River, Miles 322.1–323.1 (Kentucky).
39. 1 day—week of July 4th	Chester Fireworks	Chester, WV	Ohio River, Miles 42.0–44.0 (West Virginia).
40. 1 day—First week of July	Toronto 4th of July Fireworks	Toronto, OH	Ohio River, Miles 58.2–58.8 (Ohio).
41. 1 day—First week of July	Cincinnati Symphony Orchestra	Cincinnati, OH	Ohio River, Miles 460.0–462.0 (Ohio).
42. 1 day—First weekend or week in July.	Queen's Landing Fireworks	Greenup, KY	Ohio River, Miles 339.3–340.3 (West Virginia).
43. 1 day—First week or weekend in July.	Gallia County Chamber of Commerce/Gallipolis River Recreation Festival.	Gallipolis, OH	Ohio River, Miles 269.5–270.5 (Ohio).
44. 1 day—First week or weekend in July.	Kindred Communications/Dawg Dazzle	Huntington, WV	Ohio River, Miles 307.8–308.8 (West Virginia).
45. 1 day—First week or weekend in July.	Greenup City	Greenup, KY	Ohio River, Miles 335.2–336.2 (Kentucky).
46. 1 day—First week or weekend in July.	Middleport Community Association	Middleport, OH	Ohio River, Miles 251.5–252.5 (Ohio).
47. 1 day—First week or weekend in July.	People for the Point Party in the Park	South Point, OH	Ohio River, Miles 317–318 (Ohio).
48. 1 day—One of the first two weekends in July.	City of Bellevue, KY/Bellevue Beach Park Concert Fireworks.	Bellevue, KY	Ohio River, Miles468.2–469.2 (Kentucky & Ohio).
49. 1 day—First Week of July	Pittsburgh 4th of July Celebration	Pittsburgh, PA	Ohio River, Miles 0.0–0.5, Allegheny River, Miles 0.0–0.5, and Monongahela River, Miles 0.0–0.5 (Pennsylvania).
50. 1 day—First week or weekend in July.	City of Charleston/City of Charleston Independence Day Celebration.	Charleston, WV	Kanawha River, Miles 58.1–59.1 (West Virginia).
51. 1 day—First week or weekend in July.	Portsmouth River Days	Portsmouth, OH	Ohio River, Miles 355.5–357.0 (Ohio).
52. 1 day—During the first week of July	Louisville Bats Baseball Club/Louisville Bats Firework Show.	Louisville, KY	Ohio River, Miles 602.0–605.0 (Kentucky).
53. 1 day—During the first week of July	Waterfront Independence Festival/Louisville Orchestra Waterfront 4th.	Louisville, KY	Ohio River, Miles 602.0–605.0 (Kentucky).
54. 1 day—During the first week of July	Celebration of the American Spirit Fireworks/All American 4th of July.	Owensboro, KY	Ohio River, Miles 754.0–760.0 (Kentucky).
55. 1 day—During the first week of July	Riverfront Independence Festival Fireworks.	New Albany, IN	Ohio River, Miles 606.5–609.6 (Indiana).
56. 1 day in July	Grand Harbor Marina/Grand Harbor Marina July 4th Celebration.	Counce, TN	Tennessee-Tombigbee Waterway, Miles 448.5–451.0 (Tennessee).
57. 1 night in July	Steubenville fireworks	Steubenville, OH	Ohio River, Miles 67.5–68.5.
58. 1 day—During the first two weeks of July.	City of Maysville Fireworks	Maysville, KY	Ohio River, Miles 408–409 (Kentucky).
59. 1 day—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Miles 554.0–561.0 (Indiana).
60. 1 day—Third Saturday in July	Pittsburgh Irish Rowing Club/St. Brendan's Cup Currach Regatta.	Pittsburgh, PA	Ohio River, Miles 7.0–9.0 (Pennsylvania).
61. 1 day—Third or fourth week in July	Upper Ohio Valley Italian Heritage Festival/Upper Ohio Valley Italian Heritage Festival Fireworks.	Wheeling, WV	Ohio River, Miles 90.0–90.5 (West Virginia).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
62. 1 day—Saturday Third or Fourth full week of July (Rain date—following Sunday).	Oakmont Yacht Club/Oakmont Yacht Club Fireworks.	Oakmont, PA	Allegheny River, Miles 12.0–12.5 (Pennsylvania).
63. 2 days—One weekend in July	Marietta Riverfront Roar Fireworks	Marietta, OH	Ohio River, Miles 171.6–172.6 (Ohio).
64. 1 day—Last weekend in July or first weekend in August.	Fort Armstrong Folk Music Festival	Kittanning, PA	Allegheny River, Miles 45.1–45.5 (Pennsylvania).
65. 1 day—First week of August	Kittaning Folk Festival	Kittanning, PA	Allegheny River, Miles 44.0–46.0 (Pennsylvania).
66. 1 day—First week in August	Gliers Goetta Fest LLC	Newport, KY	Ohio River, Miles 469.0–471.0.
67. 1 day—First or second week of August.	Bellaire All-American Days	Bellaire, OH	Ohio River, Miles 93.5–94.5 (Ohio).
68. 1 day—Second full week of August	PA FOB Fireworks Display	Pittsburgh, PA	Allegheny River, Miles 0.8–1.0 (Pennsylvania).
69. 1 day—Second Saturday in August	Guyasuta Days Festival/Borough of Sharpsburg.	Pittsburgh, PA	Allegheny River, Miles 005.5–006.0 (Pennsylvania).
70. 1 day—In the Month of August	Pittsburgh Foundation/Bob O'Connor Cookie Cruise.	Pittsburgh, PA	Ohio River, Miles 0.0–0.5 (Pennsylvania).
71. 1 day—Third week of August	Beaver River Regatta Fireworks	Beaver, PA	Ohio River, Miles 25.2–25.8 (Pennsylvania).
72. 1 day—One weekend in August	Parkersburg Homecoming Festival-Fireworks.	Parkersburg, WV	Ohio River, Miles 183.5–185.5 (West Virginia).
73. 1 day—One weekend in August	Ravenswood River Festival	Ravenswood, WV	Ohio River, Miles 220–221 (West Virginia).
74. 1 day—The second or third weekend of August.	Green Turtle Bay Resort/Grand Rivers Marina Day.	Grand Rivers, KY	420 foot radius, from the fireworks launch site, at the entrance to Green Turtle Bay Resort, on the Cumberland River at mile marker 31.5. (Kentucky).
75. 1 day—last 2 weekends in August/first week of September.	Wheeling Dragon Boat Race	Wheeling, WV	Ohio River, Miles 90.4–91.5 (West Virginia).
76. 1 day—One weekend in the month of August or September.	Owensboro Fireworks and Bridge Lights show.	Owensboro, KY	Ohio River, Miles 756–757 (Kentucky).
77. Sunday, Monday, or Thursday from August through February.	Pittsburgh Steelers Fireworks	Pittsburgh, PA	Allegheny River, Miles 0.0–0.25, Ohio River, Miles 0.0–0.1, Monongahela River, Miles 0.0–0.1. (Pennsylvania).
78. 1 day—Labor day	Portsmouth Labor Day Fireworks/Hamburg Fireworks.	Portsmouth, OH	Ohio River, Miles 355.8–356.8 (Ohio).
79. 1 day—One weekend before Labor Day.	Riverfest/Riverfest Inc	Nitro, WV	Kanawha River, Miles 43.1–44.2 (West Virginia).
80. 1 day—The weekend of Labor Day	Newburgh Fireworks Display	Newburgh, IN	Ohio River, Miles 777.3–778.3 (Indiana).
81. 2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Miles 469.2–470.5 (Kentucky and Ohio) and Licking River, Miles 0.0–3.0 (Kentucky).
82. 1 day—Labor Day or first week of September.	Labor Day Fireworks Show	Marmet, WV	Kanawha River, Miles 67.5–68 (West Virginia).
83. 1 day in September	Nashville Symphony/Concert Fireworks	Nashville, TN	Cumberland River, Miles 190.1–192.3 (Tennessee).
84. 1 day—Second weekend in September.	City of Clarksville/Clarksville Riverfest	Clarksville, TN	Cumberland River, Miles 124.5–127.0 (Tennessee).
85. 3 days—Second or third week in September.	Wheeling Heritage Port Sternwheel Festival Foundation/Wheeling Heritage Port Sternwheel Festival.	Wheeling, WV	Ohio River, Miles 90.2–90.7 (West Virginia).
86. 1 day—One weekend in September	Boomtown Days—Fireworks	Nitro, WV	Kanawha River, Miles 43.1–44.2 (West Virginia).
87. 1 day—One weekend in September	Ohio River Sternwheel Festival Committee fireworks.	Marietta, OH	Ohio River, Miles 171.5–172.5 (Ohio).
88. 1 day—One weekend in September	Tribute to the River	Point Pleasant, WV	Ohio River, Miles 264.6–265.6 (West Virginia).
89. 1 day—One weekend in September	Aurora Fireworks	Aurora, IN	Ohio River, Miles 496.3–497.3 (Ohio).
90. 1 day—Last two weekends in September.	Cabana on the River	Cincinnati, OH	Ohio River, Miles 483.2–484.2 (Ohio).
91. Multiple days—September through January.	University of Pittsburgh Athletic Department/University of Pittsburgh Fireworks.	Pittsburgh, PA	Ohio River, Miles 0.0–0.1, Monongahela River, Miles 0.0–0.1, Allegheny River, Miles 0.0–0.25 (Pennsylvania).
92. 1 day—First three weeks of October.	Leukemia & Lymphoma Society/Light the Night.	Pittsburgh, PA	Ohio River, Miles 0.0–0.5, Allegheny River, Miles 0.0–0.5, and Monongahela River, Miles 0.0–0.5 (Pennsylvania).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
93. 1 day in October	Leukemia and Lymphoma Society/Light the Night Walk Fireworks.	Nashville, TN	Cumberland River, Miles 189.7–192.1 (Tennessee).
94. 1 day—First two weeks in October	Yeatman's Fireworks	Cincinnati, OH	Ohio River, Miles 469.0–470.5 (Ohio).
95. 1 day—One weekend in October	West Virginia Motor Car Festival	Charleston, WV	Kanawha River, Miles 58–59 (West Virginia).
96. 2 days—One of the last three weekends in October.	Monster Pumpkin Festival	Pittsburgh, PA	Allegheny River, Miles 0.0–0.25 (Pennsylvania).
97. 1 day—Friday before Thanksgiving	Pittsburgh Downtown Partnership/Light Up Night.	Pittsburgh, PA	Allegheny River, Miles 0.0–1.0 (Pennsylvania).
98. 1 day—Friday before Thanksgiving	Kittanning Light Up Night Firework Display.	Kittanning, PA	Allegheny River, Miles 44.5–45.5 (Pennsylvania).
99. 1 day—Friday before Thanksgiving	Santa Spectacular/Light up Night	Pittsburgh, PA	Ohio River, Miles 0.0–0.5, Allegheny River, Miles 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
100. 1 day—Friday before Thanksgiving.	Monongahela Holiday Show	Monongahela, PA	Ohio River, Miles 31.5–32.5 (Pennsylvania).
101. 1 day in November	Friends of the Festival/Cheer at the Pier.	Chattanooga, TN	Tennessee River, Miles 462.7–465.2 (Tennessee).
102. 1 day—Third week of November	Gallipolis in Lights	Gallipolis, OH	Ohio River, Miles 269.2–270 (Ohio).
103. 1 day—December 31	Pittsburgh Cultural Trust/Highmark First Night Pittsburgh.	Pittsburgh, PA	Allegheny River, Miles 0.5–1.0 (Pennsylvania).
104. 7 days—Scheduled home games	University of Tennessee/UT Football Fireworks.	Knoxville, TN	Tennessee River, Miles 645.6–648.3 (Tennessee).

* * * * *

Dated: November 22, 2021.

A.M. Beach,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2021–26310 Filed 12–3–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2020–0504; FRL–9202–01–R5]

Air Plan Approval; Wisconsin; Permit Streamline Updates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve certain changes to Wisconsin's State Implementation Plan (SIP). These changes include defining and removing terms, creating a more streamlined process for permit applications and reports submitted electronically, and clarifying rules to create a more efficient permit issuance process. Approving this revision also makes Wisconsin rules consistent with Federal rules.

DATES: Comments must be received on or before January 5, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2020–0504 at *http://www.regulations.gov,* or via email to *damico.genevieve@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Kraj, Environmental Engineer, Air Permits Section, Air Programs Branch (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312)353–2654, *kraj.susan@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Wisconsin's Submittal
II. Review of the Submittal
III. What action is EPA taking?
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Wisconsin's Submittal

Wisconsin submitted this SIP revision request on April 6, 2021, and supplemental information on June 22, 2021, and July 27, 2021. This submittal includes revisions to the definitions in Chapter NR 400, to the minor construction permit program in Chapter NR 406, and to the operating permit program in Chapter NR 407. Specifically, Wisconsin is requesting to repeal NR 406.03(1e)(a), (b), and (j), NR 406.04(1f)(c) and (Note), NR 407.02(6)(a)3.(Note), NR 407.11(1)(e) and (3)(c), and NR 407.12(1)(b)(Note) and (e); to amend NR 400.02(130), (136m)(intro.) and (b), NR 406.02(6), NR 406.03(1e)(intro.), (c), (1m)(a), (b), (2)(b)2.c. and (g), NR 406.04(1)(i)(intro.), 2, 3, 4, (m)(intro.), (zg)1, (1k)(intro.), (1q)(f), (g), (2)(h), (4)(a)5, (b)(title), (b), (h)2, (j)2, and (7), NR 406.17(3)(d), NR

407.02(9), NR 407.03(1)(intro.), (1m)(a)2, (c)1, (2)(f) and (g), NR 407.05(2) and (6), NR 407.105(3)(b), NR 407.11(1)(a), NR 407.14(1m)(d), and NR 407.15(5); and to create NR 400.02(136m)(b)(Note), (136r), (162)(a)61 and 62, NR 406.04(1)(a)4m, (bm), (1f)(f) and (4)(e)3, NR 407.03(1)(a)4m, (bm) and (2)(ba).

Wisconsin's Department of Natural Resources (WDNR) has requested administrative changes to its definitions in Section NR 400. The definitions of ''reconstruction'' and ''restricted use RICE'' have been amended, the definition for ''RICE'' was created, and two hazardous air pollutants (HAPS) have been included to be consistent with the Federal definition for volatile organic compounds (VOC).

WDNR also submitted changes to its minor source construction permitting program, NR 406. The definition of ''permit revision'' in NR 406.02(6), and definitions of ''commence construction'' and ''commence modification'' were amended to align with the Federal definitions. The list of activities in NR 406.03 (1e) was revised to remove language that is outdated. The requirements for application forms were also clarified.

The State amended NR 406.03(1m) to clarify the procedures for applying for a construction permit waiver. Additionally, the State amended the meaning of economic hardship to remove language restricting economic or financial hardship that could ''preclude the project in its entirety.''

Wisconsin created provisions NR 406.04(1)(a)4m and NR 407.03(1)(a)4m for external combustion sources that fire ultra-low sulfur diesel fuel oil to comply with 40 CFR 80.510. An exemption for the incineration of confiscated drugs by a government agency using certain equipment with specific parameters and limits was added at NR 406.04(1)(bm) and NR 407.03(1)(bm).

Wisconsin amended the provisions in NR 406.04(1)(i) to clarify that research and testing exemptions may only be provided for temporary changes or temporary equipment. Wisconsin created NR 406.04(1f)(f) to require that an operation permit application shall be submitted prior to commencing construction or modification even when no construction permit is required.

The State also amended the Plantwide Applicability Limit (PAL) provision at NR 406.04(1f)(f) clarifying that new or modified sources exempt from construction permitting under a PAL must be included in an operation permit application submitted prior to commencing construction or modification. Wisconsin is also clarifying in NR 406.04(1k) that the exemption for projects evaluated for significant net emissions increase can only be requested prior to commencing construction, and that this exemption is only available for the modification of an existing emission unit and not for the construction of a new emission unit.

Revisions to NR 406.04(4)(b) allow an exemption for emissions units that must meet new or revised VOC reasonably available control technology (RACT) rules to also apply to new or revised nitrogen oxides (NO_X) RACT.

The State has also revised NR 406.04 to clarify that an increase in hours of operation does not constitute an exclusion from modification if the change is subject to certain Federal requirements, and to clarify that the emissions increase being referred to is the maximum theoretical emissions increase.

Revisions were made to NR 406.17(3) to clarify when sources are ineligible for coverage under a registration construction permit. Also a note referencing previous EPA guidance on determining when a source can become an area source referred to as ''once in always in'' has been removed as this guidance is no longer applicable.[1]

The definition of ''synthetic minor source'' in NR 407.02 has been amended to match the Federal policy and guidance on the types of actions and permit conditions necessary to establish a facility as a synthetic minor source.

The permit exemptions in NR 407.03(1m)(a)2 and (c)1, and NR 407.03(2)(f) and (g), are available if the facility is not subject to an emission limitation or emission standard under section 111 or 112, are amended to be consistent with the parallel exemptions in NR 406.

NR 407.03(2)(ba) is created to correct an error by including an exemption for particulate matter less than 10 microns not to exceed 3.4 pounds per hour to make the exemption in NR 407 consistent with that in NR 406.

NR 407.05(2) and (6) are amended to remove certain requirements relating to submitting multiple paper copies of application materials.

NR 407.105(3)(b) is amended to replace ''standard or regulation'' with ''emission limitation or emission standard''.

NR 407.11(1)(e) and (3)(c) under administrative permit revisions and NR 407.12(1)(b)(Note) and (e) under minor permit revision are repealed.

NR 407.14(1m)(d) is amended to clarify that correcting a typographical error must not substantively change the meaning of a permit condition.

NR 407.15 (5), failure to pay fees, is amended to add citations to Wisconsin statute s. 285.

II. Review of the Submittal

A. Except for the revisions discussed below in Section II.B, Wisconsin's submittal includes administrative and non-substantive changes such as the removal of outdated language, clarifications of rule applicability and correction of errors, and changes to ensure conformance with Federal requirements. These revisions remove provisions that are obsolete, revise rule language for consistency, or clarify provisions which are already in effect as a matter of law in the State program. These changes are not substantive, do not affect emissions, and do not interfere with requirements of the Clean Air Act (CAA). Therefore, EPA is proposing to approve these revisions.

B. The following revisions in Wisconsin's submittal require further analysis: The creation of new exemptions from minor source air permitting and the revisions to exemptions from minor source air permitting. Specifically, EPA will review the following below: (1) The permit exemption for fuel burning installations combusting ultra-low sulfur diesel fuel, (2) the exemption for incineration of small quantities of confiscated drugs by a government agency, (3) the revision to allow temporary steam generating units to operate up to 24 hours simultaneously with the units they are temporarily replacing during periods of startup and shutdown, and (4) the revision to State RACT. EPA is using the following criteria to review these changes for compliance with Federal requirements—40 CFR part 51, subpart I—Review of New Sources and Modifications, and section 110(l) of the CAA.

40 CFR 51.160 requires that the SIP set forth legally enforceable procedures that enable the state or local agency to determine whether any construction or modification of a source will (1) cause a violation of the SIP or (2) interfere with attainment or maintenance of a national ambient air quality standard (NAAQS). Section 110(l) of the CAA provides that a revision to a SIP submitted by a state shall be only be adopted by the state after reasonable notice and public hearing, and the Administrator shall not approve a revision to a SIP if the revision would interfere with any applicable

[1] *Memorandum: Reclassification of Major Sources as Area Sources under Section 112 of the Clean Air Act, William L. Wehrum, Assistant Administrator, Office of Air and Radiation, U.S. Environmental Protection Agency (January 25, 2018).*

requirement concerning attainment and reasonable further progress, or any other applicable requirement of this chapter.

WDNR provided opportunities to comment on the proposed rule during a public comment period from March 5, 2019 through April 24, 2019, and at a public hearing held on April 17, 2019, in accordance with chapter 227 of the Wisconsin Statutes. Based on our review of the public process documentation included in the submittal, we find that the Wisconsin has provided sufficient evidence of public notice and opportunity for comment and public hearings prior to submittal of this SIP revision and has satisfied the procedural requirements for notice and a public hearing under CAA section 110(l).

For the provisions in 40 CFR 51.160, and section 110(l) of the CAA that require that the revisions may not cause a violation of the SIP or interfere with attainment or maintenance of a NAAQS, Wisconsin's submittal includes an analysis to demonstrate these requirements will be met. For the reasons discussed below, the new and revised exemptions in the submittal will not interfere with any SIP requirement or any applicable requirement concerning attainment.

Wisconsin provided an analysis for the following changes: The exemptions in NR 406.04(1)(a)4m and NR 407.03(1)(a)4m for external combustion sources that fire ultra-low sulfur diesel fuel oil; the exemptions in NR 406.04(1)(bm) and NR 407.03(1)(bm) for incinerators operated by a government agency that burn confiscated drugs and meet other requirements; the revisions to NR 406.04(1)(zg) to allow temporary steam generating units to operate at the same time as the permanent steam generation equipment it is replacing for up to 24 hours during startup or shutdown; and the revisions to NR 406.04(4)(b) to allow the exemption for emissions units that must meet new or revised VOC RACT rules, to also apply to new or revised NO_X RACT rules.

For the exemptions in NR 406.04(1)(a)4m, and NR 407.03(1)(a)4m regarding ultra-low sulfur, Wisconsin provided in its analysis that this exemption increased the size of exempt units from 10 million British thermal units per hour (MMBtu/hr) to 25 MMBtu/hr for external combustion furnaces firing ultra-low sulfur diesel fuel. Because of the reduction in sulfur content in ultra-low sulfur diesel fuel, emissions will not increase when the unit size is increased to 25 MMBtu/hr and emissions will remain below all existing SIP-approved exemption thresholds.

For the exemption in NR 406.04(1)(bm) and NR 407.03(1)(bm) for incinerators operated by government agencies to burn certain confiscated drugs, Wisconsin provided that this exemption follows Federal regulations that exclude incineration of confiscated drugs by law enforcement and border patrols from the applicable National Emission Standards for Hazardous Air Pollutants requirements (40 CFR 60.2887(p)). Wisconsin also provided emissions estimates (for maximum theoretical emissions) based on uncontrolled emission factors for medical waste incineration. The State deems these factors similar and appropriate because confiscated drugs are likely to be burned with plastic or foil packaging and possibly needles. Wisconsin's analysis also assumed the worst-case fuel for the emission calculations. Wisconsin's emission estimates demonstrate that combusting confiscated drugs under the parameters required by NR 406.04(1)(bm) and NR 407.03(1)(bm) will result in emissions that are less than the existing SIP-approved permit exemption thresholds in NR 406.04(2) and NR 407.03(2). In addition, the rules require the use of a monitoring device that continuously measures and records the temperature of the secondary chamber of the incinerator to ensure a proper destruction efficiency.

For the revision to the exemption in NR 406.04(1)(zg) for temporary steam generating units, Wisconsin explained in its analysis that the current unrevised SIP-approved exemption limits these temporary units to operating a total of 3,200 hours during nine calendar months, and this limit is unchanged by the revision. Therefore, the maximum emissions will not increase. The exemption also continues to require that the NAAQS are protected at all times the temporary units are operating.

The revision to NR 406.04(4)(b) excludes from permit modifications changes needed for the source to assure compliance with any new or revised RACT requirements for NO_X. The revision adds NO_X to the existing exemption which was for VOC RACT. Before any new or revised NO_X RACT rules can be SIP-approved, there will need to be a demonstration under section 110(l) of the CAA for that submittal.

III. What action is EPA taking?

For the reasons set forth above, EPA is proposing to approve the requested revisions to Wisconsin's SIP as submitted on April 6, 2021. These revisions were included in the certified Board Order AM–24–12b and published in the Wisconsin Administrative Register #777B on September 28, 2020. Based on the information submitted by Wisconsin on April 6, 2021, June 22, 2021, and July 27, 2021, EPA has determined that Wisconsin's submittal is approvable and there were no deficiencies found that would prevent EPA approval.

IV. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to Wisconsin Administrative Code rules NR 400, 406 and 407 as published in the Wisconsin Register #777B on September 28, 2020, effective October 1, 2020, discussed in section I of this preamble. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

Order 13132 (64 FR 43255, August 10, 1999);

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: November 24, 2021.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2021–26148 Filed 12–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2021–0473; FRL- 8981–01–R4]

Air Plan Approval; North Carolina; Mecklenburg Monitoring, Recordkeeping, and Reporting Rule Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision to the Mecklenburg County portion of the North Carolina SIP, hereinafter referred to as the Mecklenburg Local Implementation Plan (LIP). The revision was submitted by the State of North Carolina, through the North Carolina Division of Air Quality (NCDAQ), on behalf of Mecklenburg County Air Quality (MCAQ) via a letter dated April 24, 2020, and was received by EPA on June 19, 2020. The revision updates several Mecklenburg County Air Pollution Control Ordinance (MCAPCO) rules and adds three new rules for incorporation into the LIP. These rules cover general recordkeeping, monitoring, and reporting requirements. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before January 5, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2021–0473 at *www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Evan Adams, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9009. Mr. Adams can also be reached via electronic mail at *adams.evan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Overview

The Mecklenburg County LIP was submitted to EPA on June 14, 1990, and EPA approved the plan on May 2, 1991. *See* 56 FR 20140. Mecklenburg County prepared three submittals in order to modify the LIP for, among other things, general consistency with the North Carolina SIP.[1] The three submittals were submitted as follows: NCDAQ transmitted the October 25, 2017, submittal to EPA but later withdrew it from review through a letter dated February 15, 2019. On April 24, 2020, NCDAQ resubmitted the October 25, 2017, update to EPA and also submitted the January 21, 2016, and January 14, 2019, updates. Due to an inconsistency with public notice at the local level, these submittals were withdrawn from EPA through a letter dated February 15, 2019. Mecklenburg County corrected this error, and NCDAQ submitted the updates to EPA in a submittal dated April 24, 2020.[2]

II. What action is EPA proposing to take?

The April 24, 2020, submittal updates several MCAPCO rules incorporated into the LIP and adds several rules to more closely align the LIP with the SIP. The January 21, 2016, portion of this submission includes reorganization and updates to rules contained in MCAPCO Section 2.0600, including MCAPCO Rules 2.0601, *Purpose and Scope;* 2.0602, *Definitions;* 2.0604, *Exceptions to Monitoring and Reporting Requirements;* 2.0607, *Large Wood and Wood-Fossil Fuel Combination Units;* and 2.0610, *Delegation Federal Monitoring Requirements.*[3] Additionally, the submittal seeks to add MCAPCO Rules 2.0605, *General Recordkeeping and Reporting Requirements;* 2.0611, *Monitoring Emissions from Other Sources;* and 2.0613, *Quality Assurance Program* to the LIP. EPA is proposing to approve the updates and new rules because they improve alignment of the LIP and the SIP and will not interfere with any applicable CAA requirements. The remainder of this section discusses the proposed changes to the LIP.

A. Rule 2.0601, ''Purpose and Scope''

The April 24, 2020, submittal includes updates to Rule 2.0601, *Purpose and Scope.* This rule outlines the purpose of this section and

[1] The Mecklenburg County, North Carolina revision that is dated April 24, 2020, and received by EPA on June 19, 2020, is comprised of three previous submittals—one dated January 21, 2016; one dated October 25, 2017; and one dated January 14, 2019.

[2] EPA notes that the April 24, 2020, submittal was received by EPA on June 19, 2020.

[3] The April 24, 2020, submittal contains changes to other Mecklenburg LIP-approved rules that are not addressed in this notice. EPA will be acting on those rules in separate actions.

references several other specific rules that may also include monitoring, recordkeeping, and reporting requirements for specific facilities and operations. The proposed changes to the LIP-approved version of this rule include the addition of references to Rules 2.1110, *National Emissions Standards for Hazardous Air Pollutants,* and 2.1111, *Maximum Achievable Control Technology.* The revisions also removed a reference to Rule 2.0525, *National Emission Standards for Hazardous Air Pollutants,* which was moved to Rule 2.1110 listed above. The changes more closely align the rule with the corresponding SIP-approved state rule at 15A NCAC 02D .0601, *Purpose and Scope.* EPA most recently approved updates to 15A NCAC 02D .0601 into the SIP on August 25, 2021. *See* 86 FR 47393. EPA is proposing to approve the updates to Rule 2.0601 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

B. Rule 2.0602, ''Definitions''

The April 24, 2020, submittal includes updates to Rule 2.0602, *Definitions.* This rule provides definitions that apply to Section 2.0600, *Monitoring: Recordkeeping: Reporting.* The proposed changes to the LIP-approved rule include the addition of the following definitions: Applicable requirement, Calendar quarters, Permit condition, and Petroleum refinery. Additionally, the rules are re-organized alphabetically, and the definitions of Distillate Oils and Fuel Oils are updated. These revisions more closely align the rule with the corresponding SIP-approved state rule at 15A NCAC 02D .0602, *Definitions.* EPA most recently approved updates to 15A NCAC 02D .0602 into the SIP on August 25, 2021. *See* 86 FR 47393. EPA is proposing to approve the updates to Rule 2.0602 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

C. Rule 2.0604, ''Exceptions to Monitoring and Reporting Requirements''

The April 24, 2020, submittal renumbers LIP-approved Rule 2.0607, *Exceptions to Monitoring and Reporting Requirements,* as Rule 2.0604 and updates the text of the rule as described below.[4] This rule outlines a limited exception to monitoring if monitoring equipment malfunctions, provides an exemption to monitoring during short-term operation, and provides a general exception if a source is exempted from needing a permit by MCAPCO Rule 1.5211—*Applicability.* The proposed amendments update the requirements moved from Rule 2.0607 to this rule, adds language to clarify that malfunctions resulting from inadequate or poor operation and maintenance are not exempted and that records be maintained to show the source operated less than 30 days in a 12-month period, and adds language to require monitoring for sources exempted from permitting by Rule 1.5211, *Applicability,* if monitoring is required by a specific rule in another section or enforcement settlement. These changes more closely align the rule with the corresponding SIP-approved state rule at 15A NCAC 02D .0604, *Exceptions to Monitoring and Reporting Requirements.* EPA most recently approved updates to 15A NCAC 02D .0604 in the SIP on August 25, 2021. *See* 86 FR 47393. EPA is proposing to approve the updates to Rule 2.0604 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

D. Rule 2.0605, ''General Recordkeeping and Reporting Requirements''

The April 24, 2020, submittal renumbers LIP-approved Rule 2.0605—*Wood and Wood-Fossil Combination Units* as Rule 2.0607.[5] In its place, a new Rule 2.0605 is added with the title ''*General Recordkeeping and Reporting Requirements.*'' The new version of Rule 2.0605 outlines general requirements for monitoring, recordkeeping and reporting that owners and operators at specific facilities must follow. It further describes specific criteria that would trigger the retrieval of records by MCAQ from the subject facility. The changes more closely align the rule with the corresponding SIP-approved state rule at 15A NCAC 02D .0605, *General Recordkeeping and Reporting Requirements.* EPA most recently approved updates to 15A NCAC 02D .0605 in the SIP on October 31, 2007. *See* 72 FR 61531. EPA is proposing to approve the updates to Rule 2.0605 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

E. Rule 2.0607, ''Large Wood and Wood-Fossil Fuel Combination Units''

The April 24, 2020, submittal renumbers LIP-approved Rule 2.0605 as Rule 2.0607, *Large Wood and Wood-Fossil Fuel Combination Units* and updates the text of the rule as described below. This rule outlines requirements for facilities that burn wood or wood-fossil fuel combinations that generate steam at a specific rate. These specified facilities may also fall under additional monitoring, recordkeeping, and reporting requirements outlined in additional LIP regulations noted within this rule. Mecklenburg made several revisions to the LIP-approved rule to reorganize the rule and to update requirements for quality assurance of monitoring data. These changes more closely align the rule with the corresponding SIP-approved state rule at 15A NCAC 02D .0607, *Large Wood and Wood-Fossil Fuel Combination Units.* EPA most recently approved updates to 15A NCAC 02D .0607 in the SIP on August 8, 2002. *See* 67 FR 51461. EPA is proposing to approve the updates to Rule 2.0607 because they better align the LIP with the SIP and will not interfere with any applicable CAA requirements.

F. Rule 2.0610, ''Delegation Federal Monitoring Requirements''

The April 24, 2020, revision modifies Rule 2.0610, *Delegation Federal Monitoring Requirements,* by making updates to references. Rule 2.0610 was most recently approved by EPA on October 22, 2002 (67 FR 64999) and establishes applicability of specific monitoring requirements for sources subject to New Source Performance Standards (NSPS) under 40 CFR part 60, National Emission Standards for Hazardous Air Pollutants (NESHAPs) under for 40 CFR part 61 and 63, and Acid Rain regulations under 40 CFR part 75. The rule further specifies that sources not subject to monitoring, recordkeeping, and reporting under these programs shall comply with Rule 2.0611—*Monitoring Emissions from Other Sources,* which is discussed below. These revisions to Rule 2.0610 more closely align the rule with the corresponding SIP-approved state rule, 15A NCAC 02D .0610, *Federal Monitoring Requirements.* EPA most recently incorporated updates to the state rule in North Carolina's SIP on August 8, 2002. *See* 67 FR 51461. EPA is proposing to approve the updates to Rule 2.0610 because they better align the LIP with the SIP and will not

[4] Additionally, the SIP revision seeks to move LIP-Approved Rule 2.0604—*Sources Covered by Implementation Requirements* to Rule 2.0606. EPA is not proposing to act on that move in this notice. Unless EPA acts on this move, LIP-Approved Rule 2.0604 (as approved on 5/2/1991 at 56 FR 20140 with a local effective date of 06/14/1990) will remain in the LIP alongside Rule 2.0604, *Exceptions to Monitoring and Reporting Requirements* as proposed for approval in this notice.

[5] The new version of Rule 2.0607—*Large Wood and Wood-Fossil Fuel Combination Units,* is discussed below.

interfere with any applicable CAA requirements.

G. Rule 2.0611, ''Monitoring Emissions from Other Sources''

The April 24, 2020, submittal adds Rule 2.0611, *Monitoring Emissions from Other Sources.* This rule is proposed for adoption into the LIP to add certain monitoring, recordkeeping, and reporting requirements for sources not covered by other rules. The rule includes certain recordkeeping requirements applicable to such sources and specifies that the Director of MCAQ may require additional monitoring and recordkeeping for such sources. Adding this rule would more closely align the LIP with the corresponding SIP-approved state rule at 15A NCAC 02D .0611, *Monitoring Emissions from Other Sources.* EPA most recently approved updates to 15A NCAC 02D .0611 in the SIP on August 8, 2002. *See* 67 FR 51461. EPA is proposing to approve Rule 2.0611 into the LIP because the approval will strengthen the LIP's overall monitoring, recordkeeping, and reporting requirements by ensuring that sources not subject to monitoring, recordkeeping, and reporting requirements under other rules are nonetheless subject to the requirements of this rule, will better align the LIP with the SIP, and will not interfere with any applicable CAA requirements.

H. Rule 2.0613, ''Quality Assurance Program''

The April 24, 2020, submittal adds Rule 2.0613, *Quality Assurance Program.* This rule is proposed for adoption into the LIP to require facilities that operate a monitoring device to develop a quality assurance program (QAP). The proposed rule additionally allows the Director to require the QAP to be submitted when certain conditions are met, lists the components of a QAP, lists QAP requirements for gaseous continuous emissions monitory system (CEMS), defines certification procedures, references 40 CFR part 58 for QAP for ambient monitors, requires QAP be available for inspection withing 30 days of monitor certification, and requires the Director to approve QAP within 30 days. Adding this rule would more closely align the LIP with the corresponding SIP-approved state rule at 15A NCAC 02D .0613, *Quality Assurance Program.* EPA most recently approved updates to 15A NCAC 02D .0613 in the SIP on August 8, 2002. *See* 67 FR 51461. EPA is proposing to approve Rule 2.0613 into the LIP because the approval will establish uniform standards for quality assurance at sources required to operate a monitoring device, will better align the LIP with the SIP, and will not interfere with any applicable CAA requirements.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to approve MCAPCO Rules 2.0601, *Purpose and Scope;* 2.0602, *Definitions;* 2.0604, *Exceptions to Monitoring and Reporting Requirements;* 2.0605, *General Recordkeeping and Reporting Requirements;* 2.0607, *Large Wood and Wood-Fossil Fuel Combination Units;* 2.0610, *Delegation Federal Monitoring Requirements;* 2.0611, *Monitoring Emissions from Other Sources;* and 2.0613, *Quality Assurance Program,* all of which have an effective date of December 15, 2015, into the Mecklenburg County portion of the North Carolina SIP. EPA has made and will continue to make these materials generally available through *www.regulations.gov* and at the EPA Region 4 Office (please contact the person identified in the For **FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the aforementioned revisions and additions to the Mecklenburg LIP. Specifically, EPA is proposing to approve revisions to MCAPCO Rules 2.0601, *Purpose and Scope;* 2.0602, *Definitions;* 2.0604, *Exceptions to Monitoring and Reporting Requirements;* 2.0607, *Large Wood and Wood-Fossil Fuel Combination Units;* and 2.0610, *Delegation Federal Monitoring Requirements.* EPA is also proposing to approve the addition of Rules 2.0605, *General Recordkeeping and Reporting Requirements;* 2.0611, *Monitoring Emissions from Other Sources;* and 2.0613, *Quality Assurance Program* into the Mecklenburg LIP. EPA is proposing to approve these revisions because they are consistent with the CAA.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided they meet the criteria of the CAA. This proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed 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 (Public Law 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: November 26, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–26142 Filed 12–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0031; FRL–9177–01–R10]

Air Plan Approval; AK; Removal of Excess Emissions Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Alaska, through the Alaska Department of Environment Conservation, on January 9, 2017. The revision was submitted by Alaska in response to a finding of substantial inadequacy and SIP call published on June 12, 2015, for a provision in the Alaska SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. EPA is proposing approval of the SIP revision and proposing to determine that such SIP revision corrects the deficiency identified in the June 12, 2015, SIP call.

DATES: Comments must be received on or before January 5, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2017–0031 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *regulations.gov.* EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Randall Ruddick, EPA Region 10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, (206) 553–1999; or email *ruddick.randall@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'' or ''our'' is used, it refers to EPA.

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I. Background

On February 22, 2013, a **Federal Register** notice of proposed rulemaking was published outlining EPA's policy at the time with respect to SIP provisions related to periods of SSM. EPA analyzed specific SSM SIP provisions and explained how each one either did or did not comply with the CAA with regard to excess emission events.[1] For each SIP provision that EPA determined to be inconsistent with the CAA, EPA proposed to find that the existing SIP provision was substantially inadequate to meet CAA requirements and thus proposed to issue a SIP call under CAA section 110(k)(5). On September 17, 2014, EPA issued a document supplementing and revising what the Agency had previously proposed on February 22, 2013, in light of a D.C. Circuit decision that determined the CAA precludes authority of the EPA to create affirmative defense provisions applicable to private civil suits. EPA outlined its updated policy that affirmative defense SIP provisions are not consistent with CAA requirements. EPA proposed in the supplemental proposal document to apply its revised interpretation of the CAA to specific affirmative defense SIP provisions and proposed SIP calls for those provisions where appropriate (79 FR 55920, September 17, 2014).

On June 12, 2015, pursuant to CAA section 110(k)(5), EPA finalized ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' (80 FR 33839, June 12, 2015), hereafter referred to as the ''2015 SSM SIP Action.'' The 2015 SSM SIP Action clarified, restated, and updated EPA's interpretation that SSM exemption and affirmative defense SIP provisions are inconsistent with CAA requirements. The 2015 SSM SIP Action found that certain SIP provisions in 36 states were substantially inadequate to meet CAA requirements and issued a SIP call to those states to submit SIP revisions to address the inadequacies. EPA established an 18-month deadline by which the affected states had to submit such SIP revisions. States were required to submit corrective revisions to their SIPs in response to the SIP calls by November 22, 2016. The detailed rationale for issuing the SIP call to Alaska can be found in the 2015 SSM SIP Action and preceding proposed actions.

EPA issued a Memorandum in October 2020 (2020 Memorandum), which stated that certain provisions governing SSM periods in SIPs could be viewed as consistent with CAA requirements.[2] Importantly, the 2020 Memorandum stated that it ''did not alter in any way the determinations made in the 2015 SSM SIP Action that identified specific state SIP provisions that were substantially inadequate to meet the requirements of the Act.'' Accordingly, the 2020 Memorandum had no direct impact on the SIP call issued to Alaska in 2015. The 2020 Memorandum did, however, indicate EPA's intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether EPA should maintain, modify, or withdraw particular SIP calls through future agency actions.

On September 30, 2021, EPA's Deputy Administrator withdrew the 2020 Memorandum and announced EPA's return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).[3] As articulated in the 2021 Memorandum, SIP provisions that contain exemptions or affirmative defense provisions are not consistent with CAA requirements and, therefore, generally are not approvable if

[1] State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 78 FR 12460 (February 22, 2013).

[2] October 9, 2020, memorandum ''Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans,'' from Andrew R. Wheeler, Administrator.

[3] September 30, 2021, memorandum ''Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,'' from Janet McCabe, Deputy Administrator.

contained in a SIP submission. The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum of EPA's plans to review and potentially modify or withdraw particular SIP calls. That statement no longer reflects EPA's intent. EPA intends to implement the principles laid out in the 2015 SSM SIP Action as the agency takes action on SIP submissions, including this SIP submittal provided in response to the 2015 SIP call.

With regard to the Alaska SIP, in the 2015 SSM SIP Action, EPA determined that 18 AAC 50.240 was substantially inadequate to meet CAA requirements (80 FR 33973, June 12, 2015). The provision provided: ''Excess emissions determined to be unavoidable under this section will be excused and are not subject to penalty. This section does not limit the department's power to enjoin the emission or require corrective action.'' The rationale underlying EPA's determination that the provision was substantially inadequate to meet CAA requirements, and therefore to issue a SIP call to Alaska to remedy the provision, is detailed in the 2015 SSM SIP Action and the accompanying proposals.

Alaska submitted a SIP revision on January 9, 2017, in response to the SIP call issued in the 2015 SSM SIP Action. In its submission, Alaska is requesting that EPA revise the Alaska SIP by removing 18 AAC 50.240 in its entirety, thereby removing this provision from the Alaska SIP.

II. Analysis of SIP Submission

EPA is proposing to approve Alaska's January 9, 2017, SIP submission, which would remove the provision identified as inconsistent with CAA requirements from the Alaska SIP. Alaska is retaining 18 AAC 50.240 for state law purposes only, with revisions to clarify that (1) all excess emissions are violations and (2) the provision applies only to Alaska in exercising its enforcement authority and therefore does not preclude citizens or EPA from seeking injunctive relief or civil penalties for excess emissions. Alaska submitted the revised state-only version of 18 AAC 50.240 solely for informational purposes to show a complete record of the clarifications. Based on the revisions to 18 AAC 50.240 made by Alaska and Alaska's request to remove it from the Alaska SIP, EPA proposes to find that Alaska's January 9, 2017, SIP revision is consistent with CAA requirements and adequately addresses the specific deficiencies that EPA identified in the 2015 SSM SIP Action with respect to the Alaska SIP.

III. Proposed Action

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). EPA is proposing to approve Alaska's January 9, 2017, SIP submission requesting removal of 18 AAC 50.240 ''Excess Emissions'' from the Alaska SIP. We are proposing approval of the SIP revision because we have determined that it is consistent with the requirements for SIP provisions under the CAA. EPA is further proposing to determine that such SIP revision corrects the deficiency identified in the June 12, 2015, SIP call. EPA is not reopening the 2015 SSM SIP Action and is only taking comment on whether this SIP revision is consistent with CAA requirements and whether it addresses the substantial inadequacy in the specific Alaska SIP provision (18 AAC 50.240) identified in the 2015 SSM SIP Action.

IV. Incorporation by Reference

In this document, EPA is proposing to remove in a final rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to remove the incorporation by reference of ''18 AAC 50.240'' in 40 CFR 52.70, as described in Section II of this preamble. EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

The Alaska SIP does not apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rulemaking does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: November 30, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021–26406 Filed 12–3–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2021–0347; FRL–8470–01–OAR]

RIN 2060–AV25

Protection of Stratospheric Ozone: Listing of HFO–1234yf Under the Significant New Alternatives Policy Program for Motor Vehicle Air Conditioning in Nonroad Vehicles and Servicing Fittings for Small Refrigerant Cans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the EPA's Significant New Alternatives Policy program, this action proposes to list the refrigerant 2,3,3,3-tetrafluoroprop-1-ene, also known as HFO–1234yf or R–1234yf, as acceptable, subject to use conditions, in the motor vehicle air conditioning end-use for certain types of newly manufactured nonroad (also called off-road) vehicles, which includes some vehicles that are also considered heavy-duty vehicles. EPA is also proposing to adopt the current versions of the industry safety standards SAE J639, SAE J1739, and SAE J2844 by incorporating them by reference into the use conditions for the proposed listings in nonroad vehicles and previous listings for certain onroad vehicles covered in final rules issued separately in March 2011 and December 2016. In addition, EPA is proposing to require unique servicing fittings for use with small refrigerant cans (two pounds or less) of 2,3,3,3-tetrafluoroprop-1-ene that are used to service onroad and nonroad vehicles. Finally, EPA is proposing to add a reference to the Agency's regulations under the Toxic Substances Control Act for 2,3,3,3-tetrafluoroprop-1-ene for the proposed listings in nonroad vehicles and previous listings for certain onroad vehicles. Aside from the changes proposed in this action, the Agency is not reopening for comment other portions of the March 2011 and December 2016 final rules.

DATES: Comments must be received on or before January 20, 2022. Any party requesting a public hearing must notify the contact listed below under **FOR FURTHER INFORMATION CONTACT** by 5 p.m. Eastern Daylight Time on December 13, 2021. If a virtual public hearing is held, it will take place on or before December 21, 2021 and further information will be provided on EPA's Stratospheric Ozone website at *www.epa.gov/ozone/snap.*

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2021–0347, to the *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, EPA's full public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* The EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Chenise Farquharson, Stratospheric Protection Division, Office of Atmospheric Programs (Mail Code 6205 T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–7768; email address: *farquharson.chenise@epa.gov.* Notices and rulemakings under EPA's Significant New Alternatives Policy program are available on EPA's Stratospheric Ozone website at *www.epa.gov/snap/snap-regulations.*

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I. General Information

A. Executive Summary and Background

In this action, EPA is proposing to list 2,3,3,3-tetrafluoroprop-1-ene, also known as hydrofluoroolefin (HFO)–1234yf or R–1234yf, hereafter referred to as ''HFO–1234yf,'' as acceptable, subject to use conditions, as of 30 days after publication of any final rule, for MVAC

systems [1] in the following types of newly manufactured nonroad vehicles,[2] including some vehicles that are also considered heavy-duty (HD) [3] vehicles:

- Agricultural tractors with greater than 40 horsepower (HP);
- Self-propelled agricultural machinery;
- Compact equipment;
- Construction, forestry, and mining equipment; and
- Commercial utility vehicles.

EPA has previously listed HFO–1234yf as acceptable, subject to use conditions, in new light-duty (LD) passenger cars and trucks (76 FR 17488; March 29, 2011) and new medium-duty passenger vehicles (MDPV), HD pick-up trucks, and complete HD vans (81 FR 86778; December 1, 2016). The use conditions for those prior listings require that motor vehicle air conditioning (MVAC) systems designed to use HFO–1234yf meet the requirements of three technical safety standards developed by SAE International (SAE) (*i.e.,* SAE J639, SAE J1739, and SAE J2844) and are intended to mitigate flammability and toxicity risks. In this action, EPA is proposing to require the same use conditions, with certain updates discussed below, for MVAC systems designed to use HFO–1234yf in certain newly manufactured nonroad vehicles. EPA is proposing to list HFO–1234yf as acceptable, subject to use conditions, after its evaluation of human health and environmental information on various substitutes submitted to the Significant New Alternatives Policy (SNAP) program. In proposing to list HFO–1234yf as acceptable, subject to use conditions, this action would provide additional flexibility for industry stakeholders by expanding the list of acceptable substitutes for certain types of nonroad vehicles.

EPA is also proposing to adopt the current versions of SAE J639, SAE J1739, and SAE J2844 by incorporating them by reference into the use conditions for the nonroad vehicles addressed in this action. EPA also proposes to modify the use conditions for the previous listings of HFO–1234yf for MVAC systems in certain vehicles to replace the references to older versions of the three SAE standards with references to the current versions. The current versions of the three standards are SAE J639 (revised November 2020), ''Safety and Design Standards for Motor Vehicle Refrigerant Vapor Compression Systems;'' SAE J1739 (revised January 2021), ''Potential Failure Mode and Effects Analysis (FMEA) Including Design FMEA, Supplemental FMEA–MSR, and Process FMEA;'' and SAE J2844 (revised January 2013), ''R–1234yf (HFO–1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems.''

In addition, EPA is proposing to include a use condition for HFO–1234yf to provide for servicing air conditioning systems in the nonroad vehicles addressed in this action, including use of small refrigerant cans (two pounds or less). The use condition, which would require specific servicing fittings, would apply to the nonroad vehicles for which we are newly proposing to list HFO–1234yf as acceptable, subject to use conditions, as well as for all types of vehicles for which EPA has previously listed HFO–1234yf as acceptable, subject to use conditions. For the existing listings, EPA is proposing to revise the existing use conditions to require unique servicing fittings for use with small cans (two pounds or less).

Finally, EPA is proposing to include a reference to the Agency's Significant New Use Rule (SNUR) for HFO–1234yf under the Toxic Substances Control Act (80 FR 37166, June 30, 2015) in Appendix B subpart G of part 82, under the 'Comments' column, for the listings of HFO–1234yf for the nonroad vehicles addressed in this action, as well as for all the previous listings of HFO–1234yf as acceptable, subject to use conditions, for various vehicle types. The SNUR states that commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.

Aside from the proposed updates to refer to the most current versions of the SAE standards, the proposed addition of a use condition relating to servicing fittings for small cans, and the proposed reference to the June 2015 SNUR, the Agency is not reopening for comment other portions of the March 29, 2011, and December 1, 2016, final rules.

EPA notes that there are additional requirements that concern the sale or offer for sale of refrigerants, including a sales restriction under the regulations implementing section 608 of the CAA, which can be found at 40 CFR part 82 subpart F. These regulations collectively comprise the national recycling and emissions reduction program and may be commonly referred to as the stationary refrigeration and air conditioning management program. The general sales restriction provisions are codified at 82.154(c) and the specifications for self-sealing valves relevant to an exemption to the sales restriction for small cans of MVAC refrigerant are codified at 82.154(c)(2). This proposal does not propose to modify the provisions under 40 CFR 82.154, including the restriction on the sale of substitute refrigerants and requirements for self-sealing valves. The Agency is not proposing and is not reopening for comment regulations promulgated under section CAA 608.

B. SNAP Program Background

The SNAP program implements section 612 of the Clean Air Act (CAA). Several major provisions of section 612 are:

[1] Under the SNAP program, MVAC systems are those systems that provide passenger comfort cooling for light-duty cars and trucks, heavy-duty vehicles (large pick-ups, delivery trucks, recreational vehicles, and semi-trucks), nonroad vehicles, buses, and rail vehicles. See final rules published on March 29, 2011 (76 FR 17488) and on December 1, 2016 (81 FR 86778). For informational purposes, we note that this includes systems that are also included in the definitions that apply under other provisions of EPA's regulations under title VI of the CAA. In this regard, we note that EPA's subpart F regulations at 40 CFR 82.152 define ''MVAC-like appliance'' to mean ''a mechanical vapor compression, open-drive compressor appliance with a full charge of 20 pounds or less of refrigerant used to cool the driver's or passenger's compartment of off-road vehicles or equipment. This includes, but is not limited to, the air-conditioning equipment found on agricultural or construction vehicles. This definition is not intended to cover appliances using R–22 refrigerant.'' By contrast, EPA's subpart F regulations at 40 CFR 82.152 define ''Motor vehicle air conditioner (MVAC)'' as ''any appliance that is a motor vehicle air conditioner as defined in 40 CFR part 82, subpart B.'' The subpart B regulations at 40 CFR 82.32 provide that: ''Motor vehicle air conditioners means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using HCFC–22 refrigerant.'' Further, the subpart B regulations at 40 CFR 82.32 provide that: ''Motor vehicle as used in this subpart means any vehicle which is self-propelled and designed for transporting persons or property on a street or highway, including but not limited to passenger cars, light duty vehicles, and heavy duty vehicles. This definition does not include a vehicle where final assembly of the vehicle has not been completed by the original equipment manufacturer.''

[2] In the past, EPA has referred to these vehicles as ''off-road vehicles'' under the SNAP program. In this action, we are aligning our terminology with that of other EPA programs and using the term ''nonroad vehicle,'' which is defined under CAA section 216 to mean ''a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.'' EPA's regulations issued under that section of the Act defining a nonroad engine are codified at subpart A of 40 CFR part 1068.

[3] Heavy-duty vehicles are often subdivided by vehicle weight classifications, as defined by the vehicle's gross vehicle weight rating (GVWR), which is a measure of the combined curb (empty) weight and cargo carrying capacity of the truck. Heavy-duty vehicles have GVWRs above 8,500. See *https://www.epa.gov/emission-standards-reference-guide/vehicle-weight-classifications-emission-standards-reference-guide.*

1. Rulemaking

Section 612 requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon (CFC), halon, carbon tetrachloride, methyl chloroform, methyl bromide fluorocarbon, and chlorobromomethane) or class II (hydrochlorofluorocarbon (HCFC)) ozone-depleting substances (ODS) with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment and (2) is currently or potentially available.

2. Listing of Unacceptable/Acceptable Substitutes

Section 612(c) requires EPA to publish a list of the substitutes that it finds to be unacceptable for specific uses and to publish a corresponding list of acceptable substitutes for specific uses.

3. Petition Process

Section 612(d) grants the right to any person to petition EPA to add a substance to, or delete a substance from, the lists published in accordance with section 612(c).

4. 90-Day Notification

Section 612(e) directs EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before a new or existing chemical is introduced into interstate commerce for significant new use as a substitute for a class I substance.[4] The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.

The regulations for the SNAP program are promulgated at 40 CFR part 82, subpart G, and the Agency's process for reviewing SNAP submissions is described in regulations at 40 CFR 82.180. Under these rules, the Agency has identified five types of listing decisions: Acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; unacceptable; and pending (40 CFR 82.180(b)). Use conditions and narrowed use limits are both considered ''use restrictions,'' as described below. Substitutes that are deemed acceptable with no use restrictions (no use conditions or narrowed use limits) can be used for all applications within the relevant end-uses in the sector. After reviewing a substitute, the Agency may determine that a substitute is acceptable only if certain conditions in the way that the substitute is used are met to minimize risks to human health and the environment. EPA describes such substitutes as ''acceptable subject to use conditions.'' (40 CFR 82.180(b)(2)). For some substitutes, the Agency may permit a narrowed range of use within an end-use or sector. For example, the Agency may limit the use of a substitute to certain end-uses or specific applications within an industry sector. EPA describes these substitutes as ''acceptable subject to narrowed use limits.'' Under the narrowed use limit, users intending to adopt these substitutes ''must ascertain that other alternatives are not technically feasible.'' (40 CFR 82.180(b)(3)).

In making decisions regarding whether a substitute is acceptable or unacceptable, and whether substitutes present risks that are lower than or comparable to risks from other substitutes that are currently or potentially available in the end-uses under consideration, EPA examines the criteria in 40 CFR 82.180(a)(7): (i) Atmospheric effects and related health and environmental impacts; (ii) general population risks from ambient exposure to compounds with direct toxicity and to increased ground-level ozone; (iii) ecosystem risks; (iv) occupational risks; (v) consumer risks; (vi) flammability; and (vii) cost and availability of the substitute.

Many SNAP listings include ''comments'' or ''further information'' to provide additional information on substitutes. Since this additional information is not part of the regulatory decision, these statements are not binding for use of the substitute under the SNAP program. However, regulatory requirements so listed are binding as applicable under other regulatory programs (*e.g.,* worker protection regulations promulgated by the U.S. Occupational Safety and Health Administration (OSHA)). The ''further information'' classification does not necessarily include all other legal obligations pertaining to the use of the substitute. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the ''further information'' column in their use of these substitutes. In many instances, the information simply refers to sound operating practices that have already been identified in existing industry and/or building codes or standards. Thus, many of the statements, if adopted, would not require the affected user to make significant changes in existing operating practices.

For additional information on the SNAP program, visit the SNAP portion of EPA's Ozone Layer Protection website at *https://www.epa.gov/snap.* Copies of the full lists of acceptable substitutes for ODS in all industrial sectors are available at *https://www.epa.gov/snap/snap-substitutes-sector.* For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the initial SNAP rulemaking published March 18, 1994 (59 FR 13044), codified at 40 CFR part 82, subpart G. SNAP decisions and the appropriate **Federal Register** citations found at: *https://www.epa.gov/snap/snap-regulations.* Substitutes listed as unacceptable; acceptable, subject to narrowed use limits; or acceptable, subject to use conditions, are also listed in the appendices to 40 CFR part 82, subpart G.

In this proposed rule, EPA refers to listings made in a final rule issued on December 1, 2016, at 81 FR 86778 (''2016 Rule'') in which the Agency listed HFO–1234yf as acceptable, subject to use conditions, in new MDPV, HD pick-up trucks, and complete HD vans. The 2016 Rule also changed the listings for certain hydrofluorocarbons (HFCs) and blends from acceptable to unacceptable in various end-uses in the refrigeration and air conditioning, foam blowing, and fire suppression sectors. After a challenge to the 2016 Rule, the United States Court of Appeals for the District of Columbia Circuit (''the court'') issued a partial vacatur of the 2016 Rule ''only to the extent it requires manufacturers to replace HFCs that were previously and lawfully installed as substitutes for ozone-depleting substances.'' [5] The court's decision on the 2016 Rule did not vacate the listing of HFO–1234yf for certain types of vehicles, and this proposed rule is not EPA's response to the court's decision on the 2016 Rule.

C. Does this action apply to me?

The following list identifies types of regulated entities that may be affected by this proposed rule and their respective North American Industrial Classification System (NAICS) codes:

- All Other Basic Organic Chemical Manufacturing (NAICS 325199)
- All Other General Merchandise Stores (NAICS 452990)

[4] EPA's SNAP regulations at 82.176 extend this requirement to substitutes for class II substances, providing that ''[a]ny producer of a new substitute must submit a notice of intent to introduce a substitute into interstate commerce 90 days prior to such introduction.''

[5] *Mexichem Fluor, Inc.* v. *EPA,* No. 17–1024, 760 Fed. Appx. 6, 9 (D.C. Cir., April 5, 2019).

- All Other Miscellaneous Chemical Product and Preparation Manufacturing (NAICS 325998)
- Automotive Parts and Accessories Stores (NAICS 441310)
- Automotive Repair Shops Not Elsewhere Classified, Including Air Conditioning and Radiator Specialty Shops (NAICS 811198)
- Gasoline Stations with Convenience Stores (NAICS 447110)
- General automotive repair shops (NAICS 811111)
- Heavy Duty Truck Manufacturing (NAICS 336120)
- Industrial Gas Manufacturing (NAICS 32512)
- Motor Vehicle Body Manufacturing (NAICS 336211)
- Motor Vehicle Parts Manufacturing (NAICS 3363)
- Other Automotive Repair and Maintenance (NAICS 81119)
- Other Motor Vehicle Parts Manufacturing (NAICS 336390)
- Recyclable Material Merchant Wholesalers (NAICS 423930)
- Refrigeration Equipment and Supplies Merchant Wholesalers (NAICS 423740)

This list is not intended to be exhaustive but provides a guide for readers regarding types of entities likely to be regulated by this action if it becomes final as proposed. This list includes the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed above could also be regulated. To determine whether your facility, company, business, or organization could be affected by this action, you should carefully examine the regulations at 40 CFR part 82, subpart G. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

C. What acronyms and abbreviations are used in the preamble?

Below is a list of acronyms and abbreviations used in the preamble of this document:

AIHA—American Industrial Hygiene Association
AC—Air Conditioning
ACH—Changes Per Hour
AEM—Association of Equipment Manufacturers
ATEL—Acute Toxicity Exposure Limit
ANSI—American National Standards Institute
ASHRAE—American Society of Heating, Refrigerating and Air-Conditioning Engineers
ASTM—American Society for Testing and Materials
CAA—Clean Air Act
CAS Reg. No.—Chemical Abstracts Service Registry Identification Number
CBI—Confidential Business Information
CGA—Compressed Gas Association
CFC—Chlorofluorocarbon
CFD—Computational Fluid Dynamics
CFR—Code of Federal Regulations
CO_2—Carbon Dioxide
CRP—Cooperative Research Project
DIY—Do-It-Yourself
EEAP—Environmental Effects Assessment Panel
E.O.—Executive Order
EPA—United States Environmental Protection Agency
FCL—Flammability Concentration Limit
FMEA—Failure Mode and Effects Analysis
FR—Federal Register
GHG—Greenhouse Gas
GWP—Global Warming Potential
GVWR—Gross Vehicle Weight Rating
HCFC—Hydrochlorofluorocarbon
HD—Heavy-Duty
HD GHG—Heavy-Duty Greenhouse Gas
HF—Hydrogen Fluoride
HFC—Hydrofluorocarbon
HFO—Hydrofluoroolefin
HP—Horsepower
ICF—ICF International, Inc.
IPCC—Intergovernmental Panel on Climate Change
LD—Light-Duty
LD GHG—Light-Duty Greenhouse Gas
LFL—Lower Flammability Limit
MDPV—Medium-Duty Passenger Vehicle
MVAC—Motor Vehicle Air Conditioning
MY—Model Year
NAAQS—National Ambient Air Quality Standards
NAICS—North American Industrial Classification System
NOAEL—No Observed Adverse Effect Level
NRC—National Research Council
OEM—Original Equipment Manufacturer
ODP—Ozone Depletion Potential
ODS—Ozone-depleting Substance
OMB—United States Office of Management and Budget
OSHA—Occupational Safety and Health Administration
PPE—Personal Protective Equipment
ppm—Parts Per Million
PRA—Paperwork Reduction Act
RCL—Reference Concentration Limit
RFA—Regulatory Flexibility Act
SAE—SAE International
SAP—Scientific Assessment Panel
SDS—Safety Data Sheet
SIP—State Implementation Plan
SNAP—Significant New Alternatives Policy
SNUN—Significant New Use Notice
SNUR—Significant New Use Rule
STEL—Short-term Exposure Limit
TFA—Trifluoroacetic Acid
TLV—Threshold Limit Value
TSCA—Toxic Substances Control Act
TWA—Time Weighted Average
UFL—Upper Flammability Limit
UMRA—Unfunded Mandates Reform Act
UNEP—United Nations Environmental Programme
USGCRP—U.S. Global Change Research Program
VOC—Volatile Organic Compounds
WEEL—Workplace Environmental Exposure Limit
WMO—World Meteorological Organization

II. What is EPA proposing in this action?

A. Proposed Listing of HFO–1234yf as Acceptable, Subject to Use Conditions, for MVAC Systems in Certain Newly Manufactured Nonroad Vehicles

EPA is proposing to list HFO–1234yf as acceptable, subject to use conditions, for MVAC systems in several types of newly manufactured nonroad vehicles, specifically: Agricultural tractors greater than 40 HP; self-propelled agricultural machinery; compact equipment; construction, forestry, and mining equipment; and commercial utility vehicles. All MVAC refrigerants listed as acceptable are subject to use conditions requiring labeling and the use of unique fittings as described in Appendix B to subpart G of part 82—Substitutes Subject to Use Restrictions and Unacceptable Substitutes. EPA is proposing to list HFO–1234yf as acceptable, subject to use conditions, in the five nonroad vehicle types. The proposed use conditions would require that MVAC systems designed to use HFO–1234yf meet the requirements of SAE J639, SAE J1739, and SAE J2844 and would help to ensure that use of HFO–1234yf will not have a significantly greater overall impact on human health and the environment than other alternatives for use in those vehicles. EPA is proposing to update the existing use conditions that are currently required for the use of HFO–1234yf in MVAC systems in newly manufactured LD vehicles, MDPVs, HD pick-up trucks, and complete HD vans and apply them to all the MVAC systems addressed in this proposal. The proposed use conditions are detailed below in section II.A.4, ''What are the proposed use conditions?''

While EPA is proposing to list HFO–1234yf as acceptable, subject to use conditions, in certain newly manufactured nonroad vehicles, including some vehicles that would also be considered HD vehicles, we are requesting comment and information on development of HFO–1234yf MVAC systems for other types of HD vehicles not covered in this proposal, particularly HD on-road trucks (*i.e.,* Class 4–8 trucks between 14,001 and 33,000 or greater pounds). EPA intends to consider these comments in determining whether to initiate a separate rulemaking to list HFO–1234yf in these other vehicle types.

1. What is the affected end-use?

Under SNAP, MVAC systems cool the passenger compartment of LD passenger

vehicles and trucks, HD vehicles (*e.g.,* large pick-ups, delivery trucks, and semi-trucks), off-road vehicles, buses, and passenger rail vehicles. These systems are typically charged during vehicle manufacture, and the main components are connected by flexible refrigerant lines. Nonroad vehicles can be grouped into several categories (*i.e.,* agriculture, construction, recreation, and many other purposes).[6] The vehicle types addressed in today's proposal include certain types of newly manufactured nonroad vehicles, specifically:

- Agricultural tractors greater than 40 HP (including two-wheel drive (2WD), mechanical front-wheel drive (MFD), four-wheel drive (4WD), and track tractors) that are used for a number of agricultural applications such as farm work, planting, landscaping, and loading;[7] [8]
- Self-propelled agricultural machinery (including combines, grain and corn harvesters, sprayers, windrowers, and floaters) that are primarily used for harvesting, fertilizer, and herbicide operations;[9]
- Compact equipment (including mini excavators, turf mowers, skid-steer loaders and tractors less than 40 HP) that are primarily used for agricultural operations and residential, commercial, and agricultural landscaping;[10]
- Construction, forestry, and mining equipment (including excavators, bulldozers, wheel loaders, feller bunchers, log skidders, road graders, articulated trucks, sub-surface machines, horizontal directional drill, trenchers, and tracked crawlers) that are primarily used to excavate surface and subsurface materials during construction, landscaping, and road maintenance and building;[11] and
- Commercial utility vehicles that are primarily used for ranching, farming, hunting/fishing, construction, landscaping, property maintenance, railroad maintenance, forestry, and mining.[12]

These nonroad vehicles are almost exclusively used and operated by professionals (*e.g.,* agricultural owners or skilled employees/operators) and vary by size, weight, use, and/or horsepower.[13] For example, commercial utility vehicles typically weigh between 1,200 and 2,400 pounds, while agricultural tractors >40 HP typically weigh between 39,000 and 50,000 pounds.[14] [15] MVAC systems in these nonroad vehicles can have charge sizes ranging from 650 grams (23 ounces) to 3,400 grams (120 ounces) depending on the manufacturer and cab size, compared to a range of 390 grams (14 ounces) to 1,600 grams (56 ounces) for MVAC systems in light and medium duty passenger vehicles, HD pickups, and complete HD vans.[16] Additionally, unlike onroad passenger vehicles, for example, nonroad vehicles are limited to non-highway terrain (*e.g.,* fields, construction sites, forests, and mines), have more robust components, are operated at low working speeds, and there are typically a limited number of vehicles in the same location.

2. What are the ASHRAE classifications for refrigerant flammability?

The American National Standards Institute/American Society of Heating, Refrigerating and Air Conditioning Engineers (ANSI/ASHRAE) Standard 34–2019 assigns a safety group classification for each refrigerant which consists of two to three alphanumeric characters (*e.g.,* A2L or B1). The initial capital letter indicates the toxicity and the numeral denotes the flammability. ASHRAE classifies Class A refrigerants as refrigerants for which toxicity has not been identified at concentrations less than or equal to 400 ppm by volume, based on data used to determine threshold limit value-time-weighted average (TLV–TWA) or consistent indices. Class B signifies refrigerants for which there is evidence of toxicity at concentrations below 400 ppm by volume, based on data used to determine TLV–TWA or consistent indices.

Refrigerants are also assigned a flammability classification of 1, 2, 2L, or 3. Tests for flammability are conducted in accordance with American Society for Testing and Materials (ASTM) E681 using a spark ignition source at 140 °F (60 °C) and 14.7 psia (101.3 kPa).[17] The flammability classification ''1'' is given to refrigerants that, when tested, show no flame propagation. The flammability classification ''2'' is given to refrigerants that, when tested, exhibit flame propagation, have a heat of combustion less than 19,000 kJ/kg (8,169 Btu/lb.), and have a lower flammability limit (LFL) greater than 0.10 kg/m^3. The flammability classification ''2L'' is given to refrigerants that, when tested, exhibit flame propagation, have a heat of combustion less than 19,000 kJ/kg (8,169 BTU/lb.), have an LFL greater than 0.10 kg/m^3, and have a maximum burning velocity of 10 cm/s or lower when tested at in dry air at 73.4 °F (23.0 °C) and 14.7 psia (101.3 kPa). The flammability classification ''3'' is given to refrigerants that, when tested, exhibit flame propagation and that either have a heat of combustion of 19,000 kJ/kg (8,169 BTU/lb.) or greater or have an LFL of 0.10 kg/m^3 or lower. Using these safety group classifications, ANSI/ASHRAE Standard 34–2019 categorizes HFO–1234yf in the A2L Safety Group.

[6] EPA, 2021. Basic Information about the Emission Standards Reference Guide for On-road and Nonroad Vehicles and Engines. Available online at *https://www.epa.gov/emission-standards-reference-guide/basic-information-about-emission-standards-reference-guide-road* and in the docket for this rulemaking at *https://nepis.epa.gov/Exe/ZyPDF.cgi/P100K5U2.PDF?Dockey=P100K5U2.PDF.*

[7] Wagner, 2021. May 24, 2021, email from John Wagner of the Association of Equipment Manufacturers to EPA. Available in the docket for this rulemaking.

[8] AEM, 2021. Appendix A: Machine Forms as Classified by AEM Membership. Available in the docket for this rulemaking.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] EPA, 2021. Basic Information about the Emission Standards Reference Guide for On-road and Nonroad Vehicles and Engines. Available online at *https://www.epa.gov/emission-standards-reference-guide/basic-information-about-emission-standards-reference-guide-road* and in the docket for this rulemaking.

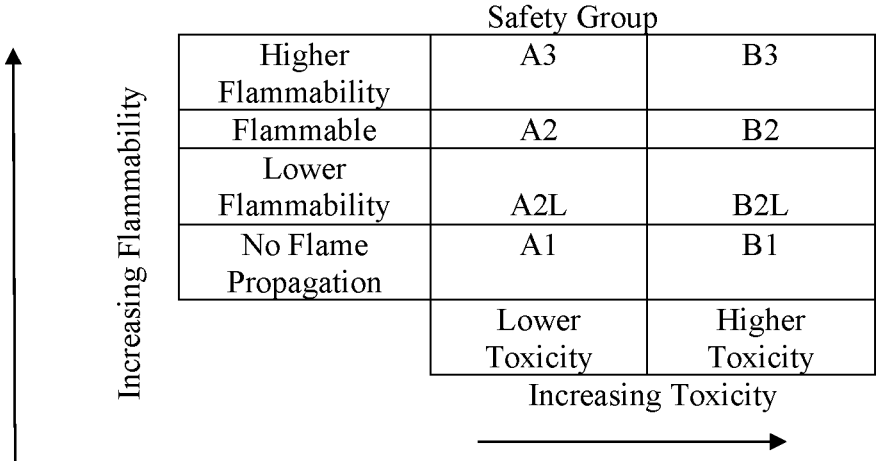
[14] Heavy-duty vehicles are often subdivided by vehicle weight classifications, as defined by the vehicle's gross vehicle weight rating (GVWR), which is a measure of the combined curb (empty) weight and cargo carrying capacity of the truck. Heavy-duty vehicles have GVWRs above 8,500. See *https://www.epa.gov/emission-standards-reference-guide/vehicle-weight-classifications-emission-standards-reference-guide.*

[15] Wagner, 2021. May 24, 2021, email from John Wagner of the Association of Equipment Manufacturers to EPA. Available in the docket for this rulemaking.

[16] ICF, 2016. Technical Support Document for Acceptability Listing of HFO–1234yf for Motor Vehicle Air Conditioning in Limited Heavy-Duty Applications. Available in the public docket for this rulemaking.

[17] ASHRAE, 2019. ANSI/ASHRAE Standard 34–2019: Designation and Safety Classification of Refrigerants.

Figure 1. Refrigerant Safety Group Classification



3. How does HFO–1234yf compare to other refrigerants for these MVAC applications with respect to SNAP criteria?

When reviewing a substitute under SNAP, EPA compares the risk posed by that substitute to the risks posed by other alternatives and considers whether that specific substitute under review poses significantly more risk than other available or potentially available alternatives for the same use. For this action, EPA performed a comparative risk analysis, based on our criteria for review, including an evaluation of environmental impacts, flammability, and toxicity. Redacted submissions that do not include information claimed as CBI by the submitter and supporting documentation for HFO–1234yf are provided in the docket for this proposed rule (EPA–HQ–OAR–2021–0347 at *https://www.regulations.gov*). EPA's assessments to examine the health and environmental risks of HFO–1234yf in each equipment type are also available in the docket for this proposed rule.[18 19 20 21 22]

As explained more fully below, to help evaluate environmental, flammability, and toxicity risks resulting from the use of HFO–1234yf in certain types of newly manufactured nonroad vehicles, EPA considered the Agency's analyses [23 24 25 26 27 28 29 30 31] conducted in support of the 2011 (76 FR 17488; March 29, 2011) and 2016 (81 FR 86778; December 1, 2016) listing decisions for HFO–1234yf in MVAC systems, including information submitted during the public comment period of the proposal for the 2011 final decision (October 19, 2009; 74 FR 53445), such as the SAE Cooperative Research Project's (CRP) risk assessments.[32 33 34 35 36] These risk assessments are available in the docket for this proposed rule. The refrigerants to which HFO–1234yf was compared in the 2011 action for LD vehicles are the same refrigerants available for use in the nonroad vehicle types included in this proposal. In addition, EPA considered risk assessments [37 38 39 40 41] conducted by the Association of Equipment Manufacturers (AEM), an industry consortium of construction and agriculture equipment manufacturers, and found these were consistent with the Agency's assessments to examine the health and environmental risks of HFO–1234yf in each vehicle type.

(a) Environmental Impacts

The SNAP program considers a number of environmental criteria when evaluating substitutes: Ozone depleting potential (ODP); climate effects, primarily based on global warming potential (GWP); local air quality

[18] ICF, 2021a. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Agricultural Tractors Greater than 40 Horsepower) (New Equipment).

[19] ICF, 2021b. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Self-Propelled Agricultural Machinery) (New Equipment).

[20] ICF, 2021c. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Compact Equipment) (New Equipment).

[21] ICF, 2021d. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Construction, Forestry, and Mining Equipment) (New Equipment).

[22] ICF, 2021e. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Commercial Utility Vehicles) (New Equipment).

[23] EPA, 2005. Risk Analysis for Alternative Refrigerant in Motor Vehicle Air Conditioning.

[24] ICF, 2008a. Air Conditioning Refrigerant Charge Size to Passenger Compartment Volume Ratio Analysis.

[25] ICF, 2008b. Revised Characterization of U.S. Hybrid and Small Car Sales (Historical and Predicted) and Hybrid Vehicle Accidents.

[26] ICF, 2009a. Revised Final Draft Assessment of the Potential Impacts of HFO–1234yf and the Associated Production of TFA on Aquatic Communities and Local Air Quality.

[27] ICF, 2009b. Risk Screen on Substitutes for CFC–12 in Motor Vehicle Air Conditioning: Substitute: HFO–1234yf.

[28] ICF, 2010a. Summary of HFO–1234yf Emissions Assumptions.

[29] ICF, 2010b. Summary of Updates to the Vintaging Model that Impacted HFO–1234yf Emissions Estimates.

[30] ICF, 2010c. Revised Assessment of the Potential Impacts of HFO–1234yf and the Associated Production of TFA on Aquatic Communities, Soil and Plants, and Local Air Quality.

[31] ICF, 2010d. Sensitivity Analysis CMAQ results on projected maximum TFA rainwater concentrations and maximum 8-hr ozone concentrations.

[32] CRP, 2008. Risk Assessment for Alternative Refrigerants HFO–1234yf Phase II. Prepared for SAE International Cooperative Research Program 1234 by Gradient Corporation.

[33] CRP, 2009. Risk Assessment for Alternative Refrigerants HFO–1234yf and R–744 (CO2) Phase III. Prepared for SAE International Cooperative Research Program 1234 by Gradient Corporation.

[34] DuPont and Honeywell. Guidelines for Use and Handling of HFO–1234yf (v8.0).

[35] Exponent. 2008. HFO–1234yf Refrigerant Concentration and Ignition Tests in Full-Scale Vehicle Passenger Cabin and Engine Compartment.

[36] CRP, 2013.SAE International Cooperative Research Project CRP1234–4 on R–1234yf Safety, Finishes Work and Presents Conclusions. Available online at: *https://www.sae.org/servlets/pressRoom?OBJECT_TYPE=PressReleases&PAGE=showRelease&RELEASE_ID=2146*.

[37] AEM, 2019. Risk Assessment for HFO–1234yf in Agricultural Tractors ≥ 40 HP including 2WD, MFD, 4WD and Track Type Equipment.

[38] AEM, 2020a. Risk Assessment for HFO–1234yf in Self-Propelled Agricultural Machinery including Combines, Forage Harvesters, Sprayers, and Windrowers.

[39] AEM, 2020b. Risk Assessment for HFO–1234yf in Compact Equipment (Examples include Tractors <40HP, Turf Equipment, Skid Steer, Mini-Excavators and Track Loaders).

[40] AEM, 2020c. Risk Assessment for HFO–1234yf in Construction, Forestry, and Mining Equipment.

[41] AEM, 2020d. Risk Assessment for HFO–1234yf in Commercial Utility Vehicles.

impacts, particularly potential impacts on smog formation from emissions of volatile organic compounds (VOC); and ecosystem effects, particularly from negative impacts on aquatic life. These and other environmental and health risks are discussed below.

HFO–1234yf is chemical substance identified as 2,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No. 754–12–1). HFO–1234yf has a GWP of four,[42] [43] which is similar to or lower than the GWP of other alternatives for the nonroad vehicles addressed in this proposal. For example, its GWP is significantly lower than that of HFC–134a, the refrigerant most widely used in these vehicles today, which has a GWP of 1,430. As shown in Table 1, two other alternatives, HFC–152a,[44] and CO_2 [45] have GWPs of 124 and 1, respectively.

Other acceptable refrigerants for the nonroad vehicles addressed in today's proposal have GWPs ranging from 933 to 3,337. These include several blend refrigerants that are listed as acceptable, subject to use conditions, for these nonroad vehicles, including the HFC blends SP34E and R–426A (also known as RS–24) and the HCFC blends, R–416A (also known as HCFC Blend Beta or FRIGC FR12), R–406A, R–414A (also known as HCFC Blend Xi or GHG–X4), R–414B (also known as HCFC Blend Omicron), HCFC Blend Delta (also known as Free Zone), Freeze 12, GHG–X5, and HCFC Blend Lambda (also known as GHG–HP). In a final rule issued July 20, 2015, at 80 FR 42870 (''2015 Rule''),[46] EPA listed the use of certain refrigerant blends, including the ones mentioned above, as unacceptable in newly manufactured LD vehicles starting in MY 2017. EPA did not propose or finalize a change of status for use of the refrigerant blends in MVACs in nonroad vehicles. The refrigerant blends remain acceptable, subject to use conditions, for the nonroad vehicles addressed in this proposed rule. Also, although they are listed as acceptable, subject to use conditions, EPA is not aware of the use or development of HFC–152a, CO_2, or any of the refrigerant blends above in newly manufactured nonroad vehicles.[47] Additionally, all MVAC refrigerants are subject to use conditions requiring labeling and the use of unique fittings, and the two lower-GWP alternatives currently approved for use in nonroad vehicles (*i.e.,* HFC–152a and CO_2) are subject to additional use conditions mitigating flammability and toxicity as appropriate to the alternative.

TABLE 1—GWP, ODP, AND VOC STATUS OF HFO–1234yf COMPARED TO OTHER REFRIGERANTS IN MVAC SYSTEMS OF NONROAD VEHICLES [1]

Refrigerants	GWP	ODP	VOC status	Proposal
HFO–1234yf	4	0	No	Acceptable, subject to use conditions.
CO_2, HFC–152a, HFC–134a	1–1,430	0	No	No change.
Other refrigerants, including IKON A, R–414B, R–416A, R–426A, SP34E.	933–3,340	0–0.098	Yes [2]	No change.

[1] The table does not include not-in-kind technologies listed as acceptable for the stated end-use.
[2] One or more constituents of the blend are VOC.

HFO–1234yf does not deplete the ozone layer. Similarly, HFC–134a, HFC–152a, CO_2, the HFC blends SP34E, and R–426A do not deplete the ozone layer; however, the HCFC blends have ODPs ranging from 0.012 to 0.056.

HFO–1234yf, HFC–134a, HFC–152a, and CO_2 are exempt from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of state implementation plans (SIPs) to attain and maintain the National Ambient Air Quality Standards (NAAQS). The HFC blends and some of the HCFC blends have one or more components that are VOC.

Another potential environmental impact of HFO–1234yf is its atmospheric decomposition to trifluoroacetic acid (TFA, CF_3COOH). TFA is a strong acid that may accumulate in soil, plants, and aquatic ecosystems over time and may have the potential to adversely impact plants, animals, and ecosystems.[48] Simulations have found that the amount of TFA in rainfall produced from a transition of all mobile air conditioners in the continental United States to HFO–1234yf has been estimated to be double or more the values observed in the United States in 2009 from all sources, natural and artificial (*i.e.,* HFC–134a).[49] In comparison, the amount of TFA produced from HFO–1234yf is expected to be higher than that of other fluorinated refrigerants in this end-use.

In support of the 2011 and 2016 listing decisions for HFO–1234yf in certain MVAC systems, EPA analyzed potential TFA concentrations from a full transition to HFO–1234yf in all

[42] Nielsen *et al.,* 2007. Atmospheric chemistry of CF3CF=CH2: Kinetics and mechanisms of gas-phase reactions with Cl atoms, OH radicals, and O3. *Chemical Physics Letters* 439, 18–22. Available online at: *https://www.cogci.dk/network/OJN_174_CF3CF=CH2.pdf.*

[43] Papadimitriou *et al.,* 2007. CF3CF=CH2 and (Z)-CF3CF=CHF: temperature dependent OH rate coefficients and global warming potentials. *Phys. Chem. Chem. Phys.,* 2007, Vol. 9, p. 1–13. Available online at: *https://pubs.rsc.org/en/Content/ArticleLanding/2008/CP/b714382f.*

[44] HFC–152a is listed as acceptable, subject to use conditions, for new vehicles only at 40 CFR part 82 subpart G; final rule published June 12, 2008 (73 FR 33304).

[45] CO_2 is listed as acceptable, subject to use conditions, for new vehicles only at 40 CFR part 82 subpart G; final rule published June 6, 2012 (77 FR 33315).

[46] The 2015 Rule, among other things, changed the listings for certain HFCs and blends from acceptable to unacceptable in various end-uses in the aerosols, refrigeration and air conditioning, and foam blowing sectors. After a challenge to the 2015 Rule, the United States Court of Appeals for the District of Columbia Circuit (''the court'') issued a partial vacatur of the 2015 Rule ''to the extent it requires manufacturers to replace HFCs with a substitute substance'' (see *Mexichem Fluor, Inc.* v. *EPA,* 866 F.3d 451, 462 (D.C. Cir. 2017) and remanded the rule to the Agency for further proceedings. The court also upheld EPA's listing changes as being reasonable and not ''arbitrary and capricious.'' See *Mexichem Fluor,* 866 F.3d at 462–63.

[47] The CAA and EPA's ODS regulations restrict the permissible uses of virgin HCFCs. With respect to refrigerants, virgin HCFC–22, HCFC–142b and blends containing HCFC–22 or HCFC–142b may now only be used to service existing appliances. Consequently, virgin HCFC–22, HCFC–142b and blends containing virgin HCFC–22 or HCFC–142b may no longer be used as a refrigerant to manufacture new pre-charged appliances or appliance components or to charge new appliances assembled onsite.

[48] Other fluorinated compounds also decompose into TFA, including HFC–134a.

[49] Luecken et al., 2009. Ozone and TFA impacts in North America from degradation of 2, 3, 3, 3-tetrafluoropropene (HFO–1234yf), a potential greenhouse gas replacement. Environmental Science & Technology 2009. Available online at: *https://www.researchgate.net/profile/Robert_Waterland/publication/40481734_Ozone_and_TFA_impacts_in_North_America_from_degradation_of_2333-Tetrafluoropropene_(HFO-1234yf)_a_potential_greenhouse_gas_replacement/links/00b7d514ca9595bf5e000000.pdf.*

refrigeration and stationary AC systems including all MVAC applications.[50 51 52 53 54] EPA has also considered this analysis in developing this proposal. The analysis found a maximum projected concentration of TFA in rainwater of approximately 1,700 ng/L. This maximum projected concentration identified in EPA's analysis, 1700 ng/L,[55] was roughly 34 percent higher than that projected in a 2009 peer reviewed article.[56] The difference in projected TFA concentrations in water is a reflection of EPA's reliance on higher emission estimates.[57] Even when relying on more conservative emission estimates, a concentration of 1700 ng/L corresponds to roughly 1/600th of the No-Observed-Adverse-Effect-Level (NOAEL) for the most sensitive algae species, which is also well below the NOAEL for the most sensitive aquatic animal species.[58]

Since the 2011 final rule listing HFO–1234yf as acceptable for LD vehicles, additional research on TFA has been conducted. The United Nations Environment Programme (UNEP) Ozone Secretariat provided a summary of key information pertaining to TFA based on the 2014 Assessment Reports of the Environmental Effects Assessment Panel (EEAP) and the Scientific Assessment Panel (SAP) of the Montreal Protocol. The brief states, ''While it is well established that TFA is a ubiquitous natural component in rivers, lakes, and other surface water bodies, uncertainties remain regarding anthropogenic sources, long-term fate and abundances as these are linked to current and future use and emissions of HFCs, HCFCs, and HFOs. Based on estimates to 2040, increases are predicted to remain relatively low and are therefore not expected to be a significant risk to human health or detrimental to the environment. Projected future increased loadings of TFA to playas, land-locked lakes, and the oceans due to continued use of HCFCs, HFCs, and replacement products such as HFOs are still judged to present negligible risks for aquatic organisms and humans.'' [59] This UNEP brief also states that TFA and its salts ''do not bioconcentrate in aquatic organisms, and do not biomagnify in the food chain. Thus, they present negligible risk to organisms higher on the food chain, including humans.'' The 2018 Assessment Report of the EEAP reiterated that ''[overall], there is no new evidence that contradicts the conclusion of our previous Assessments that exposure to current and projected concentrations of salts of TFA in surface waters present a minimal risk to the health of humans and the environment.'' [60] EEAP also referred to a 2017 review of this topic [61] which reached a similar conclusion.

A 2014 study by Kazil, *et al.*[62] analyzed TFA deposition in the United States assuming 100 percent of all MVAC systems use HFO–1234yf. The results indicated that rainwater TFA concentrations, while varying strongly geographically, will be orders of magnitude lower compared to the levels at which toxic effects are observed in aquatic systems. More recently, the World Meteorological Organization (WMO) concluded that ''[t]here is increased confidence that [TFA] produced from degradation of HFCs, HCFCs, and HFOs will not harm the environment over the next few decades,'' [63] while also calling for periodic reevaluation of this conclusion. EPA likewise finds that the data on TFA are not sufficient to propose or establish additional restrictions under SNAP at this time. In sum, based on our consideration of these documents, the additional information available since our 2011 listing decision shows no greater risk than our earlier analysis. We further note that the requirements for the safe disposal of appliances and the venting prohibition under section 608 of the CAA, codified at 40 CFR 82.155 and 40 CFR 82.154(a), respectively, and accompanying refrigerant management requirements reduce emissions of these refrigerants. EPA intends to continue reviewing the research on potential impacts from TFA in the future and may consider taking additional action in the future if warranted.

Taking into consideration the analysis conducted in support of the 2011 listing decision, which was based on conservative emissions assumptions and a transition from HFC–134a to HFO–1234yf for all MVAC systems (not limited to LD vehicles), and the research that has been conducted since, EPA proposes that the use of HFO–1234yf in the nonroad vehicles addressed in this action will not pose a significant risk to the environment from atmospheric decomposition to TFA.

Based on the consideration of all of these environmental impacts, EPA proposes that HFO–1234yf does not pose significantly greater risk to the environment than the other alternatives for use in newly manufactured nonroad vehicles addressed in this action, and it poses significantly less risk than several of the alternatives with higher GWPs and ODPs.

(b) Flammability

HFO–1234yf is a flammable refrigerant classified as A2L under ASHRAE 34–2013. HFC–134a, CO_2, and the refrigerant blends SP34E and R–426A (also known as RS–24) and the HCFC blends, R–416A (also known as HCFC Blend Beta or FRIGC FR12), R–414A (also known as HCFC Blend Xi or GHG–X4), R–414B (also known as HCFC Blend Omicron), HCFC Blend Delta (also known as Free Zone), Freeze 12, GHG–X5, and HCFC Blend Lambda (also known as GHG–HP) are nonflammable refrigerants, while HFC–152a and R–406A are slightly more

[50] ICF, 2009a. Revised Final Draft Assessment of the Potential Impacts of HFO–1234yf and the Associated Production of TFA on Aquatic Communities and Local Air Quality.

[51] ICF, 2010a. Summary of HFO–1234yf Emissions Assumptions.

[52] ICF, 2010b. Summary of Updates to the Vintaging Model that Impacted HFO–1234yf Emissions Estimates.

[53] ICF, 2010c. Revised Assessment of the Potential Impacts of HFO–1234yf and the Associated Production of TFA on Aquatic Communities, Soil and Plants, and Local Air Quality.

[54] ICF, 2010d. Sensitivity Analysis CMAQ results on projected maximum TFA rainwater concentrations and maximum 8-hr ozone concentrations.

[55] ICF, 2010d. Sensitivity Analysis CMAQ results on projected maximum TFA rainwater concentrations and maximum 8-hr ozone concentrations.

[56] Luecken et al., 2009. Ozone and TFA impacts in North America from degradation of 2,3,3,3-tetrafluoropropene (HFO–1234yf), a potential greenhouse gas replacement. Environmental Science & Technology 2009. Available online at: *https://www.researchgate.net/profile/Robert_Waterland/publication/40481734_Ozone_and_TFA_impacts_in_North_America_from_degradation_of_2333-Tetrafluoropropene_(HFO-1234yf)_a_potential_greenhouse_gas_replacement/links/00b7d514ca9595bf5e000000.pdf.*

[57] ICF, 2010d. Sensitivity Analysis CMAQ results on projected maximum TFA rainwater concentrations and maximum 8-hr ozone concentrations.

[58] ICF, 2009a. Revised Final Draft Assessment of the Potential Impacts of HFO–1234yf and the Associated Production of TFA on Aquatic Communities and Local Air Quality.

[59] UNEP, 2015. Ecological Issues on the Feasibility of Managing HFCs: Focus on TFA. Intersessional Informal Meeting, 12–13 June 2015. This document accessible at: *https://ozone.unep.org/sites/default/files/2020-06/informal%20brief_ecological%20effects_intersessional_June%202015_final%20%281%29.docx.*

[60] EEAP, 2019. Environmental Effects and Interactions of Stratospheric Ozone Depletion, UV Radiation, and Climate Change. 2018 Assessment Report. Nairobi: Environmental Effects Assessment Panel, United Nations Environment Programme (UNEP) 390 pp. Available online at: *https://ozone.unep.org/science/assessment/eeap.*

[61] Norwegian Environment Agency, 2017. Study on Environmental and Health Effects of HFO Refrigerants, Norwegian Environment Agency Report No. No. M–917√2017, Oslo, Norway, p. 349.

[62] Kazil et al., 2014. Deposition and rainwater concentrations of trifluoroacetic acid in the United States from the use of HFO–1234yf. JGR-Atmospheres, 2014.

[63] WMO, 2018. Executive Summary: Scientific Assessment of Ozone Depletion: 2018, World Meteorological Organization, Global Ozone Research and Monitoring Project—Report No. 58, 67 pp., Geneva, Switzerland, 2018.

flammable than HFO–1234yf with an ASHRAE classification of A2. HFO–1234yf is flammable when its concentration in air is in the range of 6.2 percent and 12.3 percent by volume (62,000 ppm to 123,000 ppm).[64] In the presence of an ignition source (*e.g.,* static electricity, a spark resulting from a switch malfunction, or a cigarette), an explosion or a fire could occur when the concentration of HFO–1234yf exceeds its LFL of 62,000 ppm, posing a significant safety concern for workers and consumers if it is not handled carefully. However, HFO–1234yf is difficult to ignite and, in the event of ignition, the flames would propagate slowly.[65]

With regards to flammability risks to workers, EPA's risk screens evaluated the potential for a fire from release and ignition in workplace situations and work-site operations, such as during equipment manufacture, servicing and disposal or recycling of vehicle end-of-life for the five nonroad vehicles. EPA considered the characteristics that could be different from LD and other HD vehicles, such as differences in the engine compartment size, passenger cabins, and operating conditions, and how those might impact risks. In order to determine the potential flammability risks during servicing or end-use in case of a release of refrigerant into the cab, concentrations of HFO–1234yf immediately following a 60 percent release of refrigerant over a period of one minute into the cab were compared to the LFL and upper flammability limit (UFL) for HFO–1234yf reported by ASHRAE Standard 34 (*i.e.,* 62,000 ppm and 123,000 ppm, respectively). The one-minute time duration is most appropriate for determining the risks of flammable refrigerants because the potential maximum instantaneous concentration can be estimated and compared to the LFL. Two key inputs to the models were the cab volume (*i.e.,* the space into which the refrigerant would leak) and the refrigerant charge size. Because passenger compartment volumes and refrigerant charge sizes can vary widely from model to model, the highest ratio of charge size to compartment volume identified was used as the input into the models.

In the event of a leak, SAE Standard J2772 specifies that nonroad vehicles be manufactured such that the pressure differential between the air conditioning system and the cab allows only up to 60 percent of the refrigerant charge to be released into the cab.[66] Independent testing of refrigerant releases from nonroad vehicles, according to SAE Standard J2772, found that the amount of refrigerant released following a line leak was much lower than 60 percent.

To represent a plausible worst-case scenario, EPA's box modeling assumed that 60 percent of the charge of the air conditioning systems for the five nonroad vehicles is released into the cab of the vehicles over a period of one minute. EPA's worst-case scenario box modeling resulted in the concentration of HFO–1234yf in the cab exceeding the LFL of 62,000 ppm, for the five nonroad vehicles. However, the estimated exposures were derived using conservative assumptions and represent worst-case scenarios with a low probability of occurrence, as the analyses assume a rapid release of refrigerant (*i.e.,* one minute), assume the minimum required fresh air intake, and do not consider the air recirculation rate for the nonroad vehicles or other variables that would potentially reduce the concentration levels in the air to below the flammable range for HFO–1234yf. Additionally, flammability concerns are further reduced due to the design of MVAC systems for the five vehicle types as described above in section II.A.1 and the low probability of collisions for these nonroad vehicles. MVAC systems in the nonroad vehicles are robust and made to withstand strenuous operation, which lowers the potential for line leaks due to wear. According to AEM, [67 68 69 70 71] the operator's compartment in agricultural tractors greater than 40 HP; self-propelled agricultural machinery; compact equipment; and construction, forestry, and mining equipment is a completely self-contained unit which provides an additional level of safety in a collision event. For commercial utility vehicles, which are smaller than the other four nonroad vehicle types, AEM noted that the engine compartment is contained in the rear of the vehicle, under the cargo bed, with the main components of the MVAC system in the front of the cabin with only the compressor and two lines near the engine. The potential for collisions is also less likely because most of the vehicles are operated by trained professionals, typically at low speed, and are only driven on the highway to move from one site or nonroad location to another.

In addition to the plausible worst-case scenario analysis, which employs a simple box model, EPA's risk screens reference modeling conducted by AEM in the flammability assessments. The AEM consortium used two different models in its assessments: (1) A box model to examine worst-case scenarios for a wide variety of nonroad vehicles addressed in this proposal and (2) a computational fluid dynamics (CFD) [72 73 74 75 76 77] model to more realistically represent the behavior of the leaked refrigerant in an nonroad vehicle.The AEM box model modeled the release of 60 percent of the refrigerant charge in the vehicles with varying charge and cab sizes and assumed a near-instantaneous leak of refrigerant over a period of 10 seconds. Six of the scenarios modeled in the box model resulted in the concentration of HFO–1234yf in the cab being equal to or exceeding the LFL; the concentrations from the remaining six scenarios were below the LFL. Similar to EPA's box modeling, the estimated exposures were derived using conservative assumptions and represent worst-case scenarios with a low probability of occurrence, as the analyses assume a rapid release of refrigerant, assume the minimum required fresh air intake (*i.e.,* 43 m^3/hour), and do not consider the air recirculation rate for the nonroad vehicles or other variables that would potentially reduce the concentration levels in the air to below the flammable range for HFO–1234yf.

[64] Chemours, 2019. HFO–1234yf for Use as a Refrigerant. Significant New Alternatives Policy Program Submission to the U.S. Environmental Protection Agency.

[65] HFO–1234yf has a high minimum ignition energy of 5,000–10,000 mJ and a low burning velocity of 1.5 cm/s (Koban, 2011).

[66] SAE, 2019. Standard J2772: Measurement of Passenger Compartment Refrigerant Concentrations Under System Refrigerant Leakage Conditions. SAE International.

[67] AEM, 2019. Risk Assessment for HFO–1234yf in Agricultural Tractors ≥ 40 HP including 2WD, MFD, 4WD and Track Type Equipment.

[68] AEM, 2020a. Risk Assessment for HFO–1234yf in Self-Propelled Agricultural Machinery including Combines, Forage Harvesters, Sprayers, and Windrowers.

[69] AEM, 2020b. Risk Assessment for HFO–1234yf in Compact Equipment (Examples include Tractors <40HP, Turf Equipment, Skid Steer, Mini-Excavators and Track Loaders).

[70] AEM, 2020c. Risk Assessment for HFO–1234yf in Construction, Forestry, and Mining Equipment.

[71] AEM, 2020d. Risk Assessment for HFO–1234yf in Commercial Utility Vehicles.

[72] AEM, 2019. Risk Assessment for HFO–1234yf in Agricultural Tractors ≥ 40 HP including 2WD, MFD, 4WD and Track Type Equipment.

[73] AEM, 2020a. Risk Assessment for HFO–1234yf in Self-Propelled Agricultural Machinery including Combines, Forage Harvesters, Sprayers, and Windrowers.

[74] AEM, 2020b. Risk Assessment for HFO–1234yf in Compact Equipment (Examples include Tractors <40HP, Turf Equipment, Skid Steer, Mini-Excavators and Track Loaders).

[75] AEM, 2020c. Risk Assessment for HFO–1234yf in Construction, Forestry, and Mining Equipment.

[76] AEM, 2020d. Risk Assessment for HFO–1234yf in Commercial Utility Vehicles.

[77] AEM, 2020e. CFD Leak Modeling-Supplemental Information to Compliment AEM Machine Form RAs.

Conversely, the maximum concentration reached in the AEM CFD model, which models a realistic leak scenario with the release of 60 percent of the refrigerant charge released in the nonroad vehicles for 1000 seconds of simulation, was significantly below the LFL for HFO–1234yf of 62,000 ppm. Construction, forestry, and mining vehicles were modeled to represent the five nonroad vehicles as they had the highest ratio of refrigerant charge to cabin volume among the five nonroad vehicles. AEM found that the maximum concentration of HFO–1234yf reached in the cab (*i.e.,* 25,700 ppm) is not likely to exceed the LFL for the five nonroad vehicles. The AEM CFD model reflects the real-world behavior of refrigerant in the cab given a worst-case leak scenario because it takes into account the refrigerant entry and exit points and assumes worst-case scenario conditions, including the most likely scenario where an operator is likely to ignite a cigarette, the highest charge-to-cab ratio, minimal fresh air flow, and maximum air velocity and refrigerant penetration. Additionally, the CFD modeling demonstrates the conservativeness of the worst-case scenario box modeling and how unlikely its results are; therefore, the worst-case scenario box models may be overstating the true risks associated with the use of HFO–1234yf in MVAC systems in the nonroad vehicles compared to real-world conditions as presented in the CFD model.

For these reasons, EPA concludes that the currently available assessments on the use of HFO–1234yf in newly manufactured nonroad vehicles addressed in this action are sufficiently conservative to account for all probable flammability risks from the use of HFO–1234yf. Relying on a similar analysis considered in support of the 2011 and 2016 SNAP listings of HFO–1234yf in certain MVAC systems, verifying that more recent information is consistent with that analysis, and considering unique factors for the nonroad vehicle types, EPA proposes to conclude that the use of HFO–1234yf in the newly manufactured nonroad vehicles addressed in this action does not pose significantly greater flammability risk than the other alternatives when used in accordance with the proposed use conditions described below in section II.A.4, which are intended to mitigate flammability risks, and recommendations in the safety data sheet (SDS) and EPA's risk screens.

(c) Toxicity

Potential health effects of exposure to HFO–1234yf include drowsiness or dizziness. HFO–1234yf may also irritate the skin or eyes or cause frostbite, and at sufficiently high concentrations, HFO–1234yf may cause irregular heartbeat. HFO–1234yf could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

The American Industrial Hygiene Association (AIHA) has established a Workplace Environmental Exposure Level (WEEL) of 500 ppm as an 8-hr TWA for HFO–1234yf. HFO–1234yf also has an acute toxicity exposure limit (ATEL) of 100,000 ppm and a refrigerant concentration limit (RCL) of 16,000 ppm, which are both established by ASHRAE. EPA anticipates that users will be able to meet the AIHA WEEL and ASHRAE ATEL and RCL, limits intended to reduce the risks of flammability in normally occupied, enclosed spaces, and address potential health risks by following requirements and recommendations in the manufacturer's SDSs and other safety precautions common to the refrigerant industry.

To evaluate human health and safety impacts, including asphyxiation and toxicity risks, from the use of HFO–1234yf in the five types of nonroad vehicles, the Agency estimated the potential exposures to HFO–1234yf in the event of a 60 percent release of refrigerant from the vehicles under reasonable worst-case scenarios described in the risk screens. In the event of a leak, SAE Standard J2772 specifies that nonroad vehicles be manufactured such that the pressure differential between the air conditioning system and the cab allows only up to 60 percent of the refrigerant charge to be released into the cab.[78] The analysis of asphyxiation risks considered whether a worst-case release of refrigerant under the cab would result in oxygen concentrations of 12 percent or less. The analysis found that impacts on oxygen concentrations did not present a significant risk of asphyxiation at the typical charge sizes, and that a 60 percent leak of refrigerant at the maximum charge sizes could result in an oxygen concentration below 19.5 percent but above 12 percent. The estimated exposures were derived using conservative assumptions, however, and conditions resulting in oxygen levels under 12 percent[79] are only predicted to occur with charge sizes that are significantly larger than the maximum charge sizes provided by the submitter or cab sizes that are unlikely for the proposed applications. Additionally, the worst-case scenarios did not consider conditions that are likely to occur that would increase oxygen levels to which individuals would be exposed, such as fresh air flow into the cab.

To assess the toxicity risks to end-users, 15-minute and 30-minute TWA exposures were estimated and compared to the standard toxicity limits. The estimated TWA exposures were fairly conservative as the analyses assume a rapid release of refrigerant (*i.e.,* one minute and 10 seconds for EPA's and AEM's box models, respectively), assume the minimum required ventilation rate (*i.e.,* 43 m^3/hour), and do not consider the air recirculation rate for the vehicles or other variables that would potentially reduce the concentration levels in the air. EPA found that the estimated 15-minute and 30-minute TWA exposures for HFO–1234yf in MVAC systems in the nonroad vehicles are not likely to exceed the ATEL for HFO–1234yf of 100,000 ppm in a one-minute release scenario under EPA's worst-case scenario modeling assumptions. The end-use exposures estimated by AEM across all scenarios were also well below the ATEL for HFO–1234yf. Furthermore, these exposure estimates were derived using conservative assumptions that do not necessarily reflect a real-world leak scenario or the larger cab size where MVAC systems using HFO–1234yf would typically be installed.

Additionally, the estimated TWA exposure for HFO–1234yf determined from AEM's CFD modeling, which models a realistic leak scenario for the nonroad vehicles, was significantly below the ATEL for HFO–1234yf of 100,000 ppm. Construction, forestry, and mining vehicles were modeled to represent the five nonroad vehicles. As noted above, these vehicles are a more conservative and an approximately equivalent proxy for the other four nonroad vehicle types because they have the highest ratio of refrigerant charge to cabin volume among the five nonroad vehicles. Therefore, the toxicity risks from using HFO–1234yf in the five nonroad vehicles is not likely to exceed the ATEL for the five nonroad vehicles.

Concerning workplace exposure during charging, servicing, and disposal of the nonroad vehicles addressed in this proposal, we expect that professional technicians have proper training and certification and have the proper equipment and knowledge to minimize their risks due to exposure to refrigerant from an MVAC system. Thus,

[78] SAE, 2019. Standard J2772: Measurement of Passenger Compartment Refrigerant Concentrations Under System Refrigerant Leakage Conditions. SAE International.

[79] Twelve percent oxygen in air (*i.e.,* 120,000 ppm) is the NOAEL for hypoxia (ICF, 1997).

worker exposure to HFO–1234yf is expected to be low. The vehicles are typically charged by the Original Equipment Manufacturer (OEM). During air conditioning system manufacture (*i.e.,* charging at OEM location), points of release would be from connection/disconnection of temporary lines for charging and recovery equipment, although exposure during these activities is expected to be minimal due to the use of left-hand threaded fittings on storage cylinders, as specified in SAE Standard J2844, intended to help mitigate any releases and restrict the possibility of cross-contamination with other refrigerants.[80 81 82 83 84] Furthermore, equipment containing HFO–1234yf is expected to be equipped with unique fittings for the low-side and high-side service ports of the MVAC system, according to SAE Standard J639, also intended to help mitigate any releases and restrict the possibility of cross-contamination with other refrigerants.[85]

Servicing of the vehicles is expected to take place outside (*e.g.,* out in the field or other outdoor site) rather than at a typical servicing center for LD vehicles, for example; therefore, exposure during servicing is expected to be less than during charging the MVAC system during manufacture. Therefore, occupational exposure during these activities was conservatively modeled based on charging. The modeled maximum 15-minute TWA exposures for HFO–1234yf during charging were compared to the short-term exposure limit (STEL) of 1,500 ppm. EPA's modeling indicated that the short-term (15-minute) worker exposure concentrations of HFO–1234yf are not likely to exceed its STEL for the typical or maximum charge size in the vehicles during charging or servicing. Additionally, these exposure estimates are significantly lower than the RCL and ATEL of 16,000 ppm and 100,000 ppm, respectively, for HFO–1234yf, which are limits intended to reduce the risks of asphyxiation and acute toxicity hazards in normally occupied, enclosed spaces according to ASHRAE Standard 34.

EPA also determined that occupational exposure during disposal of the vehicles at the typical charge size is not likely to exceed the long-term (8-hour) WEEL for HFO–1234yf (*i.e.,* 500 ppm). However, under the disposal release scenarios, the modeling showed that occupational exposure during disposal of MVAC systems containing HFO–1234yf at the maximum charge size (*i.e.,* 3.4 kilograms (120 ounces)) could potentially exceed the 8-hour long-term exposure limit. The estimated exposures, however, were well below the RCL of 16,000 ppm for HFO–1234yf and were derived using conservative assumptions and represent a worst-case scenario with a low probability of occurrence. These MVAC systems are also typically disposed of by CAA section 608-certified personnel using proper industrial hygiene techniques while wearing PPE to maximize recovery efficiency and limit releases. EPA concludes that the manufacture, use, servicing or disposal of HFO–1234yf MVAC systems in the newly manufactured nonroad vehicles addressed in this action does not pose greater risk toxicity risk to workers than the other alternatives when used in accordance with the proposed use conditions.

Additionally, EPA's review of potential toxicity risks of HFO–1234yf to the general population indicated that HFO–1234yf is not expected to pose significantly greater toxicity risk than other alternatives for the MVAC systems in the newly manufactured nonroad vehicles addressed in this action. The general population is defined as non-personnel who are subject to exposure of the proposed substitute near industrial facilities, including manufacturing or equipment production factories, equipment operating locations, or recycling centers, rather than personnel at end-use. EPA proposes to conclude that the use of HFO–1234yf in the newly manufactured nonroad vehicles addressed in this action does not pose significantly greater toxicity risk than the other alternatives when used in accordance with the proposed use conditions described below in section II.A.4, which are intended to mitigate toxicity risks, and recommendations in the SDS and EPA's risk screens.

4. What are the proposed use conditions?

All MVAC refrigerants listed as acceptable are subject to use conditions requiring labeling and the use of unique fittings. HFC–152a and CO_2 are subject to additional use conditions mitigating flammability and toxicity as appropriate to the alternative. Neither HFC–152a nor CO_2 can simply be ''dropped'' into existing MVAC systems because they are listed as acceptable only for newly manufactured vehicles.

EPA is proposing to list HFO–1234yf as acceptable, subject to use conditions, in MVAC systems in certain newly manufactured nonroad vehicles because the use conditions are necessary to ensure that use of HFO–1234yf will not have a significantly greater overall impact on human health and the environment than other alternatives. EPA is proposing to update the existing use conditions that are currently required for the use of HFO–1234yf in MVAC systems in newly manufactured LD passenger cars and trucks, MDPVs, HD pick-up trucks, and complete HD vans and then apply them to all the MVAC systems addressed in this proposal. Manufacturing and service personnel or consumers may not be familiar with refrigeration or AC equipment containing a flammable refrigerant. These use conditions will be sufficiently protective to ensure use of HFO–1234yf in these nonroad vehicles does not pose significantly greater risk than use of other alternatives.

The first proposed use condition requires that HFO–1234yf may be used only in new MVAC systems[86] which have been designed to address concerns unique to flammable refrigerants—*i.e.,* HFO–1234yf may not be used as a conversion or ''retrofit'' refrigerant for existing MVACs designed for other refrigerants. HFO–1234yf was not submitted under the SNAP program for use in retrofitted MVAC systems, and no information was provided on how to address hazards if HFO–1234yf were to be used in MVAC systems that were not designed for a flammable refrigerant. Therefore, EPA is only proposing that HFO–1234yf may be used in new MVACs that have been properly designed for its use.

The second proposed use condition requires that MVAC systems designed to use HFO–1234yf in newly manufactured agricultural tractors greater than 40 HP; self-propelled agricultural machinery; compact equipment; construction, forestry, and mining equipment; and commercial utility vehicles must meet the requirements of SAE J639 (revised November 2020), ''Safety Standards for Motor Vehicle Refrigerant Vapor Compression Systems.'' This standard

[80] ICF, 2021a. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Agricultural Tractors Greater than 40 Horsepower) (New Equipment).

[81] ICF, 2021b. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Self-Propelled Agricultural Machinery) (New Equipment).

[82] ICF, 2021c. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Compact Equipment) (New Equipment).

[83] ICF, 2021d. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Construction, Forestry, and Mining Equipment) (New Equipment).

[84] ICF, 2021e. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Nonroad Vehicles—Commercial Utility Vehicles) (New Equipment).

[85] Ibid.

[86] This is intended to mean a completely new refrigeration circuit containing a new compressor, evaporator, condenser, and refrigerant tubing.

sets safety standards that include unique fittings; a warning label indicating the refrigerant's identity and that it is a flammable refrigerant; and requirements for engineering design strategies that include a high-pressure compressor cutoff switch and pressure relief devices. This use condition also requires that for connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844 (revised January 2013), ''R–1234yf (HFO–1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems,'' which specifies quick-connect fittings that are different from those for any other refrigerant. The low-side service port and connections will have an outside diameter of 14 mm (0.551 inches), and the high-side service port will have an outside diameter of 17 mm (0.669 inches), both accurate to within 2 mm. Under SAE J2844 (revised January 2013), containers of HFO–1234yf for use in professional servicing of MVAC systems must have a left-handed screw valve with a diameter of 0.5 inches and Acme (trapezoidal) thread with 16 threads per inch.

Consistent with the conclusion EPA drew at the time of the Agency's listing decision for HFO–1234yf in LD vehicles, EPA believes that the safety requirements that are included in SAE J639 sufficiently mitigate risks of both hydrogen fluoride (HF) generation and refrigerant ignition (March 29, 2011; 76 FR 17488) for the nonroad vehicles addressed in this proposed action. HFO–1234yf is mildly flammable (A2L classification) and, like other fluorinated refrigerants, can decompose to form the toxic compound HF when exposed to flame or to sufficient heat. The SAE J639 standard can also address flammability and HF risks of HFO–1234yf for the nonroad vehicles. For example, SAE J639 provides for a pressure relief device designed to minimize direct impingement of the refrigerant and oil on hot surfaces and for design of the refrigerant circuit and connections to avoid refrigerant entering the passenger cabin. The pressure release device ensures that pressure in the system will not reach an unsafe level that might cause an uncontrolled leak of refrigerant, such as if the MVAC system is overcharged. The pressure release device will reduce the likelihood that refrigerant leaks would reach hot surfaces that might lead to either ignition or formation of HF. These elements of the refrigerant circuit and connections are designed to prevent refrigerant from entering the passenger cabin if there is a leak. Keeping refrigerant out of the passenger cabin minimizes the possibility that there would be sufficient levels of refrigerant to reach flammable concentrations or that HF would be formed and transported where passengers might be exposed.

The third proposed use condition requires the manufacturer of MVAC systems and vehicles to conduct Failure Mode and Effects Analysis (FMEA) as provided in SAE J1739 (revised January 2021), ''Potential Failure Mode and Effects Analysis (FMEA) Including Design FMEA, Supplemental FMEA–MSR, and Process FMEA,'' and keep records of the FMEA on file for three years from the date of creation. SAE J1739 (revised January 2021) describes a FMEA as ''a systematic group of activities intended to: (a) Recognize and evaluate the potential failure of a product/process and the effects and causes of that failure, (b) identify actions that could eliminate or reduce the change of the potential failure occurring, and (c) document the process.'' Through the FMEA, OEMs determine the appropriate protective strategies necessary to ensure the safe use of HFO–1234yf across their vehicle fleet. It is standard industry practice to perform the FMEA and to keep it on file while the vehicle is in production and for several years afterwards. As with the previous use condition, this use condition is intended to ensure that agricultural tractors greater than 40 HP; self-propelled agricultural machinery; compact equipment; construction, forestry, and mining equipment; and commercial utility vehicles manufactured with HFO–1234yf MVACs are specifically designed to minimize release of the refrigerant into the passenger cabin or onto hot surfaces that might result in ignition or in generation of HF.

B. Proposed Modifications To Use Conditions for MVAC Systems in Other Vehicle Types

For the previous listings of HFO–1234yf in the March 29, 2011 (76 FR 17488), and December 1, 2016 (81 FR 86778), final rules for MVAC systems in certain newly manufactured vehicles, EPA is proposing to modify the use conditions to replace the reference to older versions of SAE J639, SAE J1739, and SAE J2844.

First, EPA is proposing to replace the reference to SAE J639 (revised 2011) in the March 2011 and December 2016 final rules with a reference to the 2020 version of the standard, ''Safety and Design Standards for Motor Vehicle Refrigerant Vapor Compression Systems.'' This is the most recent version of the SAE J639 standard, which was updated to include system design and safety- related requirements for secondary loop HFC–152a MVAC systems, and to make general improvements for clarity.

Second, EPA is proposing to replace the reference to SAE J1739 (adopted 2009) in the March 2011 and December 2016 final rules with a reference to the 2021 version of the standard, ''Potential Failure Mode and Effects Analysis (FMEA) Including Design FMEA, Supplemental FMEA–MSR, and Process FMEA.'' The 2021 version is the most recent version of the SAE J1739 standard; it was revised to emphasize the process of FMEA selection, creation, documentation, reporting, and change management.

Finally, EPA is proposing to replace the reference to SAE J2844 (revised 2011) in the March 2011 final rule with a reference to the 2013 version of the standard, ''R–1234yf (HFO–1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems.'' This is the most recent version of the SAE J2844 standard; it was updated to add the requirements for certification according to SAE J2911, ''Procedure for Certification that Requirements for Mobile Air Conditioning System Components, Service Equipment, and Service Technician Training Meet SAE J Standards.''

C. Proposed Servicing Fittings for Small Cans of HFO–1234yf

EPA is proposing to include a use condition for HFO–1234yf to provide for servicing air conditioning systems. The proposed use condition would require unique servicing fittings for use with small cans (two pounds or less) for servicing of MVAC systems containing HFO–1234yf in the nonroad vehicles addressed in this action, as well as servicing of the MVAC systems in the vehicles for which HFO–1234yf has already been listed as acceptable, subject to use conditions (*i.e.,* new LD passenger cars and trucks and new MDPVs, HD pick-up trucks, and complete HD vans). The use condition is discussed below in section II.C.3., ''What is the proposed use condition?'' EPA previously listed HFO–1234yf as acceptable, subject to use conditions, for large containers of HFO–1234yf for professional servicing of MVAC systems (76 FR 17488, March 29, 2011; 77 FR 17344, March 26, 2012). Redacted submissions and supporting documentation for HFO–1234yf in small cans are provided in the docket for this proposed rule (EPA–HQ–OAR–2021–0347) at *https://www.regulations.gov.* As

explained more fully below, to help evaluate environmental, flammability, and toxicity risks resulting from the use of HFO–1234yf in small cans for MVAC servicing, EPA conducted a risk screen which is available in the docket for this proposed rule.[87]

Servicing of MVAC systems containing HFO–1234yf with small refrigerant cans is expected to take place in a variety of locations, including professional and residential garages with differing sizes and ventilation rates. As discussed below in section II.C.3 regarding the proposed use condition, the small refrigerant cans would need to be equipped with a Standard Compressed Gas Association (CGA) 166 left-hand thread outlet connection valve in accordance with SAE Standard J2844.[88] The hose connected to the vehicle would also use the low side service port per SAE J639.

For additional context, we further note that separate from the requirements proposed in this rulemaking, the sale of such small refrigerant cans would be subject to the regulatory requirements under section 608 of the CAA, codified at 40 CFR 82.154. These regulations restrict the sale, distribution, and offer for sale or distribution of refrigerants, including non-exempt substitute refrigerants, like HFO–1234yf, to circumstances where certain requirements are met. Specific to the sale of small cans of refrigerant, 40 CFR 82.154(c)(1)(ix) states that non-exempt substitute refrigerant for use in an MVAC, *e.g.,* HFO–1234yf, may be sold, including to DIYers, if it is in a container designed to hold two pounds or less of refrigerant which has a unique fitting, and, if manufactured or imported on or after January 1, 2018, has a self-sealing valve that complies with the self-sealing valve specifications codified at 40 CFR 82.154(c)(2). EPA is not proposing to modify the existing CAA section 608 provisions under 40 CFR 82.154, including the restriction on sale of substitute refrigerants and requirements for self-sealing valves. For additional information, EPA directs readers to 82.152, where EPA defines a self-sealing valve as ''a valve affixed to a container of refrigerant that automatically seals when not actively dispensing refrigerant and that meets or exceeds established performance criteria as identified in § 82.154(c)(2).''

1. What is the affected end-use?

EPA is proposing to list HFO–1234yf as acceptable, subject to a use condition, in small cans (two pounds or less) for servicing of MVAC systems in the nonroad vehicles addressed in this action, as well as in MVAC systems in the vehicles for which HFO–1234yf has already been listed as acceptable, subject to use conditions. For the existing listings in the March 29, 2011 (76 FR 17488), and December 1, 2016 (81 FR 86778), final rules, EPA is proposing to revise the use conditions to require unique servicing fittings for use with small cans.

2. How does HFO–1234yf compare to other refrigerants for these MVAC applications with respect to SNAP criteria?

(a) Environmental Impacts

HFO–1234yf has a GWP of four,[89] [90] which is similar to or lower than the GWP of the other acceptable alternatives for use in small cans (*i.e.,* HFC–134a and CO_2). HFO–1234yf, HFC–134a, and CO_2 do not deplete the ozone layer, and are all exempt from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS. For additional information on the environmental impacts of HFO–1234yf, see the discussion above in section II.A.3.a.

(b) Flammability

As discussed above in section II.A.3.b, HFO–1234yf is classified as A2L under ASHRAE 34–2013, while HFC–134a and CO_2 are nonflammable refrigerants. HFO–1234yf is flammable when its concentration in air is in the range of 6.2 percent and 12.3 percent by volume (62,000 ppm to 123,000 ppm). Due to its flammability, small cans of HFO–1234yf for MVAC system servicing could pose a safety concern for workers and service personnel or consumers if they are not properly handled.

Servicing of MVAC systems with small refrigerant cans containing HFO–1234yf is expected to take place in either a professional garage bay or a residential garage. To determine the potential flammability risks of a catastrophic release of refrigerant during professional and DIY MVAC system servicing using a small refrigerant can, EPA analyzed plausible worst-case scenarios to model a catastrophic release of HFO–1234yf[91] compared with the LFL of 62,000 ppm for HFO–1234yf.[92] Under these plausible worst-case scenarios, the full charge of the refrigerant can is assumed to be emitted into the professional garage bay and residential garage with 4.0 and 3.1 air changes per hour (ACH),[93] respectively, over the course of 15 minutes, which represents the approximate amount of time required to charge the MVAC system.[94] EPA found that the maximum instantaneous concentrations of HFO–1234yf in the lower 0.4 meters of the room did not exceed the LFL for HFO–1234yf (*i.e.,* 62,000 ppm) for small refrigerant cans (charge size of around 1kg (2 pounds) or less).[95] EPA also found that the maximum instantaneous concentration exceeded 25 percent (15,500 ppm) of the LFL for HFO–1234yf for DIY servicing under one of the scenarios.[96] However, the scenario was derived using conservative assumptions (*e.g.,* minimum room volume, vertical concentration gradient). Furthermore, small refrigerant cans are not likely to be used in spaces significantly smaller than those modeled in EPA's assessment, which are expected to be large enough to accommodate a vehicle and adequate space surrounding the vehicle for the user to access the MVAC unit. Finally, HFO–1234yf is difficult to ignite and, in the event of ignition, the flames would

[87] ICF, 2021f. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Small Cans). Substitute: HFO–1234yf.

[88] SAE J2844 container valve requirements are for HFO–1234yf service cylinders with a volume less than or equal to 23 kilograms.

[89] Nielsen *et al.,* 2007. Atmospheric chemistry of CF3CF=CH2: Kinetics and mechanisms of gas-phase reactions with Cl atoms, OH radicals, and O3. *Chemical Physics Letters* 439, 18–22. Available online at: *https://www.cogci.dk/network/OJN_174_CF3CF=CH2.pdf.*

[90] Papadimitriou *et al.,* 2007. CF3CF=CH2 and (Z)-CF3CF=CHF: Temperature dependent OH rate coefficients and global warming potentials. *Phys. Chem. Chem. Phys.,* 2007, Vol. 9, p. 1–13. Available online at: *https://pubs.rsc.org/en/Content/ArticleLanding/2008/CP/b714382f.*

[91] In order to simulate the vertical concentration gradient of refrigerant following release, it is assumed that 95 percent of the leaked refrigerant mixes evenly into the lower 0.4 meters (1.3 feet) of the room, and the rest of the refrigerant mixes evenly in the remaining volume (Kataoka 2000).

[92] ICF, 2021f. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Small Cans). Substitute: HFO–1234yf.

[93] The air exchange rates were derived from the requirements in ANSI/ASHRAE Standard 62.1–2019, Table 6.1 (ANSI/ASHRAE 2019c). Ventilation requirements (presented as cubic feet per minute in the standard) were converted to ACH using the assumed room size in the residential garage scenario.

[94] Perrin Quarles Associates, Inc. (2007) suggests charging for up to 15 minutes to fully empty the contents of the refrigerant can is a best practice for DIY servicing of an MVAC system. This study also indicates that the transfer procedure used for a small refrigerant can (*e.g.,* holding upright, rotation method, and other flow control methods) influences the transfer time and resulting heel remaining in the can.

[95] ICF, 2021f. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Small Cans). Substitute: HFO–1234yf.

[96] Ibid.

propagate slowly.[97] Therefore, the risk of fire is minimal if small refrigerant cans containing HFO–1234yf meet and are used to service vehicles in rooms with volumes in accordance with relevant safety standards as described below in section II.C.3.

Additionally, EPA considered the submitters' detailed assessments of the probability of events that might create a fire and approaches to mitigate risks. A CFD modeling was conducted by a submitter to simulate a severe refrigerant line leak from a 600-gram MVAC system in a garage bay of 84 m^3 without forced ventilation and found that the flammable region of the refrigerant plume under the hood of the vehicle was small, ranging from 2 inches to a maximum of 10 inches, which quickly dispersed. Similarly, leaks from a small refrigerant can containing HFO–1234yf during MVAC servicing are not expected to accumulate under the vehicle hood in concentrations above the LFL for HFO–1234yf.

EPA proposes to conclude that the currently available assessments on the use of HFO–1234yf in small cans for professional and DIY servicing of MVAC systems are sufficiently conservative to account for all probable flammability risks from the use of HFO–1234yf. Therefore, the use of HFO–1234yf in small cans does not pose significantly greater flammability risk than the other alternatives when used in accordance with the proposed use condition described below in section II.C.3, which is intended to mitigate flammability risks, and recommendations in the SDS and EPA's risk screen.

(c) Toxicity

For a discussion of the potential health effects of HFO–1234yf, see the section II.A.3.c above. In evaluating potential asphyxiation and toxicity impacts of HFO–1234yf in small cans on human health, EPA considered both occupational risk and risk to the general population. EPA investigated the risk of asphyxiation and of exposure to toxic levels of HFO–1234yf for plausible worst-case scenarios. According to the results of EPA's asphyxiation assessment, the use of HFO–1234yf in small refrigerant cans does not present a significant risk of asphyxiation.[98] Conditions resulting in oxygen levels under 12 percent[99] would only occur with charge sizes that are significantly larger than the maximum charge size proposed for small refrigerant cans or room sizes that are unlikely for the proposed application. In addition, the charge sizes at which an asphyxiation concern would exist are also significantly larger (about 18 times) than the average charge size of an MVAC system.[100]

To evaluate toxicity risks, EPA estimated 15-minute TWA exposures for HFO–1234yf in small cans and compared them to the standard toxicity limits. The estimated TWA values were conservative as the analysis did not consider opened windows or doors, fans operating, conditioned airflow (either heated or cooled), or other variables that would reduce the levels to which individuals would be exposed. The modeling results showed that the estimated 15-minute TWA exposures are not likely to exceed the ATEL (*i.e.,* 100,000 ppm) and are all lower than the RCL (*i.e.,* 16,000 ppm) for HFO–1234yf.

EPA also considered testing and air sampling conducted by a submitter to determine potential refrigerant exposure to professional servicing technicians or DIY users due to leakage of refrigerant cans in a small, closed garage with the condenser fan off and the vehicle hood partly open.[101] The various scenarios investigated included releases of 170 grams to 680 grams of refrigerant from both an inverted and upright can.[102] Refrigerant samples were taken under the vehicle at 0.15 meters above the floor (representing the potential breathing area of a technician present in that space) and in the engine compartment. The experimentally derived exposure estimates are also significantly lower than the RCL (*i.e.,* 16,000 ppm) and ATEL (*i.e.,* 100,000 ppm) for HFO–1234yf.

Additionally, EPA assessed the potential exposures to workers during disposal (*e.g.,* collection, transportation) of small refrigerant cans containing HFO–1234yf.[103] EPA determined that if proper handling and disposal guidelines are followed in accordance with good industrial hygiene practices and the SDS for HFO–1234yf, there is no significant risk to workers during the disposal of HFO–1234yf from MVAC systems or HFO–1234yf small refrigerant cans.

For potential toxicity risks of HFO–1234yf to the general population, our analysis indicated that HFO–1234yf is not expected to present an unreasonable risk to human health in the general population when used as a refrigerant in small cans for MVAC servicing.

Based upon our analysis, workplace and general population exposure to HFO–1234yf in small cans when used according to the proposed use condition is not expected to exceed relevant exposure limits. Therefore, we propose to conclude that the use of HFO–1234yf in small cans does not pose significantly greater toxicity risks than other acceptable refrigerants when used in accordance with the proposed use condition described below in section II.C.3 which is intended to mitigate toxicity risks, and recommendations in the SDS and EPA's risk screen.

3. What is the proposed use condition?

EPA's SNAP program has a longstanding approach of requiring unique fittings for use with each refrigerant substitute in MVAC systems. This is intended to prevent cross contamination of different refrigerants, preserve the purity of recycled refrigerants, and ultimately to avoid venting of refrigerant consistent with requirements under CAA section 608(c), codified at 40 CFR 82.154(a). In the 1996 SNAP rule requiring the use of fittings on all refrigerants submitted for use in MVAC systems, EPA urged industry to develop mechanisms to ensure that the refrigerant venting prohibition under CAA section 608 and the implementing regulations at 40 CFR 82.154 are observed (61 FR 54032; October 16, 1996). EPA has issued multiple SNAP rules codified in the CFR requiring the use of fittings unique to a refrigerant for use on ''containers of the refrigerant, on can taps, on recovery, recycling, and charging equipment, and on all [motor vehicle] air conditioning system service ports.'' (See appendices C and D to subpart G of 40 CFR part 82).

EPA is proposing that for connections with small cans (two pounds or less) of

[97] HFO–1234yf has a high minimum ignition energy of 5,000–10,000 mJ and a low burning velocity of 1.5 cm/s (Koban, 2011).

[98] ICF, 2021f. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Small Cans). Substitute: HFO–1234yf.

[99] Twelve percent oxygen in air (*i.e.,* 120,000 ppm) is the NOAEL for hypoxia (ICF 1997).

[100] EPA's Vintaging Model (EPA 2020) assumes the refrigerant charge size for MVACs to be 0.555–1 kilograms in light-duty vehicles and 0.79–1.14 kilograms in light-duty trucks.

[101] Honeywell International, Inc. 2012. Refrigerant exposure to service personnel or DIYers due to leakage of 12 oz charging cans or ''small cans.'' Experiments Conducted at Honeywell's Research Laboratory in Buffalo, NY USA. January 2012.

[102] The orientation of the can during servicing determines the phase (*i.e.,* liquid or gas) of the refrigerant that is being transferred into the MVAC system. When the can is upright, the refrigerant transfers as a gas and when the can is inverted, the refrigerant transfers as a liquid (Perrin Quarles Associates, Inc., 2007). Refrigerant can instructions often direct users to hold the can upright or rotate its position during servicing.

[103] ICF, 2021f. Risk Screen on Substitutes in Motor Vehicle Air Conditioning (Small Cans). Substitute: HFO–1234yf.

HFO–1234yf use fittings must be consistent with SAE J2844 (revised January 2013), which specifies quick-connect fittings that are different from those for any other refrigerant. The low-side service port and connections will have an outside diameter of 14 mm (0.551 inches), and the high-side service port will have an outside diameter of 17 mm (0.669 inches), both accurate to within 2 mm. Under SAE J2844 (revised January 2013), small cans of HFO–1234yf (*e.g.,* for use in DIY servicing of MVAC systems) must have a left-handed screw valve with a diameter of 0.5 inches and Acme (trapezoidal) thread with 16 threads per inch.

D. Proposed Incorporation by Reference

EPA is proposing to adopt the current versions of three technical safety standards developed by SAE by incorporating them by reference into the use conditions for the nonroad vehicles addressed in this action. EPA also proposes to modify the use conditions for the previous listings of HFO–1234yf in certain MVAC systems to incorporate by reference the most current versions of the three standards. The three standards are SAE J639 (revised November 2020), ''Safety and Design Standards for Motor Vehicle Refrigerant Vapor Compression Systems;'' SAE J1739 (revised January 2021), ''Potential Failure Mode and Effects Analysis (FMEA) Including Design FMEA, Supplemental FMEA–MSR, and Process FMEA;'' and SAE J2844 (revised January 2013), ''R–1234yf (HFO–1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems.'' Section II.A.4 of this preamble discusses these standards in greater detail.

EPA finds, as in past rules, that it is appropriate to reference consensus standards that set conditions to reduce risk. As in past listings of flammable refrigerants, we find that such standards have already gone through a development phase that incorporates the latest findings and research. Likewise, such standards have gone through a vetting and refinement process that provides the affected parties an opportunity to comment. For the U.S. MVAC industry, EPA sees SAE standards in general as a pervasively used body of work to address risks, and these standards are the most applicable and recognized by the U.S. market.

Incorporation by reference allows federal agencies to comply with the requirement to publish rules in the **Federal Register** and the Code of Federal Regulations by referring to material already published elsewhere. The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register** and Code of Federal Regulations.

SAE J639, J1739, and J2844 are available for purchase by mail at: SAE Customer Service, 400 Commonwealth Drive, Warrendale, PA 15096–0001; Telephone: 1–877–606–7323 in the U.S. or Canada (other countries dial 1–724–776–4970); internet address for SAE J639: *https://www.sae.org/standards/content/j639_201112/*; internet address for SAE J1739: *https://www.sae.org/standards/content/j1739_202101/*; internet address for SAE J2844: *https://www.sae.org/standards/content/j2844_201301/*. The cost of SAE J639, J1739, and J2844 is $85 each for an electronic or hard copy. The cost of obtaining these standards is not a significant financial burden for manufacturers of MVAC systems, and purchase is not required for those selling, installing, or servicing the MVAC systems covered by these standards. Therefore, the EPA concludes that SAE J639, J1739, and J2844 are reasonably available.

E. When would the listings apply?

EPA proposes that all the proposed listings, if finalized, would apply 30 days after the date of publication of a final rule. This date, the same as the proposed effective date of this regulation, supports the safe use of this substitute without undue delay.

F. What is the relationship between this SNAP rule and other federal rules?

1. Significant New Use Rule for HFO–1234yf Under the Toxic Substances Control Act

In a Final Rule published on March 29, 2011 (76 FR 17488), EPA noted that the listing of HFO–1234yf as acceptable, subject to use conditions, in new passenger cars and trucks did not apply to small cans. EPA stated that the Agency ''would require additional information on consumer risk and a set of unique fittings from the refrigerant manufacturer for use with small cans or containers of HFO–1234yf before we would be able to issue a revised rule that allows for consumer filling, servicing, or maintenance of MVAC systems with HFO–1234yf'' [104] and that use of small cans would need to be consistent with EPA's final SNUR for HFO–1234yf under TSCA (October 27, 2010; 75 FR 65987). EPA has since revised the SNUR (80 FR 37166, June 30, 2015) to require the submission of a significant new use notice (SNUN) for commercial use of HFO–1234yf other than in passenger cars and vehicles in which the original charging of MVAC systems with HFO–1234yf was done by the OEM and use of HFO–1234yf in consumer products other than products used to recharge the MVAC systems in passenger cars and vehicles in which the original charging of MVAC systems with HFO–1234yf was done by the OEM, among other things. Manufacturers of small cans of HFO–1234yf have also submitted a unique fitting specifically for use with small can taps and small refrigerant cans for EPA's review. Today's proposed listing of HFO–1234yf would apply to small cans, weighing two pounds or less, for DIY or professional use. Consistent with the revised June 2015 SNUR for HFO–1234yf, commercial use or use in consumer products to recharge MVAC systems with HFO–1234yf in passenger cars and vehicles may only occur without submission of a SNUN and review by EPA if the OEM originally charged the system with HFO–12324yf.

EPA is proposing to include a reference to the June 30, 2015 SNUR (80 FR 37166) in Appendix B subpart G of part 82, under the 'Comments' column, for the listings of HFO–1234yf for the nonroad vehicles addressed in this action. EPA is also proposing to modify the existing listings of HFO–1234yf as acceptable, subject to use conditions, for various vehicle types, by including the reference to the June 2015 SNUR in the Comments column in Appendix B subpart G of part 82.

2. CAA Sections 608 and 609

Among other things, section 608 of the CAA prohibits individuals from knowingly venting or otherwise releasing into the environment any refrigerants except those specifically exempted in certain end uses, while maintaining, servicing, repairing, or disposing of air conditioning or refrigeration equipment. HFO–1234yf is not exempt from the venting prohibition in any application; therefore, knowing release of HFO–1234yf from MVAC systems in the nonroad vehicles addressed in this action, or any other MVAC system, by any person maintaining, servicing, repairing, or disposing of such systems is prohibited. MVAC end-of-life disposal and recycling specifications are also covered under CAA section 608 and EPA's regulations issued under that section of the Act, which are codified at subpart F of 40 CFR part 82. In addition, as mentioned above in sections I.A and

[104] EPA, 2011. Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program; Final Rule. March 29, 2011 (76 FR 17488). Available online at: *https://www.govinfo.gov/content/pkg/FR-2011-03-29/pdf/2011-6268.pdf.*

II.C, there are additional requirements that concern the sale or offer for sale of refrigerants, including a sales restriction under 40 CFR subpart F and specifically at 82.154(c)(1) and related specifications for self-sealing valves at 82.154(c)(2). This proposal does not propose to modify the provisions under 40 CFR 82.154, including the restriction on sale of substitute refrigerants and requirements for self-sealing valves. The Agency is not proposing to revise, and is not reopening for comment, regulations promulgated under section CAA 608 in this action.

CAA section 609 establishes standards and requirements regarding the servicing or repair of MVAC systems.[105] EPA has issued regulations implementing this statutory requirement and those regulations are codified at subpart B of 40 CFR part 82. Under section 609 and its implementing regulations, no person repairing or servicing motor vehicles for consideration[106] may perform any service on an MVAC that involves the refrigerant without properly using approved refrigerant recovery or recovery and recycling equipment, and no such person may perform such service unless such person has been properly trained and certified. Refrigerant handling equipment must be certified by EPA or an independent organization approved by EPA. The statutory and regulatory provisions regarding MVAC servicing apply to all refrigerants, including HFO–1234yf. Today's proposal will not have any impact on EPA's regulations under sections 608 or 609 of the Clean Air Act.

3. Would this action listing HFO–1234yf as acceptable, subject to use conditions, for certain nonroad vehicles and small cans affect EPA's HD greenhouse gas standards?

The Phase 1 HD Greenhouse Gas (GHG) rule (76 FR 57106; September 15, 2011) set GHG standards for the HD industry in three discrete categories—combination tractors, HD pickups and vans, and vocational vehicles. The Phase 1 rule also set separate standards for engines that power vocational vehicles and combination tractors—based on the relative degree of homogeneity among vehicles within each category. As part of the Phase 1 HD GHG standards, EPA finalized a low leakage standard of 1.50 percent leakage per year for AC systems installed in HD pickup trucks and vans and combination tractors for model years 2014 and later. On October 25, 2016, EPA finalized Phase 2 HD GHG standards that built on the existing Phase 1 HD GHG standards, and also finalized GHG standards for certain trailers used in combination with HD tractors (81 FR 73478). The nonroad vehicles for which EPA is proposing to list HFO–1234yf are not regulated under the Phase 1 or Phase 2 HD GHG standards. Additionally, today's proposal, should EPA adopt it, will have no direct effect on the HD GHG standards, either for Phase 1 or Phase 2.

G. On which topics is EPA specifically requesting comment?

EPA requests comment on all aspects of this proposal, including proposed decisions to list HFO–1234yf as acceptable, subject to use conditions, in MVAC systems in certain newly manufactured nonroad vehicles and small cans, the proposed incorporation of the latest versions of the relevant SAE standards, and the proposed dates when the proposed listings would apply if finalized.

EPA also requests information on development of HFO–1234yf MVAC systems for other types of HD or nonroad vehicles, particularly on-road trucks (*i.e.,* Class 4–8 trucks between 14,001 and 33,000 or greater pounds). EPA will consider these comments in determining whether to initiate a separate rulemaking to list HFO–1234yf in other applications.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0226. The approved Information Collection Request includes five types of respondent reporting and recordkeeping activities pursuant to SNAP regulations: Submission of a SNAP petition, filing a TSCA/SNAP Addendum, notification for test marketing activity, recordkeeping for substitutes acceptable subject to use restrictions, and recordkeeping for small volume uses. This rule contains no new requirements for reporting or recordkeeping.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities if the rule has no net burden on the small entities subject to the rule. Because the use conditions are consistent with industry consensus standards, no change in business practice is required to meet the use conditions, resulting in no adverse impact compared to the absence of this proposed rule. Thus, the rule would not impose new costs on small entities if finalized as proposed.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no

[105] Under the SNAP program, MVAC systems are those systems that provide passenger comfort cooling for light-duty cars and trucks, heavy-duty vehicles (large pick-ups, delivery trucks, recreational vehicles, and semi-trucks), nonroad vehicles, buses, and rail vehicles. See final rules published on March 29, 2011 (76 FR 17488) and on December 1, 2016 (81 FR 86778). For informational purposes, we note that this includes systems that are also included in the definitions that apply under other provisions of EPA's regulations under title VI of the CAA. In this regard, we note that EPA's regulations at 40 CFR 82.152 define ''MVAC-like appliance'' to mean ''a mechanical vapor compression, open-drive compressor appliance with a full charge of 20 pounds or less of refrigerant used to cool the driver's or passenger's compartment of nonroad vehicles or equipment. This includes, but is not limited to, the air-conditioning equipment found on agricultural or construction vehicles. This definition is not intended to cover appliances using R–22 refrigerant.'' By contrast, EPA's regulations at 40 CFR 82.152 define ''Motor vehicle air conditioner (MVAC)'' as ''any appliance that is a motor vehicle air conditioner as defined in 40 CFR part 82, subpart B.'' The subpart B regulations at 40 CFR 82.32 provide that: ''Motor vehicle air conditioners means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using HCFC–22 refrigerant.'' Further, the subpart B regulations at 40 CFR 82.32 provide that: ''Motor vehicle as used in this subpart means any vehicle which is self-propelled and designed for transporting persons or property on a street or highway, including but not limited to passenger cars, light duty vehicles, and heavy duty vehicles. This definition does not include a vehicle where final assembly of the vehicle has not been completed by the original equipment manufacturer.''

[106] Service for consideration means receiving something of worth or value to perform service, whether in money, credit, goods, or services.

enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in the comparisons of toxicity for HFO–1234yf, as well as in the risk screens for HFO–1234yf. The risk screens are in the docket for this rulemaking.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This action involves technical standards. EPA proposes to adopt the current versions of three technical safety standards developed by SAE by incorporating them by reference into the use conditions for the nonroad vehicles addressed in this action. EPA also proposes to modify the use conditions for the previous listings of HFO–1234yf in MVAC systems to incorporate by reference the most current versions of the three standards. The use conditions would ensure that HFO–1234yf would not present significantly greater risk to human health or the environment than other alternatives available for use in MVAC. Specifically, the three standards are:

1. SAE J639: Safety and Design Standards for Motor Vehicle Refrigerant Vapor Compression Systems (revised November 2020). This document establishes safety standards for HFO–1234yf MVAC systems that include unique fittings; a warning label indicating the refrigerant's identity and that it is a flammable refrigerant; and requirements for engineering design strategies that include a high-pressure compressor cutoff switch and pressure relief devices. This standard is available at *https://www.sae.org/standards/content/j639_201112/.*

2. SAE J1739: Potential Failure Mode and Effects Analysis (FMEA) Including Design FMEA, Supplemental FMEA–MSR, and Process FMEA (revised January 2021). This standard describes potential FMEA in design and potential FMEA in manufacturing and assembly processes. It requires manufacturers of MVAC systems and vehicles to conduct a FMEA and assists users in the identification and mitigation of risk by providing appropriate terms, requirements, ranking charts, and worksheets. This standard is available at *https://www.sae.org/standards/content/j1739_202101/.*

3. SAE J2844: R–1234yf (HFO–1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems (revised January 2013). This standard sets purity standards and describes container requirements, including fittings for refrigerant cylinders. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844 (revised January 2013). For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. This standard is available at *https://www.sae.org/standards/content/j2844_201301/.*

These standards may be purchased by mail at: SAE Customer Service, 400 Commonwealth Drive, Warrendale, PA 15096–0001; by telephone: 1–877–606–7323 in the United States or 724–776–4970 outside the United States or in Canada. The cost of SAE J639, SAE J1739, and SAE J2844 is $85 each for an electronic or hardcopy. The cost of obtaining these standards is not a significant financial burden for manufacturers of MVAC systems and purchase is not required for those selling, installing, and servicing the systems. Therefore, EPA concludes that the use of SAE J639, SAE J1739, and SAE J2844 are reasonably available.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

A regulatory action may involve potential environmental justice concerns if it could: (1) Create new disproportionate impacts on people of color, low-income populations, and/or indigenous peoples; (2) exacerbate existing disproportionate impacts on people of color, low-income populations, and/or indigenous peoples; or (3) present opportunities to address existing disproportionate impacts on people of color, low-income populations, and/or indigenous peoples through the action under development.

EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on people of color, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The proposed listings for HFO–1234yf in the vehicle types addressed in this action would provide additional lower-GWP alternatives for the MVAC end-use. By providing a lower-GWP alternative for this end-use, this proposed rule is also anticipated to reduce the use and eventual emissions of potent GHGs in this end-use, which could help to reduce the effects of climate change, including the public health and welfare effects on minority populations, low-income populations and/or indigenous peoples. This action's health and environmental risk assessments are contained in the comparison of health and environmental risks for HFO–1234yf, as well as in the risk screens that are available in the docket for this rulemaking. EPA's analysis indicates that other environmental impacts and human health impacts of HFO–1234yf are comparable to or less than those of other substitutes that are listed as acceptable for the same end-use. Based on these considerations, EPA expects that, if this proposal becomes final as proposed, the effects on minority populations, low-income populations and/or indigenous peoples would not be disproportionately high and adverse.

IX. References

Unless specified otherwise, all documents are available electronically through the Federal Docket Management System, Docket number EPA–HQ–OAR–2021–0347.

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including 2WD, MFD, 4WD and Track Type Equipment.
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AEM, 2020b. Risk Assessment for HFO–1234yf in Compact Equipment (Examples include Tractors <40HP, Turf Equipment, Skid Steer, Mini-Excavators and Track Loaders).
AEM, 2020c. Risk Assessment for HFO–1234yf in Construction, Forestry, and Mining Equipment.
AEM, 2020d. Risk Assessment for HFO–1234yf in Commercial Utility Vehicles.
AEM, 2020e. CFD Leak Modeling-Supplemental Information to Compliment AEM Machine Form RAs.
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ICF, 2008a. Air Conditioning Refrigerant Charge Size to Passenger Compartment Volume Ratio Analysis.
ICF, 2008b. Revised Characterization of U.S. Hybrid and Small Car Sales (Historical and Predicted) and Hybrid Vehicle Accidents.
ICF, 2009a. Revised Final Draft Assessment of the Potential Impacts of HFO–1234yf and the Associated Production of TFA on Aquatic Communities and Local Air Quality.
ICF, 2009b. Risk Screen on Substitutes for CFC–12 in Motor Vehicle Air Conditioning: Substitute: HFO–1234yf.
ICF, 2010a. Summary of HFO–1234yf Emissions Assumptions.
ICF, 2010b. Summary of Updates to the Vintaging Model that Impacted HFO–1234yf Emissions Estimates.
ICF, 2010c. Revised Assessment of the Potential Impacts of HFO–1234yf and the Associated Production of TFA on Aquatic Communities, Soil and Plants, and Local Air Quality.
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List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Recycling, Reporting and recordkeeping requirements, Stratospheric ozone layer, Motor vehicle air conditioning.

Michael S. Regan,

Administrator.

For the reasons set forth in the preamble, EPA proposes to amend 40 CFR part 82 as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671—7671q.

Subpart G—Significant New Alternatives Policy Program

■ 2. Appendix B to subpart G of part 82 is amended by

■ a. Revising the existing four entries for HFO–1234yf in the table titled ''Refrigerants—Acceptable Subject to Use Conditions''

■ b. Adding five new entries for HFO–1234yf to the table titled ''Refrigerants—Acceptable Subject to Use Conditions''.

The revisions and additions read as follows:

Appendix B to Subpart G of Part 82—Substitutes Subject to Use Restrictions and Unacceptable Substitutes

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS

Application	Substitute	Decision	Conditions	Comments
*		*	* * *	* *
CFC–12 Automobile Motor Vehicle Air Conditioning (New equipment in passenger cars and light-duty trucks only).	HFO–1234yf as a substitute for CFC–12.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844[3 4 5]). For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739[2 4 5]. Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS. Reg. No. 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer. Refrigerant containers of HFO–1234yf for use in professional servicing are from 5 lbs. (2.3 L) to 50 lbs. (23 L) in size. Requirements for handling, storage, and transportation of compressed gases apply to this refrigerant, such as regulations of the Occupational Safety and Health Administration at 29 CFR 1910.101 and the Department of Transportation's requirements at 49 CFR 171–179. Requirements for handling, storage, and transportation of compressed gases apply to this refrigerant, such as regulations of the Occupational Safety and Health Administration at 29 CFR 1910.101 and the Department of Transportation's requirements at 49 CFR 171–179.
Motor vehicle air conditioning (newly manufactured medium-duty passenger vehicles).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS. Reg. No. 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

Application	Substitute	Decision	Conditions	Comments
Motor vehicle air conditioning (newly manufactured heavy-duty pickup trucks).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS No 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.
Motor vehicle air conditioning (newly manufactured complete heavy-duty vans only).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS No 754–12–1). HFO–1234yf is acceptable for complete heavy-duty vans. Complete heavy-duty vans are not altered by a secondary or tertiary manufacturer. Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.
Motor vehicle air conditioning (newly manufactured nonroad agricultural tractors with greater than 40 horsepower).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS No 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.
Motor vehicle air conditioning (newly manufactured nonroad self-propelled agricultural machinery).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS No 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.
Motor vehicle air conditioning (newly manufactured nonroad compact equipment).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844).	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS No 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act (80 FR 37166, June 30, 2015), commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.

REFRIGERANTS—ACCEPTABLE SUBJECT TO USE CONDITIONS—Continued

Application	Substitute	Decision	Conditions	Comments
			(2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	
Motor vehicle air conditioning (newly manufactured nonroad construction, forestry, and mining equipment).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS No 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.
Motor vehicle air conditioning (newly manufactured nonroad commercial utility vehicles).	HFO–1234yf.	Acceptable subject to use conditions.	As of [30 days after publication of final rule]: ..... (1) HFO–1234yf MVAC systems must adhere to all of the safety requirements of SAE J639,[1 4 5] including requirements for a flammable refrigerant warning label, high-pressure compressor cutoff switch and pressure relief devices, and unique fittings. For connections with refrigerant containers for use in professional servicing, use fittings must be consistent with SAE J2844.[3 4 5] For connections with small refrigerant cans for consumer or professional use, use fittings must have a diameter of 0.5 inches, a thread pitch of 16 thread per inch, and a left thread direction, consistent with SAE J2844. (2) Manufacturers must conduct Failure Mode and Effect Analysis (FMEA) as provided in SAE J1739.[2 4 5] Manufacturers must keep the FMEA on file for at least three years from the date of creation.	Additional training for service technicians recommended. HFO–1234yf is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS No 754–12–1). Consistent with EPA's Significant New Use Rule for HFO–1234yf under the Toxic Substances Control Act, commercial users or consumers can only recharge MVAC systems with HFO–1234yf where the original charging of the system with HFO–1234yf was done by the original equipment manufacturer.

[1] SAE, J639, Safety and Design Standards for Motor Vehicle Refrigerant Vapor Compression Systems, Revised November 9, 2020.
[2] SAE, J1739, Potential Failure Mode and Effects Analysis (FMEA) Including Design FMEA, Supplemental FMEA–MSR, and Process FMEA, Revised January 13, 2021.
[3] SAE, J2844, R–1234yf (HFO–1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems, Revised January 4, 2013.
[4] You may purchase the material from SAE by mail: SAE Customer Service, 400 Commonwealth Drive, Warrendale, PA 15096–0001; by telephone: 1–877–606–7323 in the United States or 724–776–4970 outside the United States or in Canada; or web: *https://www.sae.org/standards.*
[5] The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at U.S. EPA's Air and Radiation Docket; EPA West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 202–566–1742 and is available from SAE International (SAE), 400 Commonwealth Drive, Warrendale, PA 15096–0001, 1–877–606–7323, *https://www.sae.org/standards.* They are also available for inspection 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: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

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[FR Doc. 2021–25440 Filed 12–3–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 211129–0247; RTID 0648–XY118]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Proposed 2022 and 2023 Harvest Specifications for Groundfish

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

ACTION: Proposed rule; harvest specifications and request for comments.

SUMMARY: NMFS proposes 2022 and 2023 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2022 and 2023 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The 2022 harvest specifications supersede those previously set in the final 2021 and 2022 harvest specifications, and the 2023 harvest specifications will be superseded in early 2023 when the final 2023 and 2024 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Comments must be received by January 5, 2022.

ADDRESSES: Submit comments on this document, identified by NOAA–NMFS–2021–0097, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2021-0097,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record,

and NMFS will post the comments for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), Record of Decision (ROD) for the Final EIS, and the annual Supplementary Information Reports (SIR) to the Final EIS prepared for this action are available from *https://www.regulations.gov.* An updated 2022 SIR for the final 2022 and 2023 harvest specifications will be available from the same source. The final 2020 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2020, is available from the North Pacific Fishery Management Council (Council) at 1007 West Third, Suite 400, Anchorage, AK 99501–2252, phone 907–271–2809, or from the Council's website at *https://www.npfmc.org.* The 2021 SAFE report for the GOA will be available from the same source.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the GOA groundfish fisheries in the exclusive economic zone (EEZ) of the GOA under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require that NMFS, after consultation with the Council, specify the total allowable catch (TAC) for each target species, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (§ 679.20(a)(1)(i)(B)). Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs and apportionments thereof, Pacific halibut prohibited species catch (PSC) limits, and seasonal allowances of pollock and Pacific cod. The proposed harvest specifications in Tables 1 through 20 of this rule satisfy these requirements. For 2022 and 2023, the sum of the proposed TAC amounts is 409,039 mt.

Under § 679.20(c)(3), NMFS will publish the final 2022 and 2023 harvest specifications after (1) considering comments received within the comment period (see **DATES**), (2) consulting with the Council at its December 2021 meeting, (3) considering information presented in the 2022 SIR to the Final EIS that assesses the need to prepare a Supplemental EIS (see **ADDRESSES**), and (4) considering information presented in the final 2021 SAFE report prepared for the 2022 and 2023 groundfish fisheries.

Proposed Acceptable Biological Catch (ABC) and TAC Specifications

In October 2021, the Council's Scientific and Statistical Committee (SSC), its Advisory Panel (AP), and the Council reviewed the most recent biological and harvest information about the condition of the GOA groundfish stocks. The Council's GOA Groundfish Plan Team (Plan Team) compiled and presented this information in the final 2020 SAFE report for the GOA groundfish fisheries, dated November 2020 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team recommends, and the SSC sets, an Overfishing Limit (OFL) and Acceptable Biological Catch (ABC) for each species or species group. The amounts proposed for the 2022 and 2023 OFLs and ABCs are based on the 2020 SAFE report. The AP and Council recommended that the proposed 2022 and 2023 TACs be set equal to proposed ABCs for all species and species groups, with the exception of the species and species groups further discussed below. The proposed OFLs, ABCs, and TACs could be changed in the final harvest specifications depending on the most recent scientific information contained in the final 2021 SAFE report. The stock assessments that will comprise, in part, the 2021 SAFE report are available at *https://www.fisheries.noaa.gov/alaska/population-assessments/north-pacific-groundfish-stock-assessment-and-fishery-evaluation.* The final 2021 SAFE report will be available from the same source.

In November 2021, the Plan Team will update the 2020 SAFE report to include new information collected during 2021, such as NMFS stock surveys, revised stock assessments, and catch data. The Plan Team will compile this information and present the draft 2021 SAFE report at the December 2021 Council meeting. At that meeting, the SSC and the Council will review the 2021 SAFE report, and the Council will approve the 2021 SAFE report. The Council will consider information in the 2021 SAFE report, recommendations from the November 2021 Plan Team meeting and December 2021 SSC and AP meetings, public testimony, and relevant written public comments in making its recommendations for the final 2022 and 2023 harvest specifications. Pursuant to § 679.20(a)(2) and (3), the Council could recommend adjusting the TACs if warranted based on the biological condition of groundfish stocks or a variety of socioeconomic considerations, or if required to cause the sum of TACs to fall within the OY range.

Potential Changes Between Proposed and Final Specifications

In previous years, the most significant changes (relative to the amount of assessed tonnage of fish) to the OFLs and ABCs from the proposed to the final harvest specifications have been based on the most recent NMFS stock surveys. These surveys provide updated estimates of stock biomass and spatial distribution, and inform changes to the models used for producing stock assessments. At the September 2021 Plan Team meeting, NMFS scientists presented updated and new survey results. Scientists also discussed potential changes to assessment models, and accompanying preliminary stock estimates. At the October 2021 Council meeting, the SSC reviewed this information. The species with potential for a significant model change is rock sole. Model changes can result in changes to final OFLs, ABCs, and TACs.

In November 2021, the Plan Team will consider updated survey results and updated stock assessments for groundfish, which will be included in the draft 2021 SAFE report. If the 2021 SAFE report indicates that the stock biomass trend is increasing for a species, then the final 2022 and 2023 harvest specifications for that species may reflect an increase from the proposed harvest specifications. Conversely, if the 2021 SAFE report indicates that the stock biomass trend is decreasing for a species, then the final 2022 and 2023 harvest specifications may reflect a decrease from the proposed harvest specifications.

The proposed 2022 and 2023 OFLs and ABCs are based on the best available biological and scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to

calculate stock biomass. The FMP specifies the tiers to be used to calculate OFLs and ABCs. The tiers applicable to a particular stock or stock complex are determined by the level of reliable information available to the fisheries scientists. This information is categorized into a successive series of six tiers to define OFLs and ABCs, with Tier 1 representing the highest level of information quality available and Tier 6 representing the lowest level of information quality available. The Plan Team used the FMP tier structure to calculate OFLs and ABCs for each groundfish species. The SSC adopted the proposed 2022 and 2023 OFLs and ABCs recommended by the Plan Team for all groundfish species. The proposed 2022 and 2023 TACs are based on the best available biological and socioeconomic information. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations.

Other Potential Changes: Pacific Cod

For Pacific cod, there is continued concern among stock assessment scientists about the stability of the Pacific cod stock, which may have substantial management implications for 2022 and 2023. In November 2021, NMFS will receive the GOA Pacific cod stock assessment, which will include information about this stock's spawning biomass. The Steller sea lion harvest control regulations at § 679.20(d)(4) state that if a biological assessment of the Pacific cod stock projects that the spawning biomass within an area will be equal to or below 20 percent of the projected unfished spawning biomass during a fishing year, the Regional Administrator must prohibit directed fishing within that area, and the directed fishery will remain closed until a subsequent biological assessment projects that the spawning biomass will exceed 20 percent of the projected unfished spawning biomass. Also, if Pacific cod spawning biomass falls below the $B_{17.5\%}$ level, a rebuilding plan will be required to comply with provisions of the Magnuson-Stevens Act (16 U.S.C. 1854(e)).

Specification and Apportionment of TAC Amounts

The Council recommended proposed 2022 and 2023 TACs that are equal to proposed ABCs for all species and species groups, with the exception of pollock for the combined Western and Central GOA and West Yakutat District area, Pacific cod, shallow-water flatfish in the Western GOA, arrowtooth flounder in the Western GOA and the West Yakutat and Southeast Outside (SEO) Districts, flathead sole in the Western and Central GOA, Atka mackerel, and ''other rockfish'' in the SEO District.

The combined Western and Central Regulatory Areas and the West Yakutat (WYK) District of the Eastern Regulatory Area (the W/C/WYK) pollock TAC and the GOA Pacific cod TACs are set to account for the State of Alaska's (State) guideline harvest levels (GHL) for the State water pollock and Pacific cod fisheries so that the ABCs are not exceeded. The shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The Atka mackerel TAC is set to accommodate incidental catch amounts (ICA) in other fisheries. The ''other rockfish'' TAC in the SEO District is set to reduce the amount of discards of the species in that complex. These reductions are described below.

NMFS's proposed apportionments of groundfish species are based on the distribution of biomass among the regulatory areas over which NMFS manages the species. Additional regulations govern the apportionment of pollock, Pacific cod, and sablefish. Additional detail on apportionments of pollock, Pacific cod, and sablefish are described below.

The ABC for the pollock stock in the W/C/WYK Regulatory Area accounts for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all State water and Federal water pollock removals from the GOA not exceed ABC recommendations. For 2022 and 2023, the Council recommended the W/C/WYK pollock ABC include the amount to account for the State's PWS GHL. At the November 2018 Plan Team meeting, State fisheries managers recommended setting the future PWS GHL at 2.5 percent of the annual W/C/WYK pollock ABC. For 2022, this yields a PWS pollock GHL of 2,298 mt, a decrease of 345 mt from the 2021 PWS GHL of 2,643 mt. After accounting for the PWS GHL, the 2022 and 2023 pollock ABC for the combined W/C/WYK areas is then apportioned among four statistical areas (Areas 610, 620, 630, and 640) as both ABCs and TACs, as described below and detailed in Table 1. The total ABCs and TACs for the four statistical areas, plus the State GHL, do not exceed the combined W/C/WYK ABC. The proposed W/C/WYK 2022 and 2023 pollock ABC is 91,934 mt, and the proposed TAC is 89,636 mt.

Apportionments of pollock to the W/C/WYK management areas are considered to be apportionments of annual catch limit (ACL) rather than apportionments of ABCs. This more accurately reflects that such apportionments address management concerns, rather than biological or conservation concerns. In addition, apportionments of the ACL in this manner allow NMFS to balance any transfer of TAC among Areas 610, 620, and 630 pursuant to § 679.20(a)(5)(iv)(B) to ensure that the combined W/C/WYK ACL, ABC, and TAC are not exceeded.

NMFS proposes pollock TACs in the Western (Area 610) and Central (Areas 620 and 630) Regulatory Areas and the West Yakutat (Area 640) and the SEO (Area 650) Districts of the GOA (see Table 1). NMFS also proposes seasonal apportionment of the annual pollock TAC in the Western and Central Regulatory Areas of the GOA among Statistical Areas 610, 620, and 630. These apportionments are divided equally among the following two seasons: the A season (January 20 through May 31) and the B season (September 1 through November 1) (§§ 679.23(d)(2)(i) and (ii), and 679.20(a)(5)(iv)(A) and (B)). Additional detail is provided below; Table 2 lists these amounts.

The proposed 2022 and 2023 Pacific cod TACs are set to accommodate the State's GHLs for Pacific cod in State waters in the Western and Central Regulatory Areas, as well as in PWS (in the Eastern Regulatory Area) (see Table 1). The Plan Team, SSC, AP, and Council recommended that the sum of all State water and Federal water Pacific cod removals from the GOA not exceed ABC recommendations. Accordingly, the Council recommended the 2022 and 2023 Pacific cod TACs in the Western, Central, and Eastern Regulatory Areas to account for State GHLs. Therefore, the proposed 2022 and 2023 Pacific cod TACs are less than the proposed ABCs by the following amounts: (1) Western GOA, 3,868 mt; (2) Central GOA, 5,511 mt; and (3) Eastern GOA, 801 mt. These amounts reflect the State's 2022 and 2023 GHLs in these areas, which are 30 percent of the Western GOA proposed ABC, and 25 percent of the Eastern and Central GOA proposed ABCs.

The Western and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. NMFS also establishes seasonal apportionments of the annual Pacific cod TACs in the Western and Central Regulatory Areas. The Pacific cod sector and seasonal apportionments are discussed in detail in a subsequent section and in Table 4 of this rule.

The Council's recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern Regulatory Area (§ 679.7(b)(1)) and makes available five percent of the Eastern Regulatory Area (WYK and SEO Districts combined) TAC to vessels using trawl gear for use as incidental catch in other trawl groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Additional detail is provided below. Tables 5 and 6 list the proposed 2022 and 2023 allocations of the sablefish TAC to fixed gear and trawl gear in the GOA.

For 2022 and 2023, the Council recommends and NMFS proposes the OFLs, ABCs, and TACs listed in Table 1. These amounts are consistent with the biological condition of groundfish stocks as described in the 2020 SAFE report. The proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are adjusted for other biological and socioeconomic considerations. The sum of the proposed TACs for all GOA groundfish is 409,039 mt for 2022 and 2023, which is within the OY range specified by the FMP. These proposed amounts and apportionments by area, season, and sector are subject to change pending consideration of the 2021 SAFE report, public comment, and the Council's recommendations for the final 2022 and 2023 harvest specifications during its December 2021 meeting.

TABLE 1—PROPOSED 2022 AND 2023 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, AND EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULFWIDE DISTRICT OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC [2]
Pollock [2]	Shumagin (610)	n/a	16,067	16,067
	Chirikof (620)	n/a	47,714	47,714
	Kodiak (630)	n/a	21,149	21,149
	WYK (640)	n/a	4,706	4,706
	W/C/WYK (subtotal)	106,767	91,934	89,636
	SEO (650)	13,531	10,148	10,148
	Total	120,298	102,082	99,784
Pacific cod [3]	W	n/a	12,892	9,024
	C	n/a	22,045	16,534
	E	n/a	3,204	2,403
	Total	46,587	38,141	27,961
Sablefish [4]	W	n/a	4,165	4,165
	C	n/a	11,111	11,111
	WYK	n/a	4,009	4,009
	SEO	n/a	5,946	5,946
	E (WYK and SEO) (subtotal)	n/a	9,955	9,955
	Total	70,710	25,231	25,231
Shallow-water flatfish [5]	W	n/a	24,460	13,250
	C	n/a	28,442	28,442
	WYK	n/a	2,844	2,844
	SEO	n/a	1,137	1,137
	Total	69,691	56,883	45,673
Deep-water flatfish [6]	W	n/a	225	225
	C	n/a	1,914	1,914
	WYK	n/a	2,068	2,068
	SEO	n/a	1,719	1,719
	Total	7,040	5,926	5,926
Rex sole	W	n/a	3,013	3,013
	C	n/a	8,912	8,912
	WYK	n/a	1,206	1,206
	SEO	n/a	2,285	2,285
	Total	18,779	15,416	15,416
Arrowtooth flounder	W	n/a	31,479	14,500
	C	n/a	67,154	67,154
	WYK	n/a	8,147	6,900
	SEO	n/a	16,665	6,900
	Total	147,515	123,445	95,454
Flathead sole	W	n/a	14,380	8,650
	C	n/a	21,076	15,400
	WYK	n/a	2,456	2,456

TABLE 1—PROPOSED 2022 AND 2023 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, AND EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULFWIDE DISTRICT OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC [2]
	SEO	n/a	1,939	1,939
	Total	48,534	39,851	28,445
Pacific ocean perch [7]	W	n/a	1,572	1,572
	C	n/a	26,234	26,234
	WYK	n/a	1,631	1,631
	W/C/WYK	34,974	29,437	29,437
	SEO	6,136	5,165	5,165
	Total	41,110	34,602	34,602
Northern rockfish [8]	W	n/a	1,926	1,926
	C	n/a	3,173	3,173
	E	n/a	1	.....
	Total	6,088	5,100	5,099
Shortraker rockfish [9]	W	n/a	52	52
	C	n/a	284	284
	E	n/a	372	372
	Total	944	708	708
Dusky rockfish [10]	W	n/a	265	265
	C	n/a	4,469	4,469
	WYK	n/a	460	460
	SEO	n/a	101	101
	Total	8,423	5,295	5,295
Rougheye and blackspotted rockfish [11]	W	n/a	170	170
	C	n/a	459	459
	E	n/a	592	592
	Total	1,467	1,221	1,221
Demersal shelf rockfish [12]	SEO	405	257	257
Thornyhead rockfish [13]	W	n/a	352	352
	C	n/a	910	910
	E	n/a	691	691
	Total	2,604	1,953	1,953
Other rockfish [14 15]	W/C combined	n/a	940	940
	WYK	n/a	369	369
	SEO	n/a	2,744	300
	Total	5,320	4,053	1,609
Atka mackerel	GW	6,200	4,700	3,000
Big skates [16]	W	n/a	758	758
	C	n/a	1,560	1,560
	E	n/a	890	890
	Total	4, 278	3,208	3,208
Longnose skates [17]	W	n/a	158	158
	C	n/a	1,875	1,875
	E	n/a	554	554
	Total	3,449	2,587	2,587
Other skates [18]	GW	1,166	875	875
Sharks	GW	5,006	3,755	3,755
Octopuses	GW	1,307	980	980

TABLE 1—PROPOSED 2022 AND 2023 OFLS, ABCS, AND TACS OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, AND EASTERN REGULATORY AREAS, THE WEST YAKUTAT AND SOUTHEAST OUTSIDE DISTRICTS OF THE EASTERN REGULATORY AREA, AND GULFWIDE DISTRICT OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area [1]	OFL	ABC	TAC [2]
Total		616,921	476,269	409,039

[1] Regulatory areas and districts are defined at § 679.2. (W=Western Gulf of Alaska; C=Central Gulf of Alaska; E=Eastern Gulf of Alaska; WYK=West Yakutat District; SEO=Southeast Outside District; GW=Gulf-wide).

[2] The total for the W/C/WYK Regulatory Areas pollock ABC is 91,934 mt. After deducting 2.5 percent (2,298 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 89,636 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 2 (proposed 2022 and 2023 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances). In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

[3] The annual Pacific cod TAC is apportioned, after seasonal apportionment to the jig sector, as follows: (1) 63.84 percent to the A season and 36.16 percent to the B season and (2) 64.16 percent to the A season and 35.84 percent to the B season in the Western and Central Regulatory Areas of the GOA, respectively. The Pacific cod TAC in the Eastern Regulatory Area of the GOA is allocated 90 percent to vessels harvesting Pacific cod for processing by the inshore component and 10 percent to vessels harvesting Pacific cod for processing by the offshore component. Table 4 lists the proposed 2022 and 2023 Pacific cod seasonal apportionments and sector allocations.

[4] The sablefish OFL and ABC are set Alaska-wide (70,710 mt and 36,955 mt, respectively) and the GOA sablefish ABC is 25,231 mt. Additionally, sablefish is allocated only to trawl gear in 2023. Tables 5 and 6 list the proposed 2022 and 2023 allocations of sablefish TACs.

[5] "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

[6] "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

[7] "Pacific ocean perch" means *Sebastes alutus.*

[8] "Northern rockfish" means *Sebastes polyspinous.* For management purposes the 1 mt apportionment of ABC to the WYK District of the Eastern Regulatory Area has been included in the "other rockfish" species group.

[9] "Shortraker rockfish" means *Sebastes borealis.*

[10] "Dusky rockfish" means *Sebastes variabilis.*

[11] "Rougheye and blackspotted rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

[12] "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

[13] "Thornyhead rockfish" means *Sebastolobus* species.

[14] "Other rockfish means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, "other rockfish" also includes northern rockfish (*S. polyspinous*).

[15] "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District of the Eastern Regulatory Area means all rockfish species included in the "other rockfish" and demersal shelf rockfish categories. The "other rockfish" species group in the SEO District only includes other rockfish.

[16] "Big skates" means *Raja binoculata.*

[17] "Longnose skates" means *Raja rhina.*

[18] "Other skates" means *Bathyraja and Raja spp.*

Proposed Apportionment of Reserves

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sharks, and octopuses in reserve for possible apportionment at a later date during the fishing year. Section 679.20(b)(3) authorizes NMFS to reapportion all or part of these reserves. In 2021, NMFS reapportioned all of the reserves in the final harvest specifications. For 2022 and 2023, NMFS proposes reapportionment of each of the reserves for pollock, Pacific cod, flatfish, sharks, and octopuses back into the original TAC from which the reserve was derived. NMFS expects, based on recent harvest patterns, that such reserves will not be necessary and that the entire TAC for each of these species will be caught or are needed to promote efficient fisheries. The TACs in Table 1 reflect this proposed reapportionment of reserve amounts to the original TAC for these species and species groups, *i.e.,* each proposed TAC for the above-mentioned species or species groups contains the full TAC recommended by the Council.

Proposed Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into two seasonal allowances of 50 percent. As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively.

The GOA pollock stock assessment continues to use a four-season methodology to determine pollock distribution in the Western and Central Regulatory Areas of the GOA to maintain continuity in the historical pollock apportionment time-series. Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among Statistical Areas 610, 620, and 630 in proportion to the distribution of pollock biomass determined by the most recent NMFS surveys, pursuant to § 679.20(a)(5)(iv)(A). The pollock chapter of the 2020 SAFE report (see **ADDRESSES**) contains a comprehensive description of the apportionment and reasons for the minor changes from past apportionments. For purposes of specifying pollock between two seasons for the Western and Central Regulatory Areas of the GOA, NMFS has summed the A and B season apportionments and the C and D season apportionments as calculated in the 2020 GOA pollock assessment. This yields the seasonal amounts specified for the A season and the B season, respectively.

Within any fishing year, the amount by which a seasonal allowance is underharvested or overharvested may be added to, or subtracted from, subsequent seasonal allowances in a manner to be determined by the

Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the subsequent seasonal TAC apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the subsequent season in the other statistical areas, in proportion to the estimated biomass to the subsequent season and in an amount no more than 20 percent of the seasonal TAC apportionment in those statistical areas (§ 679.20(a)(5)(iv)(B)). The proposed 2022 and 2023 pollock TACs in the WYK District of 4,706 mt and the SEO District of 10,148 mt are not allocated by season.

Table 2 lists the proposed 2022 and 2023 area apportionments and seasonal allowances of pollock in the Western and Central Regulatory Areas. The amounts of pollock for processing by the inshore and offshore components are not shown. Section 679.20(a)(6)(i) requires allocation of 100 percent of the pollock TAC in all regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtraction of amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. Thus, the amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is the amount that will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these ICAs of pollock are unknown and will be determined during the fishing year during the course of fishing activities by the offshore component.

TABLE 2—PROPOSED 2022 AND 2023 DISTRIBUTION OF POLLOCK IN THE CENTRAL AND WESTERN REGULATORY AREAS OF THE GULF OF ALASKA; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC [1]

[Values are rounded to the nearest metric ton]

Season [2]	Shumigan (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total [3]
A (January 20–May 31)	695	36,294	5,476	42,465
B (September 1–November 1)	15,372	11,420	15,672	42,465
Annual Total	16,067	47,714	21,149	84,929

[1] Area apportionments and seasonal allowances may not total precisely due to rounding.
[2] As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.
[3] The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Proposed Annual and Seasonal Apportionments of Pacific Cod TAC

Pursuant to § 679.20(a)(12)(i), NMFS proposes allocations for the 2022 and 2023 Pacific cod TACs in the Western and Central Regulatory Areas of the GOA among gear and operational sectors. NMFS also proposes seasonal apportionments of the Pacific cod TACs in the Western and Central Regulatory Areas. A portion of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. The remainder of the annual TAC is apportioned to the B season for jig gear from June 10 through December 31, for hook-and-line and pot gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(12)). NMFS also proposes allocating the 2022 and 2023 Pacific cod TACs annually between the inshore (90 percent) and offshore (10 percent) components in the Eastern Regulatory Area of the GOA (§ 679.20(a)(6)(ii)).

In the Western GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among catcher vessels (CV) using hook-and-line gear, catcher/processors (CP) using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(A)). In the Central GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among CVs less than 50 feet in length overall using hook-and-line gear, CVs equal to or greater than 50 feet in length overall using hook-and-line gear, CPs using hook-and-line gear, CVs using trawl gear, CPs using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(B)). Excluding seasonal apportionments to the jig gear sector, NMFS proposes apportioning the remainder of the annual Pacific cod TACs as follows: the seasonal apportionments of the annual TAC in the Western GOA are 63.84 percent to the A season and 36.16 percent to the B season, and in the Central GOA are 64.16 percent to the A season and 35.84 percent to the B season.

Under § 679.20(a)(12)(ii), any overage or underage of the Pacific cod allowance from the A season may be subtracted from, or added to, the subsequent B season allowance. In addition, any portion of the hook-and-line, trawl, pot, or jig sector allocations that is determined by NMFS as likely to go unharvested by a sector may be reallocated to other sectors for harvest during the remainder of the fishing year.

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western and Central GOA will be allocated to vessels with a Federal fisheries permit that use jig gear before the TACs are apportioned among other non-jig sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and Central GOA Pacific cod TACs, depending on the annual performance of the jig sector (see Table 1 of Amendment 83 to the FMP for a detailed discussion of the jig sector allocation process (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum of two years.

NMFS has evaluated the historical harvest performance of the jig sector in the Western and Central GOA, and is proposing the 2022 and 2023 Pacific cod apportionments to this sector based on its historical harvest performance through 2021. NMFS did not evaluate the 2020 performance of the jig sectors in the Western and Central GOA. In 2020, the catch for the jig sectors could not reach 90 percent of the initial allocation required for a performance increase because NMFS prohibited

directed fishing for all Pacific cod sectors (84 FR 70438, December 23, 2019). For 2022 and 2023, NMFS proposes that the jig sector receive 3.5 percent of the annual Pacific cod TAC in the Western GOA. The 2022 and 2023 allocations consist of a base allocation of 1.5 percent of the Western GOA Pacific cod TAC, and prior historical harvest performance increases of 2.0 percent. For 2022 and 2023, NMFS also proposes that the jig sector receive 1.0 percent of the annual Pacific cod TAC in the Central GOA. The 2022 and 2023 allocations consist of a base allocation of 1.0 percent, and no additional performance increase in the Central GOA. The 2014 through 2021 Pacific cod jig allocations, catch, and percent allocation changes are listed in Table 3.

TABLE 3—SUMMARY OF WESTERN GOA AND CENTRAL GOA PACIFIC COD CATCH BY JIG GEAR IN 2014 THROUGH 2021, AND CORRESPONDING PERCENT ALLOCATION CHANGES

Area	Year	Initial percent of TAC	Initial TAC allocation	Catch (mt)	Percent of initial allocation	>90% of initial allocation?	Change to percent allocation
Western GOA	2014	2.5	573	785	137	Y	Increase 1.
	2015	3.5	948	55	6	N	None.
	2016	3.5	992	52	5	N	Decrease 1.
	2017	2.5	635	49	8	N	Decrease 1.
	2018	1.5	125	121	97	Y	Increase 1.
	2019	2.5	134	134	100	Y	Increase 1.
	2020	n/a					
	2021	3.5	195	26	13	N	None.
Central GOA	2014	2.0	797	262	33	N	Decrease 1.
	2015	1.0	460	355	77	N	None.
	2016	1.0	370	267	72	N	None.
	2017	1.0	331	18	6	N	None.
	2018	1.0	61	0	0	N	None.
	2019	1.0	58	30	52	N	None.
	2020	n/a					
	2021	1.0	102	26	26	N	None.

NMFS will re-evaluate the annual 2021 harvest performance of the jig sector in the Western and Central GOA when the 2021 fishing year is complete to determine whether to change the jig sector allocations proposed by this action in conjunction with the final 2022 and 2023 harvest specifications. The current catch through October 2021 by the Western GOA jig sector indicates that the Pacific cod allocation percentage to this sector would probably not change in 2022, and would remain at 3.5 percent. Also, the current catch by the Central GOA jig sector indicates that this sector's Pacific cod allocation percentage would not change in 2022, and would remain at 1 percent. For 2022 and 2023, NMFS proposes apportioning the jig sector allocations for the Western and Central GOA between the A season (60 percent) and the B season (40 percent) (§ 679.20(a)(12)(i)). Table 4 lists the seasonal apportionments and allocations of the proposed 2022 and 2023 Pacific cod TACs.

TABLE 4—PROPOSED 2022 AND 2023 SEASONAL APPORTIONMENTS AND ALLOCATIONS OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Western GOA:					
Jig (3.5% of TAC)	316	N/A	190	N/A	126
Hook-and-line CV	122	0.70	61	0.70	61
Hook-and-line CP	1,724	10.90	949	8.90	775
Trawl CV	3,344	31.54	2,747	6.86	597
Trawl CP	209	0.90	78	1.50	131
Pot CV and Pot CP	3,309	19.80	1,724	18.20	1,585
Total	9,024	63.84	5,749	36.16	3,275
Central GOA:					
Jig (1.0% of TAC)	165	N/A	99	N/A	66
Hook-and-line <50 CV	2,390	9.32	1,525	5.29	865
Hook-and-line ≥50 CV	1,098	5.61	918	1.10	180
Hook-and-line CP	836	4.11	672	1.00	163
Trawl CV [1]	6,807	25.29	4,140	16.29	2,667
Trawl CP	687	2.00	328	2.19	359
Pot CV and Pot CP	4,551	17.83	2,918	9.97	1,633
Total	16,534	64.16	10,601	35.84	5,933
		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	

TABLE 4—PROPOSED 2022 AND 2023 SEASONAL APPORTIONMENTS AND ALLOCATIONS OF PACIFIC COD TAC AMOUNTS IN THE GOA; ALLOCATIONS IN THE WESTERN GOA AND CENTRAL GOA SECTORS, AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS—Continued

[Values are rounded to the nearest metric ton]

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Eastern GOA	2,403	2,163		240	

[1] Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 630 mt, of the annual Central GOA Pacific cod TAC (see Table 28c to 50 CFR part 679). This apportionment is deducted from the Trawl CV B season allowance (see Table 9: Proposed 2022 and 2023 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

Proposed Allocations of the Sablefish TAC Amounts to Vessels Using Fixed Gear and Trawl Gear

Section 679.20(a)(4)(i) and (ii) requires allocations of sablefish TACs for each of the regulatory areas and districts to fixed and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to fixed gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, 95 percent of the TAC is allocated to fixed gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may be used only to support incidental catch of sablefish while directed fishing for other target species using trawl gear (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern Regulatory Area, the Council recommended and NMFS proposes specifying for incidental catch the allocation of 5 percent of the Eastern Regulatory Area sablefish (WYK and SEO Districts combined) TAC to trawl gear in the WYK District of the Eastern Regulatory Area. The remainder of the WYK District sablefish TAC is allocated to vessels using fixed gear. This proposed action allocates 100 percent of the sablefish TAC in the SEO District to vessels using fixed gear. This results in proposed 2022 allocations of 498 mt to trawl gear and 3,511 mt to fixed gear in the WYK District, a proposed 2022 allocation of 5,946 mt to fixed gear in the SEO District, and a proposed 2023 allocation of 498 mt to trawl gear in the WYK District. Table 5 lists the allocations of the proposed 2022 sablefish TACs to fixed and trawl gear. Table 6 lists the allocations of the proposed 2023 sablefish TACs to trawl gear.

The Council recommended that the trawl sablefish TAC be established for two years so that retention of incidental catch of sablefish by trawl gear could commence in January in the second year of the groundfish harvest specifications. Tables 5 and 6 list the proposed 2022 and 2023 trawl allocations, respectively.

The Council also recommended that the fixed gear sablefish TAC be established annually to ensure that the sablefish individual fishing quota (IFQ) fishery is conducted concurrently with the halibut IFQ fishery and is based on the most recent survey information. Since there is an annual assessment for sablefish and since the final harvest specifications are expected to be published before the IFQ season begins (typically, in early March), the Council recommended that the fixed gear sablefish TAC be set annually, rather than for two years, so that the best available scientific information could be considered in establishing the sablefish ABCs and TACs. Accordingly, Table 5 lists the proposed 2022 fixed gear allocations, and the 2023 fixed gear allocations will be specified in the 2023 and 2024 harvest specifications.

With the exception of the trawl allocations that are provided to the Rockfish Program (see Table 28c to 50 CFR part 679), directed fishing for sablefish with trawl gear is closed during the fishing year. Also, fishing for groundfish with trawl gear is prohibited prior to January 20 (§ 679.23(c)). Therefore, it is not likely that the sablefish allocation to trawl gear would be reached before the effective date of the final 2023 and 2024 harvest specifications.

TABLE 5—PROPOSED 2022 SABLEFISH TAC AMOUNTS IN THE GULF OF ALASKA AND ALLOCATIONS TO FIXED AND TRAWL GEAR

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation	Trawl allocation
Western	4,165	3,332	833
Central [1]	11,111	8,889	2,222
West Yakutat [2]	4,009	3,511	498
Southeast Outside	5,946	5,946	0
Total	25,231	21,678	3,553

[1] The proposed trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (1,143 mt). See Table 9: Proposed 2022 and 2023 Apportionments of Rockfish Secondary Species in the Central GOA. This results in 1,079 mt being available for the non-Rockfish Program trawl fisheries.

[2] The proposed trawl allocation is based on allocating 5 percent of the Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC as incidental catch to trawl gear in the West Yakutat District.

TABLE 6—PROPOSED 2023 SABLEFISH TAC AMOUNTS IN THE GULF OF ALASKA AND ALLOCATION TO TRAWL GEAR [1]

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation	Trawl allocation
Western	4,165	n/a	833
Central [2]	11,111	n/a	2,222
West Yakutat [3]	4,009	n/a	498
Southeast Outside	5,946	n/a	0
Total	25,231	n/a	3,553

[1] The Council recommended that the proposed 2023 harvest specifications for the fixed gear sablefish Individual Fishing Quota fisheries not be specified in the proposed 2022 and 2023 harvest specifications.

[2] The proposed trawl allocation of sablefish to the Central Regulatory Area is further apportioned to the Rockfish Program cooperatives (1,143 mt). See Table 9: Proposed 2022 and 2023 Apportionments of Rockfish Secondary Species in the Central GOA. This results in 1,079 mt being available for the non-Rockfish Program trawl fisheries.

[3] The proposed trawl allocation is based on allocating 5 percent of the Eastern Regulatory Area (West Yakutat and Southeast Outside Districts combined) sablefish TAC as incidental catch to trawl gear in the West Yakutat District.

Proposed Allocations, Apportionments, and Sideboard Limitations for the Rockfish Program

These proposed 2022 and 2023 harvest specifications for the GOA include the fishery cooperative allocations and sideboard limitations established by the Rockfish Program. Program participants are primarily trawl CVs and trawl CPs, with limited participation by vessels using longline gear. The Rockfish Program assigns quota share and cooperative quota to trawl participants for primary species (Pacific ocean perch, northern rockfish, and dusky rockfish) and secondary species (Pacific cod, rougheye rockfish, sablefish, shortraker rockfish, and thornyhead rockfish), allows a participant holding a license limitation program (LLP) license with rockfish quota share to form a rockfish cooperative with other persons, and allows holders of CP LLP licenses to opt out of the fishery. The Rockfish Program also has an entry level fishery for rockfish primary species for vessels using longline gear. Longline gear includes hook-and-line, jig, troll, and handline gear.

Under the Rockfish Program, rockfish primary species in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed fisheries (§ 679.81(a)(2)). Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species. In addition to groundfish species, the Rockfish Program allocates a portion of the halibut PSC limit (191 mt) from the third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d) and Table 28d to 50 CFR part 679). The Rockfish Program also establishes sideboard limits to restrict the ability of harvesters operating under the Rockfish Program to increase their participation in other, non-Rockfish Program fisheries. These restrictions and halibut PSC limits are discussed in a subsequent section in this rule titled ''Rockfish Program Groundfish Sideboard and Halibut PSC Limitations.''

Section 679.81(a)(2)(ii) and Table 28e to 50 CFR part 679 require allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 50 mt of dusky rockfish to the entry level longline fishery in 2022 and 2023. The allocation for the entry level longline fishery may increase incrementally each year if the catch exceeds 90 percent of the allocation of a species. The incremental increase in the allocation would continue each year until it reaches the maximum percentage of the TAC for that species. In 2021, the catch for all three primary species did not exceed 90 percent of any allocated rockfish species. Therefore, NMFS is not proposing any increases to the entry level longline fishery 2022 and 2023 allocations in the Central GOA. The remainder of the TACs for the rockfish primary species, after subtracting the ICAs, would be allocated to the CV and CP cooperatives (§ 679.81(a)(2)(iii)). Table 7 lists the allocations of the proposed 2022 and 2023 TACs for each rockfish primary species to the entry level longline fishery, the potential incremental increases for future years, and the maximum percentages of the TACs for the entry level longline fishery.

TABLE 7—PROPOSED 2022 AND 2023 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY LEVEL LONGLINE FISHERY IN THE CENTRAL GULF OF ALASKA

Rockfish primary species	Proposed 2022 and 2023 allocations (metric tons)	Incremental increase in 2023 if >90 percent of 2022 allocation is harvested (metric tons)	Up to maximum percent of each TAC of
Pacific ocean perch	5	5	1
Northern rockfish	5	5	2
Dusky rockfish	50	20	5

Section 679.81 requires allocations of rockfish primary species among various sectors of the Rockfish Program. Table 8 lists the proposed 2022 and 2023 allocations of rockfish primary species in the Central GOA to the entry level longline fishery, and rockfish CV and CP cooperatives in the Rockfish Program. NMFS also proposes setting aside ICAs for other directed fisheries in the Central GOA of 2,500 mt of Pacific ocean perch, 300 mt of northern rockfish, and 250 mt of dusky rockfish. These amounts are based on recent

average incidental catches in the Central GOA by other groundfish fisheries.

Allocations among vessels belonging to CV or CP cooperatives are not included in these proposed harvest specifications. Rockfish Program applications for CV cooperatives and CP cooperatives are not due to NMFS until March 1 of each calendar year; therefore, NMFS cannot calculate 2022 and 2023 allocations in conjunction with these proposed harvest specifications. NMFS will post the 2022 allocations on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports#central-goa-rockfish* when they become available after March 1.

TABLE 8—PROPOSED 2022 AND 2023 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest metric ton]

Rockfish primary species	Central GOA TAC	Incidental catch allowance (ICA)	TAC minus ICA	Allocation to the entry level longline [1] fishery	Allocation to the rockfish Cooperatives [2]
Pacific ocean perch	26,234	2,500	23,734	5	23,729
Northern rockfish	3,173	300	2,873	5	2,868
Dusky rockfish	4,469	250	4,219	50	4,169
Total	33,876	3,050	30,826	60	30,766

[1] Longline gear includes hook-and-line, jig, troll, and handline gear (50 CFR 679.2).
[2] Rockfish cooperatives include vessels in CV and CP cooperatives (50 CFR 679.81).

Section 679.81(c) and Table 28c to 50 CFR part 679 requires allocations of rockfish secondary species to CV and CP cooperatives in the Central GOA. CV cooperatives receive allocations of Pacific cod, sablefish from the trawl gear allocation, and thornyhead rockfish. CP cooperatives receive allocations of sablefish from the trawl gear allocation, rougheye and blackspotted rockfish, shortraker rockfish, and thornyhead rockfish. Table 9 lists the apportionments of the proposed 2022 and 2023 TACs of rockfish secondary species in the Central GOA to CV and CP cooperatives.

TABLE 9—PROPOSED 2022 AND 2023 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are in metric tons]

Rockfish secondary species	Central GOA annual TAC	Catcher Vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod	16,534	3.81	630	0.00	0
Sablefish	11,111	6.78	753	3.51	390
Shortraker rockfish	284	0.00	0	40.00	114
Rougheye and blackspotted rockfish	459	0.00	0	58.87	270
Thornyhead rockfish	910	7.84	71	26.50	241

Halibut PSC Limits

Section 679.21(d) establishes annual halibut PSC limit apportionments to trawl and hook-and-line gear, and authorizes the establishment of apportionments for pot gear. In October 2021, the Council recommended, and NMFS proposes, halibut PSC limits of 1,706 mt for trawl gear, 257 mt for hook-and-line gear, and 9 mt for the demersal shelf rockfish (DSR) fishery in the SEO District for both 2022 and 2023.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(ii)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish (§ 679.21(d)(2)(i)(A)). The separate halibut PSC limit for the DSR fishery is intended to prevent that fishery from being impacted from the halibut PSC incurred by other GOA fisheries. NMFS estimates low halibut bycatch in the DSR fishery because: (1) The duration of the DSR fisheries and the gear soak times are short; (2) the DSR fishery occurs in the winter when there is less overlap in the distribution of DSR and halibut; and (3) the directed commercial DSR fishery has a low DSR TAC. The Alaska Department of Fish and Game sets the commercial GHL for the DSR fishery after deducting: (1) Estimates of DSR incidental catch in all fisheries (including halibut and subsistence); and (2) the allocation to the DSR sport fish fishery. In 2021, the commercial fishery for DSR was closed due to concerns about declining DSR biomass.

The FMP authorizes the Council to exempt specific gear from the halibut PSC limits. NMFS, after consultation with the Council, proposes to exempt pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from the non-trawl halibut PSC limit for 2022 and 2023. The Council recommended, and NMFS is proposing, these exemptions because (1) pot gear fisheries have low annual halibut bycatch mortality; (2) IFQ program regulations prohibit discard of halibut if any halibut IFQ permit holder on board a CV holds unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)); (3) some sablefish IFQ permit holders hold halibut IFQ permits and are therefore required to retain the

halibut they catch while fishing sablefish IFQ; and (4) NMFS estimates negligible halibut mortality for the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear.

The best available information on estimated halibut bycatch consists of data collected by fisheries observers during 2021. The calculated halibut bycatch mortality through November 6, 2021 is 313 mt for trawl gear and 59 mt for hook-and-line gear, for a total halibut mortality of 372 mt. This halibut mortality was calculated using groundfish and IFQ halibut catch data from the NMFS Alaska Region's catch accounting system. This accounting system contains historical and recent catch information compiled from each Alaska groundfish and IFQ halibut fishery.

Section 679.21(d)(4)(i) and (ii) authorizes NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require that the Council and NMFS consider the following information in seasonally apportioning halibut PSC limits: (1) Seasonal distribution of halibut; (2) seasonal distribution of target groundfish species relative to halibut distribution; (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species; (4) expected bycatch rates on a seasonal basis; (5) expected changes in directed groundfish fishing seasons; (6) expected actual start of fishing effort; and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. Based on public comment, information presented in the 2021 SAFE report, NMFS catch data, State catch data, or International Pacific Halibut Commission (IPHC) stock assessment and mortality data, the Council may recommend or NMFS may make changes to the seasonal, gear-type, or fishery category apportionments of halibut PSC limits for the final 2022 and 2023 harvest specifications pursuant to § 679.21(d)(1) and (d)(4).

The final 2021 and 2022 harvest specifications (86 FR 10184, February 19, 2021) summarized the Council's and NMFS's findings for these FMP and regulatory considerations with respect to halibut PSC limits. The Council's and NMFS's proposed findings for these proposed 2022 and 2023 harvest specifications are unchanged from the final 2021 and 2022 harvest specifications. Table 10 lists the proposed 2022 and 2023 Pacific halibut PSC limits, allowances, and apportionments. The halibut PSC limits in Tables 10, 11, and 12 reflect the halibut PSC limits set forth at § 679.21(d)(2) and (3). Section 679.21(d)(4)(iii) and (iv) specifies that any underages or overages of a seasonal apportionment of a halibut PSC limit will be added to or deducted from the next respective seasonal apportionment within the fishing year.

TABLE 10—PROPOSED 2022 AND 2023 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS

[Values are in metric tons]

Trawl gear			Hook-and-line gear [1]				
			Other than DSR			DSR	
Season	Percent	Amount	Season	Percent	Amount	Season	Percent
January 20–April 1	30.5	519	January 1–June 10	86	221	January 1–December 31	9
April 1–July 1	20	341	June 10–September 1	2	5		
July 1–August 1	27	462	September 1–December 31.	12	31		
August 1–October 1	7.5	128					
October 1–December 31	15	256					
Total		1,706			257		9

[1] The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery in the SEO District and to hook-and-line fisheries other than the DSR fishery. The Council recommended and NMFS proposes that the hook-and-line sablefish IFQ fishery, and the pot and jig gear groundfish fisheries, be exempt from halibut PSC limits.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit as bycatch allowances to trawl fishery categories listed in § 679.21(d)(3)(iii). The annual apportionments are based on each category's share of the anticipated halibut bycatch mortality during a fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are: (1) A deep-water species fishery, composed of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder; and (2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and ''other species'' (sharks and octopuses) (§ 679.21(d)(3)(iii)). Halibut mortality incurred while directed fishing for skates with trawl gear accrues towards the shallow-water species fishery halibut PSC limit (69 FR 26320, May 12, 2004).

NMFS will combine available trawl halibut PSC limit apportionments in part of the second season deep-water and shallow-water species fisheries for use in either fishery from May 15 through June 30 (§ 679.21(d)(4)(iii)(D)). This is intended to maintain groundfish harvest while minimizing halibut bycatch by these sectors to the extent practicable. This provides the trawl gear deep-water and shallow-water species fisheries additional flexibility and the incentive to participate in fisheries at times of the year that may have lower halibut PSC rates relative to other times of the year.

Table 11 lists the proposed 2022 and 2023 seasonal apportionments of trawl halibut PSC limits between the trawl gear deep-water and the shallow-water species fisheries.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and CP sectors that are participating in the Central GOA Rockfish Program. This includes 117 mt of halibut PSC limit to the CV sector and 74 mt of halibut PSC limit to the CP sector. These amounts are allocated from the trawl deep-water species fishery's halibut PSC third seasonal apportionment. After the combined CV and CP halibut PSC limit allocation of 191 mt to the Rockfish Program, 150 mt remains for the trawl deep-water species fishery's halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit allocated to Rockfish Program participants that could be re-apportioned to the general GOA trawl

fisheries for the last seasonal apportionment during the current fishing year to no more than 55 percent of the unused annual halibut PSC limit apportioned to Rockfish Program participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by any person for the remainder of the fishing year (§ 679.21(d)(4)(iii)(C)).

TABLE 11—PROPOSED 2022 AND 2023 APPORTIONMENT OF THE PACIFIC HALIBUT PSC LIMITS BETWEEN THE TRAWL GEAR SHALLOW-WATER AND DEEP-WATER SPECIES FISHERY CATEGORIES

[Values are in metric tons]

Season	Shallow-water	Deep-water [1]	Total
January 20–April 1	384	135	519
April 1–July 1	85	256	341
July 1–August 1	121	341	462
August 1–October 1	53	75	128
Subtotal, January 20–October 1	643	807	1,450
October 1–December 31 [2]			256
Total			1,706

[1] Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through August 1) deep-water species fishery halibut PSC apportionment.

[2] There is no apportionment between trawl shallow-water and deep-water species fisheries during the fifth season (October 1 through December 31).

Section 679.21(d)(2)(i)(B) requires that the ''other hook-and-line fishery'' halibut PSC limit apportionment to vessels using hook-and-line gear must be apportioned between CVs and CPs in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. A comprehensive description and example of the calculations necessary to apportion the ''other hook-and-line fishery'' halibut PSC limit between the hook-and-line CV and CP sectors were included in the proposed rule to implement Amendment 83 to the FMP (76 FR 44700, July 26, 2011) and are not repeated here.

Pursuant to § 679.21(d)(2)(iii), the hook-and-line halibut PSC limit for the ''other hook-and-line fishery'' is apportioned between the CV and CP sectors in proportion to the total Western and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod biomass between the Western, Central, and Eastern GOA. Pacific cod is apportioned among these three management areas based on the percentage of overall biomass per area, as calculated in the 2020 Pacific cod stock assessment. Updated information in the final 2020 SAFE report describes this distributional calculation, which allocates ABC among GOA regulatory areas on the basis of the three most recent stock surveys. For 2022 and 2023, the proposed distribution of the total GOA Pacific cod ABC is 32 percent to the Western GOA, 59 percent to the Central GOA, and 9 percent to the Eastern GOA. Therefore, the calculations made in accordance with § 679.21(d)(2)(iii) incorporate the most recent information on GOA Pacific cod distribution and allocations with respect to the proposed annual halibut PSC limits for the CV and CP hook-and-line sectors. Additionally, the annual halibut PSC limits for both the CV and CP sectors of the ''other hook-and-line fishery'' are proposed to be divided into three seasonal apportionments, using seasonal percentages of 86 percent, 2 percent, and 12 percent.

For 2022 and 2023, NMFS proposes annual halibut PSC limits of 144 mt and 113 mt to the hook-and-line CV and hook-and-line CP sectors, respectively. Table 12 lists the proposed 2022 and 2023 apportionments of halibut PSC limits between the hook-and-line CV and the hook-and-line CP sectors of the ''other hook-and-line fishery.''

No later than November 1 of each year, NMFS will calculate the projected unused amount of halibut PSC limit by either of the CV or CP hook-and-line sectors of the ''other hook-and-line fishery'' for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other hook-and-line sector for the remainder of that fishing year (§ 679.21(d)(2)(iii)(C)), if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations.

TABLE 12—PROPOSED 2022 AND 2023 APPORTIONMENTS OF THE ''OTHER HOOK-AND-LINE FISHERY'' ANNUAL HALIBUT PSC ALLOWANCE BETWEEN THE HOOK-AND-LINE GEAR CATCHER VESSEL AND CATCHER/PROCESSOR SECTORS

[Values are in metric tons]

''Other than DSR'' allowance	Hook-and-line sector	Sector annual amount	Season	Seasonal percentage	Sector seasonal amount
257	Catcher Vessel	144	January 1–June 10	86	124
			June 10–September 1	2	3
			September 1–December 31	12	17
	Catcher/Processor	113	January 1–June 10	86	97
			June 10–September 1	2	2
			September 1–December 31	12	14

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMR), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut incidental catch rates are based on observers' estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction with the annual GOA stock assessment process. The DMR methodology and findings are included as an appendix to the annual GOA groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council's directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the Plan Team, the SSC, and the Council. A summary of the revised methodology is contained in the GOA proposed 2017 and 2018 harvest specifications (81 FR 87881, December 6, 2016), and the comprehensive discussion of the working group's statistical methodology is available from the Council (see **ADDRESSES**). The DMR working group's revised methodology is intended to improve estimation accuracy, transparency, and transferability for calculating DMRs. The working group will continue to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). Future DMRs may change based on additional years of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on methodology. The methodology will continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

In October 2021, the Council recommended halibut DMRs derived from the revised methodology for the proposed 2022 and 2023 DMRs. The proposed 2022 and 2023 DMRs use an updated two-year reference period. Comparing the proposed 2022 and 2023 DMRs to the final DMRs from the final 2021 and 2022 harvest specifications, the proposed DMR for Rockfish Program CVs using non-pelagic trawl gear increased to 66 percent from 60 percent, the proposed DMR for CVs using hook-and-line gear decreased to 12 percent from 13 percent, the proposed DMR for motherships and CPs using non-pelagic trawl gear decreased to 83 percent from 84 percent, and the proposed DMR for CPs and CVs using pot gear increased to 29 percent from 10 percent. Table 13 lists the proposed 2022 and 2023 DMRs.

TABLE 13—PROPOSED 2022 AND 2023 DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA

[Values are percent of halibut assumed to be dead]

Gear	Sector	Groundfish fishery	Halibut discard mortality rate (percent)
Pelagic trawl	Catcher vessel	All	100
	Catcher/processor	All	100
Non-pelagic trawl	Catcher vessel	Rockfish Program	66
	Catcher vessel	All others	69
	Mothership and catcher/processor	All	83
Hook-and-line	Catcher/processor	All	15
	Catcher vessel	All	12
Pot	Catcher vessel and catcher/processor	All	29

Chinook Salmon Prohibited Species Catch Limits

Section 679.21(h)(2) establishes separate Chinook salmon PSC limits in the Western and Central regulatory areas of the GOA in the trawl pollock directed fishery. These limits require that NMFS close directed fishing for pollock in the Western and Central GOA if the applicable Chinook salmon PSC limit is reached (§ 679.21(h)(8)). The annual Chinook salmon PSC limits in the trawl pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set in § 679.21(h)(2)(i) and (ii).

Section 679.21(h)(3) established an initial annual PSC limit of 7,500 Chinook salmon for the non-pollock groundfish trawl fisheries in the Western and Central GOA. This limit is apportioned among the three sectors that conduct directed fishing for groundfish species other than pollock: 3,600 Chinook salmon to trawl CPs; 1,200 Chinook salmon to trawl CVs participating in the Rockfish Program; and 2,700 Chinook salmon to trawl CVs not participating in the Rockfish Program (§ 679.21(h)(4)). NMFS will monitor the Chinook salmon PSC in the trawl non-pollock GOA groundfish fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit.

The Chinook salmon PSC limit for two sectors, trawl CPs and trawl CVs not participating in the Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits. If either or both of these two sectors limit its use of Chinook salmon PSC to a certain threshold amount in 2021 (3,120 for trawl CPs and 2,340 for non-Rockfish Program trawl CVs), that sector will receive an increase to its 2022 Chinook salmon PSC limit (4,080 for trawl CPs and 3,060 for non-Rockfish Program trawl CVs) (§ 679.21(h)(4)). NMFS will evaluate the annual Chinook salmon PSC by trawl CPs and non-Rockfish Program trawl CVs when the 2021 fishing year is complete to determine whether to increase the Chinook salmon PSC limits for these two sectors. Based on preliminary 2021 Chinook salmon PSC data, the trawl CP sector may receive an incremental increase of Chinook salmon PSC limit in 2022, and the non-Rockfish Program trawl CV

sector will not receive an incremental increase of Chinook salmon PSC limit in 2022. This evaluation will be completed in conjunction with the final 2022 and 2023 harvest specifications.

American Fisheries Act (AFA) CP and CV Groundfish Harvest and PSC Limits

Section 679.64 establishes groundfish harvesting and processing sideboard limits on AFA CPs and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. Section 679.7(k)(1)(ii) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from harvesting any species of fish in the GOA. Additionally, § 679.7(k)(1)(iv) prohibits listed AFA CPs and CPs designated on a listed AFA CP permit from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in Statistical Area 630 of the GOA.

AFA CVs that are less than 125 feet (38.1 meters) length overall, have annual landings of pollock in the Bering Sea and Aleutian Islands of less than 5,100 mt, and have made at least 40 landings of GOA groundfish from 1995 through 1997 are exempt from GOA CV groundfish sideboard limits under § 679.64(b)(2)(ii). Sideboard limits for non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the FMP. Section 679.64(b)(3)(iv) establishes the CV groundfish sideboard limits in the GOA based on the aggregate retained catch by non-exempt AFA CVs of each sideboard species from 1995 through 1997 divided by the TAC for that species over the same period.

NMFS published a final rule (84 FR 2723, February 8, 2019) that implemented regulations to prohibit non-exempt AFA CVs from directed fishing for specific groundfish species or species groups subject to sideboard limits (§ 679.20(d)(1)(iv)(D) and Table 56 to 50 CFR part 679). Sideboard limits not subject to the final rule continue to be calculated and included in the GOA annual harvest specifications.

Table 14 lists the proposed 2022 and 2023 groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from the sideboard limits listed in Table 14.

TABLE 14—PROPOSED 2022 AND 2023 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Proposed 2022 and 2023 TACs [3]	Proposed 2022 and 2023 non-exempt AFA CV sideboard limit
Pollock	A Season January 20–May 31	Shumagin (610)	0.6047	695	420
		Chirikof (620)	0.1167	36,294	4,235
		Kodiak (630)	0.2028	5,476	1,111
	B Season September 1–November 1.	Shumagin (610)	0.6047	15,372	9,295
		Chirikof (620)	0.1167	11,420	1,333
		Kodiak (630)	0.2028	15,672	3,178
	Annual	WYK (640)	0.3495	4,706	1,645
		SEO (650)	0.3495	10,148	3,547
Pacific cod	A Season [1] January 1–June 10	W	0.1331	5,749	765
		C	0.0692	10,601	734
	B Season [2] September 1–December 31.	W	0.1331	3,275	436
		C	0.0692	5,933	411
Flatfish, shallow-water	Annual	W	0.0156	13,250	207
		C	0.0587	28,442	1,670
Flatfish, deep-water	Annual	C	0.0647	1,914	124
		E	0.0128	3,787	48
Rex sole	Annual	C	0.0384	8,912	342
Arrowtooth flounder	Annual	C	0.0280	67,154	1,880
Flathead sole	Annual	C	0.0213	15,400	328
Pacific ocean perch	Annual	C	0.0748	26,234	1,962
		E	0.0466	6,796	317
Northern rockfish	Annual	C	0.0277	3,173	88

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.
[3] The Western and Central GOA and WYK District area apportionments of pollock are considered ACLs.

Non-Exempt AFA Catcher Vessel Halibut PSC Limits

The halibut PSC sideboard limits for non-exempt AFA CVs in the GOA are based on the aggregate retained groundfish catch by non-exempt AFA CVs in each PSC target category from 1995 through 1997 divided by the retained catch of all vessels in that fishery from 1995 through 1997 (§ 679.64(b)(4)(ii)). Table 15 lists the proposed 2022 and 2023 non-exempt AFA CV halibut PSC limits for vessels using trawl gear in the GOA.

TABLE 15–PROPOSED 2022 AND 2023 NON-EXEMPT AFA CV HALIBUT PSC SIDEBOARD LIMITS FOR VESSELS USING TRAWL GEAR IN THE GOA

[PSC limits are rounded to the nearest metric ton]

Season	Season dates	Fishery category	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	Proposed 2022 and 2023 PSC limit	Proposed 2022 and 2023 non-exempt AFA CV PSC limit
1	January 20–April 1	shallow-water	0.340	384	131
		deep-water	0.070	135	9
2	April 1–July 1	shallow-water	0.340	85	29
		deep-water	0.070	256	18
3	July 1–August 1	shallow-water	0.340	121	41
		deep-water	0.070	341	24
4	August 1–October 1	shallow-water	0.340	53	18
		deep-water	0.070	75	5
5	October 1–December 31	all targets	0.205	256	52
Annual		Total shallow-water			219
		Total deep-water			56
		Grand Total, all seasons and categories.		1,706	328

Non-AFA Crab Vessel Groundfish Harvest Limitations

Section 680.22 establishes groundfish sideboard limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using the increased flexibility provided by the Crab Rationalization (CR) Program to expand their level of participation in the GOA groundfish fisheries. Sideboard harvest limits restrict these vessels' catch to their collective historical landings in each GOA groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to landings made using an LLP license derived from the history of a restricted vessel, even if that LLP license is used on another vessel.

The basis for these sideboard harvest limits is described in detail in the final rules implementing the major provisions of the CR Program, including Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2, 2005), Amendment 34 to the Crab FMP (76 FR 35772, June 20, 2011), Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and Amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015). Also, NMFS published a final rule (84 FR 2723, February 8, 2019) that implemented regulations to prohibit non-AFA crab vessels from directed fishing for all groundfish species or species groups subject to sideboard limits, except for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas (§ 680.22(e)(1)(iii)). Accordingly, the GOA annual harvest specifications will include only the non-AFA crab vessel groundfish sideboard limits for Pacific cod apportioned to CVs using pot gear in the Western and Central Regulatory Areas.

Table 16 lists the proposed 2022 and 2023 groundfish sideboard limits for non-AFA crab vessels. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

TABLE 16—PROPOSED 2022 AND 2023 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUNDFISH SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Proposed 2022 and 2023 TACs	Proposed 2022 and 2023 non-AFA crab vessel sideboard limit
Pacific cod	A Season January 1–June 10	Western Pot CV	0.0997	5,749	573
		Central Pot CV	0.0474	10,601	502
	B Season September 1–December 31.	Western Pot CV	0.0997	3,275	327
		Central Pot CV	0.0474	5,933	281

Rockfish Program Groundfish Sideboard and Halibut PSC Limitations

The Rockfish Program establishes three classes of sideboard provisions: CV groundfish sideboard restrictions, CP rockfish sideboard restrictions, and CP opt-out vessel sideboard restrictions (§ 679.82(c)(1)). These sideboards are intended to limit the ability of rockfish harvesters to expand into other fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the Western GOA and West Yakutat District from July 1 through July 31. Also, CVs may not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)).

CPs participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These CPs are prohibited from directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the Western GOA and West Yakutat District from July 1 through July 31 (§ 679.82(e)(2)). Holders of CP-designated LLP licenses that opt out of participating in a Rockfish Program cooperative will be able to access that portion of each rockfish sideboard limits that is not assigned to Rockfish Program cooperatives (§ 679.82(e)(7)). The sideboard ratio for each rockfish fishery in the Western GOA and West Yakutat District is set forth in § 679.82(e)(3) and (e)(4). Table 17 lists the proposed 2022 and 2023 Rockfish Program CP rockfish sideboard limits in the Western GOA and West Yakutat District. Due to confidentiality requirements associated with fisheries data, the sideboard limits for the West Yakutat District are not displayed.

TABLE 17—PROPOSED 2022 AND 2023 ROCKFISH PROGRAM SIDEBOARD LIMITS FOR THE WESTERN GOA AND WEST YAKUTAT DISTRICT BY FISHERY FOR THE CATCHER/PROCESSOR (CP) SECTOR

[Values are rounded to the nearest metric ton]

Area	Fishery	CP sector (% of TAC)	Proposed 2022 and 2023 TACs	Proposed 2022 and 2023 CP sideboard limit
Western GOA	Dusky rockfish	72.3	265	192.
	Pacific ocean perch	50.6	1,572	795.
	Northern rockfish	74.3	1,926	1,431.
West Yakutat District	Dusky rockfish	Confidential.[1]	460	Confidential.[1]
	Pacific ocean perch	Confidential.[1]	1,631	Confidential.[1]

[1] Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

Under the Rockfish Program, the CP sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water species fisheries from July 1 through July 31 (§ 679.82(e)(3) and (e)(5)). Halibut PSC sideboard ratios by fishery are set forth in § 679.82(e)(5). No halibut PSC sideboard limits apply to the CV sector, as vessels participating in a rockfish cooperative receive a portion of the annual halibut PSC limit. CPs that opt out of the Rockfish Program would be able to access that portion of the deep-water and shallow-water halibut PSC sideboard limit not assigned to CP rockfish cooperatives. The sideboard provisions for CPs that elect to opt out of participating in a rockfish cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch history of specific vessels that may choose to opt out. After March 1, NMFS will determine which CPs have opted-out of the Rockfish Program in 2022, and will know the ratios and amounts used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboard limits for 2022 and post these limits on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-fisheries-management-reports#central-goa-rockfish.* Table 18 lists the proposed 2022 and 2023 Rockfish Program halibut PSC sideboard limits for the CP sector.

TABLE 18—PROPOSED 2022 AND 2023 ROCKFISH PROGRAM HALIBUT PSC SIDEBOARD LIMITS FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Sector	Shallow-water species fishery halibut PSC sideboard ratio (percent)	Deep-water species fishery halibut PSC sideboard ratio (percent)	Annual halibut PSC limit (mt)	Annual shallow-water species fishery halibut PSC sideboard limit (mt)	Annual deep-water species fishery halibut PSC sideboard limit (mt)
Catcher/processor	0.10	2.50	1,706	2	43

Amendment 80 Program Groundfish and PSC Sideboard Limits

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl CP sector. The Amendment 80 Program established groundfish and halibut PSC limits for Amendment 80 Program participants to limit the ability of participants eligible for the Amendment 80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 Program vessels, other than the F/V *Golden Fleece,* to amounts no greater than the limits shown in

Table 37 to 50 CFR part 679. Under § 679.92(d), the F/V *Golden Fleece* is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the GOA.

Groundfish sideboard limits for Amendment 80 Program vessels operating in the GOA are based on their average aggregate harvests from 1998 through 2004 (72 FR 52668, September 14, 2007). Table 19 lists the proposed 2022 and 2023 groundfish sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or incidental catch of sideboard species made by Amendment 80 Program vessels from the sideboard limits in Table 19.

TABLE 19—PROPOSED 2022 AND 2023 GOA GROUNDFISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS

[Values are rounded to the nearest metric ton]

Species	Season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	Proposed 2022 and 2023 TAC (mt)	Proposed 2022 and 2023 Amendment 80 vessel sideboard limits (mt)
Pollock	A Season January 20–May 31	Shumagin (610)	0.003	695	2
		Chirikof (620)	0.002	36,294	73
		Kodiak (630)	0.002	5,476	11
	B Season September 1–November 1.	Shumagin (610)	0.003	15,372	46
		Chirikof (620)	0.002	11,420	23
		Kodiak (630)	0.002	15,672	31
	Annual	WYK (640)	0.002	4,706	9
Pacific cod	A Season [1] January 1–June 10	W	0.020	5,749	115
		C	0.044	10,601	466
	B Season [2] September 1–December 31.	W	0.020	3,275	66
		C	0.044	5,933	261
	Annual	WYK	0.034	2,403	82
Pacific ocean perch	Annual	W	0.994	1,572	1,563
		WYK	0.961	1,631	1,567
Northern rockfish	Annual	W	1.000	1,926	1,926
Dusky rockfish	Annual	W	0.764	265	202
		WYK	0.896	460	412

[1] The Pacific cod A season for trawl gear does not open until January 20.
[2] The Pacific cod B season for trawl gear closes November 1.
[3] The Western and Central GOA and WYK District area apportionments of pollock are considered ACLs.

The halibut PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historical use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historical use to accommodate two factors: Allocation of halibut PSC cooperative quota under the Rockfish Program and the exemption of the F/V *Golden Fleece* from this restriction (§ 679.92(b)(2)). Table 20 lists the proposed 2022 and 2023 halibut PSC sideboard limits for Amendment 80 Program vessels. This table incorporate the maximum percentages of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in Table 38 to 50 CFR part 679. Any residual amount of a seasonal Amendment 80 halibut PSC sideboard limit may carry forward to the next season limit (§ 679.92(b)(2)).

TABLE 20—PROPOSED 2022 AND 2023 HALIBUT PSC SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA

[Values are rounded to the nearest metric ton]

Season	Season dates	Fishery category	Historic Amendment 80 use of the annual halibut PSC limit (ratio)	Proposed 2022 and 2023 annual PSC limit (mt)	Proposed 2022 and 2023 Amendment 80 vessel PSC sideboard limit (mt)
1	January 20–April 1	shallow-water	0.0048	1,706	8
		deep-water	0.0115	1,706	20
2	April 1–July 1	shallow-water	0.0189	1,706	32
		deep-water	0.1072	1,706	183
3	July 1–August 1	shallow-water	0.0146	1,706	25
		deep-water	0.0521	1,706	89
4	August 1–October 1	shallow-water	0.0074	1,706	13
		deep-water	0.0014	1,706	2
5	October 1–December 31	shallow-water	0.0227	1,706	39

TABLE 20—PROPOSED 2022 AND 2023 HALIBUT PSC SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA—Continued

[Values are rounded to the nearest metric ton]

Season	Season dates	Fishery category	Historic Amendment 80 use of the annual halibut PSC limit (ratio)	Proposed 2022 and 2023 annual PSC limit (mt)	Proposed 2022 and 2023 Amendment 80 vessel PSC sideboard limit (mt)
		deep-water	0.0371	1,706	63
Annual		Total shallow-water.			117
		Total deep-water.			357
		Grand Total, all seasons and categories.			474

Classification

NMFS has determined that the proposed harvest specifications are consistent with the FMP and preliminarily determined that the proposed harvest specifications are consistent with the Magnuson-Stevens Act and other applicable laws, subject to further review after public comment.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the Final EIS. A SIR is being prepared for the final 2022 and 2023 harvest specifications to provide a subsequent assessment of the action and to address the need to prepare a Supplemental EIS (40 CFR 1501.11(b); § 1502.9(d)(1)). Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see **ADDRESSES**). The Final EIS analyzes the environmental, social, and economic consequences of the proposed groundfish harvest specifications and alternative harvest strategies on resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred Alternative (Alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information.

Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by Section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the economic impact that this proposed rule, if adopted, would have on small entities. The IRFA describes the action; the reasons why this proposed rule is proposed; the objectives and legal basis for this proposed rule; the estimated number and description of directly regulated small entities to which this proposed rule would apply; the recordkeeping, reporting, and other compliance requirements of this proposed rule; and the relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule. The IRFA also describes significant alternatives to this proposed rule that would accomplish the stated objectives of the Magnuson-Stevens Act, and any other applicable statutes, and that would minimize any significant economic impact of this proposed rule on small entities. The description of the proposed action, its purpose, and the legal basis are explained earlier in the preamble and are not repeated here.

For RFA 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. A shoreside processor primarily involved in seafood processing (NAICS code 311710) 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 employment, counting all individuals employed on a full-time, part-time, or other basis, not in excess of 750 employees for all its affiliated operations worldwide.

Number and Description of Small Entities Regulated by This Proposed Rule

The entities directly regulated by the groundfish harvest specifications include: (a) Entities operating vessels with groundfish Federal fisheries permits (FFPs) catching FMP groundfish in Federal waters (including those receiving direction allocations of groundfish); (b) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the state-waters parallel fisheries; and (c) all entities operating vessels fishing for halibut inside three miles of the shore (whether or not they have FFPs).

In 2020 (the most recent year of complete data), there were 699 individual CVs and CPs with gross revenues less than or equal to $11 million. This estimate does not account for corporate affiliations among vessels, and for cooperative affiliations among fishing entities, since some of the fishing vessels operating in the GOA are members of AFA inshore pollock cooperatives, GOA rockfish cooperatives, or BSAI CR Program

cooperatives. Vessels that participate in these cooperatives are considered to be large entities within the meaning of the RFA because the aggregate gross receipts of all participating members exceed the $11 million threshold. After accounting for membership in these cooperatives, there are an estimated 696 small CV and 3 small CP entities remaining in the GOA groundfish sector. However, the estimate of these 696 CVs may be an overstatement of the number of small entities. This latter group of vessels had average gross revenues that varied by gear type. Average gross revenues for hook-and-line CVs, pot gear CVs, and trawl gear CVs are estimated to be $340,000, $650,000, and $1.71 million, respectively. Average gross revenues for CP entities are confidential.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

The action under consideration is the proposed 2022 and 2023 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the GOA. This action is necessary to establish harvest limits for groundfish during the 2022 and 2023 fishing years and is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act. The establishment of the proposed harvest specifications is governed by the Council's harvest strategy to govern the catch of groundfish in the GOA. This strategy was selected from among five alternatives, with the preferred alternative harvest strategy being one in which the TACs fall within the range of ABCs recommended by the SSC. Under the preferred harvest strategy, TACs are set to a level that falls within the range of ABCs recommended by the SSC; the sum of the TACs must achieve the OY specified in the FMP. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The TACs associated with preferred harvest strategy are those recommended by the Council in October 2021. OFLs and ABCs for the species were based on recommendations prepared by the Council's Plan Team in September 2021, and reviewed by the Council's SSC in October 2021. The Council based its TAC recommendations on those of its AP, which were consistent with the SSC's OFL and ABC recommendations. The TACs in these proposed 2022 and 2023 harvest specifications are unchanged from the 2022 TACs in the final 2021 and 2022 harvest specifications (86 FR 10184; February 19, 2021), and the sum of all TACs remains within OY for the GOA.

The proposed 2022 and 2023 OFLs and ABCs are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The proposed 2022 and 2023 TACs are based on the best available biological and socioeconomic information. The proposed 2022 and 2023 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2020 SAFE report, which is the most recent, completed SAFE report.

Under this action, the proposed ABCs reflect harvest amounts that are less than the specified overfishing levels. The proposed TACs are within the range of proposed ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and overfishing levels). For most species and species groups in the GOA, the Council recommended, and NMFS proposes, TACs equal to proposed ABCs, which is intended to maximize harvest opportunities in the GOA.

For some species and species groups, however, the Council recommended and NMFS proposes TACs that are less than the proposed ABCs, including for pollock in the W/C/WYK Regulatory Area, Pacific cod, shallow-water flatfish in the Western Regulatory Area, arrowtooth flounder except in the Central Regulatory Area, flathead sole in the Western and Central Regulatory Areas, other rockfish in the SEO District, and Atka mackerel. In the GOA, increasing TACs for some species may not result in increased harvest opportunities for those species. This is due to a variety of reasons. There may be a lack of commercial or market interest in some species. Additionally, there are fixed, and therefore constraining, PSC limits associated with the harvest of the GOA groundfish species that can lead to an underharvest of flatfish TACs. For this reason, the shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other fisheries. The other rockfish and Atka mackerel TACs are set to accommodate ICAs in other fisheries. Finally, the TACs for two species (pollock and Pacific cod) cannot be set equal to ABC, as the TAC must be reduced to account for the State's GHLs in these fisheries. The W/C/WYK Regulatory Area pollock TAC and the GOA Pacific cod TACs are therefore set to account for the State's GHLs for the State water pollock and Pacific cod fisheries so that the ABCs are not exceeded. For most species in the GOA, the Council recommended, and NMFS proposes, that proposed TACs equal proposed ABCs, unless other conservation or management reasons support proposed TAC amounts less than the proposed ABCs.

Based upon the best available scientific data, and in consideration of the Council's objectives of this action, it appears that there are no significant alternatives to the proposed rule that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse economic impact of the proposed rule on small entities. This action is economically beneficial to entities operating in the GOA, including small entities. The action proposes TACs for commercially valuable species in the GOA and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. After public process during which the Council solicited input from stakeholders, the Council concluded that the proposed harvest specifications would best accomplish the stated objectives articulated in the preamble for this proposed rule, and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

This action does not modify recordkeeping or reporting requirements, or duplicate, overlap, or conflict with any Federal rules.

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

Adverse impacts on marine mammals or endangered or threatened species resulting from fishing activities conducted under these harvest specifications are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: November 29, 2021.

Samuel D. Rauch, III,

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

[FR Doc. 2021–26221 Filed 12–3–21; 8:45 am]

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Notices

Federal Register

Vol. 86, No. 231

Monday, December 6, 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

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Hygiene

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on January 27, 2022. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 52nd Session of the Codex Committee on Food Hygiene (CCFH) of the Codex Alimentarius Commission, which will meet virtually, February 28–March 4, 2022 with the report adoption on March 9, 2022. The U.S. Manager for Codex Alimentarius and the Acting Deputy Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 52nd Session of the CCFH and to address items on the agenda.

DATES: The public meeting is scheduled for January 27, 2022, from 1:00 p.m.–3:00 p.m. EST.

ADDRESSES: The public meeting will take place via Video Teleconference only. Documents related to the 52nd Session of the CCFH will be accessible via the internet at the following address: *https://www.fao.org/fao-who-codex alimentarius/meetings/detail/en/?meeting=CCFH&session=52.*

Ms. Jenny Scott, U.S. Delegate to the 52nd Session of the CCFH, invites U.S. interested parties to submit their comments electronically to the following email address: *jenny.scott@fda.hhs.gov.*

Registration: Attendees must register to attend the public meeting by January 25, 2022, here: *https://www.zoomgov.com/meeting/register/vJItf-yvrTwqE9yjYbg ZbeWEHCpqWxw7mQ0.* Early registration is encouraged.

For Further Information about the 52nd Session of the CCFH, contact U.S. Delegate, Ms. Jenny Scott at *jenny.scott@fda.hhs.gov.* For further Information about the public meeting Contact: U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone (202) 720–7760, Fax: (202) 720–3157, Email: *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Food Hygiene (CCFH) are:

(a) To draft basic provisions on food hygiene applicable to all food;

(b) to consider, amend if necessary and endorse provisions on hygiene prepared by Codex commodity committees and contained in Codex commodity standards, and

(c) to consider, amend if necessary, and endorse provisions on hygiene prepared by Codex commodity committees and contained in Codex codes of practice unless, in specific cases, the Commission has decided otherwise, or

(d) to draft provisions on hygiene applicable to specific food items or food groups, whether coming within the terms of reference of a Codex commodity committee or not;

(e) to consider specific hygiene problems assigned to it by the Commission;

(f) to suggest and prioritize areas where there is a need for microbiological risk assessment at the international level and to develop questions to be addressed by the risk assessors; and,

(g) to consider microbiological risk management matters in relation to food hygiene and in relation to the risk assessment of FAO and WHO.

The CCFH is hosted by the United States of America.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 52nd Session of the CCFH will be discussed during the public meeting:

- Matters referred by the Codex Alimentarius Commission and/or other Codex Subsidiary Bodies to the Committee
- Matters arising from the Work of FAO and WHO (including the Joint Expert Meetings on Microbiological Risk Assessment, JEMRA)
- Information from the World Organisation for Animal Health (OIE)
- Draft guidance for the management of biological foodborne outbreaks
- Proposed draft Decision Tree (revision of the *General Principles of Food Hygiene* (CXC 1–1969)
- Proposed draft Guidelines for the control of Shiga toxin-producing Escherichia coli (STEC) in beef, raw milk and cheese produced from raw milk, leafy greens, and sprouts
- Proposed draft Guidelines for the safe use and re-use of water in food production.

Public Meeting

At the January 27, 2022, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Ms. Jenny Scott, U.S. Delegate for the 52nd Session of the CCFH (see **ADDRESSES**). Written comments should state that they relate to activities of the 52nd Session of the CCFH.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/codex,* a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have

the option to password protect their accounts.

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Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on December 1, 2021.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021–26417 Filed 12–3–21; 8:45 am]

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COMMISSION ON CIVIL RIGHTS

Meeting Notice

AGENCY: Commission on Civil Rights.

ACTION: Notice of Commission public briefing, *Civil Rights Implications of Disaster Relief: Hurricane María in Puerto Rico.*

DATES: Friday, December 10, 2021, 9:00 a.m. Atlantic Standard Time.

ADDRESSES: InterAmerican University of Puerto Rico Law School, 170 C. Federico Costas, San Juan, 00918, Puerto Rico and virtually via Commission Youtube at *https://www.youtube.com/user/USCCR/videos.*

FOR FURTHER INFORMATION CONTACT: Angelia Rorison: 202–376–7700; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: On Friday, December 10, 2021, at 9 a.m. Atlantic Standard Time, the U.S. Commission on Civil Rights will hold a briefing on the civil rights implications of the federal response and impact of Hurricane María in Puerto Rico. At this public briefing, the Commissioners will hear from subject matter experts such as government officials, volunteer organizations, non-governmental advocates, and academics. The Commission will accept written materials in English and Spanish from the public for consideration as we prepare our report; submit to *mariabriefing@usccr.gov* no later than January 10, 2022.

This briefing is open to the public and will be held at the InterAmerican University of Puerto Rico Law School in San Juan, Puerto Rico and will be available to the public virtually via livestream on the Commission's YouTube Page at *https://www.youtube.com/user/USCCR/videos.* (Streaming information subject to change.) Written testimony and other materials can be found on the Commission's website *https://www.usccr.gov/meetings/2021/12-10-civil-rights-implications-disaster-relief-hurricane-maria.*

Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, December 10, 2021, is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

To request additional accommodations, persons with disabilities should email *access@usccr.gov* by Monday, January 10, 2022, indicating ''accommodations'' in the subject line.

Agenda for Civil Rights Implications of Disaster Relief: Hurricane María in Puerto Rico

9:00 a.m.–6:00 p.m. All times Atlantic Standard Time

I. Introductory Remarks by Chair Norma V. Cantú: 9:00 a.m.–9:10 a.m.
II. Panel 1: 9:10 a.m.–11:00 a.m.
III. Break: 11:00 a.m.–11:10 a.m.
IV. Panel 2: 11:10 a.m.–12:40 p.m.
V. Lunch Break: 12:40 p.m.–1:40 p.m.
VI. Public Comment Period: 1:40 p.m.–3:40 p.m.
VII. Break: 3:40 p.m.–3:50 p.m.
VIII. Public Comment Period: 3:50 p.m.–5:50 p.m.
IX. Closing Remarks by Chair Norma V. Cantú: 5:55 p.m.–6:00 p.m.
X. Adjourn Meeting.

** Public Comments will also be accepted through written testimony

* Schedule is subject to change.

Call for Public Comments

In addition to the testimony collected on Friday, December 10, 2021, via virtual briefing, the Commission welcomes the submission of material for consideration as we prepare our report. Please submit such information to *mariabriefing@usccr.gov* no later than January 10, 2022, or by mail to OCRE/Public Comments, ATTN: María Briefing, U.S. Commission on Civil Rights, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425. The Commission encourages the use of email to provide public comments due to the current COVID–19 pandemic.

Dated: November 30, 2021.

Angelia Rorison,

Media and Communications Director, U.S. Commission on Civil Rights.

[FR Doc. 2021–26396 Filed 12–3–21; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Hector Mario Delgado-Lerma, Villegas 405 Nte, Linares, NL 67740, Mexico

On May 14, 2019, in the U.S. District Court for the Southern District of Texas, Hector Mario Delgado-Lerma (''Delgado-Lerma'') was convicted of violating 18 U.S.C. 554(a). Specifically, Delgado-Lerma was convicted of fraudulently and knowingly exporting and sending and attempting to export and send from the United States to Mexico, 2,680 rounds of ammunition of assorted calibers, in violation of 18 U.S.C. 554. Delgado-Lerma was sentenced to 26 months in prison, three years of supervised release and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Delgado-Lerma's conviction post-dates ECRA's enactment on August 13, 2018.

interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Delgado-Lerma's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Delgado-Lerma to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Delgado-Lerma.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Delgado-Lerma's export privileges under the Regulations for a period of seven years from the date of Delgado-Lerma's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Delgado-Lerma had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until May 14, 2026, Hector Mario Delgado-Lerma, with a last known address of Villegas 405 Nte, Linares, NL 67740, Mexico, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Delgado-Lerma by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Delgado-Lerma may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Delgado-Lerma and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until May 14, 2026.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–26352 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DT–P

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Nicky Lee Quiroz, Inmate Number #80355–479, Federal Medical Center Carswell, P.O. Box 27137, Fort Worth, Texas 76127

On September 19, 2019, in the U.S. District Court of the Southern District of Texas, Nicky Lee Quiroz (''Quiroz'') was convicted of violating 18 U.S.C. 554. Specifically, Quiroz was convicted of knowingly attempting to send or export from the United States to Mexico, one 10.5 inch, 5.56 mm pistol kit, and one carbine-length 5.56mm rifle kit, firearm components designated as defense articles on the United States Munitions List without the required Department of State license. Quiroz was sentenced to 70 months in prison, three years of supervised release and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Quiroz's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Quiroz to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Quiroz.

Based upon my review of the record and consultations with BIS's Office of

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Quiroz's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Quiroz's export privileges under the Regulations for a period of 10 years from the date of Quiroz's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Quiroz had an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until September 19, 2029, Nicky Lee Quiroz, with a last known address of Federal Medical Center Carswell, P.O. Box 272137, Fort Worth, Texas 76127, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Quiroz by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Quiroz may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Quiroz and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 19, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–26354 Filed 12–3–21; 8:45 am]

BILLING CODE P

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Nereyda Carrillo-Montes, 304 South 25th Street, Apt. 2, Hidalgo, TX 78557

On April 24, 2019, in the U.S. District Court for the Southern District of Texas, Nereyda Carrillo-Montes (''Carrillo-Montes''), was convicted of violating 18 U.S.C. 554(a). Specifically, Carrillo-Montes was convicted of fraudulently and knowingly exporting and sending or attempting to export and send from the United States to Mexico, approximately 168 rifle magazines in 7.62 x 39mm caliber and approximately 3,000 rounds of 7.62 x 39mm caliber ammunition, in violation of 18 U.S.C. 554.

Carrillo-Montes was sentenced to time served, three years of supervised release including home confinement for six months, and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Carrillo-Montes's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Carrillo-Montes to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Carrillo-Montes.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Carrillo-Montes's export privileges under the Regulations for a period of five years from the date of Carrillo-Montes's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Carrillo-Montes had

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Carrillo-Montes's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until April 24, 2024, Nereyda Carrillo-Montes, with a last known address of 304 South 25th Street, Apt. 2, Hidalgo, TX 78557, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Carrillo-Montes by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Carrillo-Montes may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Carrillo-Montes and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until April 24, 2024.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–26351 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DT–P

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Marco Antonio Sanchez, 6540 Dockberry Circle, Brownsville, TX 78521

On June 16, 2020, in the U.S. District Court for the Southern District of Texas, Marco Antonio Sanchez (''Sanchez'') was convicted of violating 18 U.S.C. 554(a). Specifically, Sanchez was convicted of knowingly attempting to send or export from the United States to Mexico, one (1) 7.62 x 39 mm caliber pistol, two (2) 7.62 x 39 mm caliber magazines and approximately forty (40) rounds of 7.62 x 39 mmm ammunition, in violation of 18 U.S.C. 554(a). As a result of his conviction, Sanchez was sentenced to 204 days in prison, with credit for time served, two years of supervised release and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Sanchez's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Sanchez to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR766.25.[2] BIS has not received a written submission from Sanchez.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Sanchez's export privileges under the Regulations for a period of five years from the date of Sanchez's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Sanchez had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until June 16, 2025, Marco Antonio Sanchez, with a last known address of 6540 Dockberry Circle, Brownsville, TX 78521, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Sanchez's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Sanchez by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Sanchez may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Sanchez and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until June 16, 2025.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–26353 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Ali Kourani, Inmate Number: 79196–054, USP Marion, U.S. Penitentiary, P.O. Box 1000, Marion, IL 62959

On December 3, 2019, in the U.S. District Court for the Southern District of New York, Ali Kourani (''Kourani'') was convicted of violating 18 U.S.C. 371 and the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (''IEEPA''), among other crimes. Specifically, Kourani was convicted of conspiring to receive military-type training from Hizballah, a designated Foreign Terrorist Organization, in violation of 18 U.S.C. 371; and of making or receiving a contribution of funds, goods, and services to and from Hizaballah, and of conspiring to make or receive a contribution of funds, goods, and services to and from Hizaballah, in violation of IEEPA. Kourani was sentenced to 480 months in prison, five years of supervised release, and a $700 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371 and IEEPA, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Kourani's conviction for violating 18 U.S.C. 371 and IEEPA, and has provided notice and opportunity for Kourani to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Kourani.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Kourani's export privileges under the Regulations for a period of 10 years from the date of Kourani's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Park had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until December 3, 2029, Ali Kourani, with a last known address of Inmate Number: 79196–054, USP Marion, U.S. Penitentiary, P.O. Box 1000,

Marion, IL 62959, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding,

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[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Kourani's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Kourani by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Kourani may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Kourani and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until December 3, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–26356 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges: In the Matter of: Douglas Glover, 229 East Haven Drive, Birmingham, AL 35215

On April 8, 2019, in the U.S. District Court for the Northern District of Alabama, Douglas Glover (''Glover''), was convicted of violating 18 U.S.C. 554(a). Specifically, Glover was convicted of knowingly attempting to export and send from the United States to Russia, 30 round capacity AK–47 magazines, without a Department of State export license or other written authorization in violation of 18 U.S.C. 554. Glover was sentenced to 16 months in prison and two years of supervised release.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Glover's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Glover to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Glover.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Glover's export privileges under the Regulations for a period of seven years from the date of Glover's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Glover had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until April 8, 2026, Douglas Glover, with a last known address of 229 East Haven Drive, Birmingham, AL 35215, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Glover's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Glover by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Glover may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Glover and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until April 8, 2026.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–26355 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–819]

Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind in Part; 2019

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain producers/exporters of steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey) received countervailable subsidies during the period of review (POR) January 1, 2019, through December 31, 2019. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 20, 2022.

FOR FURTHER INFORMATION CONTACT: Konrad Ptaszynski or Brontee Jeffries, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6187 or (202) 482–4656, respectively.

Background

On January 6, 2021, Commerce published a notice of initiation of an administrative review for the countervailing duty order on rebar from Turkey.[1] On July 6, 2021, Commerce exercised its discretion to extend the preliminary results of this administrative review by 120 days, until November 30, 2021.[2]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order[4]

The merchandise covered by the order is steel concrete reinforcing bar (rebar). For a complete description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, we preliminarily find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[5] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Intent To Rescind Administrative Review, in Part

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[6] Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.[7] Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated countervailing duty assessment rate calculated for the

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 511, 516 (January 6, 2021).

[2] *See* Memorandum, ''Steel Concrete Reinforcing Bar from the Republic of Turkey: Extension of Deadline for Preliminary Results of 2019 Countervailing Duty Administrative Review,'' dated July 6, 2021.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Countervailing Duty Administrative Review of and the Preliminary Intent to Rescind, in Part: Steel Concrete Reinforcing Bar from the Republic of Turkey; 2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Steel Concrete Reinforcing Bar from the Republic of Turkey: Countervailing Duty Order,* 79 FR 65926 (November 6, 2014) (*Order*).

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[6] *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015,* 82 FR 14349 (March 20, 2017); and *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 14650 (April 11, 2019).

[7] *See* 19 CFR 351.212(b)(2).

review period.[8] According to the CBP import data, except for the two mandatory respondents Colakoglu Metalurji A.S. and Kaptan Demir Celik Endustrisi ve Ticaret A.S. (Kaptan), and the non-selected company, Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S., the remaining 21 companies subject to this review did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we intend to rescind this administrative review with respect to these 21 other companies, in accordance with 19 CFR 351.213(d)(3).[9]

Preliminary Rate for Non-Selected Companies Under Review

There is one company for which a review was requested *i.e.,* Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S., and its cross-owned affiliates, which was not selected as a mandatory respondent or found to be cross-owned with a mandatory respondent, and which also had entries of subject merchandise during the POR. Because the rate calculated for the mandatory respondent, Kaptan, was above *de minimis* and not based entirely on facts available, we applied the subsidy rate calculated for Kaptan to the non-selected company. This methodology for establishing the subsidy rate for the non-selected companies is consistent with our practice and with section 705(c)(5)(A) of the Act.

Preliminary Results of the Review

We preliminarily find that the net countervailable subsidy rates for the period January 1, 2019, through December 31, 2019, are as follows:

Company	Subsidy rate (percent ad valorem)
Kaptan Demir Celik Endustrisi ve Ticaret A.S., Kaptan Metal Dis Ticaret ve Nakliyat A.S., and their cross-owned affiliates [10]	1.75
Colakoglu Dis Ticaret A.S., Colakoglu Metalurji A.S.[11]	* 0.07
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S., and its cross-owned affiliates [12]	1.75

* (De minimis.)

Assessment Rates

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. If the rate calculated for any respondent, in the final results is zero or *de minimis,* we will instruct CBP to liquidate all appropriate entries of subject merchandise without regard to countervailing duties. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above, except, where the rate calculated in the final results is zero or *de minimis,* no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose its calculations and analysis performed in reaching the preliminary results within five days of publication of these preliminary results.[13] Interested parties may submit written arguments (case briefs) on the preliminary results within 30 days of publication of the preliminary results, and rebuttal comments (rebuttal briefs) within seven days after the time limit for filing case briefs.[14] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs.[15] Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs must be filed electronically using ACCESS.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must do so within 30 days after the date of publication of this notice by submitting a written request to the Assistant Secretary for Enforcement and Compliance, using Enforcement and

[8] *See* 19 CFR 351.213(d)(3).

[9] The 21 companies are: A G Royce Metal Marketing; Acemar International Limited; Agir Haddecilik A.S.; Ans Kargo Lojistik Tas ve Tic; As Gaz Sinai ve Tibbi Gazlar A.S.; Asil Celik Sanayi ve Ticaret A.S.; Bastug Metalurji Sanayi AS; Baykan Dis Ticaret; Demirsan Haddecilik Sanayi Ve Ticaret AS; Diler Dis Ticaret AS; Duferco Celik Ticaret Limited; Duferco Investment Services SA; Ege Celik Endustrisi Sanayi ve Ticaret A.S.; Izmir Demir Celik Sanayi A.S.; Kocaer Haddecilik Sanayi Ve Ticar A.S.; Meral Makina Iml Ith Ihr Gida; Mettech Metalurji Madencilik Muhendislik Uretim Danismanlik ve Ticaret Limited Sirketi; MMZ Onur Boru Profil A.S.; Ozkan Demir Celik Sanayi A.S.; Sami Soybas Demir Sanayi ve Ticaret; Wilmar Europe Trading BV.

[10] Commerce preliminarily finds the following companies to be cross-owned with Kaptan: Martas Marmara Ereglisi Liman Tesisleri A.S.; Aset Madencilik A.S.; Kaptan Is Makinalari Hurda Alim Satim Ltd. Sti.; Efesan Demir San. Ve Tic. A.S.; and Nur Gemicilik ve Tic. A.S.

[11] Commerce preliminarily finds Colakoglu Dis Ticaret A.S. and Colakoglu Metalurji A.S. to be cross-owned companies. *See* Preliminary Decision Memorandum at 7.

[12] In the last review Commerce found the following companies to be cross-owned with Icdas: Mardas Marmara Deniz Isletmeciligi A.S.; Oraysan Insaat Sanayi ve Ticaret A.S.; Artim Demir Insaat Turizm Sanayi Ticaret Ltd. Sti.; Anka Entansif Hayvancilik Gida Tarim Sanayi ve Ticaret A.S.; Karsan Gemi Insaa Sanayi Ticaret A.S.; Artmak Denizcilik Ticaret Ve Sanayi A.S.; and Eras Tasimacilik Taahhut Ins.Tic A.S. *See Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Results of Countervailing Duty Administrative Review and Rescission, in Part; 2018,* 86 FR 53279 (September 27, 2021).

[13] *See* 19 CFR 351.224(b).

[14] *See* 19 CFR 351.309(c)(l)(ii) and 351.309(d)(l). Interested parties will be notified through ACCESS regarding the deadline for submitting case briefs. *See also* 19 CFR 351.303 (for general filing requirements); *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[15] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

Compliance's ACCESS system. Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues addressed at the hearing will be limited to those raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined. Parties should confirm the date and time of the hearing two days before the scheduled date. Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: November 30, 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

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Intent To Rescind the Administrative Review, in Part
IV. Non-Selected Rate
V. Scope of the Order
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2021–26402 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–825]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Turkey: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from the Republic of Turkey (Turkey) would be likely to lead to the continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable December 6, 2021.

FOR FURTHER INFORMATION CONTACT: Jaron Moore or Janae Martin, 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) 482–3640 and (202) 482–0238, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 21, 2016, Commerce published in the **Federal Register** the CVD order on HWR pipes and tubes from Turkey.[1] On August 2, 2021, Commerce initiated the first sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] Commerce received notices of intent to participate from Atlas Tube, a division of Zekelman Industries, Bull Moose Tube Company, Maruichi American Corporation, Nucor Tubular Products Inc.,[3] Searing Industries, and Vest, Inc. (collectively, the domestic interested parties),[4] within the deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as manufacturer of the domestic like product.

Commerce received a substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] We received no substantive responses from the Government of Turkey or any other interested parties in this proceeding, nor was a hearing requested.

On September 20, 2021, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The scope of this *Order* covers HWR pipes and tubes. Imports of merchandise included within the scope of this *Order* are currently classifiable under statistical category 7306.61.1000 of the Harmonized Tariff Schedule of the United States (HTSUS). Imports may also enter under statistical category HTSUS 7306.61.3000. For a complete description of the scope of the *Order,* see the accompanying Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty

[1] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Affirmative Countervailing Duty Determination,* 81 FR 47349 (July 21, 2016); *see also Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 81 FR 62874 (September 13, 2016) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 41439 (August 2, 2021).

[3] *See* Nucor Tubular's Letter, ''Notice of Intent to Participate,'' dated August 17, 2021.

[4] *See* Atlas Tube, Bull Moose Tube Company, Maruichi American Corporation, Searing Industries, and Vest, Inc.'s Letter, ''Notice of Intent to Participate in the First Five-Year Review of the Countervailing Duty Order on Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey,'' dated August 17, 2021.

[5] *See* Domestic Interested Parties' Letter, ''Domestic Interested Parties' Substantive Response to Notice of Initiation,'' dated September 1, 2021 (Domestic Interested Parties' Substantive Response).

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on August 2, 2021,'' dated September 20, 2021.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey,'' dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://access.trade.gov/public/FRNotices ListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to the continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates listed below:

Producer/exporter	Net countervailable subsidy (percent)
MMZ Onur Boru Profil Uretim San Ve Tic A.S	9.87
Ozdemir Boru Profil San ve Tic. Ltd Sti	14.70
All Others	12.36

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: November 29, 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

List of Issues Addressed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rates that Are Likely to Prevail
3. Nature of the Subsidies
VII. Final Results of Review
VIII. Recommendation

[FR Doc. 2021–26403 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–898]

Utility Scale Wind Towers From India: Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing the countervailing duty order on utility scale wind towers (wind towers) from India.

DATES: Applicable December 6, 2021.

FOR FURTHER INFORMATION CONTACT: David Crespo or Melissa Kinter, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3693 and (202) 482–1413, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), on October 13, 2021, Commerce published its affirmative final determination in the countervailing duty investigation of wind towers from India.[1] On November 29, 2021, the ITC notified Commerce of its affirmative final determination that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act, by reason of subsidized imports of subject merchandise from India.[2]

Scope of the Order

The products covered by this order are wind towers from India. For a complete description of the scope of the order, *see* the appendix to this notice.

Countervailing Duty Order

As noted above, on November 29, 2021, in accordance with section 705(d) of the Act, the ITC notified Commerce of its final determination in this investigation, in which it found that an industry in the United States is materially injured by reason of subsidized imports of wind towers from India.[3] Therefore, in accordance with section 705(c)(2) of the Act, Commerce is issuing this countervailing duty order. Because the ITC determined that imports of wind towers from India are materially injuring a U.S. industry, unliquidated entries of such merchandise from India, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

In accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties for all relevant entries of wind towers from India. With the exception of entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final affirmative injury determination, as further described below, countervailing duties will be assessed on unliquidated entries of wind towers from India entered, or withdrawn from warehouse, for consumption on or after March 25, 2021, the date of publication of the *Preliminary Determination*.[4]

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce will instruct CBP to reinstitute the suspension of liquidation of wind towers from India, as described in the appendix to this notice, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would deposit estimated normal customs duties on this merchandise, a cash deposit equal to the rates listed in the table below. The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

[1] *See Utility Scale Wind Towers from India: Final Affirmative Countervailing Duty Determination,* 86 FR 56896 (October 13, 2021).

[2] *See* ITC Letter, ''Notification of ITC Final Determination,'' dated November 29, 2021.

[3] *Id.*

[4] *See Utility Scale Wind Towers from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 86 FR 15897 (March 25, 2021) (*Preliminary Determination*).

Producer/exporter	Percent ad valorem
Vestas Wind Technology India Private Limited	2.25
Naiks Brass & Iron Works*	397.70
Nordex India Pvt*	397.70
Prommada Hindustan*	397.70
Suzlon Energy*	397.70
Vinayaka Energy Tek*	397.70
Wish Energy Solutions Pvt Ltd*	397.70
Zeeco India Pvt. Ltd*	397.70
All Others	2.25

* Rate based on adverse facts available.

Provisional Measures

Section 703(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigation, Commerce published the *Preliminary Determination* on March 25, 2021. Therefore, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on July 22, 2021.

In accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of wind towers from India entered, or withdrawn from warehouse, for consumption after July 22, 2021, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the final rule titled ''*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*'' in the **Federal Register**.[5] On September 27, 2021, Commerce also published the notice titled ''*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*'' in the **Federal Register**.[6] The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.[7]

In accordance with the *Procedural Guidance,* for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available *at https://access.trade.gov,* within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called ''AISL-Annual Inquiry Service List.''[8]

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance,* the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at *https://access.trade.gov.*

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule,* Commerce stated that, ''after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.''[9] Accordingly, as stated above, the petitioner and the Government of India should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the Government of India will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the Government of India are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the countervailing duty order with respect to wind towers from India pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This countervailing order is issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: November 30, 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 Order

The merchandise covered by this order consists of certain wind towers, whether or not tapered, and sections thereof. Certain wind towers support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (*i.e.,* where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a

[5] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*).

[6] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[7] *Id.*

[8] This segment will be combined with the ACCESS Segment Specific Information (SSI) field, which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as ''AISL-January Anniversary.'' Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

[9] *See Final Rule,* 86 FR at 52335.

steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (*e.g.,* flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with nonsubject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof, unless those components are shipped with the tower sections.

Merchandise covered by this order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000. Wind towers of iron or steel are classified under HTSUS 7308.20.0020 when imported separately as a tower or tower section(s). Wind towers may be classified under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (*i.e.,* accompanying nacelles and/or rotor blades). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2021–26405 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–897, A–557–821]

Utility Scale Wind Towers From India and Malaysia: Antidumping Duty Orders

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty orders on utility scale wind towers (wind towers) from India and Malaysia.

DATES: Applicable December 6, 2021.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova (India); or Mark Harrison (Malaysia); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1280 and (202) 482–0357, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 13, 2021, Commerce published in the **Federal Register** its affirmative final determinations in the less-than-fair-value (LTFV) investigations of wind towers from India and Malaysia, in accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended (the Act).[1] On November 29, 2021, the ITC notified Commerce of its affirmative final determinations, pursuant to section 735(d) of the Act that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of wind towers from India and Malaysia.[2]

Scope of the Orders

The products covered by these orders are wind towers from India and Malaysia. For a complete description of the scope of these orders, *see* the appendix to this notice.

Antidumping Duty Orders

On November 29, 2021, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of wind towers from India and Malaysia.[3] Therefore, in accordance with section 735(c)(2) of the Act, Commerce is issuing these antidumping duty orders. Because the ITC determined that imports of wind towers from India and Malaysia are materially injuring a U.S. industry, unliquidated entries of such merchandise from India and Malaysia, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of wind towers from India and Malaysia. With the exception of entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury determinations, as further described below, antidumping duties will be assessed on unliquidated entries of wind towers from India entered, or withdrawn from warehouse, for consumption, on or after May 24, 2021, the date of publication of the *India Preliminary Determination*.[4] Regarding Malaysia, because Commerce made a preliminary negative determination of sales at LTFV,[5] Commerce did not direct CBP to suspend liquidation or to require a cash deposit of estimated antidumping duties for entries of wind towers from Malaysia on or after May 24, 2021. However, because Commerce made a final affirmative determination of sales at LTFV, Commerce directed CBP to begin suspension of liquidation of wind towers from Malaysia entered or withdrawn from warehouse for consumption, on or after October 13, 2021, the date of publication of the *Malaysia Final Determination*.[6]

Continuation of Suspension of Liquidation

In accordance with section 736 of the Act, Commerce intends to instruct CBP to continue to suspend liquidation on all relevant entries of wind towers from India and Malaysia. These instructions suspending liquidation will remain in effect until further notice.

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determinations, CBP will require, at the same time that importers would normally deposit estimated duties on the merchandise, a cash deposit equal to the rates below. The relevant all-others rates apply to all

[1] *See Utility Scale Wind Towers from India: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 56890 (October 13, 2021) (*India Final Determination*); *see also Utility Scale Wind Towers from Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 56894 (October 13, 2021) (*Malaysia Final Determination*).

[2] *See* ITC Letter, ''Notification of ITC Final Determinations in Investigation Nos. 701–TA–660 and 731–TA–1543–1544 (Final),'' dated November 29, 2021.

[3] *Id.*

[4] *See Utility Scale Wind Towers from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 27829 (May 24, 2021) (*India Preliminary Determination*).

[5] *See Utility Scale Wind Towers from Malaysia: Preliminary Determination of Sales at Not Less Than Fair Value and Postponement of Final Determination,* 86 FR 27828 (May 24, 2021).

[6] *See Malaysia Final Determination,* 86 FR at 56894.

producers or exporters not specifically listed.

Provisional Measures

Section 733(d) of the Act states that instructions issued under section 733(d)(1) and (2) of the Act pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extends the four-month period to no more than six months. At the request of the exporter that accounts for a significant proportion of wind towers from India, Commerce extended the four-month period to six months in the wind towers from India investigation. Commerce published the *India Preliminary Determination* on May 24, 2021.[7]

The extended provisional measures period, beginning on the date of publication of the *India Preliminary Determination,* ended on November 19, 2021. Therefore, in accordance with section 733(d) of the Act, Commerce intends to instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of wind towers from India entered, or withdrawn from warehouse, for consumption after November 19, 2021, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets)[8] (percent)
India:		
Vestas Wind Technology India Private Limited	54.03	51.87
Acciona Winder Power India Pvt. Ltd	54.03	51.87
Nordex India Pvt. Ltd	54.03	51.87
Prommada Hindustan Private Ltd	54.03	51.87
Vinayaka Energy Tek	54.03	51.87
Zeeco India Pvt. Ltd	54.03	51.87
All Others	54.03	51.87

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets)[9] (percent)
Malaysia:		
CS Wind Corporation/CS Wind Malaysia Sdn Bhd	3.20	0.00
All Others	3.20	0.00

Establishment of the Annual Inquiry Service List

On September 20, 2021, Commerce published the final rule titled ''*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*'' in the **Federal Register**.[10] On September 27, 2021, Commerce also published the notice titled ''*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*'' in the **Federal Register**.[11] The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.[12]

In accordance with the *Procedural Guidance,* for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at *https://access.trade.gov,* within five business days of publication of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called ''AISL-Annual Inquiry Service List.''[13]

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the

[7] *See India Preliminary Determination,* 86 FR at 27829.

[8] *See India Final Determination,* 86 FR at 56891.

[9] *See Malaysia Final Determination,* 86 FR at 56895.

[10] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*).

[11] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[12] *Id.*

[13] This segment will be combined with the ACCESS Segment Specific Information (SSI) field, which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as ''AISL-January Anniversary.'' Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

Procedural Guidance, the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at *https://access.trade.gov.*

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule,* Commerce stated that, ''after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.'' [14] Accordingly, as stated above, the petitioners and foreign governments should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list for those orders for which they qualify as an interested party. Pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to wind towers from India and Malaysia pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These antidumping duty orders are published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

[14] *See Final Rule,* 86 FR at 52335.

Dated: November 30, 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 Orders

The merchandise covered by these orders consists of certain wind towers, whether or not tapered, and sections thereof. Certain wind towers support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (*i.e.,* where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (*e.g.,* flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with non-subject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof, unless those components are shipped with the tower sections.

Merchandise covered by these orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000. Wind towers of iron or steel are classified under HTSUS 7308.20.0020 when imported separately as a tower or tower section(s). Wind towers may be classified under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (*i.e.,* accompanying nacelles and/or rotor blades). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2021–26404 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Southwest Fisheries Science Center Sea Turtle Sightings Information Collection

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before February 4, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Lynn Massey, Fishery Management Specialist, (562–436–2462), *lynn.massey@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA's Southwest Fisheries Science Center (SWFSC) is sponsoring a new information collection under the Endangered Species Act for the purpose of collecting data on West Coast Sea turtle sightings from members of the public. The data collected would include date of the sighting, time of the sighting, sea turtle species (if known), behavior, estimated size, geographic location, photos (if taken), and the public respondent's email address (used to ask follow-up questions if necessary). This information would be used by the SWFSC's Marine Turtle Ecology & Assessment Program to monitor the

distribution and timing of sea turtle occurrence along the U.S. West Coast, which will accordingly support its mission to conserve and protect threatened and endangered sea turtle populations. In the future, the SWFSC plans to merge this collection with a broader information collection that will encompass all NOAA Citizen Science projects.

II. Method of Collection

Sea turtle sightings information would be collected on an opportunistic and voluntary basis via a fillable questionnaire posted on the SWFSC's website. A QR code will be printed on multiple NOAA sea turtle outreach materials (*e.g.,* brochures) to direct the public to this website. In the future, the SWFSC may expand data collection to the iNaturalist mobile application.

III. Data

OMB Control Number: 0648–XXXX.
Form Number(s): None.
Type of Review: Regular submission (new information collection).
Affected Public: Individuals or households.
Estimated Number of Respondents: Approximately 132 submissions per year (one respondent could report multiple sea turtle sightings).
Estimated Time per Response: 5 minutes.
Estimated Total Annual Burden Hours: 11 hours.
Estimated Total Annual Cost to Public: There will be no cost to the public.
Respondent's Obligation: Voluntary.
Legal Authority: Endangered Species Act.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,
Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–26419 Filed 12–3–21; 8:45 am]
BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Economic Surveys of the Commercial and Charter Fishing Sectors of Federally Managed Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before February 4, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Dr. Joe Terry, Office of Science and Technology, 1315 East-West Hwy., Bldg. SSMC3, Silver Spring, MD 20910–3282, (858) 454 –2547, *joe.terry@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

The Office of Science and Technology is sponsoring this collection. Economic surveys will be conducted for the commercial and charter fishing sectors of federally managed fisheries of the United States.

The requested information will include different components of operating costs/expenditures, earnings, employment, ownership, vessel characteristics, effort/gear descriptors, employment, and demographic information. The information will be collected from the owners and operators of fishing vessels that participated in the commercial and/or charter fishing sectors, where the vessels that participated in the charter sector include guide boats, 6-pack boats, charter boats, commercial passenger fishing vessels, and party/head boats.

A variety of laws, Executive Orders (E.O.s), and NOAA Fisheries strategies and policies include requirements for economic data and the analyses they support. When met adequately, those requirements allow better-informed conservation and management decisions on the use of living marine resources and marine habitat in federally managed fisheries. Obtaining these data improves the ability of NOAA Fisheries and the Regional Fishery Management Councils (Councils) to monitor, explain and predict changes in the economic performance and impacts of federally managed fisheries. Measures of economic performance include costs, earnings, and profitability (net revenue); productivity and economic efficiency; capacity; economic stability; the level and distribution of net economic benefits to society; and market power. The economic impacts include sector, community or region-specific and national employment, sales, value-added, and income impacts. Economic data are required to support more than a cursory effort to comply with or support the following laws, E.O.s, and NOAA Fisheries strategies and policies:

1. The Magnuson-Stevens Fishery Conservation and Management Act (MSA)
2. The Marine Mammal Protection Act (MMPA)
3. The Endangered Species Act (ESA)
4. The National Environmental Policy Act (NEPA)
5. The Regulatory Flexibility Act (RFA)
6. E.O. 12866 (Regulatory Planning and Review)

7. E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)
8. E.O. 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)
9. E.O. 13840 (Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States)
10. The NOAA Fisheries Guidelines for Economic Reviews of Regulatory Actions
11. The NOAA Fisheries Strategic Plan 2019–2022 (Strategic Plan)
12. The NOAA Fisheries Ecosystem-Based Fishery Management (EBFM) Road Map
13. The NOAA Fisheries National Bycatch Reduction Strategy
14. NOAA's Catch Share Policy

Data collections will focus each year on a different set of fisheries. This cycle of data collection will facilitate economic data being available and updated for all federally managed fisheries.

There will be an effort to coordinate the data collections in order to reduce the additional burden for those who participate in multiple fisheries. To further reduce the burden, the requested information for a specific fishery will be limited to that which is not available from other sources. Participation in these data collections will be voluntary.

II. Method of Collection

The information will be collected by mail, internet, phone, video call, and in-person interviews. Where feasible, survey respondents will have the option to respond to an on-line survey. If phone and in-person interviews are not feasible or not desired by the potential respondents, the information will be collected by mail or internet.

III. Data

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Review: Regular submission (a new collection).

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 7,052.

Estimated Time per Response: 55 minutes.

Estimated Total Burden Hours: 6,464.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: The Magnuson-Stevens Fishery Conservation and Management Act.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–26362 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Broadband Grant Programs Public Virtual Listening Sessions

AGENCY: National Telecommunications and Information Administration, Department of Commerce.

ACTION: Notice of open meetings.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will host broadband grant program public virtual listening sessions in connection with the five new broadband grant programs authorized and funded by the Infrastructure Investment and Jobs Act: The Broadband Equity, Access, and Deployment Program; the Enabling Middle Mile Broadband Infrastructure Program; and the Digital Equity Act Programs, which include the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant Program, and Digital Equity Competitive Grant Program. These public virtual listening sessions are designed to collect stakeholder input to help inform program development and implementation.

DATES: NTIA will hold the public virtual listening sessions based on the following schedule:

1. Infrastructure Investment and Jobs Act Broadband Programs Public Virtual Listening Session #1: Wednesday, December 15, 2021, from 2:30–4:00 p.m. Eastern Time (ET);
2. Infrastructure Investment and Jobs Act Broadband Programs Public Virtual Listening Session #2: Wednesday, January 12, 2022, from 2:30–4:00 p.m. ET;
3. Infrastructure Investment and Jobs Act Broadband Programs Public Virtual Listening Session #3: Wednesday, January 26, 2022, from 2:30–4:00 p.m. ET;
4. Infrastructure Investment and Jobs Act Broadband Programs Public Virtual Listening Session #4: Wednesday, February 9, 2022, from 2:30–4:00 p.m. ET; and
5. Infrastructure Investment and Jobs Act Broadband Programs Public Virtual Listening Session #5: Wednesday, February 23, 2022, from 2:30–4:00 p.m. ET.

ADDRESSES: These listening sessions will be hosted via NTIA's virtual platform and conducted as a live public listening session. NTIA will post the registration information on its BroadbandUSA website at *https://broadbandusa.ntia.doc.gov/events/latest-events.*

FOR FURTHER INFORMATION CONTACT: Maci Morin, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4872, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4884; email: *BroadbandForAll@ntia.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.gov.*

SUPPLEMENTARY INFORMATION: The Infrastructure Investment and Jobs Act (Pub. L. 117–58) authorized and funded five new broadband grant programs to be administered by NTIA: The Broadband Equity, Access, and Deployment Program; the Enabling Middle Mile Broadband Infrastructure Program; and the Digital Equity Act Programs, which include the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant

Program, and Digital Equity Competitive Grant Program. The Broadband Equity, Access, and Deployment Program is a $42.45 billion formula-based program to states, territories, and the District of Columbia for qualifying broadband deployment, mapping, and adoption project. The Enabling Middle Mile Broadband Infrastructure Program is a competitive $1 billion grant program for the construction, improvement or acquisition of middle-mile infrastructure. The Digital Equity Act Programs—which includes the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant Program, and the Digital Equity Competitive Grant Program—allocate $2.75 billion to promote digital inclusion and equity for communities that lack the skills, technologies, and support needed to take advantage of broadband connections.

NTIA will host broadband grant program public virtual listening sessions in connection with the five new broadband grant programs authorized and funded by the Infrastructure Investment and Jobs Act. These public virtual listening sessions are designed to collect stakeholder input to help inform program development and implementation.

These public virtual listening sessions are subject to change. Session time changes will be posted on the BroadbandUSA website at *https://broadbandusa.ntia.doc.gov/events/latest-events.* Any public virtual listening session cancellations will also be posted on the same website. Any date change to a scheduled public virtual listening session will be provided in a notice in the **Federal Register**.

The presentation recording, and transcript of each public virtual listening session will be posted on the BroadbandUSA website at *https://broadbandusa.ntia.doc.gov/* and NTIA's YouTube channel at: *https://www.youtube.com/ntiagov* within seven (7) days following the live session.

The public is invited to participate in these public virtual listening sessions. Pre-registration is required as space is limited to the first 1,000 participants. NTIA will post the registration information on its BroadbandUSA website at *https://broadbandusa.ntia.doc.gov/events/latest-events.* NTIA asks each registrant to provide their first and last name, city, state, zip code, job title, organization and email address for registration purposes.

Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify the NTIA contact listed above at least ten (10) business days before the session.

General questions and comments are welcome via email to *BroadbandForAll@ntia.gov.*

Dated: December 1, 2021.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2021–26409 Filed 12–3–21; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on a Commercial Availability Request Under the United States-Korea Free Trade Agreement

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a request for modification of the United States-Korea Free Trade Agreement (KORUS) rules of origin for certain textile products.

SUMMARY: The Government of the United States (''United States'') received a request from the Government of the Republic of Korea (''Korea''), submitted on November 9, 2021, to initiate consultations under Article 4.2.3 of the KORUS. Korea is requesting that the United States and Korea (''the Parties'') consider revising the rules of origin for certain woven fabrics to address availability of supply of yarns in the territories of the Parties.

The President of the United States may proclaim a modification to the KORUS rules of origin for textile and apparel products after the United States reaches an agreement with Korea on a modification under Article 4.2.5 of the KORUS to address issues of availability of supply of fibers, yarns, or fabrics in the territories of the Parties. CITA hereby solicits public comments on this request, in particular with regard to whether certain textured and non-textured triacetate filament yarns can be supplied by the U.S. domestic industry in commercial quantities in a timely manner.

DATES: Comments must be submitted by January 5, 2022.

ADDRESSES: Submit comments electronically to the Chairman, Committee for the Implementation of Textile Agreements at *OTEXA_Korea_FTA@trade.gov.* Please see the instructions below for other means of submissions, and submission of comments containing business confidential information.

FOR FURTHER INFORMATION CONTACT: Linda Martinich, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 510–3955.

SUPPLEMENTARY INFORMATION:

Authority: Section 202(o)(2)(C) of the United States-Korea Free Trade Agreement Implementation Act (19 U.S.C. 3805 note) (KORUS Implementation Act); Executive Order 11651 of March 3, 1972, as amended.

Background: Article 4.2.3 of the KORUS provides that, on the request of either Party, the Parties shall consult to consider whether the rules of origin applicable to a particular textile or apparel good should be revised to address issues of availability of supply of fibers, yarns, or fabrics in the territories of the Parties. In the consultations, pursuant to Article 4.2.4 of the KORUS, each Party shall consider all data presented by the other Party that demonstrate substantial production in its territory of a particular fiber, yarn, or fabric. The Parties shall onsider that there is substantial production if a Party demonstrates that its domestic producers are capable of supplying commercial quantities of the fiber, yarn, or fabric in a timely manner. The KORUS Implementation Act provides the President with the authority to proclaim as part of the Harmonized Tariff Schedule of the United States, modifications to the KORUS rules of origin set out in Annex 4–A of the KORUS as are necessary to implement an agreement with Korea under Article 4.2.5 of the KORUS, subject to the consultation and layover requirements of Section 104 of the KORUS Implementation Act. *See* Section 202(o)(2)(C)(iii) of the KORUS Implementation Act.

Executive Order 11651 established CITA to supervise the implementation of textile trade agreements and authorizes the Chairman of CITA to take actions or recommend that appropriate officials or agencies of the United States take actions necessary to implement textile trade agreements. 37 FR 4699 (March 3, 1972) reprinted as amended in 7 U.S.C. Sec. 1854 note. The Government of the United States received a request from the Government of Korea, submitted on November 9, 2021, requesting that the United States consider whether the KORUS rule of origin for certain woven fabrics should be modified to allow the use of certain yarns that are not originating under the KORUS. The yarns subject to this request, and their specific end-uses, are described below.

Input product description	Input product classification, harmonized tariff schedule of the U.S. (HTSUS)	End-use product description	End-use product classification (HTSUS)
Certain textured and non-textured triacetate filament.	5403.33	Woven fabric of artificial filament yarn, including woven fabric obtained from material of heading 5405.	5408

CITA is soliciting public comments regarding this request, particularly with respect to whether the yarns described above can be supplied by the U.S. domestic industry in commercial quantities in a timely manner. Comments must be received no later than January 5, 2022. Interested persons are invited to submit such comments or information electronically to the Chairman of the Committee for the Implementation of Textile Agreements at *OTEXA_Korea_FTA@trade.gov.* However, if interested persons are unable to submit comments or information electronically, please contact Linda Martinich at *Linda.Martinich@trade.gov* or (202) 510–3955 for instructions on other means of submission. For those seeking to submit confidential business information (CBI) for Government use only, please clearly mark such submissions as CBI and submit an accompanying redacted version to be made public. Due to the ongoing COVID–19 pandemic and the current telework directive issued by the U.S. Department of Commerce, CITA has issued a temporary waiver to allow for electronic submissions, including submissions that contain business confidential information through a secure online system. This waiver will be in effect until such time as the Chairman of CITA determines that normal CITA/Department of Commerce, Office of Textiles and Apparel operations have resumed to allow for receipt of hard copy submissions. Access to the secure electronic system will be by invitation only. Interested entities planning to file a commercial availability request should contact Linda Martinich at *Linda.Martinich@trade.gov* for instructions before submitting any documents (either public or confidential versions) to CITA. CITA will protect any information that is marked business confidential from disclosure to the full extent permitted by law. All public versions of the comments will be posted on the Office of Textiles and Apparel website for Commercial Availability proceedings under KORUS: *https://www.trade.gov/fta-commercial-availability-korea*

Paul E. Morris,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2021–26342 Filed 12–3–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Policy, Defense Policy Board, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Policy Board (DPB) will take place.

DATES: Closed to the public, Wednesday, December 15, 2021, from 9:28 a.m. to 5:00 p.m. and Thursday, December 16, 2021, 8:30 a.m. to 12:00 p.m.

ADDRESSES: The closed meeting will be held at The Pentagon, 2000 Defense Pentagon, Washington, DC 20301–2000.

FOR FURTHER INFORMATION CONTACT: Ms. Stacee Bako, (703) 571–9234 (Voice), 703–697–8606 (Facsimile), *osd.pentagon.rsrcmgmt.list.ousd-policy-defense-board-mbx@mail.mil* (Email). Mailing address is 2000 Defense Pentagon, Washington, DC 20301–2000.

SUPPLEMENTARY INFORMATION: Meeting Announcement: Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer for the Defense Policy Board, the Defense Policy Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its December 15–16, 2021 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., App.), the Government in the Sunshine Act (''the Sunshine Act'') (5 U.S.C. 552b), and Title 41 Code of Federal Regulations (C.R), Sections 102–3.140 and 102–3.150.

Purpose of the Meeting: To obtain, review, and evaluate classified information related to the DPB's mission to advise on (a) issues central to strategic DoD planning; (b) policy implications of U.S. force structure and modernization on DoD's ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) other defense policy topics of special interest to the DoD, as determined by the Secretary of Defense, the Deputy Secretary of Defense, or the Under Secretary of Defense for Policy.

Agenda: On December 15–16, 2021 the DPB will receive classified briefings and hold classified discussions on the development of the Department of Defense National Defense Strategy (NDS) analysis and methodology. The board will be addressed by the Secretary of Defense and the Undersecretary of Defense for Policy. The board will receive classified briefings on (1) a current intelligence baseline briefing on China military modernization; (2) a briefing on the NDS overall approach and security environment assessment; (3) a briefing on the NDS defense priorities, the strategic approach and integrated defense; (4) key considerations for nesting the NDS, the Nuclear Posture Review and Missile Defense Review; and (5) conduct classified member ''red team'' discussions and deliberation. Following discussions and deliberation, the DPB will provide their advice and recommendations to the Secretary of Defense for consideration.

Meeting Accessibility: In accordance with section 10(d) of the FACA and Title 41 CFR, Section 102–3.155, the DoD has determined that this meeting shall be closed to the public. The Under Secretary of Defense (Policy), in consultation with the DoD FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of Section 552b(c)(1) of the Sunshine Act and are so inextricably

intertwined with unclassified material that they cannot reasonably be segregated into separate discussions without disclosing classified material. Written Statements: In accordance with Section 10(a)(3) of the FACA and Title 41 CFR, Sections 102–3.105(j) and 102–3.140(c), the public or interested organizations may submit written statements to the membership of the DPB at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the DPB's Designated Federal Officer (DFO), which is listed in this notice or can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.* Written statements that do not pertain to a scheduled meeting of the DPB may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all members.

Dated: November 30, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–26381 Filed 12–3–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0125]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Foreign Language and Area Studies (FLAS) Fellowship Program Survey on Postgraduate Employment Outcomes

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before January 5, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Charles Jenkins, (202) 453–5994.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Foreign Language and Area Studies (FLAS) Fellowship Program Survey on Postgraduate Employment Outcomes.

OMB Control Number: 1840–0829.

Type of Review: Reinstatement without change of a currently approved collection.

Respondents/Affected Public: Individual or Households.

Total Estimated Number of Annual Responses: 2,400.

Total Estimated Number of Annual Burden Hours: 600.

Abstract: The Foreign Language and Area Studies (FLAS) Fellowships program is authorized by 20 U.S.C. 1121(b), and provides allocations of academic year and summer fellowships to institutions of higher education or consortia of institutions of higher education to assist meritorious undergraduate students and graduate students undergoing training in modern foreign languages and related area or international studies. This information collection is a survey for FLAS fellows required by 20 U.S.C. 1121(d) which states ''The Secretary shall assist grantees in developing a survey to administer to students who have completed programs under this subchapter to determine postgraduate employment, education, or training. All grantees, where applicable, shall administer such survey once every two years and report survey results to the Secretary.''

This package is a reinstatement without change.

Dated: December 1, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–26359 Filed 12–3–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Tests Determined To Be Suitable for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice; restated tests determined to be suitable for use in the National Reporting System for Adult Education.

SUMMARY: On October 21, 2021, the Department of Education (Department) published in the **Federal Register** a notice announcing tests, test forms, and delivery formats that the Secretary determines to be suitable for use in the National Reporting System for Adult Education (NRS notice). To address formatting issues arising in the publication of the NRS notice, the Office of the Federal Register published a correction on November 15, 2021. To ensure that the NRS notice is available to stakeholders in an easy-to-understand format, in this notice we restate the text of the **SUPPLEMENTARY INFORMATION** section of the NRS notice with the corrected formatting. Other than to correct the formatting, we have not made any changes to the content of the NRS notice. This notice relates to the approved information collections under OMB control numbers 1830–0027 and 1830–0567.

FOR FURTHER INFORMATION CONTACT: John LeMaster, Department of Education, 400 Maryland Avenue SW, Room 10–223, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218. Email: *John.LeMaster@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:

Background: On October 21, 2021, the Department published the NRS notice in the **Federal Register** (86 FR 58258). To address formatting issues arising in the publication of the NRS notice, the Office of the Federal Register published a correction in the **Federal Register** on November 15, 2021 (86 FR 63007). To ensure that the NRS notice is available to stakeholders in an easy-to-understand format, in this notice we restate the text of the NRS notice with the corrected formatting. Other than to correct the formatting, we have not made any changes to the content of the NRS notice.

For clarity, when we reference the 2021 NRS notice in the future, we will refer to this notice in lieu of the **Federal Register** notices published on October 21, 2021 (86 FR 58258) and November 15, 2021 (86 FR 63007). The restated **SUPPLEMENTARY INFORMATION** section of the NRS notice is below.

Restated Text of the NRS Notice:

On January 14, 2008, and as amended on August 19, 2016, we published in the **Federal Register** final regulations for 34 CFR part 462, Measuring Educational Gain in the National Reporting System for Adult Education (NRS regulations) (73 FR 2305, January 14, 2008, as amended at 81 FR 55552, August 19, 2016). The NRS regulations established the process the Secretary uses to determine the suitability of tests for use in the NRS by States and local eligible providers. We annually publish in the **Federal Register**, and post on the internet at *www.nrsweb.org,* a list of the names of tests and the educational functioning levels the tests are suitable to measure in the NRS as required by § 462.12(c)(2).

On August 7, 2020, the Secretary published in the **Federal Register** (85 FR 47952) an annual notice consolidating information from previous notices that announced tests determined to be suitable for use in the NRS, in accordance with § 462.13 (August 2020 notice). Also, in the August 2020 notice, the Secretary announced that ESL tests and test forms approved for an extended period through February 2, 2021, are approved for an additional extended period through February 2, 2023, and that an Adult Basic Education (ABE) test and test forms previously approved for a three-year period through March 7, 2021, are approved for an extended period through March 7, 2023.

The Secretary took this action with respect to the previously approved tests and test forms, due to the Department's desire to minimize potential disruption in access to new tests for its grantees caused by the Novel Coronavirus Disease (COVID–19).

In this notice, the Secretary publishes the same list of approved tests and test forms as was published in the August 2020 notice.

Adult education programs must use only the forms and computer-based delivery formats for the tests approved in this notice. If a particular test form or computer delivery format is not explicitly specified for a test in this notice, it is not approved for use in the NRS.

TESTS DETERMINED TO BE SUITABLE FOR USE IN THE NRS FOR A SEVEN-YEAR PERIOD FROM THE PUBLICATION DATE OF THE ORIGINAL NOTICE IN WHICH THEY WERE ANNOUNCED

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts and Mathematics at all ABE levels of the NRS until September 7, 2024:

(1) *Tests of Adult Basic Education (TABE 11/12).* Forms 11 and 12 are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: 800–538–9547. Internet: *www.ctb.com/.*

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts at all ABE levels of the NRS until February 5, 2025:

(1) *Comprehensive Adult Student Assessment System (CASAS) Reading GOALS Series.* Forms 901, 902, 903, 904, 905, 906, 907, and 908 are approved for use on paper and through a computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

The Secretary has determined that the following tests are suitable for use at ABE levels 2 through 6 of the NRS until May 2, 2026:

(1) *Massachusetts Adult Proficiency Test—College and Career Readiness (MAPT–CCR) for Reading.* This test is approved for use through a computer-adaptive delivery format. Publisher: Massachusetts Department of Elementary and Secondary Education and University of Massachusetts Amherst, College of Education, N110, Furcolo Hall, 813 North Pleasant Street, Amherst, MA 01003. Telephone: (413) 545–0564. Internet: *www.doe.mass.edu/acls/assessment/.*

(2) *Massachusetts Adult Proficiency Test—College and Career Readiness (MAPT–CCR) for Mathematics.* This test is approved for use through a computer-adaptive delivery format. Publisher: Massachusetts Department of Elementary and Secondary Education and University of Massachusetts Amherst, College of Education, N110, Furcolo Hall, 813 North Pleasant Street, Amherst, MA 01003. Telephone: (413) 545–0564. Internet: *www.doe.mass.edu/acls/assessment/.*

TEST DETERMINED TO BE SUITABLE FOR USE IN THE NRS FOR A THREE–YEAR PERIOD FROM THE PUBLICATION DATE OF THE ORIGINAL NOTICE IN WHICH IT WAS ANNOUNCED AND APPROVED FOR AN EXTENDED PERIOD THROUGH MARCH 7, 2023

The Secretary has determined that the following test is suitable for use in Mathematics at all ABE levels of the NRS until March 7, 2023

(1) *Comprehensive Adult Student Assessment System (CASAS) Math GOALS Series.* Forms 900, 913, 914, 917, and 918 are approved for use on paper and through a computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

ESL TESTS PREVIOUSLY APPROVED FOR AN EXTENDED PERIOD THROUGH FEBRUARY 2, 2021, AND APPROVED FOR AN ADDITIONAL EXTENDED PERIOD THROUGH FEBRUARY 2, 2023:

The Secretary has determined that the following tests are suitable for use at all ESL levels of the NRS until February 2, 2023:

(1) *Basic English Skills Test (BEST) Literacy.* Forms B, C, and D are approved for use on paper. Publisher: Center for Applied Linguistics, 4646 40th Street NW, Washington, DC 20016–1859. Telephone: (202) 362–0700. Internet: *www.cal.org.*

(2) *Basic English Skills Test (BEST) Plus 2.0.* Forms D, E, and F are approved for use on paper and through the computer-adaptive delivery format. Publisher: Center for Applied Linguistics, 4646 40th Street NW, Washington, DC 20016–1859. Telephone: (202) 362–0700. Internet: *www.cal.org.*

(3) *Comprehensive Adult Student Assessment Systems (CASAS) Life and Work Listening Assessments (LW Listening).* Forms 981L, 982L, 983L, 984L, 985L, and 986L are approved for use on paper and through the computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org*.

(4) *Comprehensive Adult Student Assessment Systems (CASAS) Reading Assessments (Life and Work, Life Skills, Reading for Citizenship, Reading for Language Arts—Secondary Level).* Forms 27, 28, 81, 82, 81X, 82X, 83, 84, 85, 86, 185, 186, 187, 188, 310, 311, 513, 514, 951, 952, 951X, and 952X of this test are approved for use on paper and through the computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org*.

(5) *Tests of Adult Basic Education Complete Language Assessment System-English (TABE/CLAS–E).* Forms A and B are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: (800) 538–9547. Internet: *www.tabetest.com*.

Revocation of Tests

Under certain circumstances, the Secretary may revoke the determination that a test is suitable (see § 462.12(e)). If the Secretary revokes the determination of suitability, the Secretary announces the revocation, as well as the date by which States and local eligible providers must stop using the revoked test, through a notice published in the **Federal Register** and posted on the internet at *www.nrsweb.org*.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov*. At this site you can view this document, as well as all other documents of 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.

Program Authority: 29 U.S.C. 3292.

Jennifer Mishory,

Chief of Staff, delegated the authority to perform the functions and duties of the Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2021–26360 Filed 12–3–21; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act notice; cancellation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 67455, November 26, 2021.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, December 8, 2021, 12:00 p.m.–2:00 p.m. Eastern.

CHANGES IN THE MEETING: The roundtable discussion entitled ''Election Official Security: Response, Preparation & Available Resources'' and scheduled for December 8, 2021, 12:00 p.m. Eastern has been cancelled.

FOR FURTHER INFORMATION CONTACT: Kristen Muthig, Telephone: (202) 897–9285, Email: *kmuthig@eac.gov*.

Kevin Rayburn,

General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2021–26525 Filed 12–2–21; 4:20 pm]

BILLING CODE 6820–KF–P

DEPARTMENT OF ENERGY

National Petroleum Council

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting: Correction.

SUMMARY: The Department of Energy (DOE) published in the **Federal Register** on November 30, 2021, a notice of an open meeting for the National Petroleum Council. The notice is being corrected for the weekday. Agenda items will stay the same.

Correction

In the **Federal Register** of November 30, 2021, in FR DOC. 2021–26052, on page 67930, please make the following corrections:

In the **DATES** heading, first column, first paragraph, first line, please correct date to, ''Tuesday, December 14, 2021''

Issued in Washington, DC on December 1, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–26389 Filed 12–3–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Procurement Requirements, OMB Control Number 1910–4100. The proposed collection will collect procurement information necessary to administer and manage DOE's procurement and acquisition programs.

DATES: Comments regarding this collection must be received on or before January 5, 2022. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4718.

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: John Harris, Office of Policy, Contract and Financial Assistance Policy Division, Office of Acquisition Management, U.S. Department of Energy, 1000 Independence Avenue SW, Washington,

DC 20585–1615, by email to *John.Harris@hq.doe.gov;* Mr. Harris may be contacted at (202) 287–1471.

SUPPLEMENTARY INFORMATION:

This information collection request contains:

(1) *OMB No.:* 1910–4100;

(2) *Information Collection Request Titled:* Procurement Requirements;

(3) *Type of Review:* Renewal;

(4) *Purpose:* The Code of Federal Regulations (CFR); Title 48 Federal Acquisition Regulations System; Chapter 9 Department of Energy (DOE); Subchapter H Clauses and Forms; Part 952—Solicitation Provisions and Contract Clauses; and Subchapter I Agency Supplementary Regulations; Part 970 DOE Management and Operating Contracts; Section 970.52 Solicitation Provisions and Contract Clauses for Management and Operating Contracts; requires DOE to collect certain types of information from those seeking to do business with the Department or those awarded contracts by the Department. This package contains information collections necessary for the solicitation, award, administration, and closeout of procurement contracts;

(5) *Annual Estimated Number of Respondents:* 7,387;

(6) *Annual Estimated Number of Total Responses:* 7,387;

(7) *Annual Estimated Number of Burden Hours:* 666,082;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $58,535,286.

Statutory Authority: 42 U.S.C. 2201.

Signing Authority

This document of the Department of Energy was signed on November 30, 2021, by John R. Bashista, Director, Office of Acquisition Management and Senior Procurement Executive, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 1, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–26388 Filed 12–3–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–14–000]

Resource Adequacy Developments in the Western Interconnection; Notice Inviting Post-Technical Conference Comments

On June 23, 2021 and June 24, 2021, the Federal Energy Regulatory Commission (Commission) convened a technical conference to discuss issues and developments in resource adequacy frameworks and coordination in the western interconnection.

All interested persons are invited to file post-technical conference comments addressing issues raised during the technical conference or in the Supplemental Notice of Technical Conference issued June 17, 2021. Commenters are also invited to reference material previously filed in this docket but are encouraged to avoid repetition or replication of their previous comments. Comments must be submitted on or before 60 days from the date of this Notice.

Comments may be filed electronically via the internet.[1] Instructions are available on the Commission's website *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, submissions sent via the U.S. Postal Service must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For more information about this Notice, please contact:

Navin Shekar (Technical Information), Office of Energy Market Regulation, (202) 502–6297, *Navin.Shekar@ferc.gov.*

Colin Beckman (Legal Information), Office of the General Counsel, (202) 502–8049, *Colin.Beckman@ferc.gov.*

Dated: November 30, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–26384 Filed 12–3–21; 8:45 am]

BILLING CODE 6717–01–P

[1] *See* 18 CFR 385.2001(a)(1)(iii) (2020).

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: ER21–1001–001.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: NYISO Notice: effective date for implementation of CSR to be effective 3/31/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5050.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER21–2722–001.
Applicants: E. BarreCo Corp LLC.
Description: Refund Report: Refund Report to 2 to be effective N/A.
Filed Date: 11/30/21.
Accession Number: 20211130–5056.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–192–000.
Applicants: Evolugen Trading and Marketing LP.
Description: Supplement to October 22, 2021 Evolugen Trading and Marketing LP, tariff filing.
Filed Date: 11/24/21.
Accession Number: 20211124–5111.
Comment Date: 5 p.m. ET 12/1/21.

Docket Numbers: ER22–418–001.
Applicants: New York Independent System Operator, Inc.
Description: Tariff Amendment: NYISO Notice: Effective date for implementation of CSR enhancements to be effective 12/15/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5086.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–486–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Rev. to OATT & OA re GDECS 6 Clean-Up & Clarification to Governing Documents to be effective 1/29/2022.
Filed Date: 11/29/21.
Accession Number: 20211129–5257.
Comment Date: 5 p.m. ET 12/20/21

Docket Numbers: ER22–487–000.
Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3870 White Rock Wind West GIA to be effective 11/9/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5061.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–488–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-Formosa Utility Venture 2nd A&R Generation Interconnection Agreement to be effective 11/1/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5073.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–489–000.
Applicants: Entergy Arkansas, LLC.
Description: § 205(d) Rate Filing: EAL–MSS–4 Replacement Tariff to be effective 12/1/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5083.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–490–000.
Applicants: Midcontinent Independent System Operator, Inc., Great River Energy.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2021–11–30_SA 3741 GRE–MRES–WMMPA Master IA to be effective 12/1/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5125.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–491–000.
Applicants: American Electric Power Service Corporation, Ohio Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii: AEP submits one Facilities Agreement re: ILDSA SA No. 1336 to be effective 1/30/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5129.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–492–000.
Applicants: PSEG Energy Resources & Trade LLC.
Description: Tariff Amendment: PSEG Rate Schedule Cancellations to be effective 12/1/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5136.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–493–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: LA Ortega Grid WDT1636 SA No 1167 to be effective 1/30/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5152.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–494–000.
Applicants: San Diego Gas & Electric Company.
Description: § 205(d) Rate Filing: WDAT SGIA for Buckman Springs Solar to be effective 12/1/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5156.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–495–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–11–30_RAN Seasonal Construct and Availability based accreditation to be effective 9/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5166.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–496–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–11–30_Minimum Capacity Obligation Filing to be effective 9/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5171.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–497–000.
Applicants: NG Renewables Energy Marketing, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 1/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5186.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–498–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2021–11–30 PSCo–WAPA–Op & Maint–350–0.1.0–Exh M to be effective 1/30/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5216.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–499–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: November 2021 Western WDT Service Agreement Biannual Filing (SA 17) to be effective 2/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5249.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–500–000.
Applicants: Morongo Transmission LLC.
Description: § 205(d) Rate Filing: Annual TRBAA Filing to be effective 1/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5251.
Comment Date: 5 p.m. ET 12/21/21.

Docket Numbers: ER22–501–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: November 2021 Western Interconnection Biannual Filing (TO SA 59) to be effective 2/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5255.
Comment Date: 5 p.m. ET 12/21/21.

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: November 30, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–26385 Filed 12–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5000–000]

Ampersand Kayuta Falls Hydro, LLC; Notice of Existing Licensee's Failure To File a Timely Notice of Intent To File a Subsequent License Application, and Soliciting Notices of Intent To File a License Application and Pre-Application Documents

The current license for Kayuta Lake Hydroelectric Project No. 5000 (Kayuta Lake Project) was issued to the original licensee, Lawrence R. Taft, on September 12, 1984.[1] The license was transferred to Trafalgar Power, Inc. on October 20, 1987;[2] and was transferred to the current licensee, Ampersand Kayuta Falls Hydro, LLC (Ampersand),

[1] *See Lawrence R. Taft,* 28 FERC ¶ 62,360 (1984).
[2] *See Lawrence R. Taft, Trafalgar Power, Inc.,* 41 FERC ¶ 62,059 (1987).

on March 18, 2015.[3] The original license was issued for a term of 40 years, ending August 31, 2024. The license expiration date was extended to May 31, 2026 by order issued on July 24, 2017.[4] The 482-kilowatt (kW) project is located on the Black River in Oneida County, New York.

The Kayuta Lake Hydroelectric Project consists of: (a) A 450-foot-long, 26-foot-high dam comprising: (1) A 200-foot-long spillway section with crest elevation of 1,141.7 feet mean sea level (msl); (2) a 40-foot-long gated intake section at the left (south) river bank having four 30-foot-long, 3-foot-diameter steel penstocks; and (3) a 210-foot-long earth embankment; (b) a reservoir (Kayuta Lake) having a surface area of 793 acres and a gross storage capacity of 4,889 acre-feet at normal pool elevation of 1,141.7 feet msl; (c) a trash rack; (d) a powerhouse containing one generating unit with an authorized capacity of 482 kW and operated under a 15-foot-head and flow of 405 cfs; (e) a three-phase 480/46,000-volt 0.4-megavolt-ampere step-up transformer; (f) a 100-foot-long, 46-kilovolt overhead transmission line; and (g) appurtenant facilities.

At least five years before the expiration of a license for a minor water power project in which sections 14 and 15 of the Federal Power Act were waived, the Commission's regulations require the licensee to file with the Commission a notice of intent (NOI) that contains an unequivocal statement of the licensee's intention to file or not to file an application for a subsequent license, details on the principal project works and installed plant capacity, and other information.[5]

If such a licensee does not inform the Commission that it intends to file an application for, in this case, a subsequent license for the project, the licensee may not file an application for a subsequent license, either individually or in conjunction with an entity or entities that are not currently licensees of the project.[6]

Because the current license expires on May 31, 2026, the NOI was due to be filed no later than the close of business on May 31, 2021.[7] Ampersand, the current licensee for the Kayuta Lake Project, failed to file an NOI by this date.[8]

Any party interested in filing a license application for the Kayuta Lake Project No. 5000 must first file a NOI[9] and pre-application document (PAD)[10] pursuant to Part 5 of the Commission's regulations. Although the integrated licensing process is the default pre-filing process, section 5.3(b) of the Commission's regulations allows a potential license applicant to request to use alternative licensing procedures when it files its NOI.[11]

This notice sets a deadline of 120 days from the date of this notice for interested applicants, other than the existing licensee, to file NOIs, PADs, and requests to use an alternative licensing process.

Applications for a subsequent license from potential (non-licensee) applicants must be filed with the Commission at least 24 months prior to the expiration of the current license.[12] Because the current license expires on May 31, 2026, applications for license for this project must be filed by May 31, 2024.[13]

Questions concerning this notice should be directed to Samantha Pollak at (202) 502–6419 or *samantha.pollak@ferc.gov.*

Dated: November 30, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–26380 Filed 12–3–21; 8:45 am]

BILLING CODE 6717–01–P

[3] See *Trafalgar Power, Inc., Ampersand Kayuta Falls Hydro LLC,* 150 FERC ¶ 62,172 (2015).

[4] *See Ampersand Kayuta Lake Hydro, LLC,* 160 FERC ¶ 62,066 (2017).

[5] 18 CFR 16.19(b) (2020) (citing 18 CFR 16.6(b)). Section 16.19(b) applies to licenses not subject to Parts 14 and 15 of the Federal Power Act.

[6] 18 CFR 16.24(b) (2020).

[7] The Commission's Rules of Practice and Procedure provide that if a filing deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the filing deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2) (2020). Because the deadline to file the NOI fell on a federal holiday (*i.e.,* Memorial Day), the filing deadline was extended until the close of business on Tuesday, June 1, 2021.

[8] On November 23, 2021, Ampersand filed a notice of intent and a letter indicating that it intended to proceed with relicensing for the Kayuta Lake Hydroelectric Project No. 5000, however, it did not include a PAD as required by section 5.6 of the regulations.

[9] 18 CFR 5.5 (2020).

[10] 18 CFR 5.6 (2020).

[11] 18 CFR 5.3(b) (2020).

[12] 18 CFR 16.20 (2020).

[13] To the extent an interested applicant files an NOI and PAD and elects or is required to use the Commission's ILP, a process plan will be issued within 180 days of this notice, which accelerates the steps of the ILP to allow for filing a subsequent license application by the May 31, 2024 deadline.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–484–000]

Ford County Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Ford County Wind Farm LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 20, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the

last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: November 30, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–26383 Filed 12–3–21; 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: RP22–348–000.
Applicants: Mojave Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Annual Fuel and L & U Filing 2022 to be effective 1/1/2022.
Filed Date: 11/29/21.
Accession Number: 20211129–5184.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–349–000.
Applicants: WTG Hugoton, LP.
Description:
Filed Date: 11/29/21.
Accession Number: 20211129–5208.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–350–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Article 11.2(a) Inflation Adjustment Filing 2022 to be effective 1/1/2022.
Filed Date: 11/29/21.
Accession Number: 20211129–5249.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–351–000.
Applicants: Gas Transmission Northwest LLC.
Description: Annual Fuel Adjustment Filing of Gas Transmission Northwest LLC under RP22–351.
Filed Date: 11/29/21.
Accession Number: 20211129–5286.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–352–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2021 Housekeeping to be effective 12/31/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5000.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–353–000.
Applicants: Eastern Gas Transmission and Storage, Inc.
Description: § 4(d) Rate Filing: EGTS—January 1, 2022 Nonconforming Service Agreement to be effective 1/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5027.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–354–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: § 4(d) Rate Filing: Quarterly Fuel Gas and LU Reimbursement Update Filing to be effective 1/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5054.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–355–000.
Applicants: Dominion Energy Questar Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Gas Reimbursement Percentage for 2022—Stmt of Rates Version 17 to be effective 1/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5066.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–356–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Annual Fuel and L&U Filing 2022 to be effective 1/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5072.
Comment Date: 5 p.m. ET 12/13/21.

Docket Numbers: RP22–357–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 releases eff 12–1–2021) to be effective 12/1/2021.
Filed Date: 11/30/21.
Accession Number: 20211130–5080.
Comment Date: 5 p.m. ET 12/13/21.

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: RP19–57–004.
Applicants: Algonquin Gas Transmission, LLC.
Description: Compliance filing: AGT New York Delivery Surcharge 2021 Filing to be effective 1/1/2022.
Filed Date: 11/30/21.
Accession Number: 20211130–5044.
Comment Date: 5 p.m. ET 12/13/21.

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: November 30, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–26382 Filed 12–3–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–16–000]

Georgia-Pacific Consumer Operations LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on November 16, 2021, Georgia-Pacific Consumer Operations LLC (GPC), 133 Peachtree Street NE, Atlanta, Georgia 30303, filed an application under section 7(b) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations. GPC seeks authorization to abandon in-place its approximately 19.5-mile, eight-inch-diameter pipeline running from the out-of-service DCP Midstream Transfer Station in Union Parish, Louisiana to a point approximately one mile east of GPC's Crossett Facility in Ashley County, Arkansas, and to remove certain aboveground metering facilities, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this

document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the proposed project should be directed to Catherine D. Little, Troutman Pepper Hamilton Sanders LLP, 600 Peachtree Street NE, Suite 3000, Atlanta, Georgia 30308–2216, by phone (404) 885–3056, or by email at *catherine.little@troutman.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on December 21, 2021.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before December 21, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–16–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You may file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number CP22–16–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[4] and the regulations under the NGA[5] by the intervention deadline for the project, which is December 21, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP22–16–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to

[1] 18 CFR (Code of Federal Regulations) § 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

intervene must reference the Project docket number CP22–16–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Motions to intervene must be served on the applicant either by mail or email at: 600 Peachtree Street NE, Suite 3000, Atlanta, Georgia 30308–2216 or at *catherine.little@troutman.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *http://www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on December 21, 2021.

Dated: November 30, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–26379 Filed 12–3–21; 8:45 am]

BILLING CODE 6717–01–P

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC21–153–000]

Notice of Filing; Pacific Gas and Electric Company

Take notice that on November 22, 2021, Pacific Gas and Electric Company (PG&E) submitted a response to the Chief Accountant of the Federal Energy Regulatory Commission (Commission or FERC) regarding its Tower Coating Program.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on December 13, 2021.

Dated: November 30, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–26378 Filed 12–3–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OW–2017–0369; FRL–9281–01–R10]

Good Cause To Extend the Regulatory Time Requirements for Next Steps in 404(c) Review Process, Southwest Alaska

Correction

In notice document 2021–25515 beginning on page 66548 in the issue of Tuesday, November 23, 2021, make the following correction:

On page 66548, in the first column, the subject heading should read as set forth above.

[FR Doc. C1–2021–25515 Filed 12–3–21; 8:45 am]

BILLING CODE 0099–10–D

FARM CREDIT ADMINISTRATION

Sunshine Act Meetings

AGENCY: Farm Credit Administration Board, Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice of the forthcoming regular meeting of the Farm Credit Administration Board is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(1)).

DATES: This regular meeting of the Board will be held on December 9, 2021, from 9:00 a.m. EST until such time as the Board may conclude its business.

ADDRESSES: Because of the COVID–19 pandemic, we will conduct the meeting

virtually. To observe the open portion of the virtual meeting, go to *FCA.gov,* select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Ashley Waldron, Secretary to the Farm Credit Administration Board, at (703) 883–4009. TTY is (703) 883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public, and parts will be closed. If you wish to observe the open portion of this virtual meeting, at least 24 hours before the meeting, go to *FCA.gov,* select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' If you need assistance for accessibility reasons or if you have any questions, contact Ashley Waldron, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are as follows:

Open Session

Approval of Minutes

1. November 18, 2021

Reports

2. Quarterly Report on Economic Conditions and FCS Condition and Performance
3. Semiannual Report on Office of Examination Operations

Closed Session

- Office of Examination Quarterly Report on Supervisory and Oversight Activities [1]

Dated: December 1, 2021.

Ashley Waldron,

Secretary, Farm Credit Administration Board.

[FR Doc. 2021–26377 Filed 12–2–21; 11:15 am]

BILLING CODE 6705–01–P

[1] Closed session is exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

FARM CREDIT SYSTEM INSURANCE CORPORATION

Regular Meeting; Farm Credit System Insurance Corporation Board

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Notice, regular meeting.

SUMMARY: Notice of the forthcoming regular meeting of the Board of the Farm Credit System Insurance Corporation (FCSIC), is hereby given in accordance with the provisions of Article VI of the Bylaws of the FCSIC.

Date and Time: This regular meeting of the Board will be held on December 8, 2021, at 10:00 a.m. EST, until such time as the Board may conclude its business.

Status: Parts of this meeting will be open to the public and parts will be closed.

Place: Because of the COVID–19 pandemic, we will conduct the meeting virtually. If you would like to observe the open portion of the virtual meeting, at least 24 hours before the meeting, go to *FCSIC.gov*, select ''News & Events,'' then ''Board Meetings.'' There you will find a description of the meeting and ''Instructions for board meeting visitors.''

Contact Person for More Information: If you need further information, or if you need assistance for accessibility reasons, or if you have any questions, contact Ashley Waldron, Secretary to the FCSIC Board, at (703) 883–4009. TTY is (703) 883–4056.

Matters to be Considered: The matters to be considered are as follows:

Open Session

1. Approval of September 14, 2021 Minutes
2. FCSIC Financial Reports
3. Report on Insured Obligations
4. Report on Annual Performance Plan

Closed Session

5. Report on Insurance Risk

Closed Session—Audit Committee

6. Federal Managers Financial Integrity Act Review
7. Audit Plan for the Year Ended December 31, 2021
8. Executive Session of the Audit Committee with Auditor

Dated: December 1, 2021.

Ashley Waldron,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 2021–26387 Filed 12–3–21; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX; FR ID 60758]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (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. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before February 4, 2022. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Preparation of Annual Reports to Congress for the Collection & Use of Fees for 988 Services by States & Other Jurisdictions Under the National Suicide Hotline Designation Act of 2020.

Form Number: N/A.

Type of Review: New information collection.

Respondents: State, Local, or Tribal governments.

Number of Respondents and Responses: 630 respondents; 630 responses.

Estimated Time per Response: 55 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in National Suicide Hotline Designation Act of 2020, Public Law 116–172, 134 Stat. 832 (2020) (988 Act).

Total Annual Burden: 34,650 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission will consider the potential confidentiality of any information submitted, particularly where public release of such information could raise security concerns (*e.g.,* granular location information). Respondents may request materials or information submitted to the Commission or to the Administrator be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: This information collection enables the Federal Communications Commission (Commission) to fulfill its continuing obligations under the National Suicide Hotline Designation Act of 2020, Pub. L. 116–172, 134 stat. 832 (2020) (988 Act), to submit an annual ''Fee Accountability Report'' to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, and the Committees on Energy and Commerce and Appropriations of the House of Representatives, detailing ''the status in each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving'' an Alaska Native Claims Settlement Act region, of the collection and distribution of fees or charges for ''the support or implementation of 9–8–8 services,'' including ''findings on the amount of revenues obligated or expended by each [state, political entity, and subdivision] for any purpose other than the purpose for which any such fees or charges are specified.'' (988 Act, 134 stat. at 833–34.)

The Commission will collect information for the preparation of the annual Fee Accountability Report through a survey, to be distributed via electronic mail, that appropriate officials of States and political subdivisions thereof, Indian Tribes, and village or regional corporations serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*) can use to submit data pertaining to the collection and distribution of revenues from fees and charges for the support or implementation of 988 services, including the use of such collected fees and charges for any purpose other than for the support or implementation of 988 services. In addition, consistent with the definition of ''State'' set forth in 47 U.S.C. 153(40) of the Communications Act, the Commission will collect this information from states as well as the District of Columbia and the inhabited U.S. Territories and possessions.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–26346 Filed 12–3–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 20–205; DA 21–1206; FRS 59888]

Notice of 90-Day Period To Submit Affirmation of Operational Status of Identified Earth Station Antennas To Avoid Losing Incumbent Status or File To Remove Identified Antennas From IBFS if No Longer Operational

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the International Bureau (Bureau) provides the following notice to operators of certain incumbent FSS C-band earth station antennas recently reported to the Bureau by RSM US LLP (RSM), the C-band Relocation Coordinator, on behalf of incumbent C-band satellite operators: Failure to submit a filing to the Bureau by no later than 90 days after the release of the Bureau's Public Notice (*i.e.,* by December 27, 2021) affirming the continued operation of the earth station antennas reported to the Bureau as inactive and the intent to participate in the C-band transition will result in a Bureau announcement that those authorizations identified as inactive in the Appendix attached to the Bureau's Public Notice have automatically terminated by operation of rule, and that those authorizations will be terminated in IBFS and removed from the incumbent earth station list. According to RSM, each antenna included in the Appendix to the Bureau's Public Notice was reported by their earth station operator to RSM or a satellite operator as no longer receiving service from a C-band satellite even though the FCC's International Bureau Filing System (IBFS) continues to include the antenna as active.

DATES: Identified earth station operators must provide notice of operational status by December 27, 2021.

FOR FURTHER INFORMATION CONTACT: Kerry Murray, International Bureau, Satellite Division, at (202) 418–0734, *Kerry.Murray@fcc.gov* or *IBFSINFO@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 21–1206, released September 27, 2021. The full text of this document, along with the Appendix identifying the specific earth station antennas subject to automatic termination, is available for public inspection and can be downloaded at *https://www.fcc.gov/document/ib-identifies-inactive-c-band-incumbent-earth-station-antennas* or by using the search function for Docket No. 20–205 on the Commission's ECFS page at *www.fcc.gov/ecfs.*

Background. Under the Commission's *3.7 GHz Band Report and Order,* RSM is responsible for coordinating with the five incumbent C-band satellite operators—Eutelsat, Intelsat, SES, StarOne, and Telesat—to ensure that all incumbent earth stations are accounted for in the transition.[1] The overwhelming majority of incumbent earth stations have been claimed by the satellite operator(s) from which they receive service, included in their transition plans to the Commission, and will be transitioned to the upper 200 megahertz of the band.[2] In other cases, RSM, as the C-band Relocation Coordinator, has conducted outreach and research to determine whether the earth station is still active and, if so, from which satellite(s) the earth station receives its service.[3] In the course of their outreach, the satellite operators and RSM have identified certain antennas as inactive. The inactive status of some of these antennas has been confirmed when the relevant earth station operators filed with the Bureau to close out those antennas in IBFS. For the rest of these inactive antennas, their earth station operators reported to the satellite operators (according to RSM) that these antennas were no longer being used (even though in these cases their earth station operators failed to make the

[1] *See Expanding Flexible Use of the 3.7 to 4.2 GHz Band,* Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2391, paras. 116–23 (2020) (*3.7 GHz Band Report and Order*).

[2] 47 CFR 27.1412(d) (transition plan requirements). The satellite operators also file quarterly status reports in GN Docket No. 20–173. 47 CFR 27.1412(f).

[3] *3.7 GHz Band Report and Order,* 35 FCC Rcd 2343, 2460, para. 313.

requisite discontinuance filings with the FCC in order to close out those antennas in IBFS). RSM has advised the Commission that it and the incumbent satellite operators regularly share the results of their respective outreach efforts to better coordinate the transition of incumbent earth stations.

On January 19, 2021, the Bureau released a Public Notice that provided notice to those incumbent earth station operators that RSM reported in a January 14, 2021 filing as inactive, that such earth station operators had 90 days, until April 19, 2021, to respond in the Electronic Comment Filing System (ECFS) or their registrations would be automatically terminated and they would be removed from the incumbent earth station list.[4] The Public Notice released on January 19, 2021 also provided such 90-day notice to a small group of ''unresponsive'' (or, in terms used in the January 14 RSM filing from which these operators were drawn, ''unable to reach'') incumbent earth station operators about their antennas. Such ''unresponsive'' stations were all incumbent earth stations that (a) had not been claimed by any of the five incumbent C-band satellite operators and, therefore, were not included in any of the satellite operator Transition Plans, and (b) had failed to respond to any outreach efforts from the very beginning of those efforts. The registrations of earth stations that failed to respond have been terminated in IBFS and those registrations have been removed from the incumbent earth station list.[5]

On July 14, 2021, RSM submitted a letter identifying an additional group of individual earth station antennas as no longer operational at the location provided in the latest incumbent earth station list, even though these antennas continue to be listed in IBFS. On July 23, 2021, the Bureau released a Public Notice that provided notice to those incumbent earth station operators that RSM reported as inactive that such earth station operators had 90 days, until October 21, 2021, to respond in the Electronic Comment Filing System (ECFS) or their registrations would be automatically terminated and they would be removed from the incumbent earth station list.[6] The Public Notice released on July 23, 2021 also provided such 90-day notice to a small group of ''unresponsive'' (or, in terms used in the January 14 RSM filing from which these operators were drawn, ''unable to reach'') incumbent earth station operators about their antennas. Such ''unresponsive'' stations were all incumbent earth stations that (a) had not been claimed by any of the five incumbent C-band satellite operators and, therefore, were not included in any of the satellite operator Transition Plans, and (b) had failed to respond to any outreach efforts from the very beginning of those efforts. The registrations of earth stations that failed to respond have been terminated in IBFS and those registrations have been removed from the incumbent earth station list.

On September 27, 2021, RSM submitted a letter identifying an additional group of individual earth station antennas as no longer operational at the location provided in the latest incumbent earth station list, even though these antennas continue to be listed in IBFS. The September 27 RSM filing, with its attachment, can be found in ECFS. RSM explains that it compiled this group of antennas—which were not included in the Public Notice released on July 21, 2021—from affirmative representations made to RSM or the satellite operators by the antennas' earth station operators. We have attached to DA 21–1206 an Appendix listing this group of antennas.

We hereby presume, on a rebuttable basis, that earth station antennas included in the Appendix attached to DA 21–1206 are no longer operational. Section 25.161(c) of the Commission's rules provides that an earth station authorization is automatically terminated if the station is not operational for more than 90 days.[7] We also note that the Commission's rules require earth station operators to take the steps necessary to remove non-operational antennas from the active records in the IBFS.[8] Moreover, under the Commission's rules, antennas must continue to be operational to qualify for incumbent status.[9]

Incumbent earth station operators who need to affirm the continued operation of the identified earth station antennas. We direct earth station operators with incumbent earth station antennas that appear on the inactive list appended to DA 21–1206 to make either of two filings no later than 90 days after release of this Notice (*i.e.,* by December 27, 2021): (1) file to remove those antennas from IBFS as no longer operational as required by Commission rule and optionally make a filing in ECFS IB Docket No. 20–205 confirming the extent to which they are surrendering or removing antennas in IBFS, or (2) file in ECFS IB Docket No. 20–205 affirming that those antennas are still operational. An earth station operator may contact Bureau staff at *IBFSINFO@fcc.gov* if it has questions about the above or if it needs instructions on how to surrender entire Callsigns in IBFS or how to remove an inactive earth station antenna from a Callsign that includes other operational earth station antennas.

Earth station operators with earth station antenna(s) on the inactive list in the Appendix to DA 21–1206 that do not respond by December 27, 2021, affirming the continued operation of the identified earth station antennas will be deemed to have had the authorizations for those antennas automatically terminated by rule. Those authorizations will be terminated in IBFS, *i.e.,* the IBFS records for those antennas will be shown with a terminated status. Such terminated earth stations will also be removed from the incumbent earth station list and will not be entitled to protection from interference from the network deployments of new wireless licenses or be eligible for reimbursement of any transition costs, including the cost of any filters, that those earth stations may decide to incur. Of course, notwithstanding an affirmation of continued operation, the Bureau retains the authority to eliminate an earth station antenna's incumbent status if the Bureau receives additional evidence that the antenna has failed to satisfy applicable requirements for maintaining operation.

Incumbent earth station operators who need to provide additional information to avoid harmful interference. As a reminder, while not subject to 90-days' notice, certain earth station operators that have not provided the necessary information to the Relocation Coordinator or satellite operators may not be successfully transitioned before terrestrial wireless licensees initiate service in the band. In particular, RSM identified in its July 14,

[4] *See International Bureau Identifies Inactive C-Band Incumbent Earth Station Antennas and Unresponsive C-Band Incumbent Earth Station Operators,* Public Notice, DA 21–81 (rel. Jan. 19, 2021).

[5] See *International Bureau Releases Updated List of Incumbent Earth Stations in the 3.7–4.2 GHz Band in the Contiguous United States,* Public Notice, DA 21–731, IB Docket No. 20–205 (rel. June 22, 2021) (June 22, 2021, Incumbent Earth Station List) for the current incumbent earth station list and an explanation of the criteria applied to be included on the list.

[6] *See International Bureau Identifies Inactive C-Band Incumbent Earth Station Antennas and Unresponsive C-Band Incumbent Earth Station Operators,* Public Notice, DA 21–81 (rel. Jan. 19, 2021).

[7] 47 CFR 25.161(c). The Bureau has delegated authority to enforce the Part 25 rules. 47 CFR 0.261(a)(15).

[8] 47 CFR 25.115(b)(8).

[9] 47 CFR 25.138(c)(1).

2021 filing a limited number of incumbent earth station operators with which it was able to establish contact but has not been able to get enough information from the earth station operator for it to be included in a satellite operator transition plan or for RSM to conclude that the earth station is in fact participating in the transition process. With two exceptions,[10] further outreach by RSM with these earth station operators has not been successful.

Unless those earth station operators provide the necessary information, they will risk losing their rights to receive relocation assistance prior to the initiation of service in the band by the incoming terrestrial wireless licensees, as well as any rights to operate in the lower C-band at their current locations free of harmful interference that may occur as these licensees deploy their networks.

Federal Communications Commission.

Denise Coca,

Chief, Telecommunications Analysis Division, International Bureau.

[FR Doc. 2021–26373 Filed 12–3–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0093; –0111; –0136]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064–0093; –0111 and –0136).

DATES: Comments must be submitted on or before February 4, 2022.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/index.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collections of information:*

1. *Title:* Notices Required of Government Securities Dealers or Brokers (Insured State Nonmember Banks).

OMB Number: 3064–0093.

Form Number: G–FIN; G–FINW; G–FIN4 & G–FIN5.

Affected Public: Insured state nonmember banks acting as government securities brokers and dealers.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0093]

Information collection description	Type of burden (obligation to respond)	Frequency of response	Number of respondents	Number of responses per respondent	Hours per response	Annual burden (hours)
Notice by Financial Institutions of Government Securities Broker or Government Securities Dealer Activities (G–FIN).	Reporting (Mandatory).	On Occasion	1	1	1	1
Notice by Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer (G–FINW).	Reporting (Mandatory).	On Occasion	1	1	2	2
Disclosure Form for Person Associated with a Financial Institution Securities Broker or Dealer (G–FIN–4).	Reporting (Mandatory).	On Occasion	1	5	2	10
Uniform Termination Notice for Persons Associated with a Financial Institution Government Securities Broker or Dealer (G–FIN–5).	Reporting (Mandatory).	On Occasion	1	5	0.25	1.25
Total Annual Burden (Hours) ...	.....	.....	.....	.....	.....	14.25

Source: FDIC.

General Description of Collection: The Government Securities Act of 1986 requires all financial institutions acting as government securities brokers and dealers to notify their Federal regulatory agencies of their broker dealer activities,

[10] RSM reports that, since its July 14 filing, the Archdiocese of San Antonio and Williamsburg's Radio Station, Inc. have been included in a space station operator transition plan. September 24 RSM filing, at note 3.

unless exempted from the notice requirements by Treasury Department regulation. The Form G–FIN and Form G–FINW are used by insured State nonmember banks that are government securities brokers or dealers to notify the FDIC of their status or that they have ceased to function as a government securities broker or dealer.

The Form G–FIN–4 is used by associated persons of insured State nonmember banks that are government securities brokers or dealers to provide certain information to the bank and to the FDIC concerning employment, residence, and statutory disqualification. The Form G–FIN–5 is used by insured State nonmember banks that are government securities brokers or dealers to notify the FDIC that an associated person is no longer associated with the government securities broker or dealer function of the bank.

There is no change in the method or substance of the collection. The overall increase in burden hours is the result of economic fluctuation. In particular, the estimated number of submissions of form G–FIN–4 has increased by four, the hours per response increased by one and frequency of responses have remained the same.

2. *Title:* Activities and Investments of Insured State Banks.

OMB Number: 3064–0111.

Form Numbers: None.

Affected Public: Insured state nonmember banks and insured state savings associations.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0111]

Information collection description	Type of burden (obligation to respond)	Frequency of response	Number of respondents	Number of responses per respondent	Hours per response	Annual burden (hours)
Application or Notice to engage in certain activities [1].	Reporting (Required)	On occasion	29	1.1	8	256
Total Annual Burden (Hours).						256

Source: FDIC.

General Description of Collection: Section 24 of the Federal Deposit Insurance (FDI Act), 12 U.S.C. 1831a, limits investments and other activities in which state banks may engage, as principal, to those permissible for national banks and those approved by the FDIC under procedures set forth in part 362 of the FDIC's Rules and Regulations, 12 CFR part 362. With certain exceptions, section 24 of the FDI Act limits the activities and investments of state banks to those activities and investments that are permissible for national banks. In addition, the statute prohibits a state bank from directly engaging, as a principal, in any activity or investment that is not permissible for a national bank, or indirectly through a subsidiary in an activity or investment that is not permissible for a subsidiary of a national bank, unless such bank meets its minimum capital requirements and the FDIC determines that the activity or investment does not pose a significant risk to the Deposit Insurance Fund (DIF). The FDIC can make such a determination for exception by regulation or by order. Section 28(a), 12 U.S.C. 1831e, similarly limits the investments and activities of state savings associations and their service corporations to those permitted by federal savings associations and their service corporations, absent FDIC approval. Part 362 details the activities that state banks or their subsidiaries may engage in, under certain criteria and conditions and identifies the information that state banks must furnish to the FDIC in order to obtain the FDIC's approval or non-objection. Part 362 also applies to the activities and investments of state savings associations and their subsidiaries.

There is no change in the method or substance of the collection. The increase in burden hours is the result of economic fluctuation. In particular, the number of respondents has increased while the hours per response and frequency of responses have remained the same.

3. *Title:* Privacy of Consumer Financial Information.

OMB Number: 3064–0136.

Form Number: None.

Affected Public: Insured state nonmember banks and consumers.

Burden Estimate:

[1] There is no official form used to submit an application or notice. Institutions write a letter with supporting documentation to FDIC to file a response.

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0136]

Information collection description	Type of burden (obligation to respond)	Frequency of response	Number of respondents	Number of responses per respondent	Hours per response	Annual burden (hours)
Initial Notice to Consumers.	Third Party Disclosure (Mandatory).	On Occasion	94	1.4	60	7,896
Opt-out Notice	Third Party Disclosure (Mandatory).	On Occasion	314	1	8	2,512
Annual Notice and Change in Terms.	Third Party Disclosure (Mandatory).	Annual	534	1	8	4,272
Consumer Opt-out	Third Party Disclosure (Voluntary).	On Occasion	435,225	1	0.25	108,806.25
Total Annual Burden (Hours).						123,486.25

Source: FDIC.

General Description of Collection: The elements of this collection are required under sections 503 and 504 of the Gramm-Leach-Bliley Act, 15 U.S.C. 6803, 6804. The collection mandates notice requirements and restrictions on a financial institution's ability to disclose nonpublic personal information about consumers to nonaffiliated third parties.

There is no change in the method or substance of the collection. The overall decrease in burden hours is the result of economic fluctuation. In particular, the estimated number of respondents to the Consumer Opt-out component increased, the number of respondents to the other components decreased and the hours per response and frequency of responses have remained the same.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on November 30, 2021.

James P. Sheesley,

Assistant Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 2021–26357 Filed 12–3–21; 8:45 am]

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FEDERAL RESERVE SYSTEM

[Docket No. OP–1760]

Federal Reserve Bank Services; Notice of Private Sector Adjustment Factor for 2022 and the 2022 Fee Schedules for Federal Reserve Priced Services and Electronic Access

SUMMARY: The Board of Governors of the Federal Reserve System (Board) has approved the private sector adjustment factor (PSAF) for 2022 of $19.4 million and the 2022 fee schedules for Federal Reserve priced services and electronic access. These actions were taken in accordance with the Monetary Control Act of 1980, which requires that, over the long run, fees for Federal Reserve priced services be established based on all direct and indirect costs, including the PSAF.

DATES: The new fee schedules become effective January 3, 2022.

FOR FURTHER INFORMATION CONTACT: For questions regarding the fee schedules: Susan Foley, Senior Associate Director, (202) 452–3596; Kristopher Natoli, Manager, (202) 452–3227; Division of Reserve Bank Operations and Payment Systems. For questions regarding the PSAF: Casey Clark, Assistant Director, (202) 912–7978; Grace Milbank, Lead Financial Institution Policy Analyst, (202) 263–4828, Division of Reserve Bank Operations and Payment Systems. Copies of the 2022 fee schedules for the Check Service are available from the Board, the Federal Reserve Banks, or the Federal Reserve Financial Services website at *www.FRBservices.org.*

SUPPLEMENTARY INFORMATION:

I. Private Sector Adjustment Factor, Priced Services Cost Recovery, and Overview of 2022 Price Changes

A. Overview—Each year, as required by the Monetary Control Act of 1980, the Reserve Banks set fees for priced services provided to financial institutions.[1] These fees are set to recover, over the long run, all direct and indirect costs and imputed costs, including financing costs, taxes, and certain other expenses, as well as the return on equity (profit) that would have been earned if a private-sector business provided the services. The imputed costs and imputed profit are collectively referred to as the private-sector adjustment factor (PSAF).[2]

B. Long-run cost recovery—Although the Monetary Control Act does not define ''over the long run,'' the Board has generally measured long-run cost recovery for mature services to be over a 10-year rolling timeframe.[3] In any given year, one or more priced services may under-recover for a variety of reasons, including due to significant investments to enhance a service.

Through 2020, the Reserve Banks' long-run cost recovery was 103.5 percent of their total expenses (including imputed costs) and targeted after-tax profits or return on equity

[1] On August 5, 2019, the Board announced that the Reserve Banks will develop the FedNow℠ Service, an interbank real-time gross settlement (RTGS) service with integrated clearing functionality, to support the provision of end-to-end faster payment services. The Board anticipates the FedNow Service will be available in 2023. Following the introduction of the FedNow Service, the Board will regularly disclose the service's cost recovery and will monitor progress toward matching revenues and costs.

[2] The business lines subject to the MCA are the Fedwire® Funds Service, National Settlement Service, Fedwire Securities Service, FedACH® Services, and Check Services.

[3] The Board views a 10-year cost recovery expectation as appropriate for assessing mature services, which are those that have achieved a critical mass of customer participation and generally have stable and predictable volumes, costs, and revenues.

(ROE) for providing priced services.[4] Over the same period, each of the services over recovered except for the FedACH® Services. The FedACH Services' under-recovery resulted from the Reserve Banks' development and implementation of a multiyear technology initiative to modernize the FedACH processing platform capabilities. While the modernized platform was implemented in 2021, the Reserve Banks are continuing to invest in platform capabilities, as well as resiliency initiatives, as part of a broader enhancement strategy. At the same time, the Reserve Banks have made minimal changes to existing FedACH fees to provide price stability for customers. While the Reserve Banks project the FedACH Services' long-run cost recovery through 2022 to be 97.4 percent, they ultimately expect the FedACH Services to return to full cost recovery. The Reserve Banks project aggregate long-run cost recovery across all services through 2021 and 2022 to be 103.1 percent and 102.3 percent, respectively.

C. Annual cost recovery—In 2021, the Federal Reserve implemented a new cost accounting framework in parallel with a new Enterprise Resource Planning application as part of a broader modernization effort.[5] Given the recent implementation of these changes, the expense projections for 2022 presented in this notice reflect a greater degree of uncertainty than in prior years. The Reserve Banks believe that these projections are based on conservative assumptions and biased toward higher costs and under-recovery. The Reserve Banks have calibrated their 2022 financial planning accordingly.

Table 1 summarizes 2020 actual, 2021 estimated, and 2022 budgeted annual cost recovery rates for all priced services. Cost recovery is estimated to be 100.5 percent in 2021 and budgeted to be 97.1 percent in 2022.

TABLE 1—AGGREGATE PRICED SERVICES PRO FORMA COST AND REVENUE PERFORMANCE [a]

[Dollars in millions]

Year	Revenue 1 [b]	Total expenses 2 [c]	Net income (ROE) 3 [1 − 2]	Targeted ROE 4 [d]	Recovery rate after targeted ROE (%) 5 [e] [1/(2 + 4)]
2020 (actual)	446.9	433.9	13.0	5.9	101.6
2021 (estimate)	464.9	458.4	6.5	4.4	100.5
2022 (budget)	477.2	484.3	(7.1)	7.2	97.1

[a] Calculations in this table and subsequent pro forma cost and revenue tables may be affected by rounding. Excludes amounts related to the development of the FedNow Service.

[b] Revenue includes imputed income on investments when equity is imputed at a level that meets minimum capital requirements and, when combined with liabilities, exceeds total assets (attachment 1). For 2022, the projected revenue assumes implementation of the fee changes.

[c] The calculation of total expense includes operating, imputed, and other expenses. Imputed and other expenses include taxes, Board of Governors' priced services expenses, the cost of float, and interest on imputed debt, if any. Credits or debits related to the accounting for pension plans under ASC 715 are also included.

[d] Targeted ROE is the after-tax ROE included in the PSAF.

[e] The recovery rates in this and subsequent tables do not reflect the unamortized gains or losses that must be recognized in accordance with ASC 715. Future gains or losses, and their effect on cost recovery, cannot be projected.

Table 2 provides an overview of cost-recovery budgets, estimates, and performance for the 10-year period from 2011 to 2020, 2020 actual, 2021 budget, 2021 estimate, and 2022 budget by priced service.

TABLE 2—PRICED SERVICES COST RECOVERY

[Percent]

Priced service	2011–2020	2020 actual	2021 budget [a]	2021 estimate	2022 budget [b]
All services	103.5	101.6	98.7	100.5	97.1
Check	108.9	103.2	97.7	99.1	94.3
FedACH	98.1	97.5	97.4	96.4	99.0
Fedwire® Funds and NSS	102.6	105.3	100.5	106.0	97.0
Fedwire Securities	102.3	101.1	100.9	100.4	97.2

[a] The 2021 budget figures reflect the final budgets as approved by the Board in December 2020.

[b] The 2022 budget figures reflect preliminary budget information from the Reserve Banks. The Reserve Banks will submit final budget data to the Board in November 2021, for Board consideration in December 2021.

[4] The 10-year recovery rate is based on the pro forma income statements for Federal Reserve priced services published in the Board's *Annual Report.* In accordance with Accounting Standards Codification (ASC) 715 *Compensation—Retirement Benefits,* the Reserve Banks recognized a $630.7 million cumulative reduction in equity related to the priced services' benefit plans through 2020. Including this cumulative reduction in equity from 2011 to 2020 results in cost recovery of 95.6 percent for the 10-year period. This measure of long-run cost recovery is also published in the Board's *Annual Report.*

[5] The Federal Reserve approved the new Cost Accounting Strategic Planning and Reporting (CASPR), replacing the Planning Control System cost accounting framework that was established in 1977 and refreshed in 2001. CASPR establishes cost-accounting policies and provides uniform reporting structure for accumulating and reporting cost data for priced, reimbursable, assessed, and other central bank services for all Federal Reserve Banks. The framework provides the rules that serve to ensure the consistent application at all Reserve Banks of cost-accounting methodologies, data comparability, and practical measures of the cost of providing Federal Reserve services.

1. *2021 Estimated Performance*—The COVID–19 pandemic created a heightened degree of uncertainty around forecasts of the priced services' volumes and revenues. These challenges were reflected in the Board's approval to keep most priced services' fees unchanged in 2021 and contributed to differences between the Reserve Banks' 2021 overall cost-recovery original budget and current estimate. The Reserve Banks estimate that they will recover 100.5 percent of the costs of providing priced services in 2021, including total expense and targeted ROE, compared with a 2021 budgeted recovery rate of 98.7 percent, as shown in table 2. Overall, the Reserve Banks estimate that they will fully recover actual and imputed costs and earn net income of $6.5 million, compared with the targeted ROE of $4.4 million. The Reserve Banks estimate that the Fedwire Funds and National Settlement Services, and the Fedwire Securities Service will achieve full cost recovery; however, the Reserve Banks estimate that the Check Services and FedACH Services will not achieve full cost recovery in 2021. The Check Services' estimated under-recovery is largely driven by the anticipated further decline in check volumes. Consistent with recent years, the FedACH Services will not achieve full cost recovery because of investment costs associated with completing the multiyear technology initiative to modernize its processing platform.[6] This investment enhanced efficiency, the overall quality of operations, and the Reserve Banks' ability to offer additional services to financial institutions.

2. *2022 Private-Sector Adjustment Factor*—The 2022 PSAF for Reserve Bank priced services is $19.4 million. This amount represents an increase of $3.0 million from the 2021 PSAF of $16.4 million. This increase is primarily the result of an increased cost of meeting the PSR Policy.

3. *2022 Projected Performance*—The Reserve Banks project a priced services cost recovery rate of 97.1 percent in 2022, with a net loss of $7.1 million and targeted ROE of $7.2 million. The Reserve Banks project that each of the individual service lines will under-recover in 2022. The Fedwire Funds Service and National Settlement Service are expected to under recover due to ongoing technology investments, including those associated with the Fedwire Funds Service transitioning to the ISO® 20022 messaging format. The Fedwire Securities Service is expected to under-recover due to the timing of a strategic transition to more accurately allocate the costs of providing the service. The Check Services' under-recovery projections are largely driven by an anticipated further decline in check volumes, while the FedACH Services under-recovery projection is driven by continued technology modernization and resiliency initiatives.

The Reserve Banks' primary risks to current projections are unanticipated volume and revenue reductions and the potential for cost overruns from new and ongoing improvement initiatives.[7]

4. *2022 Pricing*—The following summarizes the Reserve Banks' changes in fee schedules for priced services in 2022:

Check

- The Reserve Banks will reassign the tier placement of 1,210 and 54 endpoints within FedForward® and FedReturn® Services, respectively.[8] Related to that reassignment, the Reserve Banks will lower the volume thresholds by 7 percent for FedForward tiers and 20 percent for FedReturn tiers.
- The Reserve Banks will lower the daily fixed fees for the FedForward Standard Daily A and B deposit options, by $25 and $50, respectively, and the FedForward Premium Daily A, B, and C deposit options, by $100, $200, and $300, respectively.
- The Reserve Banks will lower the volume thresholds by 7 percent for both Retail Payments Premium Receivers (RPPR) customers and non-RPPR customers within the FedReceipt® Accelerated Forward Delivery Service. The Reserve Banks will also remove the highest level of discount available to non-RPPR customers.
- The Reserve Banks will increase the tiered pricing structure for the monthly Check 21 participation fee with fees ranging from $55 to $225.
- The Reserve Banks will increase the FedReceipt Premium Delivery per-item fees by $0.006 for the 8:00 a.m. ET Target, $0.003 for the 10:00 a.m. Target, and $0.003 for the 12:00 noon Target.[9]

FedACH

- The Reserve Banks will increase the FedLine Web®-originated Return and Notification of Change (NOC) fee by $0.15.
- The Reserve Banks will increase pricing tiers for the FedPayments® Reporter Service by approximately 10 percent.
- The Reserve Banks will discontinue the $20 monthly bundled service package discount.

Fedwire Funds

- The Reserve Banks will increase the monthly participation fee from $95 to $100.
- The Reserve Banks will increase the tier 1 volume-based pre-incentive transfer fee from $0.84 to $0.88.
- The Reserve Banks will increase the tier 2 volume-based pre-incentive transfer fee from $0.25 to $0.255.
- The Reserve Banks will increase the tier 3 volume-based pre-incentive transfer fee from $0.165 to $0.17.
- The Reserve Banks will increase the surcharge for offline transfers from $65 to $70.

National Settlement Service

- The Reserve Banks will keep prices at existing levels for all existing priced National Settlement Service products.

Fedwire Securities

- The Reserve Banks will decrease the agency transfer fee from $0.98 to $0.77.

FedLine® Solutions

- The Reserve Banks will increase the price for FedMail® Fax Service from $150 to $200.
- The Reserve Banks will increase the price for FedMail Email Service (for customers with FedLine Web and above) from $40 to $60.
- The Reserve Banks will increase the price for FedLine Subscribers—Pack of 5 from $80 to $100.

D. *Private Sector Adjustment Factor*—The imputed debt financing costs, targeted ROE, and effective tax rate are based on a U.S. publicly traded firm market model.[10] The method for calculating the financing costs in the PSAF requires determining the appropriate imputed levels of debt and equity and then applying the applicable financing rates. In this process, a pro forma balance sheet using estimated assets and liabilities associated with the Reserve Banks' priced services is

[6] The Reserve Banks engaged in a multiyear technology initiative to modernize the FedACH processing platform capabilities, which was implemented in 2021.

[7] The Reserve Banks are preparing to deliver services to the industry via Application Programming Interfaces (API) to the industry in 2022. APIs are a set of protocols for connecting software systems programmatically, enabling system-to-system interoperability. Communication will be forthcoming on timing and availability of initial APIs.

[8] The Reserve Banks evaluate and set tier assignments every other year based on changes in the volume of items received by endpoints.

[9] The 8:00 a.m. delivery target is expressed in eastern time, while the 10:00 a.m. and 12:00 noon targets are local time.

[10] Data for U.S. publicly traded firms is from the Standard and Poor's Compustat® database. This database contains information on more than 6,000 U.S. publicly traded firms, which approximates information for the entirety of the U.S. market.

developed, and the remaining elements that would exist are imputed as if these priced services were provided by a private business firm. The same generally accepted accounting principles that apply to commercial-entity financial statements apply to the relevant elements in the priced services pro forma financial statements.

The portion of Federal Reserve assets that will be used to provide priced services during the coming year is determined using information about actual assets and projected disposals and acquisitions. The priced portion of these assets is determined based on the allocation of depreciation and amortization expenses of each asset class. The priced portion of actual Federal Reserve liabilities consists of postemployment and postretirement benefits, accounts payable, and other liabilities. The priced portion of the actual net pension asset or liability is also included on the balance sheet.[11]

The equity financing rate is the targeted ROE produced by the capital asset pricing model (CAPM). In the CAPM, the required rate of return on a firm's equity is equal to the return on a risk-free asset plus a market risk premium. The risk-free rate is based on the three-month Treasury bill; the beta is assumed to be equal to 1.0, which approximates the risk of the market as a whole; and the market risk premium is based on the monthly returns in excess of the risk-free rate over the most recent 40 years. The resulting ROE reflects the return a shareholder would expect when investing in a private business firm.

For simplicity, given that federal corporate income tax rates are graduated, state income tax rates vary, and various credits and deductions can apply, an actual income tax expense is not explicitly calculated for Reserve Bank priced services. Instead, the Board targets a pretax ROE that would provide sufficient income to fulfill the priced services' imputed income tax obligations. To the extent that performance results are greater or less than the targeted ROE, income taxes are adjusted using the effective tax rate.

Capital structure. The capital structure is imputed based on the imputed funding need (assets less liabilities), subject to minimum equity constraints. Short-term debt is imputed to fund the imputed short-term funding need. Long-term debt and equity are imputed to meet the priced services long-term funding need at a ratio based on the capital structure of the U.S. publicly traded firm market. The level of equity must meet the minimum equity constraints, which follow the FDIC requirements for a well-capitalized institution. The priced services must maintain equity of at least 5 percent of total assets and 10 percent of risk-weighted assets.[12] Any equity imputed that exceeds the amount needed to fund the priced services' assets and meet the minimum equity constraints is offset by a reduction in imputed long-term debt. When imputed equity is larger than what can be offset by imputed debt, the excess is imputed as investments in Treasury securities; income imputed on these investments reduces the PSAF.

Application of the Payment System Risk (PSR) Policy to the Fedwire Funds Service. The Board's PSR policy incorporates the international standards for financial market infrastructures (FMIs) developed by the Committee on Payments and Market Infrastructure[13] and the Technical Committee of the International Organization of Securities Commissions in the *Principles for Financial Market Infrastructures.* The policy requires that the Fedwire Funds Service meet or exceed the applicable risk-management standards. Principle 15 states that an FMI should identify, monitor, and manage general business risk and hold sufficient liquid net assets funded by equity to cover potential general business losses so that it can continue operations and services as a going concern if those losses materialize. Further, liquid net assets should at all times be sufficient to ensure a recovery or orderly wind-down of critical operations and services. The Fedwire Funds Service does not face the risk that a business shock would cause the service to wind down in a disorderly manner and disrupt the stability of the financial system. To foster competition with private-sector FMIs, however, the Reserve Banks' priced services will hold an amount equivalent to six months of the Fedwire Funds Service's current operating expenses as liquid financial assets and equity on the pro forma balance sheet.[14] Current operating expenses are defined as normal business operating expenses on the income statement, less depreciation, amortization, taxes, and interest on debt. Using the Fedwire Funds Service's preliminary 2022 budget, six months of current operating expenses would be $77.6 million. In 2022, $46.8 million of equity was imputed to meet the FDIC capital requirements. Additional equity of $30.8 million was necessary to meet the PSR policy requirement.

Effective tax rate. Like the imputed capital structure, the effective tax rate is calculated based on data from U.S. publicly traded firms. The tax rate is the mean of the weighted average rates of the U.S. publicly traded firm market over the past five years.

Debt and equity financing. The imputed short- and long-term debt financing rates are derived from the nonfinancial commercial paper rates from the Federal Reserve Board's H.15 Selected Interest Rates release (AA and A2/P2) and the annual Merrill Lynch Corporate & High Yield Index rate, respectively. The equity financing rate is described above. The rates for debt and equity financing are applied to the priced services estimated imputed short-term debt, long-term debt, and equity needed to finance short- and long-term assets and meet equity requirements.

The 2022 PSAF is $19.4 million, compared with $16.4 million in 2021. The increase of $3.0 million is attributable to a net $3.1 million increase in the cost of capital. The net $3.1 million increase in cost of capital resulted from an incremental $3.6 million increase in return on imputed equity necessary for PSR policy compliance partially offset by a $0.3 million decrease in the cost of debt and a $0.2 million decrease in the return on equity imputed to satisfy the FDIC requirements for a well-capitalized institution.

[11] The pension assets are netted with the pension liabilities and reported as a net asset or net liability as required by ASC 715 *Compensation—Retirement Benefits.*

[12] The FDIC rule, which was adopted as final on April 14, 2014, requires that well-capitalized institutions meet or exceed the following standards: (1) Total capital to risk-weighted assets ratio of at least 10 percent, (2) tier 1 capital to risk-weighted assets ratio of at least 8 percent, (3) common equity tier 1 capital to risk-weighted assets ratio of at least 6.5 percent, and (4) a leverage ratio (tier 1 capital to total assets) of at least 5 percent. Because all of the Federal Reserve priced services' equity on the pro forma balance sheet qualifies as tier 1 capital, only requirements 1 and 4 are binding. The FDIC rule can be located at *https://www.fdic.gov/news/board/2014/2014-04-08_notice_dis_c_fr.pdf.*

[13] Formerly the Committee on Payment and Settlement Systems.

[14] This requirement does not apply to the Fedwire Securities Service. There are no competitors to the Fedwire Securities Service that would face such a requirement, and imposing such a requirement when pricing the securities services could artificially increase the cost of these services.

The PSAF expense of $19.4 million, detailed in table 5, reflects $9.0 million for capital funding, $6.2 million for BOG expense, and $4.2 million in sales tax expense.

As shown in table 3, 2022 total assets of $790.1 million decreased by $0.5 million from 2021. The net decrease in total assets reflects a $55.9 million decrease in long-term assets partially offset by a $55.4 million increase in short-term assets and imputed investments.

The net long-term asset decrease of $55.9 million primarily consists of a $65.9 million decrease in the net pension asset. The net pension asset decrease reflects lower plan contributions planned for 2021 and for 2022. The reclassification of assets between Premises and Furniture and equipment and the reclassification of assets between long-term Software and leasehold improvements and short-term Prepaid expenses primarily reflect accounting policy changes.[15] The increase in the deferred tax asset is due to increases expected from demographic experiences.

The increase in the short-term assets is primarily driven by a $101.9 million increase in the imputed investments in Treasury securities from imputed equity required to meet FDIC capital requirements for a well-capitalized institution and to comply with the PSR policy and a $19.7 million increase in prepaid expenses partially offset by a $70.0 million decrease in imputed investments in Fed Funds.

The capital structure of the 2022 pro forma balance sheet, provided in table 4, is composed of equity of $77.6 million, or 16.6 percent of the 2022 risk-weighted assets detailed in table 6, and no long-term debt. The 2022 capital structure differs from that of 2021, which was composed of $51.8 million of equity and $9.1 million of long-term debt. Provided in table 5, the 2022 initially imputed equity required to fund assets and meet the publicly traded firm model capital requirements is negative $9.9 million. As long-term liabilities are greater than long-term assets, long-term debt of negative $14.4 million was imputed at the observed market ratio of 59.1 percent. To meet the FDIC capital requirements for a well-capitalized institution, $14.4 million of negative imputed long-term debt was substituted for equity, and additional equity of $56.7 million was imputed to meet the FDIC capital requirements. The resulting $46.8 million total level of equity was not sufficient to satisfy the $77.6 million equity needed for the PSR policy requirements and additional equity of $30.8 million was imputed.

The net Accumulated Other Comprehensive loss is $687.7 million, compared with $628.2 million in 2021. The $59.5 million decrease is primarily attributable to a lower discount rate and demographic experiences. AOCI is in a net loss position and does not reduce the total imputed equity required to fund priced services assets or fulfill the FDIC equity requirements for a well-capitalized institution.

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[15] The Financial Accounting Manual for the Federal Reserve Bank: Summary of Revisions describes the accounting policy changes impacting asset reclassifications. Available at *https://www.federalreserve.gov/aboutthefed/summary-of-revisions.htm.*

Table 3

Comparison of Pro Forma Balance Sheets for Budgeted Federal Reserve Priced Services[a]
(millions of dollars – projected average for year)

	2022	2021	Change
Short-term assets			
Receivables	$ 39.0	$ 37.1	$ 1.9
Inventory	0.4	0.4	0.0
Prepaid expenses	30.5	10.8	19.7
Items in process of collection[16]	64.0	62.1	1.9
Total short-term assets	133.9	110.4	23.5
Imputed investments[17]			
Imputed investment in Treasury Securities	$ 101.9	$ 0.0	$ 101.9
Imputed investment in Fed Funds	172.0	242.0	(70.0)
Total imputed investments	273.9	242.0	31.9
Long-term assets			
Premises[18]	$ 87.6	$ 94.6	$ (7.0)
Furniture and equipment	51.9	31.5	20.4
Software and leasehold improvements	64.8	74.4	(9.6)
Net pension asset	0.9	66.8	(65.9)
Deferred tax asset	177.1	170.9	6.2
Total long-term assets	382.3	438.2	(55.9)
Total assets	$ 790.1	$ 790.6	$ (0.5)
Short-term liabilities			
Deferred credit items[15]	$ 236.0	$ 304.1	$ (68.1)
Short-term debt	21.6	8.1	13.5
Short-term payables	48.3	40.2	8.1
Total short-term liabilities	305.9	352.4	(46.5)
Long-term liabilities			
Long-term debt	$ 0.0	$ 9.1	$ (9.1)
Postemployment/postretirement benefits and net pension liabilities[19]	406.6	377.3	29.3
Total liabilities	$ 712.4	$ 738.9	$ (26.3)
Equity[20]	$ 77.6	$ 51.8	$ 25.8
Total liabilities and equity	$ 790.1	$ 790.6	$ (0.5)

[a] Calculations in this table and subsequent PSAF tables may be affected by rounding.

Table 4

Imputed Funding for Priced-Services Assets
(millions of dollars)

	2022	2021
A. Short-term asset financing		
Short-term assets to be financed		
Receivables	$ 39.0	$ 37.1
Inventory	0.4	0.4
Prepaid expenses	30.5	10.8
Total short-term assets to be financed	$ 69.9	$ 48.4
Short-term payables	48.3	40.2
Net short-term assets to be financed	$ 21.6	$ 8.1
Imputed short-term debt financing[21]	$ 21.6	$ 8.1
B. Long-term asset financing		
Long-term assets to be financed		
Premises	$ 87.6	$ 94.6
Furniture and equipment	51.9	31.5
Software and leasehold improvements	64.8	74.4
Net pension asset	0.9	66.8
Deferred tax asset	177.1	170.9
Total long-term assets to be financed	$ 382.3	$ 438.2
Postemployment/postretirement benefits and net pension liabilities	406.6	377.3
Net long-term assets to be financed	$ 77.6	$ 60.9
Imputed long-term debt[16]	$ 0.0	$ 9.1
Imputed equity[16]	77.6	51.8
Total long-term financing	$ 77.6	$ 60.9

Table 5

Derivation of the 2022 and 2021 PSAF
(dollars in millions)

	2022				2021			
A. Imputed long-term debt and equity								
	Debt			Equity	Debt			Equity
Net long-term assets to finance	$ (24.3)			$ (24.3)	$ 60.9			$ 60.9
Capital structure observed in market	59.1%			40.9%	58.7%			41.3%
Pre-adjusted long-term debt and equity	$ (14.4)			$ (9.9)	$ 35.7			$ 25.2
Equity adjustments[22]:								
Equity to meet capital requirements	-			46.8	-			51.8
Adjustment to debt and equity funding given capital requirements[23]	14.4			(14.4)	(26.6)			26.6
Adjusted equity balance	-			(24.3)	-			51.8
Equity to meet capital requirements[24]	-			71.1	-			-
Total imputed long-term debt and equity	$ -			$ 46.8	$ 9.1			$ 51.8
B. Cost of capital								
Elements of capital costs								
Short-term debt[25]	$ 21.6	X	0.1% =	$ -	$ 8.1	x	0.2% =	$ -
Long-term debt[25]	-	X	3.4% =	-	9.1	x	3.8% =	0.3
Equity[26]	46.8	X	11.6% =	5.4	51.8	x	10.7% =	5.6
				$ 5.4				$ 5.9
C. Incremental cost of PSR policy								
Equity to meet policy	$ 30.8	X	11.6% =	$ 3.6	$ -	x	10.7% =	$ -
D. Other required PSAF costs								
Sales taxes			$ 4.2				$ 3.9	
Board of Governors expenses			6.2				6.6	
				10.4				10.5
				$ 19.4				$ 16.4
E. Total PSAF								
As a percent of assets				2.5%				2.1%
As a percent of expenses				4.3%				4.1%
F. Tax rates				20.3%				20.8%

Table 6

Computation of 2021 Capital Adequacy for Federal Reserve Priced Services
(dollars in millions)

	Assets	Risk Weight	Weighted Assets
Imputed investments:			
1-Year Treasury securities[27]	$ 101.9	-	$ -
Federal funds[28]	172.0	0.2	34.4
Total imputed investments	273.9		34.4
Receivables	$ 39.0	0.2	$ 7.8
Inventory	0.4	1.0	0.4
Prepaid expenses	30.5	1.0	30.5
Items in process of collection	64.0	0.2	12.8
Premises	87.6	1.0	87.6
Furniture and equipment	51.9	1.0	51.9
Software and leasehold improvements	64.8	1.0	64.8
Pension asset	0.9	1.0	0.9
Deferred tax asset	177.1	1.0	177.1
Total	$ 790.1		$ 468.2
Imputed equity:			
Capital to risk-weighted assets	16.6%		
Capital to total assets	9.8%		

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E. *Check Service*—Table 7 shows the 2020 actual, 2021 estimated, and 2022 budgeted cost-recovery performance for the commercial check service.

[16] Credit float, which represents the difference between items in process of collection and deferred credit items, occurs when the Reserve Banks debit the paying bank for transactions before providing credit to the depositing bank. Float is directly estimated at the service level.

[17] Consistent with the Board's PSR policy, the Reserve Banks' priced services will hold an amount equivalent to six months of the Fedwire Funds Service's current operating expenses as liquid net financial assets and equity on the pro forma balance sheet. Six months of the Fedwire Funds Service's projected current operating expenses is $77.6 million. In 2022, $30.8 million of equity was imputed to meet the regulatory capital requirements.

[18] Includes the allocation of Board of Governors assets to priced services of $2.1 million for 2022 and $2.4 million for 2021.

[19] Includes the allocation of Board of Governors liabilities to priced services of $1.3 million for 2022 and $1.0 million for 2021.

[20] Includes an accumulated other comprehensive loss of $687.7 million for 2022 and $628.2 million for 2021, which reflects the ongoing amortization of the accumulated loss in accordance with ASC 715. Future gains or losses, and their effects on the pro forma balance sheet, cannot be projected. See table 5 for calculation of required imputed equity amount.

[21] Imputed short-term debt financing is computed as the difference between short-term assets and short-term liabilities. As presented in table 5, the financing costs of imputed short-term debt, imputed long-term debt and imputed equity are the elements of cost of capital, which contribute to the calculation of the PSAF.

[22] If minimum equity constraints are not met after imputing equity based on the capital structure observed in the market, additional equity is imputed to meet these constraints. The long-term funding need was met by imputing long-term debt and equity based on the capital structure observed in the market (see tables 4 and 6). In 2021, the amount of imputed equity met the minimum equity requirements for risk-weighted assets.

[23] Equity adjustment offsets are due to a shift of long-term debt funding to equity in order to meet FDIC capital requirements for well-capitalized institutions.

[24] Additional equity in excess of that needed to fund priced services assets is offset by an asset balance of imputed investments in treasury securities.

[25] Imputed short-term debt and long-term debt are computed at table 4.

[26] The 2022 ROE is equal to a risk-free rate plus a risk premium (beta * market risk premium). The 2021 after-tax CAPM ROE is calculated as 0.05% + (1.0 * 9.16%) = 9.21%. Using a tax rate of 20.3%, the after-tax ROE is converted into a pretax ROE, which results in a pretax ROE of (9.21%/(1 − 20.3%)) = 11.55%. Calculations may be affected by rounding.

[27] If minimum equity constraints are not met after imputing equity based on all other financial statement components, additional equity is imputed to meet these constraints. Additional equity imputed to meet minimum equity requirements is invested solely in Treasury securities. The imputed investments are similar to those for which rates are available on the Federal Reserve's H.15 statistical release, which can be located at *http://www.federalreserve.gov/releases/h15/data.htm.*

[28] The investments are imputed based on the amounts arising from the collection of items before providing credit according to established availability schedules.

TABLE 7—CHECK SERVICE PRO FORMA COST AND REVENUE PERFORMANCE

[Dollars in millions]

Year	Revenue	Total expense	Net income (ROE)	Targeted ROE	Recovery rate after targeted ROE
	1	2	3 [1 − 2]	4	5 [1/(2 + 4)]
2020 (actual)	114.1	109.3	4.8	1.3	103.2
2021 (estimate)	109.0	108.9	0.1	1.1	99.1
2022 (budget)	105.2	110.5	(5.3)	1.0	94.3

1. *2021 Estimate*—The Reserve Banks estimate that the check service will recover 99.1 percent of total expenses and targeted ROE, compared with a 2021 budgeted recovery rate of 97.7 percent.

Through June, total commercial forward and total commercial return check volumes were 2.5 percent and 16.4 percent lower, respectively, than they were during the same period last year. For full-year 2021, the Reserve Banks estimate that their total forward check volume will decline 3.0 percent (compared with a budgeted decline of 5.0 percent) and their total return check volume will decline 8.1 percent (compared with a budgeted decline of 7.0 percent) from 2020 levels. The Reserve Banks expect that check volumes will continue to decline, although uncertainty remains as to the rate of decline into 2022. In particular, the Reserve Banks' check volumes are expected to decline because of substitution away from checks to other payment instruments.

2. *2022 Pricing*—The Reserve Banks expect Check Services to recover 94.3 percent of total expenses and targeted ROE in 2022. The Reserve Banks project revenue to be $105.2 million, a decline of 3.4 percent from the 2021 estimate. Total expenses for Check Services are projected to be $110.5 million, an increase of $1.6 million, or 1.5 percent, from 2021 estimated expenses.

The Reserve Banks will increase the pricing tiers for the fixed monthly participation fee. In light of the ongoing volume declines, the changes are intended to continue to support revenue stability through fixed fees while minimizing the impact of fee increases on smaller institutions, taking into account higher system utilization costs associated with higher volumes from larger institutions. Table 8 shows the 2022-tiered participation fees.

TABLE 8—CHECK 21 PARTICIPATION FEE STRUCTURE

Tier [29]	Monthly fee
1	$225.00
2	140.00
3	90.00
4	55.00

The Reserve Banks evaluate and set tier assignments every other year based on changes in the volume of items received by endpoints.[30] In 2022, the Reserve Banks will reassign the tier placement of 1,210 endpoints for FedForward services and 54 endpoints for FedReturn services. As part of this year's analysis, the Reserve Banks also reviewed the volume thresholds as overall industry check volumes continue to decline and endpoints naturally move into higher priced tiers. Therefore, to minimize customer impact, the Reserve Banks will lower the tiered FedForward volume thresholds by 7 percent and the tiered FedReturn thresholds by 20 percent.

Based on the 2022 tier assignments, the Reserve Banks will include changes to the daily fixed fees for the FedForward Standard Daily and FedForward Premium Daily deposit options. The Reserve Banks will lower the daily fixed fees for FedForward Standard Daily A and FedForward Standard Daily B image cash letters by $25 and $50, respectively. The Reserve Banks will lower the daily fixed fees for the FedForward Premium Daily A, FedForward Premium Daily B, and FedForward Premium Daily C image cash letters by $100, $200, and $300, respectively.

The Reserve Banks will also lower the volume discount thresholds associated with the FedReceipt Accelerated Forward Delivery service to align them with overall industry volume decline and allow customers to continue to qualify for volume-based discounts. The Reserve Banks will lower the thresholds by 7 percent, for both Retail Payments Premium Receivers (RPPR) and non-RPPR discount levels. The Reserve Banks will also remove the higher discount level previously available to non-RPPR customers.

Lastly, the Reserve Banks will increase the per-item fee for the FedReceipt Premium Delivery 8:00 a.m. ET target by $0.006 to $0.032, for the 10:00 a.m. target by $0.003 to $0.020, and for the 12:00 noon target by $0.003 to $0.015.[31] The fee increases are intended to continue pursuing value-based pricing for those financial institutions that use the service. The Reserve Banks estimate the above price changes, along with an expected decrease in volume, will result in an overall 3.4 percent average price increase for Check Services' customers.

The Reserve Banks' primary risk to current projections for Check Services is a greater-than-expected decline in check volume due to the general reduction in check writing and competition from correspondent banks, aggregators, and direct exchanges, which would result in lower-than-anticipated revenue.

F. *FedACH Services*—Table 9 shows the 2020 actual, 2021 estimate, and 2022 budgeted cost-recovery performance for the commercial FedACH Services.

[29] This fee is charged to financial institutions that have received any Check 21 electronic or substitute check volume (forward or return) from the Reserve Banks during the month. The fee is applied at the parent financial institution level, as defined in the Reserve Banks' Global Customer Directory (GCD). Each financial institution's tier assignment is determined by the criteria described in the FedForward Standard Endpoint Tier Listing.

[30] In 2019, in response to feedback from customers, the Reserve Banks decided to evaluate and set tier assignments every other year instead of annually to provide more certainty and price stability to the industry. The Reserve Banks last evaluated and set tier assignments for the 2020 fee schedules.

[31] FedReceipt Services consist of the electronic presentment of an image cash letter to the paying bank that consists of all forward items deposited electronically. The 8:00 a.m. delivery target is expressed in eastern time, while the 10:00 a.m. and 12:00 noon targets are local time.

TABLE 9—FEDACH SERVICES PRO FORMA COST AND REVENUE PERFORMANCE

[Dollars in millions]

Year	Revenue	Total expense	Net income (ROE)	Targeted roe	Recovery rate after targeted ROE
	1	2	3 [1 − 2]	4	5 [1/(2 + 4)]
2020 (actual)	159.4	161.5	(2.1)	2.0	97.5
2021 (estimate)	164.6	169.2	(4.6)	1.6	96.4
2022 (budget)	173.2	173.5	(0.3)	1.5	99.0

1. *2021 Estimate*—The Reserve Banks estimate that the FedACH Services will recover 96.4 percent of total expenses and targeted ROE, compared with a budgeted recovery rate of 97.4 percent.

Through June, FedACH commercial origination and receipt volume was 11.1 percent higher than it was during the same period last year. For full-year 2021, the Reserve Banks estimate that FedACH commercial origination and receipt volume will increase 8.1 percent from 2020 levels, compared with a 2020 budgeted increase of 3.6 percent. Investment costs associated with the multiyear technology initiative to modernize the FedACH processing platform drove the overall under-recovery rate.

2. *2022 Pricing*—The Reserve Banks expect the FedACH Services to recover 99.0 percent of total expenses and targeted ROE in 2022. The Reserve Banks project revenue to be $173.2 million, an increase of 5.2 percent from the 2021 estimate. Total expenses are projected to be $173.5 million, an increase of 2.5 percent from 2021 expenses.

The Reserve Banks will increase the FedLine Web-originated Return and Notification of Change (NOC) fee by $0.15 as the service will now allow a Receiving Depository Financial Institution (RDFI) to derive their own returns and NOCs for a payment presented through FedACH beyond the current 60 business day limitation to two years.

The Reserve Banks will increase the pricing tiers for the FedPayments Reporter Service for FedACH Services by approximately 10 percent given the enhancements made to the service in recent years.[32] The Reserve Banks will also discontinue the $20 monthly bundled service package discount given limited customer uptake in recent years.[33] The Reserve Banks estimate the above price changes, along with an expected increase in volume, will result in an overall 1.3 percent average price increase for FedACH customers.

The Reserve Banks expect the FedACH Services to return to full cost recovery over the long run and will continue to assess pricing strategies that balance price stability with ongoing investments in technology infrastructure. The Reserve Banks' primary risks to current projections for the FedACH Services are unanticipated cost overruns associated with continued technology and resiliency investments and lower than projected volumes.

G. *Fedwire Funds Service and National Settlement Service*—Table 10 shows the 2020 actual, 2021 estimate, and 2022 budgeted cost-recovery performance for the Fedwire Funds Service and the National Settlement Service.

TABLE 10—FEDWIRE FUNDS SERVICE AND NATIONAL SETTLEMENT SERVICE PRO FORMA COST AND REVENUE PERFORMANCE

[Dollars in millions]

Year	Revenue	Total expense	Net income (ROE)	Targeted ROE	Recovery rate after targeted ROE
	1	2	3 [1 − 2]	4	5 [1/(2 + 4)]
2020 (actual)	144.6	135.0	9.6	2.3	105.3
2021 (estimate)	163.7	153.0	10.7	1.4	106.0
2022 (budget)	175.0	176.1	−1.1	4.3	97.0

1. *2021 Estimate*—The Reserve Banks estimate that the Fedwire Funds Service and the National Settlement Service will recover 106 percent of total expenses and targeted ROE, compared with a budgeted recovery rate of 100.5 percent.

Through June, Fedwire Funds Service online volume was 16.7 percent higher than it was during the same period last year. For full-year 2021, the Reserve Banks estimate that Fedwire Funds Service online volume will increase 18.1 percent from 2020 levels, compared with the 2.4 percent volume decrease that had been budgeted. Through June, the National Settlement Service settlement file volume was 0.9 percent higher than it was during the same period last year, and settlement entry volume was 3.6 percent higher. For the full year, the Reserve Banks estimate that settlement file volume will increase 1.0 percent (compared with a budgeted increase of 0.7 percent) and settlement entry volume will increase 4.3 percent from 2020 levels (compared with a budgeted 0.5 percent increase).

2. *2022 Pricing*—The Reserve Banks expect the Fedwire Funds Service and the National Settlement Service to

[32] The target fee change is approximately 10 percent rounded to $5 increments.

[33] To qualify for the discount, a financial institution must have met all of the following criteria in a given month: (1) Be charged the minimum monthly fee for forward origination; (2) subscribe to FedLine Web Plus or any higher FedLine access solution; and (3) subscribe to the FedPayments Reporter Service, the FedACH RDFI Alert Service, or the FedACH Risk Origination Monitoring Service.

recover 97.0 percent of total expenses. Revenue is projected to be $175.0 million, an increase of 6.9 percent from the 2021 estimate. The Reserve Banks project total expenses to be approximately $23.1 million higher than 2021 expenses, an increase of 15 percent, primarily reflecting ongoing technology investments, including those associated with Fedwire Funds Service transition to the ISO 20022 messaging format, and higher operating costs.[34]

The Reserve Banks will increase all three of the gross origination and receipt tiered fees. The tier 1 fee will increase from $0.84 to $0.88, the tier 2 fee will increase from $0.25 to $0.255, and the tier 3 fee will increase from $0.165 to $0.17. In addition, the monthly participation fee will increase from $95.00 to $100.00 and the offline send and receive surcharge for the Fedwire Funds Service will increase from $65.00 to $70.00. The Reserve Banks estimate the above price changes, along with an expected increase in volume, will result in an overall 7.7 percent average price increase for Fedwire Funds Service customers.

The Reserve Banks will not change National Settlement Service fees for 2022.

The Reserve Banks' primary risk to current projections for these services is an overrun in technology investments and an increase in operating costs. Unanticipated decreases in volume may also negatively impact cost recovery.

H. *Fedwire Securities Service*—Table 11 shows the 2020 actual, 2021 estimate, and 2022 budgeted cost-recovery performance for the Fedwire Securities Service.[35]

TABLE 11—FEDWIRE SECURITIES SERVICE PRO FORMA COST AND REVENUE PERFORMANCE

[Dollars in millions]

Year	Revenue	Total expense	Net income (ROE)	Targeted ROE	Recovery rate after targeted ROE
	1	2	3 [1 − 2]	4	5 [1/(2 + 4)]
2020 (actual)	28.8	28.1	0.7	0.3	101.1
2021 (estimate)	27.6	27.2	0.4	0.3	100.4
2022 (budget)	23.7	24.2	−0.5	0.2	97.2

1. *2021 Estimate*—The Reserve Banks estimate that the Fedwire Securities Service will recover 100.4 percent of total expenses and targeted ROE, compared with a 2021 budgeted recovery rate of 100.9 percent. The Reserve Banks estimate revenue to be $27.6 million, an increase of 5.7 percent from the 2021 budget.

For full-year 2021, volume for account maintenance is expected to decline from 2020 levels, while volumes for issue maintenance are expected to increase modestly from 2020 levels. Through June, account maintenance volume was 4.7 percent lower than it was during the same period last year. For full-year 2021, the Reserve Banks estimate that account maintenance volume will decline 4.4 percent from 2020 levels, compared with a budgeted decline of 3.4 percent. Through June, the number of agency issues maintained was 0.2 percent higher than it was during the same period last year. For full-year 2021, the Reserve Banks estimate that the number of agency issues maintained will increase 0.5 percent from 2020 levels, compared with a budgeted decline of 3.1 percent.

2. *2022 Pricing*—The Reserve Banks expect the Fedwire Securities Service to recover 97.2 percent of total expenses and targeted ROE in 2022. Revenue is projected to be $23.7 million, a decrease of 14.1 percent from the 2021 revenue estimate. The Reserve Banks also project that 2022 expenses will decrease by $3 million from the 2021 estimate, a decrease of 11 percent.

The Reserve Banks project that agency transfer volume will decrease by 25 percent in 2022 from 2021 estimates driven by expectations of a slowdown in refinancing. The volume of accounts maintained are expected to decrease 4.4 percent, consistent with recent trends, and the volume of agency issues maintained is expected to remain relatively flat.

The Reserve Banks will decrease the agency transfer fee from $0.98 to $0.77 as part of a strategic transition to more accurately allocate the costs of providing the service and to align fees across security types. Since transfers of agency securities constitute approximately 20 percent of Fedwire Securities Service total volume, the overall impact of fee changes is substantially dependent on the level at which Treasury sets the fees for transfers of Treasuries securities. The Reserve Banks are working with the Treasury to strategically align fees and will continue to do so to ensure that customers are not negatively impacted.

The Reserve Banks' primary risks to current projections for Fedwire Securities Service are lower-than-expected volumes and higher-than-expected costs stemming from technology initiatives related to operational functionality and resiliency.

G. *FedLine Solutions*—The Reserve Banks charge fees for the electronic connections that financial institutions use to access priced services and allocate the costs and revenues associated with this electronic access to the priced services.[36] There are six FedLine channels through which customers can access the Reserve Banks' priced services: FedMail, FedLine Exchange®, FedLine Web, FedLine Advantage®, FedLine Command® and FedLine Direct®.[37] The Reserve Banks bundle these channels into eleven FedLine packages, described below, that are supplemented by a number of

[34] In October 2021, the Board announced that the Federal Reserve Banks will adopt the ISO® 20022 message format for the Fedwire® Funds Service. *See* New Message Format for the Fedwire® Funds Service, 86 FR 55600 (Oct. 6, 2021).

[35] The Reserve Banks provide transfer services for securities issued by the U.S. Treasury, federal government agencies, government-sponsored enterprises, and certain international institutions. The priced component of this service, reflected in this memorandum, consists of revenues, expenses, and volumes associated with the transfer of all non-Treasury securities. For Treasury securities, the U.S. Treasury assesses fees for the securities transfer component of the service. The Reserve Banks assess a fee for the funds settlement component of a Treasury securities transfer; this component is not treated as a priced service.

[36] FedLine Solutions provide customers with access to Reserve Bank priced services. As such, FedLine costs and revenue are allocated to the Reserve Banks' priced services on an expense ratio basis.

[37] FedMail, FedLine Exchange, FedLine Web, FedLine Advantage, FedLine Command, and FedLine Direct are registered trademarks of the Federal Reserve Banks.

premium (or à la carte) access and accounting information options. In addition, the Reserve Banks offer FedComplete® packages, which are bundled offerings of FedLine connections and a fixed number of FedACH Services, Fedwire Funds Service, and Check 21-enabled transactions.

Eight attended access packages offer manual access to critical payment and information services via a web-based interface. The FedMail package provides access to basic information services via email, while the two FedLine Exchange packages are designed to provide certain services, such as the E-Payments Routing Directory, to customers that otherwise do not use FedLine for any payment services. Two FedLine Web packages offer online attended access to a range of services, including cash services, FedACH information services, and Check services. Three FedLine Advantage packages expand upon the FedLine Web packages and offer attended access to critical transactional services: FedACH, Fedwire Funds, and Fedwire Securities.

Three unattended access packages are computer-to-computer, internet Protocol (IP)-based interfaces. The FedLine Command package offers an unattended connection to FedACH as well as to most accounting information services. The two remaining options are FedLine Direct packages, which allow for unattended connections at multiple connection speeds to Check, FedACH, Fedwire Funds, and Fedwire Securities transactional and information services and to most accounting information services.

The Reserve Banks propose to increase the monthly fees for FedMail Fax service from $150 to $200, and FedMail Email service from $40 to $60. FedMail Fax service is available a la carte for all FedLine Solutions access packages, and FedMail Email service is available a la carte only for FedLine Web or higher packages.[38] The Reserve Banks will also align the delivery of all daylight overdraft reports exclusively through the Account Management Information (AMI) application via the FedLine Web® and FedLine Advantage® Solutions, eliminating their availability through the FedMail® Service. The Reserve Banks seek to provide not only highly secure, modern access solutions, but also to enhance the customer experience through access to value-added services not available on legacy technology.

In addition, the Reserve Banks propose to increase the monthly fee for the FedLine Subscribers—Pack of 5 from $80 to $100. The proposed price increase is to support FedLine modernization efforts. The Reserve Banks are focused on updating network architecture and supporting processes to deliver greater access and availability, improved resiliency, and increased automation. The Reserve Banks estimate the above price changes will result in a 6.7% average price increase for FedLine customers.

II. Analysis of Competitive Effect

All operational and legal changes considered by the Board that have a substantial effect on payment system participants are subject to the competitive impact analysis described in the March 1990 policy ''The Federal Reserve in the Payments System.'' [39] Under this policy, the Board assesses whether changes would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services because of differing legal powers or constraints or because of a dominant market position deriving from such legal differences. If any proposed changes create such an effect, the Board must further evaluate the changes to assess whether the benefits associated with the changes—such as contributions to payment system efficiency, payment system integrity, or other Board objectives—can be achieved while minimizing the adverse effect on competition.

The 2022 fees, fee structures, and changes in service will not have a direct and material adverse effect on the ability of other service providers to compete effectively with the Reserve Banks in providing similar services. The Reserve Banks expect to continue to achieve aggregate long-run cost recovery across all priced services.

III. 2022 Fee Schedules

FEDACH SERVICES 2022 FEE SCHEDULE

[Effective January 3, 2022. **Bold indicates changes from 2021 prices.**]

	Fee
FedACH minimum monthly fee:	
Originating depository financial institution (ODFI) [40]	$50.00
Receiving depository financial institution (RDFI) [41]	$40.00.
Origination (per item or record):	
Forward or return items	$0.0035.
SameDay Service—forward item [42]	$0.0010 surcharge
Addenda record	$0.0015.
FedLine Web-originated returns and notification of change (NOC) [43]	**$0.50.**
Facsimile Exception Return/NOC [44]	$45.00.
SameDay Exception Return	$45.00.
Automated NOC	$0.20.
Volume discounts (based on monthly billed origination volume) [45] per item when origination volume is:	
750,001 to 1,500,000 items per month	$0.0008 discount.
more than 1,500,000 items per month	$0.0010 discount.
Volume discounts (based on monthly billed receipt volume) [46] per item when receipt volume is:	
10,000,001 to 15,000,000 items per month	$0.0002 discount.
more than 15,000,000 items per month	$0.0003 discount.
Receipt (per item or record):	
Forward Item	$0.0035.
Return Item	$0.0075.
Addenda record	$0.0015.
Volume discounts:	

[38] In 2018, the Board of Governors approved stopping the onboarding of new subscribers to the FedMail® Fax service effective January 1, 2019.

[39] Federal Reserve Regulatory Service (FRRS) 9–1558.

FEDACH SERVICES 2022 FEE SCHEDULE—Continued

[Effective January 3, 2022. **Bold indicates changes from 2021 prices.**]

	Fee
Non-Premium Receivers [47] per item when volume is:	
750,001 to 12,500,000 items per month [48]	$0.0017 discount
more than 12,500,000 items per month [49]	$0.0019 discount
Premium Receivers, Level One [50] per item when volume is:	
750,001 to 1,500,000 items per month [48]	$0.0017 discount.
1,500,001 to 2,500,000 items per month [49]	$0.0017 discount.
2,500,001 to 12,500,000 items per month [49]	$0.0018 discount.
more than 12,500,000 items per month [49]	$0.0020 discount.
Premium Receivers, Level Two [51] per item when volume is:	
750,001 to 1,500,000 items per month [48]	$0.0017 discount.
1,500,001 to 2,500,000 items per month [49]	$0.0017 discount.
2,500,001 to 12,500,000 items per month [49]	$0.0019 discount.
more than 12,500,000 items per month [49]	$0.0021 discount.
FedACH Risk® Management Services: [52]	
Monthly Package Fee (a single fee based on total number of criteria sets):	
For up to 5 criteria sets	$35.00.
For 6 through 11 criteria sets	$70.00.
For 12 through 23 criteria sets	$125.00.
For 24 through 47 criteria sets	$150.00.
For 48 through 95 criteria sets	$250.00.
For 96 through 191 criteria sets	$425.00.
For 192 through 383 criteria sets	$675.00.
For 384 through 584 criteria sets	$850.00.
For more than 584 criteria sets	$1,100.00.
Batch/Item Monitoring (based on total monthly volume):	
For 1 through 100,000 batches (per batch)	$0.007.
For more than 100,000 batches (per batch)	$0.0035.
Monthly FedPayments Reporter Service:	
FedPayments Reporter Service monthly package includes the following reports:	
ACH Received Entries Detail—Customer and Depository Financial Institution.	
ACH Return Reason Report—Customer and Depository Financial Institution.	
ACH Originated Entries Detail—Customer and Depository Financial Institution.	
ACH Volume Summary by SEC Code—Customer.	
ACH Customer Transaction Activity.	
ACH Death Notification.	
ACH International (IAT).	
ACH Notification of Change.	
ACH Payment Data Information File.	
ACH Remittance Advice Detail.	
ACH Remittance Advice Summary.	
ACH Return Item Report and File.	
ACH Return Ratio.	
ACH Social Security Beneficiary.	
ACH Originator Setup.	
ACH Report Delivery via FedLine Solution.	
On Demand Report Surcharge [53]	$1.00.
Monthly Package Fee (counts reflect reports generated as well as delivered via a FedLine Solution):	
For up to 50 reports	**$45.00.**
For 51 through 150 reports	**$65.00.**
For 151 through 500 reports	**$120.00.**
For 501 through 1,000 reports	**$220.00.**
For 1,001 through 1,500 reports	**$320.00.**
For 1,501 through 2,500 reports	**$505.00.**
For 2,501 through 3,500 reports	**$705.00.**
For 3,501 through 4,500 reports	**$900.00.**
For 4,501 through 5,500 reports	**$1095.00.**
For 5,501 through 7,000 reports	**$1,350.00.**
For 7,001 through 8,500 reports	**$1,585.00.**
For 8,501 through 10,000 reports	**$1,815.00.**
For more than 10,000 reports	**$1,980.00.**
Premier reports (per report generated): [53]	
ACH Volume Summary by SEC Code Report—Depository Financial Institution:	
For 1 through 5 reports	$10.00.
For 6 through 10 reports	$6.00.
For 11 or more reports	$1.00.
On Demand Surcharge	$1.00.
ACH Routing Number Activity Report:	
For 1 through 5 reports	$10.00.
For 6 through 10 reports	$6.00.
For 11 or more reports	$1.00.
On Demand Surcharge	$1.00.

FEDACH SERVICES 2022 FEE SCHEDULE—Continued

[Effective January 3, 2022. **Bold indicates changes from 2021 prices.**]

	Fee
ACH Originated Batch Report (monthly):	
For 1 through 5 reports	$10.00.
For 6 through 10 reports	$6.00.
For 11 or more reports	$1.00.
On Demand Surcharge	$1.00.
ACH Originated Batch Report (daily):	
Scheduled Report	$0.65.
On Demand Surcharge	$1.00.
On-us inclusion:	
Participation (monthly fee per RTN)	$10.00.
Per-item	$0.0030.
Per-addenda	$0.0015.
Report delivery via encrypted email (per email)	$0.20.
Other Fees and Discounts:	
Monthly fee (per RTN):	
FedACH Participation Fee [54]	$65.00.
SameDay Service Origination Participation Fee [55]	$10.00.
FedACH Settlement Fee [56]	$55.00.
FedACH Information File Extract Fee	$150.00.
IAT Output File Sort Fee	$75.00.
Fixed Participation Fee—Automated NOCs [57]	$5.00.
Non-Electronic Input/Output fee [58]	
CD/DVD (CD or DVD)	$50.00.
Paper (file or report)	$50.00.
Fees and Credits Established by Nacha [59]	
Nacha Same Day Entry fee (per item)	$0.052.
Nacha Same Day Entry credit (per item)	$0.052 (credit).
Nacha Unauthorized Entry fee (per item)	$4.50.
Nacha Unauthorized Entry credit (per item)	$4.50 (credit).
Nacha Admin Network fee (monthly fee per RTN)	$22.00.
Nacha Admin Network fee (per entry)	$0.000185.
FedGlobal® ACH Payments: [60]	
Fixed Monthly Fee (per RTN): [61]	
Monthly origination volume more than 500 items	$185.00.
Monthly origination volume between 161 and 500 items	$60.00.
Monthly origination volume less than 161 items	$20.00.
Per-item Origination Fee for Monthly Volume more than 500 Items (surcharge): [62]	
Canada service	$0.50.
Mexico service	$0.55.
Panama service	$0.60.
Europe service	$1.13.
Per-item Origination Fee for Monthly Volume between 161 and 500 items (surcharge): [62]	
Canada service	$0.75.
Mexico service	$0.80.
Panama service	$0.85.
Europe service	$1.38.
Per-item Origination Fee for Monthly Volume less than 161 items (surcharge): [62]	
Canada service	$1.00.
Mexico service	$1.05.
Panama service	$1.10.
Europe service	$1.63.
Other FedGlobal ACH Payments Fees:	
Canada service:	
Return received from Canada [63]	$0.99 (surcharge).
Trace of item at receiving gateway	$5.50.
Trace of item not at receiving gateway	$7.00.
Mexico service:	
Return received from Mexico [63]	$0.91 (surcharge).
Item trace	$13.50.
Foreign currency to foreign currency (F3X) item originated to Mexico [62]	$0.67 (surcharge).
Panama service:	
Return received from Panama [63]	$1.00 (surcharge).
Item trace	$7.00.
NOC	$0.72.
Europe service:	
F3X item originated to Europe [62]	$1.25 (surcharge).
Return received from Europe [63]	$1.35 (surcharge).
Item trace	$7.00.
Exception Resolution Service:	
Fixed Fee per RTN [64] (monthly):	
Self-Managed Cases	$10.00.

FEDACH SERVICES 2022 FEE SCHEDULE—Continued

[Effective January 3, 2022. **Bold indicates changes from 2021 prices.**]

	Fee
Agent-Managed Cases	$10.00.
Offline Service Participant	$60.00.
Variable Case Open Monthly Fees per Case (applies to self-managed and agent-managed cases only at the parent RTN): [65]	
1–50 cases	$1.25.
51–100 cases	$1.00.
101–500 cases	$0.75.
501–1,000 cases	$0.50.
1,001–5,000 cases	$0.25.
5,001–10,000 cases	$0.20.
10,001–99,999,999 cases	$0.10.
Offline Service Participant—Case Fees: [66]	
Case Open Fee	$5.00.
Case Response Fee	$5.00.

FEDWIRE FUNDS AND NATIONAL SETTLEMENT SERVICES 2022 FEE SCHEDULE

[Effective January 3, 2022. **Bold indicates changes from 2021 prices.**]

	Fee
Fedwire Funds Service	
Monthly Participation Fee	**$100.00**
Basic volume-based pre-incentive transfer fee (originations and receipts)—per transfer for:	
Tier 1: The first 14,000 transfers per month	**0.880**
Tier 2: Additional transfers up to 90,000 per month	**0.255**
Tier 3: Every transfer over 90,000 per month	**0.170**
Volume-based transfer fee with the incentive discount (originations and receipts)—per eligible transfer for [67]	
Tier 1: The first 14,000 transfers per month	**0.176**
Tier 2: Additional transfers up to 90,000 per month	**0.051**
Tier 3: Every transfer over 90,000 per month	**0.034**
Surcharge for Offline Transfers (Originations and Receipt)	**70.00**
Surcharge for End-of-Day Transfer Originations [68]	0.26
Monthly FedPayments Manager Import/Export fee [69]	50.00

[40] Any ODFI incurring less than $50 for the following fees will be charged a variable amount to reach the minimum: Forward value and non-value item origination fees, and FedGlobal ACH origination surcharges.

[41] Any RDFI not originating forward value and non-value items and incurring less than $40 in receipt fees will be charged a variable amount to reach the minimum. Any RDFI that originates forward value and nonvalue items incurring less than $50 in forward value and nonvalue item origination fees will only be charged a variable amount to reach the minimum monthly origination fee.

[42] This surcharge is assessed on all forward items that qualify for same-day processing and settlement and is incremental to the standard origination item fee.

[43] The fee includes the item and addenda fees in addition to the conversion fee.

[44] The fee includes the item and addenda fees in addition to the conversion fee. Reserve Banks also assess a $45 fee for every government paper return/NOC they process.

[45] Origination volumes at these levels qualify for a waterfall discount which includes all FedACH origination items.

[46] Origination discounts based on monthly billed receipt volume apply only to those items received by FedACH receiving points and are available only to Premium Receivers.

[47] RDFIs receiving through FedACH less than 90 percent of their FedACH-originated items.

[48] This per-item discount is a reduction to the standard receipt fees listed in this fee schedule.

[49] Receipt volumes at these levels qualify for a waterfall discount which includes all FedACH receipt items.

[50] RDFIs receiving through FedACH at least 90 percent of their FedACH-originated items, but less than 90 percent of all of their ACH items originated through any operator.

[51] RDFIs receiving through FedACH at least 90 percent of all of their ACH items originated through any operator.

[52] Criteria may be set for both the Origination Monitoring Service and the RDFI Alert Service. Subscribers with no criteria set up will be assessed the $35 monthly package fee.

[53] Premier reports generated on demand are subject to the package/tiered fees plus a surcharge.

[54] The fee applies to RTNs that have received or originated FedACH transactions during a month. Institutions that receive only U.S. government transactions or that elect to use a private-sector operator exclusively are not assessed the fee.

[55] This surcharge is assessed to any RTN that originates at least one item meeting the criteria for same-day processing and settlement in a given month.

[56] The fee is applied to any RTN with activity during a month, including RTNs of institutions that elect to use a private-sector operator exclusively but also have items routed to or from customers that access the ACH network through FedACH. This fee does not apply to RTNs that use the Reserve Banks for only U.S. government transactions.

[57] Fee will be assessed only when automated NOCs are generated.

[58] Limited services are offered in contingency situations.

[59] The fees and credits listed are collected from the ODFI and credited to Nacha (admin network) or to the RDFI (same-day entry and unauthorized entry) in accordance with the *ACH Rules.*

[60] The international fees and surcharges vary from country to country as these are negotiated with each international gateway operator.

[61] A single monthly fee based on total FedGlobal ACH Payments origination volume.

[62] This per-item surcharge is in addition to the standard domestic origination fees listed in this fee schedule.

[63] This per-item surcharge is in addition to the standard domestic receipt fees listed in this fee schedule.

[64] Any financial institution that opens at least 1,000 Exception Resolution Service cases in a given month will receive a 50% discount on its Exception Resolution Service fixed fees for that month.

[65] The per case fees are rolled up to the parent RTN, such that a customer that opens a total of 100 cases per month under two separate RTNs would pay a total of $112.50 ($1.25 for the first 50 cases and $1.00 for the next 50 cases) in addition to the fixed fees.

[66] A financial institution may enroll in the Service as an offline Service Participant by designating the Reserve Bank to access and use the functionality of the application on behalf of the Offline Participant.

FEDWIRE FUNDS AND NATIONAL SETTLEMENT SERVICES 2022 FEE SCHEDULE—Continued

[Effective January 3, 2022. **Bold indicates changes from 2021 prices.**]

	Fee
Surcharge for high-value payments:	
>$10 million	0.14
>$100 million	0.36
Surcharge for Payment Notification:	
Origination Surcharge [70]	0.01
Receipt Volume [70] [71]	N/A
Delivery of Reports—Hard Copy Reports to On-Line Customers	50.00
Special Settlement Arrangements (charge per settlement day) [72]	150.00
National Settlement Service	
Basic:	
Settlement Entry Fee	1.50
Settlement File Fee	30.00
Surcharge for Offline File Origination [73]	45.00
Minimum Monthly Fee [74]	60.00

FEDWIRE SECURITIES SERVICE 2022 FEE SCHEDULE (NON-TREASURY SECURITIES)

[Effective January 3, 2022. **Bold indicates changes from 2021 prices**.]

	Fee
Basic Transfer Fee: [75]	
Transfer or reversal originated or received	**$0.77**
Surcharge: [76]	
Offline origination & receipt surcharge	80.00
Monthly Maintenance Fees: [75]	
Account maintenance (per account)	57.50
Issue maintenance (per issue/per account)	0.77
Claims Adjustment Fee [75] [77]	1.00
GNMA Serial Note Stripping or Reconstitution Fee [78]	9.00
Joint Custody Origination Surcharge [75] [79]	46.00
Delivery of Reports—Hard Copy Reports to On-Line Customers [75]	50.00

[67] The incentive discounts apply to the volume that exceeds 60 percent of a customer's historic benchmark volume. Historic benchmark volume is based on a customer's average daily activity over the previous five calendar years. If a customer has fewer than five full calendar years of previous activity, its historic benchmark volume is based on its daily activity for as many full calendar years of data as are available. If a customer has less than one year of past activity, then the customer qualifies automatically for incentive discounts for the year. The applicable incentive discounts are as follows: $0.704 for transfers up to 14,000; $0.204 for transfers 14,001 to 90,000; and $0.136 for transfers over 90,000.

[68] This surcharge applies to originators of transfers that are processed by the Reserve Banks after 5:00 p.m. eastern time.

[69] This fee is charged to any Fedwire Funds participant that originates a transfer message via the FedPayments Manager (FPM) Funds tool and has the import/export processing option setting active at any point during the month.

[70] Payment Notification and End-of-Day Origination surcharges apply to each Fedwire funds transfer message.

[71] Provided on billing statement for informational purposes only.

[72] This charge is assessed to settlement arrangements that use the Fedwire Funds Service to affect the settlement of interbank obligations (as opposed to those that use the National Settlement Service). With respect to such special settlement arrangements, other charges may be assessed for each funds transfer into or out of the accounts used in connection with such arrangements.

[73] If your organization is a settlement agent, it may be able to use the National Settlement Service offline service if it is experiencing an operational event that prevents the transmission of settlement files via its electronic connection to the Federal Reserve Banks. The Federal Reserve Banks have limited capacity to process offline settlement files. As a result, while the Federal Reserve Banks use best efforts to process offline settlement file submissions, there is no guarantee that an offline settlement file, in particular one that is submitted late in the operating day or that contains a large number of entries, will be accepted for processing. Only those persons identified as authorized individuals on the National Settlement Service 04 Agent Contact Form may submit offline settlement files. For questions related to the National Settlement Service offline service, please contact National Settlement Service Central Support Service Staff (CSSS) at 800–758–9403, or via email at *csss.staff@ny.frb.org.*

[74] Any settlement arrangement that accrues less than $60 during a calendar month will be assessed a variable amount to reach the minimum monthly fee.

[75] These fees are set by the Federal Reserve Banks.

[76] This surcharge is set by the Federal Reserve Banks. It is in addition to any basic transfer or reversal fee.

[77] The Federal Reserve Banks offer an automated claim adjustment process only for Agency mortgage-backed securities.

[78] This fee is set by and remitted to the Government National Mortgage Association (GNMA).

[79] The Federal Reserve Banks charge participants a Joint Custody Origination Surcharge for both Agency and Treasury securities.

FEDLINE 2022 FEE SCHEDULE

[Effective January 3, 2022. **Bold indicates changes from 2021 prices**.]

	Fee
FedComplete Packages (monthly) [80] [81]	
FedComplete 100A Plus [82] includes	$825.00.
FedLine Advantage Plus package.	
FedLine Subscriber—Pack of 5.	
7,500 FedForward transactions.	
46 FedForward Cash Letter items.	
70 FedReturn transactions.	
14,000 FedReceipt transactions.	
Check monthly participation fee.	
35 Fedwire Funds origination transfers.	
35 Fedwire Funds receipt transfers.	
Fedwire monthly participation fee.	
1,000 FedACH origination items.	
FedACH monthly minimum fee—Forward Origination.	
7,500 FedACH receipt items.	
FedACH monthly minimum fee—Receipt.	
10 FedACH web-originated return/NOC.	
500 FedACH addenda record originated.	
1,000 FedACH addenda record received.	
100 FedACH SameDay Service—Forward Item Originated.	
FedACH Participation Fee.	
FedACH settlement fee.	
FedACH SameDay Service origination participation fee.	
FedComplete 100A Premier includes	$900.00.
FedLine Advantage Premier package.	
Volumes included in the FedComplete 100A Plus package.	
FedComplete 100C Plus includes	$1,375.00.
FedLine Command Plus package.	
Volumes included in the FedComplete 100A Plus package.	
FedComplete 200A Plus includes	$1,350.00.
FedLine Advantage Plus package.	
FedLine subscriber 5-pack.	
25,000 FedForward transactions.	
46 FedForward Cash Letter items.	
225 FedReturn transactions.	
25,000 FedReceipt transactions.	
Check monthly participation fee.	
100 Fedwire Funds origination transfers.	
100 Fedwire Funds receipt transfers.	
Fedwire monthly participation fee.	
2,000 FedACH origination items.	
FedACH monthly minimum fee—Forward Origination.	
25,000 FedACH receipt items.	
FedACH monthly minimum fee—Receipt.	
20 FedACH web-originated return/NOC.	
750 FedACH addenda record originated.	
1,500 FedACH addenda record received.	
200 FedACH SameDay Service—Forward Item Originated.	
FedACH Participation Fee.	
FedACH settlement fee.	
FedACH SameDay Service origination participation fee.	
FedComplete 200A Premier includes	$1,425.00.
FedLine Advantage Premier package.	
Volumes included in the FedComplete 200A Plus package.	
FedComplete 200C Plus includes	$1,900.00.
FedLine Command Plus package.	
Volumes included in the FedComplete 200A Plus package.	
FedComplete Excess Volume and Receipt Surcharge: [83]	
FedForward [84]	$0.03700/item.
FedReturn	$0.82000/item.
FedReceipt	$0.00005/item.
Fedwire Funds Origination	**$0.88000/item.**
Fedwire Funds Receipt	**$0.08800/item.**
FedACH Origination	$0.00350/item.
FedACH Receipt	$0.00035/item.
FedComplete credit adjustment	various.
FedComplete debit adjustment	various.

FEDLINE 2022 FEE SCHEDULE—Continued

[Effective January 3, 2022. **Bold indicates changes from 2021 prices**.]

	Fee
FedLine Solutions (monthly)	
FedMail [85] includes	$85.00.
FedMail access channel.	
Check FedFoward, Fed Return and FedReceipt Services.	
Check Adjustments.	
FedACH Download Advice and Settlement Information.	
Fedwire Funds Offline Advices.	
Daily Statement of Account (Text).	
Monthly Statement of Service Charges (Text).	
Electronic Cash Difference Advices.	
FedLine Exchange [85] includes	$40.00.
E-Payments Directory (via manual download).	
FedLine Exchange Premier [85] includes	$125.00.
FedLine Exchange package.	
E-Payments Directory (via automated download).	
FedLine Web [86] includes	$110.00.
FedLine Web access channel.	
Services included in the FedLine Exchange package.	
Check FedForward, FedReturn and FedReceipt Services.	
Check Adjustments.	
FedACH Derived Returns and NOCs.	
FedACH File, Batch and Item Detail Information.	
FedACH Download Advice.	
FedACH Settlement Information.	
FedACH Customer Profile Information.	
FedACH Returns Activity Statistics.	
FedACH Risk RDFI Alert Service.	
FedACH Risk Returns Reporting Service.	
FedACH Exception Resolution Service.	
FedCash® Services.	
FedLine Web Plus [86] includes	$160.00.
Services included in the FedLine Web package.	
FedACH Risk Origination Monitoring Service.	
FedACH FedPayments Reporter Service.	
Check Large Dollar Return.	
Check FedImage Services.	
Account Management Information (AMI).	
Daily Statement of Account (PDF, Text).	
Daylight Overdraft Reports.	
Monthly Account Services (SCRD) File.	
Monthly Statement of Service Charges (PDF, Text).	
E-Payments Routing Directory (via automated download).	
FedLine Advantage [86] includes	$415.00.
FedLine Advantage access channel.	
One VPN device.	
Services included in the FedLine Web package.	
FedACH File Transmission To/From Federal Reserve.	
FedACH Request Output File Delivery.	
FedACH View File Transmission and Processing Status.	
Fedwire Originate and Receive Funds Transfer.	
Fedwire Originate and Receive Securities Transfer.	
National Settlement Service Services.	
Check Large Dollar Return.	
Check FedImage Services.	
Account Management Information with Intra-Day Download Search File.	
Daily Statement of Account (PDF, Text).	
Daylight Overdraft Reports.	
Monthly Account Services (SCRD) File.	
Monthly Statement of Service Charges (PDF, Text).	
FedLine Advantage Plus [86] includes	$460.00.
Services included in the FedLine Advantage package.	
One VPN device.	
FedACH Risk Origination Monitoring Service.	
FedACH FedPayments Reporter Service.	
Fedwire Funds FedPayments Manager Import/Export (less than or equal to 250 Fedwire transactions and one routing number per month).	
FedTransaction Analyzer® (less than 250 or equal to Fedwire transactions and one routing number per month).	
E-Payments Routing Directory (via automated download).	
FedLine Advantage Premier [86] includes	$570.00.
FedLine Advantage Plus package.	

FEDLINE 2022 FEE SCHEDULE—Continued

[Effective January 3, 2022. **Bold indicates changes from 2021 prices**.]

	Fee
Two VPN devices.	
Fedwire Funds FedPayments Manager Import/Export (more than 250 Fedwire transactions or more than one routing number in a given month).	
FedTransaction Analyzer (more than 250 Fedwire transactions or more than one routing number per month).	
FedLine Command Plus includes	$1,035.00.
FedLine Command access channel.	
Services included in the FedLine Advantage Plus package.	
One VPN device.	
Additional FedLine Command server certificates.	
Fedwire Statement Services.	
Fedwire Funds FedPayments Manager Import/Export (more than 250 Fedwire transactions or more than one routing number in a given month).	
FedTransaction Analyzer (more than 250 Fedwire transactions or more than one routing number in a given month).	
Intra-Day File with Transaction Details (up to six times daily).	
Statement of Account Spreadsheet File (SASF).	
Financial Institution Reconcilement Data (FIRD) File (machine readable).	
FedLine Direct Plus [87] includes	$5,500.00.
FedLine Direct access channel.	
Services included in the FedLine Command Plus package.	
One VPN device.	
One 2 Mbps Dedicated WAN Connection.	
Additional FedLine Direct server certificates.	
Treasury Check Information System (TCIS).	
Dual Vendors.	
FedLine Direct Contingency Solution.	
FedLine Direct Premier [87] includes	$10,500.00.
Services included in the FedLine Direct Plus package.	
Two 2 Mbps dedicated WAN Connections.	
One Network Diversity.	
Two VPN devices.	
A la carte options (monthly) [88]	
Electronic Access:	
FedMail—FedLine Exchange Subscribers—Pack of 5	$15.00.
FedLine Subscribers—Pack of 5 (access to Web and Advantage)	**$100.00.**
Additional VPNs [89]	$100.00.
Additional 2 Mbps WAN connection [87]	$3,000.00.
WAN Connection Upgrade:	
10 Mbps [90]	$1,700.00.
30 Mbps [90]	$3,000.00.
50 Mbps [90]	$4,000.00.
100 Mbps [90]	$7,000.00.
200 Mbps [90]	$11,000.00.
FedLine International Setup (one-time fee)	$5,000.00.
FedLine Custom Implementation Fee (one-time fee) [91]	various.
Network Diversity	$2,500.00.
FedMail Email (for customers with FedLine Web and above) [92]	$60.00.
FedMail Fax [93]	$200.00.
VPN Device Modification (one-time fee)	$200.00.
VPN Device Missed Activation Appointment (one-time fee)	$175.00.
VPN Device Expedited Hardware Surcharge (one-time fee)	$100.00.
VPN Device Replacement or Move (one-time fee)	$300.00.
E-Payments Automated Download (1–5 Add'l Codes) [94]	$75.00.
E-Payments Automated Download (6–20 Add'l Codes) [94]	$150.00.
E-Payments Automated Download (21–50 Add'l Codes) [94]	$300.00.
E-Payments Automated Download (51–100 Add'l Codes) [94]	$500.00.
E-Payments Automated Download (101–250 Add'l Codes) [94]	$1,000.00.
E-Payments Automated Download (>250 Add'l Codes) [94]	$2,000.00.
Accounting Information Services (monthly):	
Cash Management System (CMS) Plus—Own report—up to 12 files with: [95]	
no OSRTN, respondent/sub-account activity	$60.00.
less than 10 OSRTNs, respondents and/or sub-accounts	$125.00.
10–50 OSRTNs, respondents and/or sub-accounts	$250.00.
51–100 OSRTNs, respondents and/or sub-accounts	$500.00.
101–500 OSRTNs, respondents and/or sub-accounts	$750.00.
>500 OSRTNs, respondents and/or sub-accounts	$1,000.00.
End-of-Day Financial Institution Reconcilement Data (FIRD) File [96]	$150.00.
Statement of Account Spreadsheet File (SASF) [97]	$150.00.
Intra-day Download Search Results in Spreadsheet Format (with AMI) [98]	$150.00.
Other:	

FEDLINE 2022 FEE SCHEDULE—Continued

[Effective January 3, 2022. **Bold indicates changes from 2021 prices**.]

	Fee
Software Certification	$0.00 to $8,000.00.
Vendor Pass-Through Fee	various.
Electronic Access Credit Adjustment	various.
Electronic Access Debit Adjustment	various.

[80] FedComplete packages are all-electronic service options that bundle payment services with an access solution for one monthly fee.

[81] FedComplete customers that use the email service would be charged the FedMail Email a la carte fee and for all FedMail-FedLine Exchange Subscriber 5-packs.

[82] Packages with an ''A'' include the FedLine Advantage channel, and packages with ''C'' include the FedLine Command channel.

[83] Per-item surcharges are in addition to the standard fees listed in the applicable priced services fee schedules.

[84] FedComplete customers will be charged $4 for each FedForward cash letter over the monthly package threshold. This activity will appear under billing code 51998 in Service Area 1521 on a month-lagged basis.

[85] FedMail and FedLine Exchange packages do not include user credentials, which are required to access priced services and certain informational services. Credentials are sold separately in packs of five via the FedMail-FedLine Exchange Subscriber 5-pack.

[86] FedLine Web and Advantage packages do not include user credentials, which are required to access priced services and certain informational services. Credentials are sold separately in packs of five via the FedLine Subscriber 5-pack.

[87] Early termination fees and/or expedited order fees may apply to all FedLine Direct packages and FedLine Direct a la carte options.

[88] These add-on services can be purchased only with a FedLine Solution.

[89] Additional VPNs are available for FedLine Advantage, FedLine Command, and FedLine Direct packages only.

[90] Fee is in addition to the FedLine Direct package fees or additional 2Mbps WAN fees.

[91] The FedLine Custom Implementation Fee is $2,500 or $5,000 based on the complexity of the setup.

[92] Available only to customers with a priced FedLine package.

[93] Limited to installed base only.

[94] Five download codes are included at no cost in all Plus and Premier packages.

[95] Cash Management Service options are limited to Plus and Premier packages.

[96] The End of Day Financial Institution Reconcilement Data (FIRD) File option is available for FedLine Web Plus, FedLine Advantage Plus, and Premier packages. It is available for no extra fee in FedLine Command Plus and Direct packages.

[97] The Statement of Account Spreadsheet File (SASF) option is available for FedLine Web Plus, FedLine Advantage Plus, and Premier packages. It is available for no extra fee in FedLine Command Plus and Direct packages.

[98] The Intra-day Download Search Results in Spreadsheet Format option is available for the FedLine Web Plus package. It is available for no extra fee in FedLine Advantage and higher packages.

By order of the Board of Governors of the Federal Reserve System.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–26395 Filed 12–3–21; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–22BC; Docket No. CDC–2021–0128]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled *Enhancing Data-drive Disease Detection in Newborns (ED3N).* CDC is developing this new national newborn screening (NBS) data platform to serve as a secure, central, and national data sharing resource for the U.S. state and territorial NBS community.

DATES: CDC must receive written comments on or before February 4, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0128 by any of the following methods:

• *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;

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; and

5. Assess information collection costs.

Proposed Project

Enhancing Data-driven Disease Detection in Newborns (ED3N)—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Newborn Screening and Molecular Biology Branch (NSMBB), in the National Center for Environmental Health (NCEH) Division of Laboratory Science (DLS), has the only laboratory in the world devoted to ensuring the accuracy of newborn screening (NBS) tests in every state and more than 78 countries. NSMBB supports NBS programs by conducting research, developing methods, and performing analyses by using complex, state-of-the-art molecular and biochemical techniques for identifying risk factors for diseases of public health importance.

Both NSMBB and state NBS programs are experiencing increased data analytic challenges associated with continued expansion of the number of newborn screening diseases, increased complexity of disease detection, and difficulties in correlating disease markers with disease risk. Further, the addition of late-onset diseases to NBS panels necessitates a better way to routinely capture clinical information and outcomes so that NBS programs can fully appreciate the spectrum of disease they are detecting.

The NSMBB is requesting a three-year Paperwork Reduction Act (PRA) clearance for Enhancing Data-driven Disease Detection in Newborns (ED3N), a new national NBS data platform, that will address these analytic and post-analytic challenges, and promote sharing of molecular, biochemical, and clinical information amongst NBS partners. The information shared will help NSMBB and newborn screening partners be better equipped to assess disease risk and will help harmonize approaches for disease detection in newborns. Given the rarity of newborn screening diseases, it is imperative that data be collected and analyzed at a national level in order to glean useful insights and to analyze trends. The NSMBB is best suited to oversee this work given its role in providing technical assistance to NBS programs nationally.

Numerous studies along with presentations by NBS programs suggest that gaps in programmatic resources and expertise are hampering the ability to perform more complex data analytics resulting in low positive predictive values for a number of conditions (which subsequently results in higher false positive and negative rates and downstream burden to families and the medical system). Smaller-scale work on the use of post-analytical tools such as machine learning algorithms have shown that incorporation of these elements into newborn screening can improve detection rates, while reducing false positives. These studies, however, have been limited to single sites and have not been integrated into the daily workflow of high-throughput NBS programs. Without this project, NBS programs will continue to be unable to keep up with the increasing complexity and future demands of screening, perpetuating inequities in screening across the nation.

The estimated annualized burden hours were determined as follows. There are 53 domestic NBS programs in the United States. A ''respondent'' refers to a single NBS program. Given that data submission will ultimately be accomplished through automatic electronic data transfer, each respondent's burden hours were split into two estimates: (1) The one-time need to set-up, test, and implement the electronic data transfer mechanism, and 2) the ongoing automatic electronic data transfer occurring after initial set-up. Initial set-up time burden was estimated based on analysis of similar data transfer projects embarked upon by NBS programs as well as brief discussions with NBS Program Laboratory Information Management System vendors. The one-time burden to set up the data transfer interface was estimated to be 40 hours total, annualized to 14 hours per year. Ongoing daily data submission burden for NBS programs was estimated assuming one minute per automatic transfer thereafter. CDC has estimated the total annualized burden for this project to be 1,064 hours per year.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Newborn Screening Programs	Set-up and initial submission of ED3N Data Elements.	53	1	14	742
	Ongoing transfer of ED3N Data Elements.	53	364	1/60	322
Total		53			1,064

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–26400 Filed 12–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–22BB; Docket No. CDC–2021–0127]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Building Resilience Against Climate Effects (BRACE) Performance Measures.'' The National Center for Environmental Health's Climate and Health Program (CHP) supports U.S. cities and states to build and enhance resilience to the health impacts of climate change.

DATES: CDC must receive written comments on or before February 4, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0127 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS H21–8, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;
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; and
5. Assess information collection costs.

Proposed Project

Building Resilience Against Climate Effects (BRACE) Performance Measures—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this information collection request (ICR) is to continue the Climate and Health Program (CHP) monitoring of recipient programs' planning and delivery of public health activities and adaptation strategies under a new cooperative agreement Building Resilience Against Climate Effects: Implementing and Evaluating Adaptation Strategies that Protect and Promote Human Health (CDC–RFA–EH21–2101). CDC collects information related to each recipient's strategies and activities through performance measures (PMs) outlined by the cooperative agreement. A new PM electronic reporting tool has been developed, which will allow recipients to report PM information in a streamlined way that will also enhance CHP's ability to analyze and use the information quickly to help support the program. Since its inception, the National Center for Environmental Health's (NCEH) CHP has funded state and local health departments or their agents as they prepare for and respond to the health effects that a changing climate will bring to the communities they serve. The

primary funding mechanism for building climate resilience has been the Climate Ready States and Cities Initiative. The most recent notice of funding opportunity for the initiative is titled ''Building Resilience Against Climate Effects: Implementing and Evaluation Adaptation Strategies that protect and Promote Human Health'' (NOFO No. CDC RFA–EH21–2101).

We propose to collect PM data from up to 38 cooperative agreement recipients (state, local, and territorial health departments, or programs). The information will be used for multiple purposes: (1) To demonstrate program achievements, including positive effects in community or population health; (2) to build stronger evidence base for adaptations to climate change; (3) to demonstrate adaptation applicability and effectiveness across different populations, settings, and contexts; and (4) to support continuous improvement of the funded adaptation actions and their implementation. Recipients will submit standardized PM data on an annual basis via a newly developed electronic reporting tool, through a CDC-supported secure data collection and management system called REDCap.

CDC/NCEH requests OMB approval for and estimated 198 total annual burden hours. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
BRACE Cooperative Agreement Recipients	Performance Measures Reporting Tool	38	1	312/60	198
Total					198

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–26399 Filed 12–3–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–R–70, CMS–R–72, and CMS–10783]

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 January 5, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in HSQ–110, Acquisition, Protection and Disclosure of Peer review Organization Information and Supporting Regulations; *Use:* The Peer Review Improvement Act of 1982 authorizes quality improvement organizations (QIOs), formally known as peer review organizations (PROs), to acquire information necessary to fulfill their duties and functions and places limits on disclosure of the information. The QIOs are required to provide notices to the affected parties when disclosing information about them. These requirements serve to protect the rights of the affected parties. The information provided in these notices is used by the patients, practitioners and providers to: Obtain access to the data maintained and collected on them by the QIOs; add additional data or make changes to existing QIO data; and reflect in the QIO's record the reasons for the QIO's disagreeing with an individual's or provider's request for amendment. *Form Number:* CMS–R–70 (OMB control number: 0938–0426); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profits; *Number of Respondents:* 53,850; *Total*

Annual Responses: 436,984; *Total Annual Hours:* 404,208. (For policy questions regarding this collection contact Kimberly Harris at 617–565–1285.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in 42 CFR 478.18, 478.34, 478.36, 478.42, QIO Reconsiderations and Appeals; *Use:* In the event that a beneficiary, provider, physician, or other practitioner does not agree with the initial determination of a Quality Improvement Organization (QIO) or a QIO subcontractor, it is within that party's rights to request reconsideration. The information collection requirements 42 CFR 478.18, 478.34, 478.36, and 478.42, contain procedures for QIOs to use in reconsideration of initial determinations. The information requirements contained in these regulations are on QIOs to provide information to parties requesting the reconsideration. These parties will use the information as guidelines for appeal rights in instances where issues are actively being disputed. *Form Number:* CMS–R–72 (OMB control number: 0938–0443); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or Households and Business or other for-profit institutions; *Number of Respondents:* 20,129; *Total Annual Responses:* 60,489; *Total Annual Hours:* 22,014. (For policy questions regarding this collection contact Kimberly Harris at 617–565–1285).

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Generic Beneficiary and Family Centered-Care Quality Improvement Organization (BFCC–QIO) Data Collection Research; *Use:* The purpose of this submission is to request approval for generic clearance that covers a program of data collection activities to obtain feedback from a broad audience that may include, but will not be limited to Medicare beneficiaries, their family, health care providers and other key stakeholders who have used or may use and have been impacted by the BFCC–QIO services and its offerings. This data collection effort is part of a strategic plan to obtain direct feedback from Medicare beneficiaries, their family, health care providers and other key stakeholders on QIO process improvement efforts and their satisfaction with the services provided by these BFCC–QIOs. Feedback obtained will be used to improve the BFCC QIO program. With the approval of this clearance, the Division of Beneficiary Reviews and Care Management (DBRCM) will be able to maintain a proactive process for rapid data collection to inform the work of the BFCC–QIO program around new and existing initiatives, as well as providing rapid feedback on service delivery and satisfaction for continuous improvement of the BFCC–QIO program.

The BFCC–QIO program is statutorily mandated to improve the quality of healthcare services Medicare beneficiaries receive. BFCC–QIOs provide the foundational level of quality in the health care system by investigating quality of care complaints made by Medicare beneficiaries and their families; by providing an avenue for appeals if they feel they are being released from a facility too soon; by requesting for immediate advocacy services when they have concerns about their care that need a quick resolution; and by providing care management services to help people with Medicare navigate the healthcare system and coordinate their care. The BFCC–QIOs provide these essential services for beneficiaries and families of the national Medicare program.

This generic clearance will cover a program of qualitative (in-depth interviews and focus group interviews), and quantitative methods (surveys) to obtain feedback from a wide range of audience that may include, but will not be limited to Medicare beneficiaries, their family, healthcare providers and any other key audiences that would support CMS in informing and improving QIO services, and any new and existing initiatives. *Form Number:* CMS–10783 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Individuals and Households; *Number of Respondents:* 16,800; *Total Annual Responses:* 191,200; *Total Annual Hours:* 59,400. For policy questions regarding this collection, contact Yewande Oladeinde at 410–786–2157.)

Dated: December 1, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–26414 Filed 12–3–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10575]

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 February 4, 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–10575 Generic Clearance for the Health Care Payment Learning and Action Network

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:* Extension of a currently approved collection; *Title of Information Collection:* Generic Clearance for the Health Care Payment Learning and Action Network; *Use:* The Center for Medicare and Medicaid Services (CMS), through the Center for Medicare and Medicaid Innovation, develops and tests innovative new payment and service delivery models in accordance with the requirements of section 1115A and in consideration of the opportunities and factors set forth in section 1115A(b)(2) of the Act. To date, CMS has built a portfolio of models (in operation or recently announced) that have attracted participation from a broad array of health care providers, states, payers, and other stakeholders.

To more effectively partner with stakeholders across the health care system and accelerate system transformation, CMS launched the Health Care Payment Learning and Action Network (LAN) to accelerate the transition to Medicare and non-Medicare alternative payment models by collaborating with a broad array of health care delivery stakeholders, identifying best practices in their implementation, and monitoring the adoption of value-based alternative payment models across the U.S. health care system—to include the percentage of Medicare, Medicaid, and non-Medicare payments tied to (and U.S. lives covered by) alternative payment models that reward the quality of care delivered. *Form Number:* CMS–10575 (OMB control number: 0938–1297); *Frequency:* Occasionally; *Affected Public:* Individuals and Households, State, Local, or Tribal Governments, Federal Government, Private Sector (Business or other for-profits and Not-for-profits); *Number of Respondents:* 30,110; *Number of Responses:* 23,110; *Total Annual Hours:* 26,467. (For questions regarding this collection contact Dustin Allison (303) 437–6123.)

Dated: December 1, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–26413 Filed 12–3–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Child Support Portal Registration (OMB No.: 0970–0370)

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), is requesting the federal Office of Management and Budget (OMB) approve the ''Child Support Portal Registration,'' with revisions, for an additional three years. OCSE's Child Support Portal (''Portal'') contains applications to assist state child support agencies with administering their programs. Authorized Portal users must register with OCSE to access Portal applications and provide OCSE with certain preferences. The current OMB approval expires on February 28, 2022.

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: OCSE's Division of Federal Systems maintains the Portal, which contains various applications that authorized users may view, update, and upload or download information for child support purposes. OCSE creates secure profiles for authorized users for employers, insurers, and financial institutions based on information provided in the Employer Services and Insurance Match Debt Inquiry Portal Registration forms. OCSE added the electronic National Medical Support Notice (e-NMSN), the electronic Incoming Withholding Order (e-IWO), and Multistate Financial Institution Data Match FAST Levy (MSFIDM FAST LEVY) Profile forms, which provide OCSE with information to set up the respective program user's process and capture preferences. State child support agencies manage and authenticate authorization for individual users via the state proxy server; therefore, a Portal Registration form is not required. State users must, however, provide OCSE with their respective Portal preferences.

Respondents: Employers, Financial Institutions, Insurers, and State Child Support Agencies.

ANNUAL BURDEN ESTIMATES

Information collection instrument	Total estimated number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours
Employer Services Profile	9,508	1	0.08	760.64
Insurance Match Debt Inquiry Agreement and Profile	18	1	0.08	1.44
e-NMSN: Plan Administrator Profile	5	1	0.22	1.10
e-NMSN: Employer				
Profile	5	1	0.22	1.10
e-NMSN: State Profile	5	1	0.22	1.10
e-IWO S2S Profile	4	1	0.22	0.88
e-IWO NPO Profile	46	1	0.22	10.12
MSFI–FAST Levy Profile	5	1	0.08	0.40
Portal Registration Screens	1,254	1	0.15	188.10

Estimated Total Annual Burden Hours: 964.88.

Authority: 42 U.S.C. 653(m)(2) and 44 U.S.C. 3554.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–26322 Filed 12–3–21; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; "State SNAP Agency NDNH Matching Program Performance Report" (OMB No.: 0970–0464)

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) is requesting the federal Office of Management and Budget (OMB) approve the ''State SNAP Agency NDNH Matching Program Performance Report,'' with minor revisions, for an additional three years. State agencies administering their Supplemental Nutrition Assistance Program (SNAP) provide the annual performance report to OCSE in accordance with the computer matching agreement between state SNAP agencies and OCSE. The current OMB approval expires on February 28, 2022.

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: State agencies administering SNAP are mandated to participate in a computer matching program with the federal OCSE. The matching program compares SNAP applicant and recipient information with employment and wage information maintained in the National Directory of New Hires (NDNH). The outcomes of the compared information help state SNAP agencies with verifying and determining an individual's benefit eligibility. To receive NDNH information, state agencies enter into a computer matching agreement and adhere to its terms and conditions, including providing OCSE with annual performance outcomes that are attributable to the use of NDNH information.

To fulfill OMB requirements, OCSE periodically reports performance measurements demonstrating how the use of information in the NDNH supports OCSE's strategic mission, goals, and objectives. OCSE will provide the annual SNAP performance outcomes to OMB.

Respondents: State SNAP Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
SNAP Agency Performance Reporting Tool and Instructions	53	1	0.83	43.99

Estimated Total Annual Burden Hours: 43.99.

Authority: 42 U.S.C. 653(j)(10); 5 U.S.C. 552a; and Public Law 111–352.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–26324 Filed 12–3–21; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Tribal Child Support Enforcement Annual Data Report (OMB #0970–0320)

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting a 3-year extension of the form OCSE–75—Tribal Child Support Enforcement Annual Data Report (OMB #0970–0320, expiration 01/31/2023). We are requesting changes to this form.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The data collected by form OCSE–75 are used to prepare the OCSE preliminary and annual data reports. In addition, tribes administering child support enforcement programs under Title IV–D of the Social Security Act are required to report program status and accomplishments in an annual narrative report as part of the OCSE–75 report and submit it annually. Changes made to the report were agreed to based on several workgroup meetings attended by both OCSE and tribal child support directors. These changes include clarifying data points and definitions.

Respondents: Tribal Child Support Enforcement Organizations or the Department/Agency/Bureau responsible for child support enforcement in each tribe.

Annual Burden Estimates

Due to the timing required to make system updates to incorporate proposed changes, the current form will be used for fiscal year (FY) 2022 reporting, and the revised form will be implemented beginning FY 2023 reporting.

Instrument	Total number of respondents	Total number of responses per respondent (over 3 years)	Average burden hours per response	Total burden hours	Annual burden hours
OCSE–75 for FY 2022	60	1	40	2,400	2,400
OCSE–75 for FY 2023 and forward	61	2	40	4,880	2,440

Average Annual Burden Hours: 2,427

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Title IV–D of the Social Security Act as required by 45 CFR 309.170(b).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–26323 Filed 12–3–21; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0011]

Agency Information Collection Request, 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before January 5, 2022.

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: Sagal Musa, *sagal.musa@hhs.gov* or (202) 205–2634. When submitting comments or requesting information, please include the document identifier 4040–0011–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: SF–271 Outlay Report and Request for Reimbursement for Construction Programs.

Type of Collection: Reinstatement without change.

OMB No. 4040–0011

Abstract: The SF–271 Outlay Report and Request for Reimbursement for Construction Programs form is an OMB-approved collection (4040–0011). This information collection is used by grant awardees to report on their construction grant award. The IC expired on January 31, 2019. We are seeking reinstatement without change of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
SF–271 Outlay Report and Request for Reimbursement for Construction Programs	40,000	1	1	40,000
Total	40,000	1	1	40,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–26345 Filed 12–3–21; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0012]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before January 5, 2022.

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: Sagal Musa, *sagal.musa@hhs.gov* or (202) 205–2634. When submitting comments or requesting information, please include the document identifier 4040–0012–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collections: SF–270 Request for Advance or Reimbursement.

Type of Collection: Reinstatement without change.

OMB No. 4040–0012.

Abstract: The SF–270 Request for Advance or Reimbursement form is used by grant awardees to request financial assistance funds for the purpose of reimbursement or for advance of funds. The IC expired on 01/31/2019. We are seeking reinstatement without change of this information collection and a three-year clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
SF–270 Request for Advance or Reimbursement	100,000	1	1	100,000
Total	100,000	1	1	100,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2021–26347 Filed 12–3–21; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

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 intramural programs and projects as well as the grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with intramural programs and projects as well as the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Date: February 10, 2022.

Closed: 11:00 a.m. to 11:30 a.m.

Agenda: Presentation of AABSC Report.

Closed: 11:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Open: 12:45 p.m. to 5:00 p.m.

Agenda: Presentations and other business of the Council.

Place: National Institutes of Health National Institute on Alcohol Abuse and Alcoholism 6700B Rockledge Drive Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Abraham P. Bautista, Ph.D., Executive Secretary, National Advisory Council, Director, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700 B Rockledge Drive, Room 1458, MSC 6902, Bethesda, MD 20892, 301–443–9737, *bautista@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.niaaa.nih.gov/AboutNIAAA/AdvisoryCouncil/Pages/default.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: December 1, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–26386 Filed 12–3–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0631]

Guidance: Change 3 to NVIC 19–14 Policy on Qualified Assessors

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of Change 3 to Navigation and Vessel Inspection Circular (NVIC) 19–14 Policy on Qualified Assessors (QAs). This NVIC provides guidance to mariners concerning assessments of competence for STCW endorsements. This change notice revises NVIC 19–14 to indicate that until June 30, 2024, the Coast Guard will accept assessments of competence that are signed before January 1, 2024, by a person who is not a Coast Guard approved QA.

DATES: The policies announced in Change–3 to NVIC 19–14 are effective as of October 29, 2021.

ADDRESSES: To view documents mentioned in this notice, search the docket number USCG–2021–0631 using the Federal eRulemaking Portal at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For information about this document, contact James Cavo, Mariner Credentialing Program Policy Division (CG–MMC–2), Coast Guard; telephone 202–372–1205; email *MMCPolicy@uscg.mil.*

SUPPLEMENTARY INFORMATION: Assessments of competence for STCW endorsements must be signed by a Coast Guard-approved QA in accordance with 46 CFR 11.301(a)(1)(i) and 12.601(b)(1)(i). QAs must be approved by the Coast Guard either individually or as part of a Coast Guard-approved or accepted course or training program, as described in Navigation and Vessel Inspection Circular (NVIC) 19–14 (Policy on Qualified Assessors).

Current policy allows for the acceptance of STCW assessments, performed for and signed by an assessor not approved by the Coast Guard, until December 31, 2021. Such an assessor must meet the professional requirements in 46 CFR 10.405(a)(3) to determine competence for the specific endorsement.

The Coast Guard is aware that as a result of the limited number of approved QAs, there may be a hardship on mariners trying to complete STCW assessments after December 31, 2021. In consideration of this, the Coast Guard will continue to allow STCW assessments to be signed by an assessor who meets the requirements specified in NVIC 19–14 until December 31, 2023. These assessments must be submitted to the Coast Guard as part of a complete application no later than June 30, 2024. Qualified military personnel need not be approved QAs and may continue to sign assessments after December 31, 2023.

In addition, we will update the deadlines for QAs in other NVICs and guidance to reflect the new deadlines announced in CH–3 NVIC 19–14.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: October 29, 2021.

J.W. Mauger,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2021–26390 Filed 12–3–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0629]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0003

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0003, Recreational Boating Accident Report; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before January 5, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2021–0629]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days

of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.*

Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2021–0629], and must be received by January 5, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0003.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (86 FR 48434, August 30, 2021) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Recreational Boating Accident Report.

OMB Control Number: 1625–0003.

Summary: The Coast Guard Boating Accident Report form is the data collection instrument that ensures compliance with the implementing regulations and Title 46 U.S.C. 6102(b) that requires the Secretary to collect, analyze and publish reports, information, and statistics on marine casualties.

Need: Title 46 U.S.C. 6102(a) requires a uniform marine casualty reporting system, with regulations prescribing casualties to be reported and the manner of reporting. The statute requires a state to compile and submit to the Secretary (delegated to the Coast Guard) reports, information, and statistics on casualties reported to the State. Implementing regulations are contained in Title 33, Code of Federal Regulations, Subchapter S—Boating Safety, Part 173—Vessel Numbering and Casualty and Accident Reporting, Subpart C—Casualty and Accident Reporting and Part 174—State Numbering and Casualty Reporting Systems, Subpart C—Casualty Reporting System Requirements, and Subpart D—State reports.

States are required to forward copies of the reports or electronically transmit accident report data to the Coast Guard within 30 days of their receipt of the report as prescribed by 33 CFR 174.121 (Forwarding of casualty or accident reports). The accident report data and statistical information obtained from the reports submitted by the State reporting authorities are used by the Coast Guard in the compilation of national recreational boating accident statistics.

Forms: CG–3865, Recreational Boating Accident Report.

Respondents: Federal regulations (33 CFR 173.55) require the operator of any uninspected vessel that is numbered or used for recreational purposes to submit an accident report to the State authority when:

(1) A person dies; or

(2) A person is injured and requires medical treatment beyond first aid; or

(3) Damage to the vessel and other property totals $2,000 or more, or there is a complete loss of the vessel; or

(4) A person disappears from the vessel under circumstances that indicate death or injury.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains unchanged at 2,500 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.,* chapter 35, as amended.

Dated: November 23, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–26367 Filed 12–3–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[222A2100DD/AAKC001030/A0A501010.999900253G]

Living Languages Grant Program (LLGP); Solicitation of Proposals

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Office of Indian Economic Development (OIED), through its Living Languages Grant Program (LLGP), is soliciting proposals from federally recognized Tribes and Tribal organizations for grants to fund Native language instruction and immersion programs for Native students not enrolled at Bureau of Indian Education (BIE) schools, including those Tribes in States without BIE-funded schools.

DATES: Applications will be accepted until 11:59 p.m. ET on March 7, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Wilson, Grant Management Specialist, Office of Indian Economic Development, telephone: (505) 917–3235; email: *dennis.wilson@bia.gov.* Additional Program information can be found at *https://www.bia.gov/service/grants/llgp.*

SUPPLEMENTARY INFORMATION:

I. General Information
II. Number of Projects Funded
III. Background
IV. Eligibility for Funding
V. Applicant Procurement Procedures
VI. Limitations
VII. Language Instructor Credentials
VIII. LLGP Application Guidance
IX. Review and Selection Process
X. Evaluation Criteria
XI. Transfer of Funds
XII. Reporting Requirements for Award Recipients
XIII. Conflicts of Interest
XIV. Questions and Requests for OIED Assistance
XV. Separate Document(s)
XVI. Paperwork Reduction Act
XVII. Authority

I. General Information

Award Ceiling: 200,000.
Award Floor: 25,000.
CFDA Number: 15.032.
Cost Sharing or Matching Requirement: No.
Number of Awards: 15–60.
Category: Education Program Enhancements.

II. Number of Projects Funded

OIED anticipates award of approximately fifteen (15) to sixty (60) grants under this announcement ranging in value from approximately $25,000 to $200,000. The program can fund projects only one year at a time. OIED will use a competitive evaluation process based on criteria described in the Evaluation Criteria section (section X of this notice).

III. Background

The Office of the Assistant Secretary—Indian Affairs, through OIED, is soliciting proposals from federally recognized Tribes listed as *Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs* at 86 FR 7554 (January 29, 2021) or Tribal Organizations as eligible for LLGP grants. Indian Tribes are referred to using the term ''Tribe'' throughout this notice. Tribal Organization is defined by 25 U.S.C. 5304(*l*). While only federally recognized Tribes or Tribal Organizations may apply for LLGP grants, grantees may select or retain for-profit or non-profit Tribal Organizations to perform a grant's scope of work for grant funding to support Tribal programs to document Native languages or build Tribal capacity to create or expand language preservation programs. The LLGP will exclude as grantees BIE schools and BIE-funded schools or programs targeting students enrolled in those schools.

The funding will focus on small or start-up programs whose objective is to document or build the capacity to preserve Native languages that are losing users, but which still have active users at the grandparent generation. The LLGP seeks to document, preserve, and revitalize languages that are used for face-to-face communication; languages that can be used by a child-bearing generation, but are not being transmitted to children; languages whose only active users are members of the grandparent generation or older; languages whose only active users are members of the grandparent generation or older but who have little opportunity to use them; and languages that serve as a reminder of heritage identity for an ethnic community, but which lack proficient speakers.

These grants will be funded under a non-recurring appropriation of the BIA budget. Congress appropriates funds on a year-to-year basis. Thus, while some LLGP projects may extend over several years, funding for successive years depends on each fiscal year's appropriations.

OIED administers this program through its Division of Economic Development (DED).

The funding periods and amounts referenced in this solicitation are subject to the availability of funds at the time of award, as well as the Department of the Interior (DOI) and Indian Affairs priorities at the time of the award. Neither DOI nor Indian Affairs will be held responsible for proposal or application preparation costs. Publication of this solicitation does not obligate DOI or Indian Affairs to award any specific grant or to obligate all or any part of available funds. Future funding is subject to the availability of appropriations and cannot be guaranteed. DOI or Indian Affairs may cancel or withdraw this solicitation at any time.

IV. Eligibility for Funding

The Secretary of the Interior (Secretary), through the OIED Division of Economic Development (DED), solicits proposals only from federally recognized Tribes listed as *Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs* at 85 FR 5462 or Tribal Organizations are eligible for LLGP grants. Indian Tribes are referred to using the term ''Tribe'' throughout this notice. Tribal Organization is defined by 25 U.S.C. 5304(*l*). While only federally recognized Tribes or Tribal Organizations may apply for LLGP grants, grantees may select or retain for-profit or non-profit Tribal Organizations to perform a grant's scope of work to receive LLGP grants.

Excluded as grantees are BIE-operated schools and BIE-funded schools or programs targeting students enrolled in those schools.

V. Applicant Procurement Procedures

The applicant is subject to the procurement standards in 2 CFR 200.318 through 200.326. In accordance with 2 CFR 200.318, an applicant must use its own documented procurement procedures which reflect Tribal laws and regulations, provided that the procurements conform to applicable Federal law and standards identified in 25 CFR part 2.

VI. Limitations

The LLGP grant funding must be expended in accordance with applicable statutory and regulatory requirements, including 2 CFR part 200.

Applicants that are currently under BIA sanction Level 2 or higher resulting from non-compliance with the Single Audit Act are ineligible for an LLGP award. Applicants at Sanction Level 1 will be considered for funding.

No more than one proposal will be accepted by a federally recognized Tribe. Applications should address only one project. Any submissions that contain multiple project proposals will not be considered. OIED will apply the same objective ranking criteria to each proposal.

The purpose of LLGP grants is to fund Native language instruction and immersion programs only. LLGP awards *may not* be used for:

- Indirect costs or administrative costs as defined by the Federal Acquisition Regulation (FAR);
- Legal fees;

- Contract negotiation fees; and
- Any other activities not authorized by the grant award letter.

VII. Language Instructor Credentials

Instructors identified in LLGP proposals for funding need only be approved by the Tribal applicant and need not be credentialed or certified by a State, educational institution, or other external entity.

VIII. LLGP Application Guidance

All applications must be submitted in digital form to *grants.gov.* For instructions, see *https://www.grants.gov/help/html/help/Applicants/HowToApplyForGrants.htm.*

All LLGP applicants must submit the standard forms ''package'' as outlined in section IX of this announcement. These forms can be found under the ''package'' tab on the LLGP2021 grant listing at *www.grants.gov.* In very limited circumstances, OIED may accept a non-digital application. Please contact OIED at least a week prior to the submission deadline for approval. There are seven mandatory components (forms) that must be included in each proposal package. Links to the mandatory forms can be found under the ''package'' tab on the LLGP2021 grant opportunity page at *www.grants.gov.* The following are the names of the required forms:

- Application for Federal Assistance (SF–424) [V3.0]
- Budget Information for Non-Construction Programs (SF–424A) [V1.0]
- Budget Narrative Attachment Form [V1.2]
- Project Abstract Summary [V2.0]
- Project Narrative Attachment Form [V1.2]
- Attachments [V1.2]
- Key Contacts [V2.0]

Application for Federal Assistance SF–424

It is required that the applicant complete the Application for Federal Assistance SF–424. Please use a descriptive file name that includes Tribal name and project description. For example: LLGPSF424.Tribalname.Project.

Project Abstract Summary and Project Narrative Attachment

The first paragraph of the project narrative must include the title and basic description of the proposed Living Languages project. The Project Narrative must not exceed 15 pages. At a minimum, it should include:

- A technical description of the project and, if applicable, an explanation of how the project would benefit the applicant and does not duplicate previous work.
- A description of the project objectives and goals.
- Deliverable products that the project will generate, including interim deliverables (such as status reports and technical data to be obtained) and final deliverables.
- Resumes of key consultants and/or personnel to be retained, if available, and the names of subcontractors, if applicable. This information may be included as an attachment to the application and will not be counted towards the 15-page limitation.
- Please use a descriptive file name that includes Tribal name and project description. For example: LLGPNarrative.Tribalname.Project.

Project Narratives are not judged based on their length. Please do not submit any unnecessary attachments or documents beyond what is listed above, *e.g.,* Tribal history, unrelated photos, and maps.

Budget Information for Non-Construction Programs (SF–424A) [V1.0] and Budget Narrative Attachment Form [V1.2]

It is required that the budget be submitted using the SF–424A form. Please use a descriptive file name that includes Tribal name and project description. For example: LLGPBudget.Tribalname.Project.

The budget must identify the amount of grant funding requested and a comprehensive breakdown of all projected and anticipated expenditures, including contracted personnel fees, consulting fees (hourly or fixed), travel costs, data collection and analysis costs, computer rentals, report generation, drafting, advertising costs for a proposed project and other relevant project expenses, and their subcomponents.

- Travel costs should be itemized by airfare, vehicle rental, lodging, and per diem, based on the current Federal government per diem schedule.
- Data collection and analysis costs should be itemized in sufficient detail for the OIED review committee to evaluate the charges.
- Other expenses may include computer rental, report generation, drafting, and advertising costs for a proposed project.

Key Contacts [V2.0]

Applicants must include the Key Contacts information page that includes:

- Project Manager's contact information including address, email, desk, and cell phone number.
- If there is more than one contact, please provide an additional key contact's form.
- Please use a descriptive file name that includes Tribal name and identifies that it is the critical information page (CIP). For example: LLGPCIP.Tribalname.Project.

Attachments [V1.2]

Utilize the *attachments form* to include the Tribal resolution issued in the fiscal year of the grant application, authorizing the submission of a LLGP 2021 grant application. It must be signed by authorized Tribal representative(s). The Tribal resolution must also include a description of the Living Language project that will be delivered. The attachments form can also be used to include any other attachments related to the proposal.

Required Grantee Travel and Attendance at a Language Preservation Annual Grantee Meeting

Grantees will be required to have two individuals who work directly on the project attend an in-person annual DOI/OIED-sponsored grantee 3-day meeting in Washington, DC, during the year of the grant award. Applicants must include costs in the budget to cover this requirement. Travel costs must not exceed $6,000 per person. Applicants should follow their own travel policies to budget for this 3-day meeting.

Special Notes

Please make sure that the System for Award Management (SAM) number used to apply is active, not expired.

Please make sure an *active* Automated Standard Application for Payment (ASAP) number is provided. Applicants *must* have an ASAP number to be eligible.

It is helpful to list counties where the project is located and congressional district number where the project is located.

Incomplete Applications. Incomplete applications will not be accepted. Please ensure that all of the forms listed in the announcement are completed and submitted in *grants.gov.*

IX. Review and Selection Process

Upon receiving an LLGP application, OIED will determine whether the application is complete. Any proposal that is received after the date and time in the **DATES** section of this notice will not be reviewed.

The Committee, comprised of OIED staff, Federal partners, and subject matter experts, will evaluate the proposals against the ranking criteria. Proposals will be evaluated using the

three ranking criteria listed below, with a maximum achievable total of 100 points.

Final award selections will be approved by the Assistant Secretary—Indian Affairs and the Associate Deputy Secretary, U.S. Department of the Interior. Applicants not selected for award will be notified in writing.

X. Evaluation Criteria

Clarity and Reasonableness: 20 points. The Committee will review LLGP grant proposals for completeness, organization, and the reasonableness of identified costs, all in the context of achieving a project's stated goals and objectives. The Committee will examine whether the budget submitted is detailed enough to explain how and when funds are to be spent and whether line-item budget numbers are appropriate and reasonable to complete the proposed tasks.

Qualitative Impact: 40 points. The proposal should clearly state how the project would document, preserve, or revitalize a Native language whose status is described at Section III of this notice. The Committee will evaluate the extent to which the Native language addressed by the proposal is jeopardized or nearing extinction and the degree to which the proposal could enliven the language by arresting or minimizing intergenerational disruption.

Quantitative Impact: 40 points. The proposal should estimate the number of students or percentage of Tribal members who will be directly and indirectly benefitted by the proposal. This criterion is not intended to favor proposals submitted by Tribes with larger populations or disadvantage those submitted by Tribes with smaller ones. Because LLGP funds are limited, however, the Committee must conduct a cost-benefit analysis of each proposal. On this basis, the Committee will prefer applicants that are currently receiving little or no Federal funding for language preservation activities.

LLGP applications will be ranked using only these criteria (as described above):

- Clarity and Reasonableness: 20.
- Qualitative Impact: 40.
- Quantitative Impact: 40.
- Total: 100.

XI. Transfer of Funds

OIED's obligation under this solicitation is contingent on receipt of congressionally appropriated funds. No liability on the part of the U.S. Government for any payment may arise until funds are made available to the awarding officer for this grant and until the recipient receives notice of such availability, to be confirmed in writing by the grant officer.

All payments under this agreement will be made by electronic funds transfer through the ASAP. All award recipients are required to have a current and accurate DUNS number to receive funds. All payments will be deposited to the banking information designated by the applicant in the SAM.

XII. Reporting Requirements for Award Recipients

The applicant must deliver all products and data required by the signed Grant Agreement for the proposed LLGP activities to OIED within 30 days of the end of each reporting period and 90 days after completion of the project. The reporting periods will be established in the terms and conditions of the final award.

OIED requires that deliverable products be provided in digital format. Reports can be provided in either Microsoft Word or Adobe Acrobat PDF format. Spreadsheet data can be provided in Microsoft Excel, Microsoft Access, or Adobe PDF formats. All vector figures should be converted to PDF format. Raster images can be provided in PDF, JPEG, TIFF, or any of the Windows's metafile formats. The contract between the grantee and the consultant conducting the LLGP funded project must include deliverable products and require that the products be prepared in the format described above.

The contract should include budget amounts for all printed and digital copies to be delivered in accordance with the grant agreement. In addition, the contract must specify that all products generated for the project belong to the grantee and cannot be released to the public without the grantee's written approval. Products include, but are not limited to, all reports and technical data obtained, status reports, and the final report.

In addition, this funding opportunity and financial assistance award must adhere to the following provisions:

XIII. Conflicts of Interest

Applicability

- This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
- In the procurement of supplies, equipment, construction, and services by recipients and by sub-recipients, the conflict-of-interest provisions in 2 CFR 200.318 apply.

Requirements

- Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or sub-recipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or sub-recipient or in development of the requirement leading to the funding announcement.
- No actual or prospective recipient or sub-recipient may solicit, obtain, or use non-public information regarding the evaluation, award, administration of an award to that recipient or sub-recipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or sub-recipient.

Notification

- Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.
- Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub-recipients.
- Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR part 18 and 31 U.S.C. 1352.
- Review Procedures. The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

• Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make the required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR part 180).

Data Availability

• Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

• Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

• Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third-party evaluation and reproduction of the following:

○ The scientific data relied upon;

○ The analysis relied upon; and

○ The methodology, including models, used to gather and analyze data.

XIV. Questions and Requests for OIED Assistance

OIED staff may provide technical assistance, upon written request by an applicant. The request must clearly identify the type of assistance sought. Technical assistance does not include funding to prepare a grant proposal, grant writing assistance, or pre-determinations as to the likelihood that a proposal will be awarded. The applicant is solely responsible for preparing its grant proposal. Technical assistance may include clarifying application requirements, and registration information for SAM or ASAP.

XV. Separate Document(s)

• Application for Federal Assistance SF–424 Form.

• Project Narrative Attachment Form (This form includes the Project Narrative, Budget, Tribal Resolution, and Critical Information page).

XVI. Paperwork Reduction Act

The information collection requirements contained in SF–424, Application for Federal Assistance have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3504(h). The OMB control number is 4040–0004. The authorization expires on December 31, 2022. An agency may not conduct or sponsor, and you are not required to respond to, any information collection that does not display a currently valid OMB Control Number.

XVII. Authority

This is a discretionary grant program authorized under the Snyder Act (25 U.S.C. 13) and the Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94). The Snyder Act authorizes the BIA to expend such moneys as Congress may appropriate for the benefit, care, and assistance of Indians for the purposes listed in the Act. LLGP grants facilitate one of the purposes listed in the Snyder Act: ''General support and civilization, including education.'' The Further Consolidated Appropriations Act, 2020, authorizes the BIA to ''carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.'' Further, the Conference Report specifies, the agreement continues $3,000,000 for grants to federally recognized Indian Tribes and Tribal organizations to provide native language instruction and immersion programs to Native students not enrolled at BIE schools, including those Tribes and organizations in states without Bureau-funded schools.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2021–26401 Filed 12–3–21; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–534–537 and 731–TA–1274–1278 (Review)]

Certain Corrosion-Resistant Steel Products From China, India, Italy, Korea, and Taiwan; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the countervailing duty orders on certain corrosion-resistant steel products from China, India, Italy, and Korea and the antidumping duty orders on certain corrosion-resistant steel products from China, India, Italy, Korea, and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: September 7, 2021.

FOR FURTHER INFORMATION CONTACT: Angela Newell (202–205–2060), 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 these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On September 7, 2021, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response and the respondent interested party group response from Taiwan to its notice of institution (86 FR 29283, June 1, 2021) were adequate, and determined to conduct a full review of the order on imports from Taiwan. The Commission also found that the respondent interested party group responses from China, India, Italy, and Korea were inadequate but determined to conduct full reviews of the orders on certain corrosion-resistant steel products from those countries in order to promote administrative efficiency in light of its determination to conduct a full review of the order with respect to Taiwan. A record of the Commissioners' votes, the

Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 30, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–26341 Filed 12–3–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–935]

Importer of Controlled Substances Application: Johnson Matthey Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Johnson Matthey Inc., has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 5, 2022. Such persons may also file a written request for a hearing on the application on or before January 5, 2022.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on November 2, 2021, Johnson Matthey Inc., 2003 Nolte Drive, West Deptford, New Jersey 08066–0727, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Coca Leaves	9040	II
Thebaine	9333	II
Opium, raw	9600	II
Noroxymorphone	9668	II
Poppy Straw Concentrate	9670	II
Fentanyl	9801	II

The company plans to import Coca Leaves (9040), Opium raw (9600) and Poppy Straw Concentrate (9670) in order to bulk manufacture Active Pharmaceutical Ingredients (API) for distribution to its customers. The company plans to also import Thebaine (9333), Noroxymorphone (9668) and Fentanyl (9801) to use as analytical reference standards, both internally and to be sold to their customers to support testing of Johnson Matthey Inc.'s API's only.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of the Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–26361 Filed 12–3–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–936]

Importer of Controlled Substances Application: Fisher Clinical Services, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Fisher Clinical Services, Inc., has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 5, 2022. Such persons may also file a written request for a hearing on the application on or before January 5, 2022.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on August 25, 2021, Fisher Clinical Services, Inc., 700A–C Nestle Way, Breinigsville, Pennsylvania 18031–1522, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Psilocybin	7437	I
Methylphenidate	1724	II
Levorphanol	9220	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to import the listed controlled substances for use in clinical trials only. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–26364 Filed 12–3–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–934]

Bulk Manufacturer of Controlled Substances Application: Kinetochem LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Kinetochem LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before February 4, 2022. Such persons may also file a written request for a hearing on the application on or before February 4, 2022.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on November 8, 2021, Kinetochem LLC, 96 Market Street, Suite 102, Georgetown, Texas 78626–3618, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled Substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to bulk manufacture the listed controlled substances for the internal use intermediates or for sale to its customers. In reference to drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), the company plans to synthetically manufacture in bulk for distribution and sale to its customers. No other activities for these drug codes are authorized for this registration.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–26363 Filed 12–3–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

U.S. Marshals Service

[OMB Number 1105–0096]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection; Sequestered Juror Information Form

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), U.S. Marshals Service (USMS), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 4, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Nicole Timmons either by mail at CG–3, 10th Floor, Washington, DC 20530–0001, by email at *Nicole.Timmons@usdoj.gov,* or by telephone at 202–236–2646.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection* (check justification or form 83): Extension with change of a currently approved collection.

(2) *The Title of the Form/Collection:* Sequestered Juror Information Form.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): Form USM–523A.

Component: United States Marshals Service, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Households/individuals.

Abstract: The United States Marshals Service is responsible for ensuring the security of federal courthouses, courtrooms, and federal jurist. This information assists Marshals Service personnel in the planning of, and response to, potential security needs of the court and jurors during the course of proceedings. The authority for collecting the information on this form is 28 U.S.C. 509, 510 and 561 *et seq.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 14 respondents will utilize the form, and it will take each respondent approximately 4 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1 hour, which is equal to (14 (total # of annual responses) * 4 minutes = 56 minutes or 1 hour).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: December 1, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–26372 Filed 12–3–21; 8:45 am]

BILLING CODE 4410–04–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Technical Advisory Committee; Request for Nominations

AGENCY: Bureau of Labor Statistics (BLS).

ACTION: Request for nominations for membership on the BLS Technical Advisory Committee.

SUMMARY: The BLS is soliciting new members for the Technical Advisory Committee (TAC) to address six member terms expiring on April 11, 2022, and any vacancy that may occur on the TAC between the date of publication of this notice and April 11, 2022.

DATES: Nominations for the TAC membership should be postmarked or transmitted by January 20, 2022.

ADDRESSES: Nominations for the TAC membership should be emailed to *BLSTAC@bls.gov.* Email nominations are preferred, but may also be mailed to Sarah Dale, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE, Room 2150, Washington, DC 20212.

FOR FURTHER INFORMATION CONTACT: Jay Stewart, Senior Research Economist, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE, Office of Productivity and Technology, Room 2180, Washington, DC 20212. Telephone: 202–691–7376. This is not a toll-free number. Email: *BLSTAC@bls.gov.*

SUPPLEMENTARY INFORMATION: The TAC provides advice to the Bureau of Labor Statistics on technical aspects of data collection and the formulation of economic measures and makes recommendations on areas of research. On some technical issues, there are differing views and receiving feedback at public meetings provides BLS with the opportunity to consider all viewpoints.

The Committee consists of 16 members chosen from a cross-section of economists, statisticians, and behavioral scientists who represent a balance of expertise. The economists have research experience with technical issues related to BLS data and are familiar with employment and unemployment statistics, price index numbers, compensation measures, productivity measures, occupational and health statistics, or other topics relevant to BLS data series. The statisticians are familiar with sample design, data analysis, computationally intensive statistical methods, nonsampling errors, or other areas which are relevant to BLS work. The behavioral scientists are familiar with questionnaire design, usability, or other areas of survey development. BLS is also interested in persons who have expertise in data science, regardless of their main field of study.

BLS invites persons interested in serving on the TAC to submit their names for consideration for committee membership. Typically, TAC members are appointed to three-year terms, and serve as Special Government Employees.

The Bureau often faces highly technical issues while developing and maintaining the accuracy and relevancy of its data on employment and unemployment, prices, productivity, and compensation and working conditions. These issues range from how to develop new measures to how to make sure that existing measures account for the ever-changing economy. BLS presents issues and then draws on the specialized expertise of Committee members representing specialized fields within the academic disciplines of economics, statistics, and survey design. Committee members are also invited to bring to the attention of BLS issues that have been identified in the academic literature or in their own research.

The TAC was established to provide advice to the Commissioner of Labor Statistics on technical topics selected by the BLS. Responsibilities include, but are not limited to providing comments on papers and presentations developed by BLS research and program staff, conducting research on issues identified by BLS on which an objective technical opinion or recommendation from outside of BLS would be valuable, recommending BLS conduct internal research projects to address technical problems with BLS statistics that have been identified in the academic literature, participating in discussions of areas where the types or coverage of economic statistics could be expanded or improved and areas where statistics are no longer relevant, and establishing working relationships with professional associations with an interest in BLS statistics, such as the American Statistical Association and the American Economic Association.

Nominations: BLS is looking for committed TAC members who have a strong interest in, and familiarity with, BLS data. The Agency is looking for nominees who use and have a comprehensive understanding of economic statistics. BLS is committed to bringing greater diversity of thought, perspective, and experience to its advisory committees. Nominees from all races, gender, age, and disabilities are encouraged to apply. Interested persons may nominate themselves or may submit the name of another person who they believe to be interested in and qualified to serve on the TAC. Nominations may also be submitted by organizations. Nominations should include the name, address, and telephone number of the candidate. Each nomination should include a summary of the candidate's training or experience relating to BLS data specifically, or economic statistics more generally, and a curriculum vitae. In selecting TAC members, BLS will consider individuals nominated in response to this notice, as well as other qualified individuals. Candidates should not submit information they do not want publicly disclosed. BLS will conduct a basic background check on candidates before their appointment to the TAC. The background check will involve accessing publicly available, internet-based sources. BLS will contact nominees for information on their status as registered lobbyists. Anyone currently subject to federal registration requirements as a lobbyist is not eligible for appointment to the TAC. Nominees should be aware of the time commitment for attending meetings and actively participating in the work of the TAC. Historically, this has meant a commitment of at least two days per year.

Authority: This notice was prepared in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

Signed at Washington, DC, this 30th day of November 2021.

Eric Molina,

Acting Chief, Division of Management Systems.

[FR Doc. 2021–26343 Filed 12–3–21; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

HIRE Vets Medallion Program—Announcement of HIRE Vets Medallion Award Recipients

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor.

ACTION: Notice.

SUMMARY: In a ceremony announcing the recipients of the 2021 HIRE Vets Medallion Awards, the Department of Labor (Department) recognized a select group of veteran-ready employers for excellence in recruiting, employing, and retaining America's veterans. The employers honored by the Department on November 10, 2021, include small businesses, nonprofit organizations, and national corporations. Recipients receive an award certificate along with a digital image of the medallion for their use, including as part of an advertisement, solicitation, business activity, or product. The awards are conferred in six categories, based on the size of the employer (small, medium, or large) and what level of criteria their application met (platinum or gold). This action announces the recipients of the 2021, 2020 and 2019 HIRE Vets Medallion Awards.

FOR FURTHER INFORMATION CONTACT: Randall Smith, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1325, 200 Constitution Avenue NW, Washington,

DC 20210, email: *HIREVets@dol.gov,* telephone: (202) 693–4745 or TTY (877) 889–5627 (these are not toll-free numbers). For press inquiries, contact Bennett Gamble, Office of Public Affairs, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–1032, Washington, DC 20210, email: *gamble.bennett@dol.gov,* telephone: (202) 693–6587 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The HIRE Vets Medallion Award is authorized by the Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017 (HIRE Vets Act), enacted on May 5, 2017, as Division O of the Consolidated Appropriations Act, 2017, Public Law 115–31, 131 Stat. 838. The Department codified the HIRE Vets Act's requirements through regulations found at 20 CFR part 1011 [1] and an information collection containing the application forms.[2] This notice is required by section 2(b)(4)(B) of the HIRE Vets Act and the regulation at 20 CFR 1011.200(d)(2).

VETS received 870 applications for the HIRE Vets Medallion Award in 2021. Among the 870 applications, 849 applications were approved for award, with 15 applications denied and 6 applications withdrawn by the applicant. Of the 849 applications approved for award, the breakdown by award type is as follows: 301 small gold (SG), 159 small platinum (SP), 175 medium gold (MG), 126 medium platinum (MP), 70 large gold (LG), and 18 large platinum (LP).

The following list shows the 849 recipients for 2021 in alphabetical order by employer name, along with their doing business as (DBA) name (as applicable), city, state or territory, and award type.[3] For more information about the program, including award criteria, key dates, and applicant resources, visit *https://www.hirevets.gov.*

Employer name	DBA	City	State/terr.	Award type
1–800 Water Damage of Virginia Beach	ARC Global Corp	Virginia Beach	VA	SG
2rbConsulting, Inc		Bothell	WA	SG
8-koi, Inc	8-koi	Merritt Island	FL	SG
A&M Transport	A&M Transport, LLC	Glendale	OR	MP
A2 Supply Chain Services LLC	Restoration 1 of Western Wayne County	Ann Arbor	MI	SP
Abile Group, Inc		Harwood	MD	MP
Actualized Business Solutions, Inc	ABSI Aerospace & Defense	California	MD	SG
ACW ELECTRIC, LLC		Huntsville	AL	SG
Adaptive Construction Solutions, Inc		Houston	TX	SP
Advance Transit, Inc		Wilder	VT	SP
Advanced Technology International		Summerville	SC	MP
Advanced Technology Leaders, Inc	Advanced Technology Leaders, Inc	Martinez	GA	MP
Aetos Systems		Huntsville	AL	MG
AGS LLC		Las Vegas	NV	MP
AHSC, Inc	Mister Sparky and Benjamin Franklin Plumbing	Conway	SC	SG
Air Combat Effectiveness Consulting Group, LLC	ACE Consulting Group, LLC	Lexington Park	MD	MG
Air Liquide USA LLC		Houston	TX	LG
Air Quality Solutions Heating & Cooling		Grove City	OH	SP
Akira Technologies, Inc		Washington	DC	MG
Alaska Joint Electrical Apprenticeship and Training Trust.		Anchorage	AK	MG
Albert R. Renteria Corporation (aka The ARRC)		Temecula	CA	SG
Aldevra LLC	Aldevra	Kalamazoo	MI	SP
Alion Science and Technology, Inc	Alion	McLean	VA	LG
All In Solutions, LLC		Fredericksburg	VA	MP
ALL STAR ACADEMY CAREERS INNOVATION & TECHNICAL COLLEGE.	ALL STAR ACADEMY PROFESSIONAL CAREERS.	Burnsville	MN	SG
ALLO Communications	ALLO Communications	Imperial	NE	LG
ALLY Construction Services, LLC	ALLY Construction Services	Bensalem	PA	SP
AM GENERAL LLC	AM GENERAL LLC	South Bend	IN	LG
Amazing Construction & Extras, LLC	Amazing Construction & Extras, LLC	Bulverde	TX	SG
America's Warrior Partnership, Inc		Augusta	GA	SP
American Addiction Centers Inc		Brentwood	TN	MG
American Business Capital		Kennesaw	GA	SG
American Forces Security Inc	Military Veterans Security	Bishop	TX	SG
American Protection Professionals LLC		Washington	DC	SG
American States Utility Services, Inc	ASUS	San Dimas	CA	MP
AMERICAN SYSTEMS		Chantilly	VA	LG
American Veteran Solutions, Inc		Las Vegas	NV	SP
American Zinc Products LLC		Mooresboro	NC	MG
AmeriVet Securities, Inc		New York	NY	SP
Ametrine Inc		Round Rock	TX	SG
ANALYGENCE, Inc		Columbia	MD	SG
Analytical Engineering, Inc		Columbus	IN	SP
ANEW Energy Corporation	ANEW Energy Corporation	Glenwood Springs	CO	SG
Ankobia Group LLC		South Fulton	GA	SG
ANSER		Falls Church	VA	MP
Anthony Catalfamo Agency LLC	Catalfamo Family Insurance Agency LLC	Glenville	NY	SP
AOC Solutions, Inc		Fairfax	VA	SG
Apache Industrial Services	Apache Industrial Services	Houston	TX	LG

[1] For the final rule adopting these regulations, see 82 FR 52186 (Nov. 13, 2017).

[2] For the information collection and related documents, see OMB Control No. 1293–0015.

[3] Employer Name and DBA edited as appropriate; VETS is not responsible for any typographical errors.

Employer name	DBA	City	State/terr.	Award type
Apogee Solutions, Inc	Apogee Solutions	Chesapeake	VA	SG
Aptive Resources		Alexandria	VA	MP
Arena Technologies		Chantilly	VA	SP
Armcorp Construction, Inc		Celina	OH	MG
ARServices Limited		Alexandria	VA	MP
Artemis Electronics, LLC		Prospect	KY	SG
Ascension Global Solutions, LLC		North Billerica	MA	SG
ASJ IT Services, LLC	ASJ Solutions	Chesapeake	VA	SG
Assertic LLC		Chicago	IL	SG
Assertive Professionals		McLean	VA	SP
Assured Consulting Solutions, LLC		Reston	VA	MP
Assured Information Security		Rome	NY	MG
Atec, Inc		Stafford	TX	MG
ATECH, Inc		Nashville	TN	SG
Atlas Sand Company, LLC	Atlas Sand	Austin	TX	MP
Atlas Technologies, Inc		North Charleston	SC	MG
ATS ESOP Holdings, Inc	Acclaim Technical Services, LLC	Reston	VA	MG
Attain Technology Inc		Providence	RI	SG
Attollo LLC	Attollo LLC	Cumberland	RI	SG
AutoBase Inc		Amityville	NY	MP
Aviation Institute of Maintenance	Aviation Institute of Maintenance	Norfolk	VA	SP
Aviation Safety Resources Inc		Nicholasville	KY	SG
AVIVV, LLC		San Diego	CA	SP
Azimuth Corporation		Beavercreek	OH	MP
Barnett Engineering & Signaling Laboratories LLC	BESL	Colorado Springs	CO	SG
Battle Tested Security LLC		Aberdeen	MD	SP
Battlespace, Inc		Las Vegas	NV	MP
BC Medical	BC Medical	North Highlands	CA	SG
Bell Textron Inc		Fort Worth	TX	LG
Bentley Builders		Warwick	RI	MG
Betis Group, Inc		McLean	VA	SP
Bevilacqua Research Corporation		Huntsville	AL	MP
BGIS Global Integrated Solutions US LLC		Seattle	WA	LG
Big Man Movers		Winter Park	FL	SG
BigBear.ai	BigBear.ai	Columbia	MD	LG
Black Hills Service Company LLC	Black Hills Energy	Rapid City	SD	LP
Black Knight, Inc		Jacksonville	FL	LG
Blake Willson Group, LLC	Blake Willson Group	Arlington	VA	SG
Blessed	1B7	Escondido	CA	SG
Blue Light LLC		Fayetteville	NC	SG
BlueHalo, LLC		Huntsville	AL	MP
BluePath Labs LLC		Washington	DC	SP
Bluestaq LLC		Colorado Springs	CO	SP
Boingo Wireless, Inc		Los Angeles	CA	MG
Booz Allen Hamilton		McLean	VA	LG
Boston Government Services, LLC		Lenoir City	TN	MG
Boy's Electric	Service Today!	South St. Paul	MN	SG
Boy's Mechanical	Service Today!	South St. Paul	MN	SG
Boyer Commercial Construction, Inc		Columbia	SC	SP
BP Aero	BP Aerospace, BP Aero Engine Services, BP Aero Services.	Irving	TX	MG
Bradley-Morris Holdings, LLC	Bradley-Morris/RecruitMilitary	Chesapeake	VA	MG
BrainTrust Holdings, LLC	BrainTrust	Annapolis Junction	MD	MG
Brightstar Innovations Group, LLC	Brightstar Innovations Group, LLC	Arlington	VA	SG
Brinton Electric Co		Raytown	MO	SG
Brooks Construction Company, Inc		Fort Wayne	IN	MG
BTL Technologies, Inc		San Antonio	TX	SG
Bullet Rental & Sales, Inc		Klamath Falls	OR	SG
Burkmerica Custom Design		Belleville	WV	SP
C&D Industrial Maintenance		Bradenton	FL	SP
C2C LLC		Chesterfield	MO	SP
CACI International Inc		Arlington	VA	LG
Caddell Construction Co. (DE), LLC		Montgomery	AL	MG
CAE USA INC		Tampa	FL	LG
CANA LLC	CANA Advisors LLC	Gainesville	VA	SP
Canvas Inc		Huntsville	AL	MG
Capco, LLC		Grand Junction	CO	MG
Career Learning & Employment Center for Veterans with Disabilities, Inc.	Operation: Job Ready Veterans (OJRV)	Indianapolis	IN	SP
Careersystems Development Corporation	Penobscot Job Corps Center	Bangor	ME	SG
Carolina Farm Credit, ACA		Statesville	NC	MG
Cascade Drilling, LP	Cascade Environmental	Bothell	WA	LG
Cassidy Consulting Group, LLC	C2G	Hertford	NC	SG

Employer name	DBA	City	State/ terr.	Award type
CAVU Consulting LLC	CAVU Construction	Virginia Beach	VA	SP
Caylor Equipment Services, LLC		Jupiter	FL	SP
Cayuse Holdings, LLC		Pendleton	OR	MP
CB Design Group		Alexandria	VA	SP
CCL USA, Inc		Jessup	MD	SG
Central Ohio Transit Authority		Columbus	OH	LG
Charter Trading Corporation		Clear Lake Shores	TX	SG
Choisys Technology		Ashburn	VA	SP
Cincinnati Incorporated		Harrison	OH	MG
Cintel Inc	Cintel	Huntsville	AL	SG
Circle Computer Resources	Circle Computer Resources	Cedar Rapids	IA	MP
Circuit Media LLC		Denver	CO	SP
Citrine Informatics	Citrine Informatics, Inc	Redwood City	CA	MG
City of Alpharetta, Georgia	City of Alpharetta	Alpharetta	GA	MG
City of Cape Canaveral		Cape Canaveral	FL	MG
City of Norfolk		Norfolk	VA	LG
City of St. Charles	City of St Charles	St. Charles	IL	MG
City of Tigard		Tigard	OR	MG
City of Toledo		Toledo	OH	LG
City of Treasure Island		Treasure Island	FL	MG
CJLP LLC	Restoration 1 of Toledo	Holland	OH	SG
Clear Path for Veterans New England		Devens	MA	SP
Client First Technologies, LLC		Washington	DC	SG
CLIENT/SERVER SOFTWARE SOLUTIONS INC DBA CONSTELLATION WEST.	Constellation West	Fairfax	VA	MP
CMS Technology, Inc	Prevenio	Bridgewater	NJ	SG
Coalfire Systems, Inc		Westminster	CO	LG
Coca-Cola Bottling Company High Country		Rapid City	SD	LG
Cognosante		Falls Church	VA	LG
Cognovi Labs, Inc		Columbus	OH	SP
Coker Service, Inc	Coker Service, Inc	Villa Park	IL	SG
Colorado Sheet Metal JATC		Colorado Springs	CO	MP
Colossal Contracting, LLC		Annapolis	MD	MG
COMER'S CAR–GO LLC		Lewis	IA	SG
CommTech Global		Elkhorn	NE	SG
Community Security Services, LLC		Mobile	AL	SP
Compendium Federal Technology, LLC	CFT	Lexington Park	MD	SP
COMSETRA LLC	COMSETRA	Jay	OK	SG
COMSO, Inc		Columbia	MD	SG
Conceras, LLC		Fairfax	VA	SP
Concord Crossroads, LLC	Concord Crossroads, LLC	Dumfries	VA	SG
Conflict Kinetics Corporation		Sterling	VA	SG
Connectria LLC	Connectria LLC	St. Louis	MO	MG
Consolidated Dispatch Agency	Consolidated Dispatch Agency	Tallahassee	FL	MG
Consolidated Nuclear Security LLC	Y–12 National Security Complex	Oak Ridge	TN	LG
Constellation Software Engineering Corp	CSEngineering, Corp	Annapolis	MD	MG
Construction Helicopters, Inc	CHI Aviation	Howell	MI	MG
Construction MediCamp LLC		Austin	TX	SG
Consumers Energy		Jackson	MI	LG
Contracting Resources Group, Inc		Baltimore	MD	MP
Convergint Technologies LLC	Security Integrator	Schaumburg	IL	LP
Converse Construction, Inc	Converse Construction, Inc	Redding	CA	SG
Converse Electric		Grove City	OH	MG
Coronado Distribution Company, Inc		San Diego	CA	SG
Coronet Technology Enterprises, Inc	CivilianCyber	Richmond	VA	SP
CORPORATE AMERICA SUPPORTS YOU	VetJobs	Lake St Louis	MO	MP
Corps Solutions, LLC		Stafford	VA	MG
CORTAC Group		Issaquah	WA	MG
Cosmic Advanced Engineered Solutions, Inc	Cosmic AES	Colorado Springs	CO	MP
CoSolutions, Inc		Sterling	VA	MG
Coulter LLC	Coulter Specialty Painting & Finishing	Middlebury	IN	SG
CounterTrade Products, Inc		Arvada	CO	SP
CPMC, LLC	CPMC, LLC	Tysons Corner	VA	MG
Craig & Heidt Inc		Houston	TX	SP
Crane 1 Services, Inc		Miamisburg	OH	MG
CREAN, Inc	Crean & Associates	Austin	TX	SP
Criterion Systems, Inc		Vienna	VA	MG
CriticalCxE, Inc		Annapolis	MD	SP
Cromulence LLC		Melbourne	FL	SG
CROSSWORKS TECHNOLOGIES, INC		Orlando	FL	SG
Crowley Maritime Corporation		Jacksonville	FL	LP
Cruz Associates, Inc		Yorktown	VA	MP
CTI Resource Management Services, Inc	CTI Resource Management Services Inc	Jacksonville	FL	MG

Employer name	DBA	City	State/terr.	Award type
Curtis Construction		Carmel	IN	SP
Custom Mechanical Systems, Corp	CMS Corporation	Bargersville	IN	MG
Customer Value Partners, Inc	CVP	Fairfax	VA	MG
CWO Technical Solutions LLC	Restoration 1 of Springfield	Lorton	VA	SG
CymSTAR LLC	CymSTAR LLC	Broken Arrow	OK	MG
CymSTAR Services LLC	CymSTAR Services LLC	Broken Arrow	OK	MG
Cypher LLC	Information Technology Company	Leesburg	VA	SP
D&G Support Services, LLC	D&G Support Services	Woodbridge	VA	SG
Daniel K. Elder	Topsarge Business Solutions, LLC	Killeen	TX	SG
Darkblade Systems		Winchester	VA	MG
DarkStar Intelligence LLC		Woodbridge	VA	MG
Data Center Solutions, Inc	DCS Data Centers	Annapolis	MD	SP
Data Machines Corp		Ashburn	VA	SP
Datrose, Inc		Webster	NY	MG
Dauntless Group Inc		Galveston	TX	SG
DCO Operations Hartford, LLC		Hartford	CT	SP
DCOIT ENTERPRISES LLC	DCOIT ENTERPRISES	Clayton	DE	SG
DD DANNAR, LLC		Muncie	IN	SG
Decisive Point Consulting Group, LLC		Fairfax Station	VA	MG
Deck Medic, Inc		Frankfort	IL	SG
DefendEdge OC, LLC	DefendEdge	Lombard	IL	SG
Defense Contracting, Inc	DCI Solutions	APG	MD	MP
DEFTEC Corporation		Huntsville	AL	SG
Delaware Center for Homeless Veterans, Inc	DCHV	Wilmington	DE	SG
Delmarva Veteran Builders		Salisbury	MD	SG
DELTACON GLOBAL INC	Deltacon Security & Investigations	Sugarland	TX	SP
Denali Universal Services (DUS)		Anchorage	AK	LG
Digital Defense, Inc		San Antonio	TX	MP
Digital Global Connectors, LLC		Chantilly	VA	SG
DiSorb Systems, Inc		Philadelphia	PA	SG
Dixon Management Group LLC	SERVPRO of Belle Meade	Nashville	TN	SG
DK & R Corp		Henderson	NV	SP
DMR Consulting, Inc	DMR	Panama City Beach	FL	SG
Dominion Energy, Inc		Richmond	VA	LP
Dorrean, LLC	Dorrean, LLC	Reston	VA	SG
DOTTS GROUP LLC	DOTTS GROUP LLC	Downingtown	PA	SG
Drain Masters, Inc	Drain Masters, Inc	Anchorage	AK	SG
Draken International LLC		Fort Worth	TX	MG
Drexel Hamilton LLC	Drexel Hamilton LLC	New York	NY	SG
DRUSILLA JONES	DRUSILLA JONES PRINCIPAL	Glendale	WI	SG
Duke Energy Corporation		Charlotte	NC	LG
DuPont de Nemours, Inc		Wilmington	DE	LG
DWBH, LLC (DWBHCORP)	DWBHCORP	Arlington	VA	SG
Dynamic Planning & Response LLC		Honolulu	HI	SP
E–INFOSOL LLC		Calverton	MD	SG
Eagle Security Group, Inc		Fredericksburg	VA	MG
Eagle Systems, Inc		California	MD	MG
Early Services, Inc		Decatur	AL	SG
Eastern Carolina Vocational Center, Inc		Greenville	NC	MG
Eaton Corp		Beachwood	OH	L
Ecocor, LLC		Searsmont	ME	SP
ECPI University LLC	ECPI University	Virginia Beach	VA	LG
EGS Inc	Empowered Global Solutions	Englewood	CO	MG
Electrical Test Instruments, LLC	ETI Precision	Frederick	MD	SP
Electrolizing, Inc		Providence	RI	SG
Elistair Inc	Elistair	Boston	MA	SG
Elite Pest Solutions Inc		Peabody	MA	SG
Eljen Corporation		Windsor	CT	SP
EM Key Solutions, Inc	EM Key Solutions, Inc	Tierra Verde	FL	SP
EMD LLC		Woodbridge	VA	SG
ENERGYneering Solutions Inc		Sisters	OR	SG
Enhanced Veterans Solutions Inc		Fairfax	VA	MP
ENSCO, Inc		Springfield	VA	MG
Entegrit Corporation		Charlottesville	VA	SP
Entergy Corporation		New Orleans	LA	LP
Entourage Executive Protection		Northridge	CA	SG
Environet Inc		Honolulu	HI	SG
Environmental Chemical Corporation		Burlingame	CA	MP
Epigen Corporation		Tysons	VA	SP
EPS Corporation		Tinton Falls	NJ	MP
Ernest C. Coleman	E L Blake inc	Phenix City	AL	SG
ERPi		Fairfax	VA	MG
Eskridge Enterprises LLC	Eskridge & Associates	Round Rock	TX	SP

Employer name	DBA	City	State/ terr.	Award type
Essence of America	Essence of America	San Diego	CA	SG
eTRANSERVICES		Fredericksburg	VA	SP
Evans Emergency Services, LLC	VetCor of First Coast	Jacksonville	FL	SG
Ever-Green Energy, Inc		Saint Paul	MN	MG
Evergreen Fire and Security	Evergreen Fire and Security	Tacoma	WA	MP
Eversource Energy		Hartford	CT	LG
Exact Staff, Inc		Calabasas	CA	MG
Excalibur Legal Staffing, LLC	The Excalibur Group	Washington	DC	SG
Excel Medical Staffing, LLC		Grapevine	TX	SP
Excentium, Inc		Reston	VA	MP
Exceptional Employees for Exceptional Results, Inc.	E3R Inc	San Diego	CA	SP
Executive Airborne Solutions, Inc		Bellevue	NE	SP
Explosive Countermeasures International, Inc	ECI	Delaplane	VA	SP
F2 Systems, LLC		Waynesboro	GA	SG
Fastport, Inc		Valparaiso	IN	SG
Fathom5 Corporation	Fathom5 Corporation	Austin	TX	SG
Federal Practice Group	Eric S. Montalvo PLLC d/b/a Federal Practice Group.	Washington	DC	SG
Federal Strategies, LLC		Fredericksburg	VA	SG
Firepi, Inc	Fire-pi	Minneapolis	MN	SG
FireSAFE		Lakeville	MN	MP
First Nation Group, LLC		Niceville	FL	MP
Five Star Global Security LLC		Fayetteville	NC	SG
Flagship Management, LLC		Bristol	PA	SG
Florida Institute for Human & Machine Cognition		Pensacola	FL	MG
Flux Resources, LLC	Flux	Lake Oswego	OR	MG
Frank Sanchez	Sancorp Consulting, LLC	Falls Church	VA	SG
Freedom Staffing LLC		Indianapolis	IN	MG
Fresh Start LLC, DBA Groutsmith	Groutsmith	Bryn Mawr	PA	SP
Fusion Cell LLC		Windham	NH	SP
G2 Global Solutions, LLC		Gainesville	VA	MG
Gable Services, LLC	Gabletek	Troy	MI	SG
Gana-A'Yoo, Limited		Anchorage	AK	SG
Gannon & Scott, Inc		Cranston	RI	SG
Gary R Banks Industrial Group LLC		West Berlin	NJ	SG
Gauss Management Research and Engineering Inc.		South Ogden	UT	MG
GC Logistics, LLC		Ridgeland	MS	SP
GCubed Enterprises, Inc	GCubed, Inc	Stafford	VA	SP
GEBC, LLC		Owens Cross Roads	AL	SG
General Dynamics Mission Systems		Fairfax	VA	LG
General Electric Healthcare		Chicago	IL	LG
Geo Owl, LLC		Wilmington	NC	MG
Geostabilization International		Denver	CO	MP
Get Off the Drawing Board, LLC	Divergence Academy	Addison	TX	SG
Global C2 Integration Technologies	Global C2 Integration Technologies	Las Vegas	NV	SP
Global Planning Initiatives, LLC		Virginia Beach	VA	SP
Global Security Services	Global Security Services	Davenport	IA	MP
Global Skills Exchange Corporation	GSX	Alexandria	VA	SG
GLOBALFOUNDRIES U.S. Inc		Malta	NY	LG
GLOTECH, Inc	GLOTECH, Inc	Rockville	MD	MP
Go Energistics		Dallas	TX	SG
Goldbelt Falcon, LLC		Chesapeake	VA	MP
Goldbelt Frontier, LLC		Alexandria	VA	MP
Goldbelt Glacier Health Services, LLC		Alexandria	VA	MP
Goldbelt Hawk, LLC		Newport News	VA.	M
Golden Chariot Specialty Transport Service, LLC		Vancouver	WA	SG
Golden Key Group		Reston	VA	MG
gothamCulture		New York	NY	SG
Government Tactical Solutions		Vienna	VA	SP
Green Cell Consulting LLC		Fredericksburg	VA	SG
Green Expert Technology Inc		Haddonfield	NJ	MG
Greencastle Associates Consulting, LLC		Malvern	PA	SP
GSI Service Group Inc		Honolulu	HI	MG
GTL	Global Tel Link	Falls Church	VA	LP
Guardian Angels Medical Service Dogs, Inc		Williston	FL	SP
H2 Performance Consulting Corp		Gulf Breeze	FL	MP
Hager Development Group, LLC		Virginia Beach	VA	SG
Hancock Resource Center		Waveland	MS	SG
Hawkeye Tracking Inc		Lexington Park	MD	SG
HD Dog Training Llc		Bensalem	PA	SG
Helimax Aviation, Inc		McClellan	CA	MG

Employer name	DBA	City	State/ terr.	Award type
Hepburn and Sons LLC		Manassas	VA	MG
Heptagon Information Technology, LLC	Heptagon Information Technology	Montgomery	AL	SP
Hernandez Consulting & Construction	Hernandez Consulting & Construction	New Orleans	LA	MG
High Order Solutions, LLC		Frisco	TX	SG
HigherEchelon, Inc		Huntsville	AL	MP
Highland Engineering, Inc		Howell	MI	SG
Hollywood Casino Hotel & Raceway	HC Bangor, LLC	Bangor	ME	MG
Home Port Alliance for the Battleship New Jersey		Camden	NJ	MG
Hood River Consulting Engineers	GDM, Inc	Hood River	OR	SG
HTM GLobal	College of Biomedical Equipment Technology	San Antonio	TX	SG
Hudgins Contracting Corp		Hampton	VA	SG
Hunter Snowman Productions, LLC		South Ogden	UT	SG
Huntington Ingalls Industries		Newport News	VA	LG
Huot Construction & Services		South St. Paul	MN	SG
Hydro Vac Services dba GroundBreakers LLC	GroundBreakers LLC	Indianapolis	IN	SG
Iconicx Critical Solutions LLC		Amsterdam	NY	MP
IDEA HELIX INC		Fremont	CA	SG
IIS, LLC	Independence Indoor Shooting	Meridian	ID	SP
Indigo IT, LLC	Indigo IT	Reston	VA	MG
Industrial Packaging Supplies Inc	IPS Packaging & Automation	Fountain Inn	SC	MP
Infinity Technology Services, LLC	ITS, LLC	Colorado Springs	CO	SP
Infojini Inc	Infojini Inc	Columbia	MD	MG
Information Unlimited Inc		Washington	DC	SG
InfraMap Corp	InfraMap Corp	Glen Allen	VA	MG
Ingenious Ingenuity Inc	Vertigo Drones	Webster	NY	SG
Inspection Associates, Inc		Cypress	TX	SP
Inspection Experts, Inc		Columbia	MD	MG
Inspired Solutions, Inc	Inspired Solutions, Inc	Woodbridge	VA	SG
Integration Innovation Inc	i3	Huntsville	AL	LG
Integrity General Contractors, LLC		Dallas	TX	SG
IntelliDyne, LLC		Falls Church	VA	MP
Intelligent Waves LLC	Intelligent Waves	Reston	VA	MG
Interactive Government Holdings, Inc		Springfield	VA	MP
Interactive Process Technology		Burlington	MA	MP
Interlake Maritime Services		Middleburg Heights	OH	MG
Intrepid Solutions and Services, LLC		Herndon	VA	MG
Intuitive Research and Technology Corporation		Huntsville	AL	MP
iostudio, LLC	iostudio, LLC	Nashville	TN	MP
IronMountain Solutions, Inc		Huntsville	AL	MP
IT Veterans, LLC		Herndon	VA	SP
J.G. Management Systems, Inc	J.G. Management Systems, Inc	Grand Junction	CO	MG
Jackson Ryan Construction Services, Inc		Suffield	CT	SG
Jacobs		Dallas	TX	LG
JAMA Enterprises, Inc	Strategic Consulting Partners	Mechanicsburg	PA	SG
Janissary, LLC	Janissary	Houston	TX	SP
Jay & Kay Mfg. LLC	Jay & Kay Mfg. LLC	Croswell	MI	SP
JB Management, Inc		Alexandria	VA	SG
JCTM LLC		Charlotte	NC	MP
Jeco Plastic Products, L.L.C		Plainfield	IN	SP
Jennings-Perrett LLC	Pinnacle Dentistry	Colorado Springs	CO	SG
Jeremy Bailey	J W Bailey Construction	Fort Wayne	IN	SG
JFL Consulting, LLC		Edgewater	MD	SG
JHS CONSULTING	JHS GROUP	Bunker Hill	WV	SG
Jingoli Power, LLC		Lawrenceville	NJ	MP
JMA Resources, Inc		East Berlin	PA	SP
John H. Northrop & Associates, Inc	JHNA	Clifton	VA	MG
JOHN STEVENS BERRY PC LLO	Berry Law Firm	Lincoln	NE	MP
Jovian Concepts, Inc		Hanover	MD	MG
JR Kays Trucking Inc		Clarendon	PA	SP
JustOne Solutions, LLC		Owings Mills	MD	SG
JVC Enterprises Inc		Byron Center	MI	SG
JVS SoCal		Los Angeles	CA	MG
K. S. Ware & Associates, LLC		Nashville	TN	SP
Kaizen Approach, Inc		Hanover	MD	SP
Kationx Corporation	Kationx Corp	Indialantic	FL	SG
KAW Enterprises LLC		The Villages	FL	S
Kegman Inc	Kegman Inc	Melbourne	FL	SG
Kent, Campa and Kate (KCK) Inc		Arlington	VA	MP
Kentco Corporation	ProteQ	Herndon	VA	SG
Kirby Rehabilitation	Kirby Rehabilitation	Chicago	IL	SG
KIRSH Helmets	KIRSH Helmets, Inc	Schenectady	NY	SG
Kitty Hawk Technologies		Honesdale	PA	SG
Knight Federal Solutions		Orlando	FL	SG

Employer name	DBA	City	State/terr.	Award type
Knowesis Inc		Fairfax	VA	MP
Kokua Support Services Corporation		Newport News	VA	SG
Korman LLC		Waukegan	IL	SG
KPI Holdings		North Wales	PA	MG
KSA Integration LLC		Stafford	VA	SP
Kwest Group LLC	Kwest Group	Perrysburg	OH	MP
LAUNCHTECH, LLC		Amherst	NY	SG
Legato, LLC		Columbia	MD	SP
Legion Systems LLC		Tampa	FL	SG
Leidos		Reston	VA	LG
Leisureland RV Center		Boise	ID	SG
LENEA CORPORATION		Pinetop	AZ	SG
Leonardo Electronics US, Inc		Arlington	VA	MG
Leryn, Inc	Smash My Trash	Tampa	FL	SG
Liberty Floor Covering LLC		Lincoln	RI	SG
Life S Investments	Lifes Investments LLC	San Diego	CA	SG
Linchpin Solutions, Inc		Tampa	FL	MG
LinkItAll, LLC	LIA	Fredericksburg	VA	SG
LinQuest Corporation		Los Angeles	CA	LG
Lockridge Builders LLC		Charleston	SC	SG
LOGC2 Inc	Connected Logistics	Decatur	AL	SP
Long Capture & Contract Management LLC		Colorado Springs	CO	SP
Los Alamos National Laboratory		Los Alamos	NM	LG
Los Angeles County Metropolitan Transportation Authority (LA Metro).		Los Angeles	CA	LG
Louisiana Energy Services LLC	URENCO USA	Eunice	NM	MP
Lynch Consultants, LLC	Lynch Consultants, LLC	Arlington	VA	MP
M Dean Owen CPA		Paducah	KY	SP
Mackay Communications, Inc	Mackay Marine	Raleigh	NC	MG
Magnolia River Services Inc	Magnolia River Services	Decatur	AL	MG
Mainsail Group LLC		Bedford	MA	MG
Make a difference landscaping	Make a difference landscaping	Lee	NH	SG
Management Support Technology, Inc. (MSTI)	Management Support Technology, Inc. (MST	Fairfax	VA	MP
Manchester Firing Line		Manchester	NH	SP
ManTech International		Herndon	VA	LG
Mantle Security, Inc		Jacksonville	FL	SG
Marathon Coach, Inc		Coburg	OR	MP
Mark My Words LLC	Walker Bookstore	Tempe	AZ	SP
Mark Ronning LLC	Northwest Veterans Law	Salem	OR	SP
Markon, Inc	Markon Solutions	Falls Church	VA	MP
Marxmen Protection Agency		Dundalk	MD	SG
Maveris, LLC	Maveris	Martinsburg	WV	SP
Mb Solutions, Inc		Huntsville	AL	SP
MBL Technologies, Inc	MBL Technologies, Inc	Arlington	VA	MG
MCPc Inc		Cleveland	OH	MG
Meridian Blue Construction, LLC	Meridian Blue Construction	Lakeville	MN	SG
Mesa Natural Gas Solutions		Loveland	CO	MP
Messer North America, Inc	Messer North America, Inc	Bridgewater Township	NJ	LG
Metis Technology Solutions, Inc		Albuquerque	NM	MG
MI Technical Solutions, Inc		Chesapeake	VA	MP
Military Officers Association of America		Alexandria	VA	MG
Mission1st Group, Inc		Arlington	VA	MP
MIT Lincoln Laboratory	MIT Lincoln Laboratory	Lexington	MA	LG
Mobility Doctor LLC		Bryn Mawr	PA	SP
Mountaineer Community Health Center		Paw Paw	WV	SG
MRP Training Solutions, Inc		San Diego	CA	SG
MSN GLOBAL EDUCATION LLC	Huntington Learning Center, The Woodlands	The Woodlands	TX	SG
MULE Engineering, Inc	MULE Engineering & Construction	Winter Garden	FL	SP
MVP—Military Veterans Program	UBC—Local 2232	Killeen	TX	MG
Namauu Technological & Industrial, LLC		San Antonio	TX	SP
Nation's Finest		Santa Rosa	CA	MP
National Association of Safety Professionals	NASP	Wilmington	NC	SG
National Consulting Partners, LLC	National Consulting Partners, LLC	Arlington	VA	SG
National Native American Construction, Inc	NNAC	Coeur D'Alene	ID	MG
Nationwide IT Services, Inc		Fairfax	VA	MP
Nationwide Pharmaceutical LLC		San Antonio	TX	SG
Native Instinct LLC		Boynton Beach	FL	SP
Naval Systems, Inc		Lexington Park	MD	MG
Navigator Development Group Inc	Navigator Development Group Inc	Enterprise	AL	MP
Navigator International LLC		Huntsville	AL	MP
Navy Federal Credit Union		Vienna	VA	LG
Nemean Solutions, LLC		Sierra Vista	AZ	SP
NetImpact Strategies, Inc		Falls Church	VA	MP

Employer name	DBA	City	State/terr.	Award type
Netizen Corporation		Allentown	PA	SP
NetWise IT Consulting LLC		East Point	GA	SP
Network Cabling Services	NCS	Houston	TX	MP
Neuroscience Associates, inc	Neuroscience Associates, inc	Knoxville	TN	SG
Nevada County		Nevada City	CA	LP
Nevada Hospice Care LLC		Las Vegas	NV	SG
New Horizons of Phoenix		Phoenix	AZ	SP
NewBridge Partners, Inc		Herndon	VA	SP
NexTech Solutions LLC		Orange Park	FL	MP
NextEra Energy		Juno Beach	FL	LP
NextGen Federal Systems		Morgantown	WV	MG
Nisga'a Data Systems, LLC		Chantilly	VA	MP
Nisga'a Tek, LLC		Chantilly	VA	MP
Noble Oil Services, Inc		Sanford	NC	MG
NorCal Staffing Group, Inc	TangoAlpha3	Austin	TX	SG
NORTH AMERICA MATTRESS CORP		Clackamas	OR	SG
North American Consulting Services, Inc		Point Pleasant	WV	SG
North American Rescue		Greer	SC	MP
North Bay Rehabilitation Services, Inc	North Bay Industries	Rohnert Park	CA	MP
North Texas SCS, LLC	North Texas SCS, LLC	Sherman	TX	SG
Northrop Grumman Corporation	Northrop Grumman Corporation	Falls Church	VA	LG
nou Systems, Inc		Huntsville	AL	MG
Novetta	Novetta, Inc	McLean	VA	LG
NTCS LLC		Alexandria	VA	SG
NTS Services LLC	RedSky	Aldie	VA	SP
Nucor Steel Auburn, Inc		Auburn	NY	MG
Nueces County Human Resources Department		Corpus Christi	TX	LP
Nuss Truck and Equipment	Nuss Truck and Equipment	Roseville	MN	MP
Oaklea Security Services, LLC	Oaklea Simpson Security, LLC	Westminster	MD	MP
Oasis Systems LLC	Oasis Systems	Burlington	MA	LG
Obera LLC		Herndon	VA	SG
Odyssey Systems Consulting Group		Wakefield	MA	LG
Offset Strategic Services, LLC		Huntsville	AL	SP
On Target Solutions Inc		Hendersonville	TN	SG
On Time Prime LLC		Daytona Beach	FL	MG
Ondadottedline, LLC		Salem	OR	SG
Open Systems Technologies Corporation	Open Systems Technologies Corporation	Gainesville	VA	MP
Ops Tech Alliance LLC		Bowie	MD	MG
Optimum Low Voltage, LLC	Optimum Fire & Security	Wilmington	NC	SG
Optimus Technologies, Inc		Pittsburgh	PA	SG
Opto-Knowledge Systems, Inc	OptoKnowledge	Torrance	CA	SG
Optomi, LLC/Provalus	Provalus	Atlanta	GA	MP
Orange County Sheriff's Office, Orlando, Florida		Orlando	FL	LG
Orion ICS LLC		Cary	NC	MG
Oscar Deuce LLC	ODL Services	Virginia Beach	VA	SG
Oxley Enterprises, Inc		Fredericksburg	VA	SG
P–11 Security, Inc	P–11 Security	Torrance	CA	SP
PACCAR WINCH INC	PACCAR WINCH Inc	Broken Arrow	OK	MG
Pacific Mountain Capital LLC		Scottsdale	AZ	SP
Packages From Home	Packages From Home	Glendale	AZ	SP
Pathfinder Consultants, LLC		Washington	DC	SP
Patriots International		Alexandria	VA	SG
PATRONUS SYSTEMS INC		Melbourne	FL	MP
Peckham Incorporated		Lansing	MI	MG
Peer Technical Group, LLC		Fond Du Lac	WI	SG
Pegasus Ponies & Petting Zoos	Pegasus Ponies & Petting Zoos	Whittier	CA	SG
Penn Power Group, LLC	Penn Power Systems; Northeast Energy Systems; Western Energy Systems.	Philadelphia	PA	MG
PeopleTec, Inc		Huntsville	AL	MP
Peraton Inc		Herndon	VA	LG
PERCIVAL, INC	Percival Engineering	Columbia	MD	SP
Peregrine Technical Solutions		Yorktown	VA	MP
Perseverance Staffing, LLC	Perseverance	Denver	CO	SG
Persevus LLC		Omaha	NE	SP
PetHub, Inc		Wenatchee	WA	SG
Philbrook Construction Services Group, INC		Yarmouth Port	MA	SG
Phillips 66		Houston	TX	LG
Phoenix Global Support, LLC		Fayetteville	NC	SP
Phoenix Management, Inc		Cedar Park	TX	MG
PL Consulting Inc		Herndon	VA	SG
Planate Management Group LLC		Alexandria	VA	MP
Planet Technologies Inc	Planet Technologies Inc	Germantown	MD	MG
Platform Systems, Inc	Platform Aerospace	Hollywood	MD	MG

Employer name	DBA	City	State/terr.	Award type
PLEXSYS Interface Products, Inc		Camas	WA	MG
Ploutocracy, Inc		Santa Clara	CA	SG
Pole Star Space Applications USA		St. Petersburg	FL	SG
Portable Solar LLC	Sol-Ark	Parker	TX	SG
Portland Patrol		Portland	OR	MG
Posterity Group, LLC	Posterity Group, LLC	Rockville	MD	MG
Powell Strategies		Annapolis	MD	SG
PPT Solutions, Inc		Huntsville	AL	SG
Precise Systems, Inc	Precise Systems	Lexington Park	MD	LG
PRIDE Industries	PRIDE Industries	Roseville	CA	LG
Priority 1 Air Rescue Operations Arizona LP	Priority 1 Air Rescue	Mesa	AZ	SG
Pro-Sphere Tek, Inc		Alexandria	VA	MP
Professional Contract Services, Inc		Austin	TX	LP
Professional Management Enterprises		Indianapolis	IN	MG
Professional Solutions Delivered, LLC		King George	VA	SP
Project Management Professional Services Corporation.	The PMO Squad	Gilbert	AZ	SP
Proteum Energy LLC		Phoenix	AZ	SG
Puget Sound Energy		Bellevue	WA	LG
Purpose Built Families Foundation		Pembroke Pines	FL	SG
Quadrint, Inc		Falls Church	VA	MG
Qualis Corporation		Huntsville	AL	MP
Quality Cable Installers LLC		Houston	TX	SP
Quick Services LLC	QSL	Cheyenne	WY	MP
Quiet Professionals LLC		Tampa	FL	MP
QUINNS PLUMBING HEATING COOLING		Reading	PA	SG
R.E. West Transportation		Ashland City	TN	MG
R2C Inc		Huntsville	AL	MP
R3 Strategic Support Group, Inc	R3SSG	Coronado	CA	MP
R4 Integration Inc		Fort Walton Beach	FL	SG
Radkin	Radkin	Houston	TX	MG
Rafael Systems Global Sustainment, LLC	RSGS	Bethesda	MD	SP
Rasmussen Law Firm, LLC	KR Law	Vestavia	AL	SG
Raytheon Technologies (RTX)		Waltham	MA	LP
RBG Janitorial LLC		Belvidere	IL	SP
RBR-Technologies, Inc		Odenton	MD	MG
RDR, Inc		Centreville	VA	MP
Ready Support Services LLC		Purcellville	VA	SP
REDCON Solutions Group	REDCON Solutions Group	Savannah	GA	MG
RELI Group Inc		Catonsville	MD	MP
Reliability & Performance Technologies, LLC	R&P Technologies	Dublin	PA	MG
RELYANT Global LLC		Maryville	TN	MG
Remy Battery Co., Inc		Milwaukee	WI	SG
Renaissance Global Services	Renaissance Global Services	Holmdel	NJ	SG
Research and Development Solutions, Inc. (RDSI).		Middletown	RI	MG
RESILIENCE–BUILDING LEADER PROGRAM LLC.		Burbank	CA	MP
RESOURCE MANAGEMENT CONCEPTS, INC		Lexington Park	MD	MG
Results Technology, Inc	Results Technology	Overland Park	KS	SG
Revolution National Pest Council		Carson	CA	SP
RF Logistics, LLC		Carlsbad	CA	MP
Rhino Demolition and Environmental Services Corp.		Myrtle Beach	SC	SG
Rhino Health, Inc		Church Rock	NM	SG
Richard Group LLC		Glenview	IL	SG
Ride N Safe Non Emergency Transport		Cleburne	TX	SG
RightDirection Technology Solutions LLC		Baltimore	MD	MG
Rigid Security Group	RIGID TACTICAL	Virginia Beach	VA	SP
Rise Armament, LLC		Broken Arrow	OK	MG
Rising Eagle Construction LLC		Lorton	VA	SG
Rite-Solutions, Inc		Middletown	RI	MP
RLS Construction Group, LLC		Camp Hill	PA	SP
RobJa, LC	Servpro of Flower Mound/Lewisville	Wylie	TX	SG
Rock Project Management Services, L.L.C		Renton	WA	SG
rockITdata, LLC		Manning	SC	SP
Rolston Information Systems Assurance	RISA	Lutz	FL	SG
Roseburg Urban Sanitary Authority		Roseburg	OR	SP
ROYAL G SNACKS, INC	SMART SNACK	Sarasota	FL	SG
RRDS INC	RRDS INC	Irvine	CA	SG
RTI Consulting, LLC		Marshall	VA	SG
Rubicon Technical Services, LLC		Kennesaw	GA	MP
Sabre Systems Inc		Warminster	PA	MG

Employer name	DBA	City	State/terr.	Award type
SAF, INC		Akron	OH	S
Safe Foods Corporation		North Little Rock	AR	MG
Safespill		Houston	TX	SP
Sage Advisory		Austin	TX	MG
Saint Maximus Consulting		San Antonio	TX	SP
Sakom Services		Appleton	WI	MP
Saliense Consulting		Tysons	VA	SG
Salute Mission Critical	Salute Mission Critical	Clinton Twp	MI	MG
Sandia National Laboratories		Albuquerque	NM	LP
Sarco, Inc	Sarco, Inc	Easton	PA	SP
Sarela Technology Solutions, LLC		Leesburg	VA	SG
scDataCom LLC		Savannah	GA	SP
Schexnailder Sheet Metal		Rayne	LA	SG
Science Systems and Applications, Inc	SSAI	Lanham	MD	LG
Scientific Research Corporation	Scientific Research Corporation	Atlanta	GA	LG
SDV Command Source Inc		Winston-Salem	NC	SG
Sealing Technologies, Inc		Columbia	MD	MG
Security 1 Solutions, LLC	Security 1 Solutions LLC	Gaithersburg	MD	MG
Security Management of SC	Security Management of SC	Columbia	SC	LG
Seeds2 LLC	Seeds2 LLC	Garfield Heights	OH	SG
Semper Fi Doorman, Inc		Chicago	IL	SG
Semper Valens Solutions		Canyon Lake	TX	MG
Sentar, Inc	Sentar, Inc	Huntsville	AL	MG
Serco, Inc	Serco, Inc	Herndon	VA	LG
ServiceSource	ServiceSource, Inc	Oakton	VA	LG
Servpro Industries, LLC		Gallatin	TN	MG
Sevan Multi-Site Solutions, Inc		Downers Grove	IL	MG
Shearer & Associates, Inc	Shearer & Associates, Inc	Huntsville	AL	SP
Shelby County Schools	Shelby County Schools	Memphis	TN	LG
Shepherd Safety Systems, LLC		Houston	TX	SP
Shine Systems LLC	Shine Enterprises LLC	Charlottesville	VA	MG
SHINN KELLOGG, LLC		Albia	IA	SP
Short Powerline Service, LLC		Glenrock	WY	SG
Shotstop Ballistics LLC		Stow	OH	SG
Siemens Government Technologies, Inc		Reston	VA	MG
Sierra Management and Technologies, Inc		California	MD	MG
Sigma Design Company, LLC		Middlesex Borough	NJ	SG
Silotech Group, Inc		San Antonio	TX	MP
SIMCO Electronics		Santa Clara	CA	MG
Simulation Technologies, Inc. (SimTech)	Simulation Technologies, Inc. (SimTech)	Huntsville	AL	MG
SIXGEN, Inc		Annapolis	MD	SP
SkyBridge Tactical LLC		Tampa	FL	MG
SNVC, LC		Herndon	VA	SP
SoCal Airflow Pros	Tactical Air Inc. DBA SoCal Airflow Pros	Rancho Santa Margarita.	CA	SP
Sodexo Government		Gaithersburg	MD	LP
SOF Intelligence Solutions LLC		Alexandria	VA	SP
Solutions for Information Design, LLC	SOLID	Fairfax Station	VA	SP
Sonalysts Inc		Waterford	CT	MP
South Carolina Vocations and Individual Advancement.	South Carolina Vocations and Individual Advancement.	Greenville	SC	SG
Southern Company	Alabama Power Company	Atlanta	GA	LP
Spartan Construction Services, Inc	SPARTAN CONSTRUCTION SERVICES INC	Beaver Falls	PA	SG
Special Applications Group		Tampa	FL	MP
Spectral Labs Incorporated		San Diego	CA	SG
Spees LLC	Spees Design Build	Seattle	WA	SP
Spezio Property Services, Inc		Rochester	NY	SG
Spin Systems, Inc	Spin Systems, Inc	Falls Church	VA	MP
Spring Environmental, Inc		Spokane	WA	SP
Standard Petroleum Logistics		Columbia	MD	SG
Star Mechanical LLC		Colorado Springs	CO	SG
Star V Corporate Training LLC	New Horizons Computer Learning Centers	Jacksonville	FL	SG
Stellar Solutions, Inc		Palo Alto	CA	MG
Stevens Ventures, LLC	SERVPRO of North Raleigh/WakeForest/Cary/Morrisville/Apex/Garner/Zebulon.	Raleigh	NC	MG
Still Serving Veterans	Still Serving Veterans	Huntsville	AL	SG
STL Tire Recycling		Florissant	MO	SG
Stocks General Contractors, LLC	Stocks Management Group	Fredericksburg	VA	SG
Stop the Addiction Fatality Epidemic (SAFE) Project US.	SAFE Project	Arlington	VA	SP
Strata-G, LLC	Strata-G	Knoxville	TN	MP
Strategic Alliance Business Group		Fairfax	VA	MP
Strategic Staffing Solutions	Strategic Staffing Solutions	Detroit	MI	MP

Employer name	DBA	City	State/ terr.	Award type
Summit 7 Systems, INC		Hunstville	AL	MG
Summit Aviation Inc		Middletown	DE	MP
Summit Exercises and Training		Saint Petersburg	FL	SG
Summit Technical Solutions, LLC		Colorado Springs	CO	MG
Support The Enlisted Project, Inc	STEP	San Diego	CA	SG
Supreme Insulated Panels Systems, LLC		Mobile	AL	SG
Surespan USA		Las Vegas	NV	SG
Survival Systems USA, Inc		Groton	CT	SG
Synack, Inc		Redwood City	CA	MG
Syndetix Inc		Las Cruces	NM	MG
Synesis7 Corporation	Synesis7	Butte	MT	SG
Syntelligent Analytic Solutions, LLC	Syntelligent Analytic Solutions, LLC	Falls Church	VA	MP
System Studies and Simulation Inc	S3	Huntsville	AL	MP
Systematic Business Consulting	Systematic Business Consulting Consulting LLC	Cary	NC	SG
Systematic, Inc		Centreville	VA	SG
Systems and Technology Research	STR	Woburn	MA	MP
Systems Planning and Analysis, Inc		Alexandria	VA	LG
Systems Products and Solutions, Inc		Huntsville	AL	MG
T and T Consulting Services, Inc	TATCS	Falls Church	VA	MP
T. S. Marshall & Associates, Inc. DBA Franklin IQ	Franklin IQ	Arlington	VA	SP
TAC Industries	The Abilities Connection	Springfield	OH	MG
Tactical & Survival Specialties, Inc	TSSi	Harrisonburg	VA	MP
Tangent Technologies, LLC		McLean	VA	SG
Target Media Mid Atlantic, Inc	Target Systems	Mechanicsburg	PA	MG
Team Carney, Inc		Alexandria	VA	MP
Tech62, Inc	Tech62 Inc	Fairfax	VA	SG
Technology Learning Group, Inc	TLG Learning	Bellevue	WA	SG
Tele-Consultants, Inc		Alpharetta	GA	SG
Telesis7, LLC		Chesterfield	MO	MG
Tetrad Digital Integrity, LLC		Washington	DC	SP
Textron Systems	Air Systems, Land Systems, Sea Systems, Weapon Systems, Howe & Howe, Lycoming, ATAC.	Hunt Valley	MD	LG
ThayerMahan Inc		Groton	CT	SG
The Boeing Company		Chicago	IL	LP
The Cloud Geeks, Llc		Dover	DE	SP
The Coalition to Salute America's Heroes	The Coalition to Salute America's Heroes	Leesburg	VA	SG
The Construction Services Group, Inc		Charleston	SC	SG
The Electronic On-Ramp Inc	EOR	Rockville	MD	MP
The Elite Guardian Consulting Services, Inc	Elite Guardian Consulting Services, Inc., The	San Diego	CA	SG
The Greentree Group		Beavercreek	OH	MP
The Independence Fund		Charlotte	NC	SG
The Informatics Applications Group, Inc	TIAG	Reston	VA	MG
The Metamorphosis Group		Vienna	VA	SP
The MITRE Corporation		McLean	VA	LG
The O'Gara Group		Fairfield	OH	MG
The Pipe Line Development Company	PLIDCO	Strongsville	OH	MP
The Rockhill Group, Inc		Molino	FL	MG
The Ross Group Construction Corporation, Inc	Ross Group	Tulsa	OK	MG
The Veteran Initiative		Macdill Afb	FL	SP
The Wolverine Group		Washington	DC	SG
Thomas Solutions Incorporated		Alexandria	VA	SP
Thompson Lehman Security & Protection LLC	Thompson Lehman Security & Protection LLC	Crowley	TX	SG
Thompson Metal Fab, Inc		Vancouver	WA	MG
Thorcon Shotcrete and Shoring, LLC		Littleton	CO	SG
Tidewater Emergency Medical Services Council, Inc.	Tidewater EMS Council	Chesapeake	VA	SP
TIMOTHY FELIX		Glendale	NY	SG
Titan Associates Group, Inc		Athens	TN	SG
Titan, Consultants & Engineers, LLC	TITAN	Orlando	FL	SP
TITANONEZERO		Annandale	VA	SG
TM3 Solutions, Inc	TM3 Solutions, Inc	Alexandria	VA	SG
TMC Design	TMC Design, A LinQuest Company	Las Cruces	NM	MP
Tokyo Electron U.S. Holdings, Inc		Austin	TX	LP
TOMMYS CREATIONS LLC	TOMMYS CREATIONS LLC	Marion	OH	SG
Top Gun of Virginia, Inc	Top Gun of Virginia, Inc	Lorton	VA	SG
Torden LLC	Torden LLC	New Bedford	MA	MG
Totally Joined For Achieving Collaborative Techniques, LLC.	TJFACT	Atlanta	GA	MP
TP Trucking LLC	TP Trucking	Central Point	OR	MP
TPE Midstream, LLC		Tulsa	OK	SG
Trade Training Company LLC	Sonoran Desert Institute	Tempe	AZ	MG
Transmission Distribution Service	TDS Construction	Glenrock	WY	SG

Employer name	DBA	City	State/terr.	Award type
TRECIG, LLC		Rockwall	TX	SP
Trewon Technologies LLC		Stafford	VA	SG
Tri-Logistics LLC	Program Management, Furniture, Logistics Management, Relocation Services, Professional Services.	Upper Marlboro	MD	SG
TRIAEM, LLC		Sterling	VA	SP
Trident Technologies and Consulting—Global, LLC.	T2C-Global	Wesley Chapel	FL	SG
Trinity Technology Group, Inc		Manassas	VA	MG
TriWest Healthcare Alliance		Phoenix	AZ	LP
TRJ TRANSPORTATION INC		Douglasville	GA	SG
Trotter Industries, LLC	Trotter Electrical Contractors	Boyertown	PA	SG
Trusted Internet, LLC		New Boston	NH	SG
TruWeather Solutions, Inc		Syracuse	NY	SG
Turbine Technologies, Inc	Burke Aerospace	Farmington	CT	MG
U.S. Vet General Contracting, LLC		McFarland	WI	SG
U.S. VETS—Houston	United States Veterans Initiative	Houston	TX	SG
Union Pacific		Omaha	NE	LG
United Rentals Inc		Stamford	CT	LG
United Veterans Construction and Landscape Solutions, Inc.		Fort Worth	TX	SP
UNITEDHANDS HEALTH & WELLNESS CLINIC LLC.		Morrow	GA	SG
Universal Strategy Group, Incorporated (USGI)	Universal Strategy Group, Incorporated (USGI)	Franklin	TN	MG
Universal Technical Resource Services, Inc	Universal Technical Resource Services, Inc	Cherry Hill	NJ	MG
University of Science Arts and Technology	USAT MONTSERRAT	Arvada	CO	SG
Upstate Warrior Solution		Greenville	SC	SP
US COMMUNICATIONS & ELECTRIC, INC	US COMMUNICATIONS & ELECTRIC, INC	Garfield Heights	OH	MG
USA Environmental, Inc		Oldsmar	FL	MG
USAA		San Antonio	TX	LP
USfalcon, Inc	USfalcon, Inc	Cary	NC	MG
UT-Battelle, LLC (managing Oak Ridge National Laboratory).		Oak Ridge	TN	LG
Utility Mapping Services, Inc		Clancy	MT	SG
Valiant Harbor International LLC		Bethesda	MD	SG
Vantage Point Consulting Inc		Reston	VA	SG
Vascular Center of Orlando, P.A	Vascular Vein Centers	Orlando	FL	SG
Vector Force Development		Collinsville	IL	MP
Vector Services		Batavia	IL	MP
VectorCSP	VectorCSP	Elizabeth City	NC	MP
Venergy Group, LLC	Venergy Group, LLC	Fort Pierce	FL	SG
Veracity Technology Solutions, LLC		Pensacola	FL	SG
Verizon	Verizon	Basking Ridge	NJ	LG
VetCor, LLC		Tampa	FL	SP
Veteran Engineering and Technology, LLC		Colorado Springs	CO	SP
Veteran Plumbing Services, Inc		Sewickley	PA	SG
Veterans Alliance, LLC		Stateline	NV	SG
Veterans ASCEND		Simpsonville	SC	SG
Veterans Assembled electronics	STRAC INSTITUTE	Providence	RI	SP
Veterans Elite Services LLC		Jacksonville	FL	SG
Veterans Enterprise Technology Solutions, Inc	VETS, Inc	Clarksville	VA	MG
Veterans Guardian VA Claim Consulting		Pinehurst	NC	MP
Veterans Inc		Worcester	MA	MP
Veterans Leadership Program of Western Pennsylvania.	Veterans Leadership Program	Pittsburgh	PA	MG
Veterans Management Services, Inc		Sterling	VA	MP
Veterans Outreach Center, Inc	Veterans Outreach Center, Inc	Rochester	NY	SG
VETForce, INC	VETFORCE, INC	Lock Haven	PA	SG
VetLink Solutions		Surprise	AZ	SP
Vetted Tech Inc		Syracuse	NY	SP
Viasat Inc		Carlsbad	CA	LG
Village of Hanover Park		Hanover Park	IL	MG
Viqtory, Inc	Viqtory, Inc	Moon Township	PA	SG
Virgo Medical Services, Inc		East Orange	NJ	MG
Virtual Service Operations, LLC		Irving	TX	MP
VISTA Technology Services, Inc		Arlington	VA	MG
Volunteers of America Veteran Services	VOA Veteran Services	Sacramento	CA	SP
W R Systems, Ltd		Fairfax	VA	M
W. Harris GSC Inc		Meridian	ID	MG
Walker River Construction, Inc	Walker River Construction, Inc	Schurz	NV	SG
Walsh Enterprises, LLC		Dayton	TX	SG
Warfeather LLC		Coweta	OK	SG
Warrior Service Company		Hialeah	FL	SG

Employer name	DBA	City	State/ terr.	Award type
Watermark Risk Management International, LLC	Service-Disabled Veteran-Owned Small Business.	Fairfax	VA	MG
Watershed Security, LLC		Chesapeake	VA	SP
Web Business Solutions, Inc		Fredericksburg	VA	SG
Western Electricity Coordinating Council	WECC	Salt Lake City	UT	MG
Whalls Group		Aliso Viejo	CA	SG
Wheeler-Wilkins Ltd Liability Co	My Sales Platoon	Chicago	IL	SP
Willis Mechanical Inc		Norcross	GA	SP
WindStax Energy		Pittsburgh	PA	SG
Windstream Holdings		Little Rock	AR	LG
Women In Military Service For America Memorial Foundation, Inc.	Military Women's Memorial Foundn	Arlington	VA	SP
Workforce Development Board of the Treasure Coast.	CareerSource Research Coast	Port St Lucie	FL	SG
Workforce Solutions of Central Texas	Central Texas Workforce Development Board, Inc.	Belton	TX	MP
WorkWright Vermont, Inc	WorkWright Vermont	Shelburne	VT	SG
World Fuel Services, Inc		Miami	FL	LG
Worldwide Counter Threat Solutions, LLC		Fredericksburg	VA	SG
Wounded Warrior Project		Jacksonville	FL	LG
WPS Labor, LLC	WPS Labor, LLC	Rogers	AR	SG
WWC Global	WWC Global LLC	Tampa	FL	MG
X8 LLC		Hanover	MD	SP
Xcel Energy		Minneapolis	MN	LG
Yates Company, LLC	Yates Company	San Antonio	TX	SG
ZamCo Directional Drilling LLC		Houston	TX	SG
Zekiah Technologies, Inc		La Plata	MD	SP
ZenDev	ZenDev	Mesa	AZ	SG
Zero Point, Incorporated		Virginia Beach	VA	MP

VETS received 683 applications for the HIRE Vets Medallion Award in 2020. Among the 683 applications, 675 applications were approved for award, with 5 applications denied and 3 applications withdrawn by the applicant. Of the 675 applications approved for award, the breakdown by award type is as follows: 262 small gold (SG), 135 small platinum (SP), 134 medium gold (MG), 90 medium platinum (MP), 37 large gold (LG), and 17 large platinum (LP).

The following list shows the 675 recipients for 2020 in alphabetical order by employer name, along with their doing business as (DBA) name (as applicable), state or territory and city, and award type.[4]

Employer name	DBA	City	State/ terr.	Award typ
34ED, LLC	Centegix	Atlanta	GA	SG
702 Executive LLC	Vanguard Government Services	Las Vegas	NV	SG
AASKI Technology, Inc	AASKI Technology, Inc	Tinton Falls	NJ	MP
Abile Group, Inc		Harwood	MD	SG
ABSI Aerospace & Defense	Actualized Business Solutions, Inc	California	MD	SG
Acato Information Management, LLC		Oak Ridge	TN	SG
Acronis SCS, Inc	Acronis SCS	Scottsdale	AZ	SG
Adaptive Construction Solutions, Inc		Houston	TX	SP
Adarand Constructors Inc		Colorado Springs	CO	SG
Advanced Green Innovations LLC		Chandler	AZ	SP
Advanced Sciences and Technologies	Advanced Sciences and Technologies	Berlin	NJ	MG
Advanced Technology International (ATI)	Advanced Technology International	Summerville	SC	MP
Adventech		Florence	AL	SP
AE Works Ltd		Pittsburgh	PA	SG
Affinis Corp		Overland Park	KA	SG
Agile IT Synergy	AITS	Tampa	FL	SP
AHSC, Inc	Mister Sparky and Benjamin Franklin Plumbing of Myrtle Beach.	Conway	SC	SG
Air Quality Solutions Heating and Cooling		Grove City	OH	SP
Air Spray USA Inc		Chico	CA	SP
Airstreams Renewables, Inc		Tehachapi	CA	SG
Alaska Joint Electrical Apprenticeship and Training Trust.		Anchorage	AK	MG
Albert R Renteria Corporation (aka The ARRC)	The ARRC and opps4vets	Perris	CA	SG
Aldevra LLC		Kalamazoo	MI	SP
All In Solutions, LLC		Fredericksburg	VA	SP

[4] Employer Name and DBA edited as appropriate; VETS is not responsible for any typographical errors.

Employer name	DBA	City	State/ terr.	Award typ
ALLO, a Nelnet Company	ALLO Communications	Imperial	NE	LG
ALLY Construction Services	ALLY Construction Services LLC	Bensalem	PA	SP
Alpha Roster LLC	Alpha Roster Recruiting	Reno	NV	SG
AM General LLC		South Bend	IN	LG
Amada Senior Care Chester County		Exton	PA	SG
AME CONSTRUCTION LLC	A. Eilers Construction	Cottleville	MO	SG
American Electric Power Company, Inc		Columbus	OH	LG
American Perseverance, Inc		Fort Myers	FL	SP
American Purchasing Services, LLC	American Medical Depot	Miramar	FL	MG
American States Utility Services, Inc	ASUS	San Dimas	CA	MP
AMERICAN SYSTEMS		Chantilly	VA	LG
American Veteran Solutions, Inc		Las Vegas	NV	SP
American Zinc Products LLC		Mooresboro	NC	MG
America's Warrior Partnership, Inc		Augusta	GA	SP
AmeriVet Securities, Inc		New York	NY	SP
Ametrine Inc		Rockville	MD	SP
Amgen (Rhode Island)		West Greenwich	RI	LP
Analytic Services, Inc	ANSER	Falls Church	VA	MP
Analytical Engineering, Inc		Columbus	IN	SG
Annagen LLC	Netrepid	Harrisburg	PA	SP
ANVIL Systems Group, Inc		Lorton	VA	SP
Aplura, LLC		Towson	MD	SP
Apogee Solutions		Chesapeake	VA	SG
Apollo Sunguard Systems, Inc		Sarasota	FL	SG
Arena Technologies LLC		Chantilly	VA	SP
ARNOLD DEFENSE & ELECTRONICS, LLC		Arnold	MO	SG
ARServices Limited		Alexandria	VA	MG
Arsiem Corporation		Baltimore	MD	SP
Artemis Electronics, LLC		Prospect	KY	SG
Ascension Global Solutions LLC		North Billerica	MS	SG
ASM Research, LLC		Fairfax	VA	LG
Assertive Professionals, LLC		McLean	VA	SP
Associated Veterans, LLC—Quality Solutions		Arlington	VA	SP
Astound LLC	Veteran Recruiting	Warrington	PA	SG
Atlas Sand Company		Austin	TX	MP
Atlas Technologies, Inc		North Charleston	SC	MG
ATS ESOP Holdings, Inc	Acclaim Technical Services	Reston	VA	MG
Attollo LLC		Cumberland	RI	SG
Austin Test, Inc	Bridge360	Cedar Park	TX	SG
AutoBase Inc		Amityville	NY	MP
Aviate Enterprises, Inc		McClellan	CA	SP
Axiom Resource Management, Inc		Falls Church	VA	MP
Azimuth Corporation		Beavercreek	OH	MP
Bancroft Capital, LLC	Bancroft Capital	Fort Washington	PA	SG
Baran Agency	The Baran Agency	Folsom	CA	SP
Barnett Engineering & Signaling Laboratories LLC.	BESL	Colorado Springs	CO	SG
Bath Iron Works Corporation		Bath	ME	LP
Battlespace, Inc		Arlington	VA	MG
BC Medical	BC Medical	North Highlands	CA	SG
Bell Textron Inc		Fort Worth	TX	LG
Berry Law Firm		Lincoln	NE	MP
Beshenich Muir & Associates	BMA	Leavenworth	KA	MG
Betsy Pepine	Pepine Realty	Gainesville	FL	SG
Bevilacqua Research Corporation		Huntsville	AL	MP
BGIS		Seattle	WA	MG
Big Ideas Inc		New Ulm	MN	SG
Bio-Tech Pharmacal		Fayetteville	AR	SP
Black Hills Asset Protection Group	Black Hills Patrol	Rapid City	SD	SP
Black Hills Service Company LLC	Black Hills Energy	Rapid City	SD	LG
Black Knight Inc		Jacksonville	FL	LG
Blakeland, LLC	Blakeland Construction Services	Jonesville	FL	SG
Blessed	1B7	Escondido	CA	SG
Blue Light LLC		Fayetteville	NC	SG
Bluepath Labs LLC		Washington	DC	SP
Boingo Wireless, Inc		Los Angeles	CA	MG
Booz Allen Hamilton		McLean	VA	LP
Bouma Corporation		Grand Rapids	MI	MG
Boyer Commercial Construction, Inc		Columbia	SC	SP
Boy's Electric	Service Today	West Saint Paul	MN	SP
BP Aero	BP Aerospace, BP Aero Engine Services, BP Aero Services.	Irving	TX	MP
Bradley-Morris Holdings, LLC	Bradley-Morris/RecruitMilitary	Kennesaw	GA	MG

Employer name	DBA	City	State/ terr.	Award typ
BrainTrust Holdings, LLC		Annapolis Junction	MD	MG
Brightstar Innovations Group, LLC		Arlington	VA	SG
BRITESCAPE LLC	Britescape	Seattle	WA	SG
Brooks Construction Company, Inc		Fort Wayne	IN	MP
BWhit Infrastructure Solutions, LLC		New York	NY	SG
C2C LLC		Chesterfield	MO	SP
Caddell Construction Co. (DE), LLC	Caddell Construction Co. (DE), LLC	Montgomery	AL	MG
CAE USA INC		Tampa	FL	LP
CANA LLC	CANA Advisors LLC	Gainesville	VA	SP
Capability Analysis & Measurement Organization LLC.		Beavercreek	OH	SG
Career Learning & Employment Center for Veterans.	Operation: Job Ready Veterans (OJRV)	Indianapolis	IN	SG
Career Systems Development Corporation-Penobscot Job Corps Center.	Penobscot Job Corps Center	Bangor	ME	MG
Carnation Design Products, Inc		Alliance	OH	SG
Castle Hill Associates		Waterville	OH	SG
Cayuse Holdings, LLC		Pendleton	OR	MP
Center for a New American Security Inc		Washington	DC	SG
Chester's Market, Inc	Chester's Markets		OR	MP
Choisys Technology Inc	Choisys Technology Inc	Ashburn	VA	SG
Cincinnati Incorporated		Harrison	OH	MG
Cintel, Inc	Cintel, Inc	Huntsville	AL	SG
CipherLoc Corporation	QuantaNova	Arlington	VA	SG
Circle Computer Resources		Cedar Rapids	IA	MP
Circuit Media LLC		Denver	CO	SP
City of St. Charles		St. Charles	IL	MG
City of Treasure Island		Treasure Island	FL	MG
Clarklift of Des Moines, Inc	Forklifts of Des Moines	Des Moines	IA	SG
ClayDean Electric	ClayDean Electric	Denver	CO	MG
CLC, Inc	Community Learning Center	Fort Worth	TX	SG
Client First Technologies, LLC		Washington	DC	SG
CLIENT/SERVER SOFTWARE SOLUTIONS INC. DBA CONSTELLATION WEST.	CONSTELLATION WEST	Fairfax	VA	MP
Cloud49	Cloud49, LLC	Austin	TX	SG
Cognitive Medical Systems, Inc		San Diego	CA	SP
Colorado Commercial Roofing		Colorado Springs	CO	SP
Colorado Sheet Metal JATC		Colorado Springs	CO	MP
Colorado Springs Utilities		Colorado Springs	CO	LP
Combined Arms		Houston	TX	SP
Command Services & Support, Inc	Command Services & Support, Inc	Haymarket	VA	SP
Community Security Services, LLC	CSSI	Mobile	AL	SP
Compendium Federal Technology, LLC	CFT	Lexington Park	MD	SP
Complete Mechanical Contracting, LLC	Complete Heating & Cooling	Fredericksburg	VA	SG
COMSETRA LLC		Jay	OK	SG
Connectria, LLC		Saint Louis	MO	MP
Consolidated Nuclear Security LLC	Y–12 National Security Complex	Oak Ridge	TN	LG
Constellation Software Engineering Corp	CSEngineering	Annapolis	MD	MG
Consumers Energy		Jackson	MI	LP
CONTRACTING RESOURCES GROUP, INC		Baltimore	MD	SP
Converse Construction, Inc		Redding	CA	SG
Converse Electric		Grove City	OH	MG
CORPORATE OFFICE USA LLC	MADELIA HOTEL & SUITES	Madelia	MN	SP
Corps Solutions, LLC		Stafford	VA	MP
Corrosion Engineering International LLC	Corrosion Engineering International LLC	Midlothian	VA	SG
Coulter, Inc		Middlebury	IN	SP
CounterTrade Products, Inc		Arvada	CO	SP
CPMC, LLC	CPMC, LLC	Tysons Corner	VA	MG
Craig & Heidt Inc		Houston	TX	SP
CREA Affiliates	CREA Affiliates	Seattle	WA	SG
Criterion Systems, Inc		Vienna	VA	MG
CriticalCxE, Inc	Critical CxE Inc	Annapolis	MD	SP
Cromulence LLC		Melbourne	FL	SG
Crowley Maritime Corporation		Jacksonville	FL	LP
Cruz Associates, Inc		Yorktown	VA	MP
CSL Services Inc		Pennsauken	NJ	SG
Cup O' Joe Coffee, LLC	Veteran Roasters	Chicago	IL	SG
Customer Value Partners, Inc	CVP	Fairfax	VA	MG
CymSTAR Services, LLC		Broken Arrow	OK	MG
CymSTAR, LLC		Broken Arrow	OK	MG
D3 Mission Critical Systems	Mission Physics	Alexandria	VA	SG
Damuth Services, Inc	Damuth Trane	Chesapeake	VA	MP
DarkStar Intelligence LLC		Woodbridge	VA	SG

Employer name	DBA	City	State/terr.	Award typ
Data Center Solutions, Inc	Data Center Solutions	Annapolis	MD	SP
Dead River Company		South Portland	ME	LG
Deem Structural Services, LLC		Longview	TX	MG
DEFTEC Corporation		Huntsville	AL	SG
Delmarva Veteran Builders	Delmarva Veteran Builders	Salisbury	MD	SG
Delta T jr LLC		Hammond	LA	SG
DELTACON GLOBAL INC	DELTACON SECURITY AND INVESTIGATIONS	Sugarland	TX	SP
DEMCO ENTERPRISES, INC	Demco Automation	Quakertown	PA	SG
DiGi Discoveries LLC		Raleigh	NC	SG
Digital Defense, Inc		San Antonio	TX	MP
DiSorb Systems, Inc		Philadelphia	PA	SG
DK & R Corp		Henderson	NV	SG
Dominion Energy, Inc		Richmond	VA	LP
Donnie Burnside & Sons, LTD	Burnside Air Conditioning, Heating & Indoor Air Quality.	McKinney	TX	SG
Dorrean, LLC		Reston	VA	SG
DSoft Technology, Engineering & Analysis	DSoft Technology Company	Colorado Springs	CO	SP
DuPont Inc		Wilmington	DE	LP
Dynamic Advancement LLC		San Antonio	TX	SP
Dynamic Management Associates		Woodbridge	VA	SG
E–9 Enterprises, Inc		Colorado Springs	CO	SG
Early Services, Inc		Decatur	AL	SG
Eastern Carolina Vocational Center, Inc		Greenville	NC	MG
EBI Management Group, Inc		Pensacola	FL	SP
EGA Associates		Jenkintown	PA	SG
EGS, Inc	Empowered Global Solutions	Englewood	CO	MG
Electrical Test Instruments, LLC		Frederick	MD	SP
Electrolizing, Inc		Providence	RI	SG
Elite Rescue Team, LLC	Elite Rescue Team	Holly Springs	NC	SP
Eljen Corporation		Windsor	CT	SP
EM Key Solutions, Inc		Tierra Verde	FL	SP
EmeSec Incorporated		Herndon	VA	SG
Employment Source, Inc	ServiceSource, Inc	Fayetteville	NC	MP
ENERGYneering Solutions Inc		Sisters	OR	SG
Entergy Corporation		New Orleans	LA	LG
Entourage Executive Protection LLC		Northridge	CA	SG
Environet, Inc		Honolulu	HI	SG
Environmental Chemical Corporation		Burlingame	CA	MP
EPS CORPORATION		Tinton Falls	NJ	MG
Epsilon, Inc		Weaverville	NC	MP
Eskridge Enterprises LLC	Eskridge & Associates	Round Rock	TX	SP
eTRANSERVICES Corp		Fredericksburg	VA	SP
Ever-Green Energy, Inc		Saint Paul	MN	MG
Evergreen Fire and Security	Evergreen Fire and Security	Tacoma	WA	MG
Eversource Energy		Hartford	CT	LG
Exact Staff Inc		Woodland Hills	CA	MG
Excalibur Legal Staffing, LLC	The Excalibur Group	Washington	DC	MG
Excentium, Inc		Reston	VA	SP
Exceptional Employees for Exceptional Results Inc.	E3R Inc	San Diego	CA	SP
Executive Airborne Solutions, Inc		Bellevue	NE	SG
Expeditionary Technology Services, Inc		Atlanta	GA	SP
Explosive Countermeasures International, Inc	ECI	Delaplane	VA	SG
Exquadrum, Inc		Adelanto	CA	SG
F2 Systems, LLC	F2 Systems, LLC	Waynesboro	GA	MG
Fathom 4, LLC		Charleston	SC	SG
Fathom5 Corporation		Austin	TX	SG
First Nation Group		Niceville	FL	MP
Flagship Management, LLC		Huntingdon Valley	PA	SG
Florida Is For Veterans, Inc	Veterans Florida	Tallahassee	FL	SG
Forsite Group	Forsite Partners and Forsite Recruitment	Chicago	IL	SP
Frank Sanchez	Sancorp Consulting, LLC	Arlington	VA	SG
Freedom Staffing LLC		Indianapolis	IN	MG
Gannon & Scott Phoenix, Inc		Phoenix	AZ	SG
Gannon & Scott, Inc		Cranston	RI	SG
Gary R Banks Industrial Group LLC	Banks Industrial Group LLC	West Berlin	NJ	SG
Gauss Management Research and Engineering	GMRE, Inc	South Ogden	UT	MP
GCT Land Management Inc		La Grande	OR	SG
GCubed Enterprises, Inc	GCubed, Inc	Stafford	VA	SG
GEBC LLC		Owens Cross Roads	AL	SP
General Dynamics Mission Systems		Fairfax	VA	LP
Geo Owl, LLC		Wilmington	NC	MG
Geostabilization International		Denver	CO	MP

Employer name	DBA	City	State/ terr.	Award typ
GFS Supply & Services Company Inc		East Hanover	NJ	SG
Global Security Services		Davenport	IA	MP
GLOTECH, Inc	GLOTECH, Inc	Rockville	MD	MP
Go Energistics		Dallas	TX	SG
Goke Technology, LLC	DBA GTSecurity—GTS	Pickerington	OH	SG
Goldbelt Falcon, LLC		Chesapeake	VA	MG
Goldbelt Frontier, LLC		Alexandria	VA	MG
Goldbelt Glacier Health Services, LLC		Alexandria	VA	SG
Goldbelt Hawk, LLC		Newport News	VA	MG
Goldbelt Transportation, LLC		Juneau	AK	SG
Golden Aluminum	Golden Aluminum	Fort Lupton	CO	MG
GOLDMAN ELECTRIC CORP		New York	NY	SG
Gradkell Systems, Inc		Huntsville	AL	SG
Green Cell Consulting, LLC		Fredericksburg	VA	SG
Green Expert Technology Inc		Haddonfield	NJ	MG
Greencastle Associates Consulting, LLC		Malvern	PA	SP
GSI Service Group, Inc	GSI Service Group, Inc	Honolulu	HI	MG
GSMB Services LLC	Gold Star Medical Business Services	San Angelo	TX	SG
Guardian Angels Medical Service Dogs, Inc		Williston	FL	SP
Guidehouse LLP		McLean	VA	LG
H2 Performance Consulting		Gulf Breeze	FL	SG
Hancock Management LLC		Derry	NH	SG
Hancock Resource Center		Waveland	MS	SG
Hawkeye Tracking Inc		Lexington Park	MD	SG
Haywood Vocational Opportunities	Haywood Vocational Opportunities	Waynesville	NC	MP
Haze Gray Vineyards LLC	Haze Gray Vineyards	Dobson	NC	SG
Helios Defense Solutions, LLC		Eldersburg	MD	SP
HEMEFund Worldwide		Terr Haute	IN	SG
High Order Solutions, LLC		Frisco	TX	SG
HigherEchelon, Inc		Huntsville	AL	MG
Highland Engineering, Inc		Howell	MI	SG
Hiller, LLC	Hiller Plumbing, Heating, Cooling & Electrical	Nashville	TN	LG
Home Port Alliance for the Battleship New Jersey	Battleship New Jersey	Camden	NJ	MP
Huntington Ingalls Industries		Newport News	VA	LG
Huot Construction & Services		South St. Paul	MN	SG
IDEA HELIX INC		Fremont	CA	SG
IIS, LLC	Independence Indoor Shooting	Meridian	ID	SG
Industrial Packaging Supplies Inc	IPS Packaging	Fountain Inn	SC	MG
Innovative Decisions, Inc		Vienna	VA	SG
Inspection Experts, Inc		Columbia	MD	MP
Integration Innovation, Inc	i3	Huntsville	AL	LG
Integrity General Contractors, LLC		Dallas	TX	SG
IntellecTechs		Virginia Beach	VA	MG
IntelliDyne, LLC		Falls Church	VA	MP
Interactive Government Holdings, Inc		Springfield	VA	MP
Interactive Process Technology		Billerica	MS	MP
INTERLAKE STEAMSHIP CO		Middleburg Heights	OH	MG
Intrepid Solutions and Services, LLC		Herndon	VA	MG
Intuitive Research and Technology Corporation		Huntsville	AL	MG
iostudio, LLC	iostudio, LLC	Nashville	TN	MP
IronMountain Solutions, Inc		Huntsville	AL	MP
ISC Consulting Group Inc		Sierra Vista	AZ	SP
IST Research Corp	IST Research	Fredericksburg	VA	SG
IT Concepts		Vienna	VA	MG
IT Veterans, LLC		Herndon	VA	SG
Itero Group, LLC		New Cumberland	PA	SG
J. Baratta Industries, L.L.C	J Baratta Industries	Perth Amboy	NJ	SP
Jackson Ryan Construction Services, Inc		Suffield	CT	SG
JAMA Enterprises, Inc. dba Strategic Consulting Partners.	Strategic Consulting Partners	Mechanicsburg	PA	SG
JESCO, Inc	JESCO, Inc	Tupelo	MS	MG
JFL Consulting, LLC		Edgewater	MD	SG
Jingoli Power, LLC		Lawrenceville	NJ	MP
JMark Services, Inc		Colorado Springs	CO	SG
John H. Northrop & Associates, Inc	JHNA	Clifton	VA	MG
Johnsrud Transport, Inc		Des Moines	IA	MG
JR Kays Trucking Inc		Clarendon	PA	SP
JRayl Transport Inc	JRayl Transport Inc	Akron	OH	MG
JVC Enterprises Inc		Wayland	MI	SG
JVS SoCal		Los Angeles	CA	MG
K.S. Ware & Associates		Nashville	TN	SG
K.West Group LLC	Kwest Group	Perrysburg	OH	MP
KaDSci, LLC		Fairfax	VA	SP

Employer name	DBA	City	State/ terr.	Award typ
Kaizen Approach, Inc		Hanover	MD	SP
Kationx Corp		Indialantic	FL	SG
Katt Pact Investments, LLC	Katt Pact Investments	Los Angeles	CA	SP
Kenmar General Contracting, L.L.C	Kenmar FedGov Staffing	Key West	FL	SG
Kent, Campa and Kate (KCK) Inc		Arlington	VA	MP
KENTCO CORPORATION	ProteQ	Herndon	VA	SG
Kern Technology Group, LLC		Virginia Beach	VA	SG
Kimmie Edwards	LC3 Solutions	Killeen	TX	SG
Kingfisher Systems, Inc		Falls Church	VA	MG
KIRSH Helmets, Inc		Schenectady	NY	SG
Kitty Hawk Technologies		Honesdale	PA	SG
KPI Holdings		North Wales	PA	MG
Lanier Hospice LLC		Buford	GA	SG
Lansdowne Moody Co., LP	Lansdowne Moody Co., LP	Houston	TX	MP
Launch Technical Workforce Solutions		Oak Brook	IL	MG
Leaning Oak Leathercraft, LLC		Ridgeville	SC	SG
Lee Company		Franklin	TN	LG
LG&E and KU Energy, LLC	Louisville Gas and Electric Company, Kentucky Utilities Company, LG&E and KU Services Company.	Louisville	KY	LG
Liberty Floor Covering		Attleboro	MS	SP
Life S Investments		San Diego	CA	SG
LightGrid, LLC	LightGrid, LLC	Virginia Beach	VA	MG
LogC2 Inc	Connected Logistics	Decatur	AL	SP
Loki Labs Inc		Orlando	FL	SG
Los Alamos National Laboratory		Los Alamos	NM	LG
Los Angeles Habilitation House		Long Beach	CA	SG
Louisiana Energy Services LLC,/URENCO USA	URENCO USA	Eunice	NM	MP
LTC Partners	Long Term Care Partners	Portsmouth	NH	MG
LTC Solutions, LLC		Stafford	VA	SG
Lucent Auto Work LLC	Lucent Auto Work	Tacoma	WA	SG
Luxe Holdings Group Inc	Luxe Holdings Group Inc	Lakewood	CO	SG
M Dean Owen CPA		Paducah	KY	SP
Mackay Communications, Inc	Mackay Marine	Raleigh	NC	MP
Madame Paulette Regal Services LLC	Madame Paulette Regal Services LLC	Detroit	MI	SG
Magnolia River Services, Inc		Decatur	AL	MG
MANAGMENT SUPPORT TECHNOLOGY, INC. (MSTI).		Fairfax	VA	MP
Marion Process Solutions		Marion	IA	SP
Mark My Words LLC	Walker Bookstore	Tempe	AZ	SP
Marzen Group LLC		Nashua	NH	SP
Maveris, LLC	Maveris	Martinsburg	WV	SP
Mb Solutions, Inc		Huntsville	AL	SP
MBL Technologies, Inc	MBL Technologies, Inc	Arlington	VA	SP
MCB 47 LLC	SERVPRO OF EAST NAPLES	Naples	FL	SG
MCPc Holdings, Inc		Cleveland	OH	MP
Media Link Telecom, LLC		Scott	LA	SG
Mesa Natural Gas Solutions		Loveland	CO	MP
Metis Technology Solutions, Inc		Albuquerque	NM	MP
MI Technical Solutions, Inc		Chesapeake	VA	SP
Midwest AgEnergy Group LLC		Underwood	ND	MG
Military Officers Association of America		Alexandria	VA	MP
MilServ ACD Corp	American Craft Deliveries MilServe	Yarmouth Port	MS	SP
Mission1st Group, Inc	Mission1st Group, Inc	Arlington	VA	MP
MIT Lincoln Laboratory	MIT Lincoln Laboratory	Lexington	MS	LG
MKS2. LLC		Austin	TX	MG
Mobu enterprises		Macon	GA	SG
Monterey Consultants, Inc		Dayton	OH	MP
MST Group LLC		West Fork	AR	SG
MULE Engineering, Inc	MULE Engineering & Construction, Inc	Winter Garden	FL	SP
N2Growth, LLC		Beaverton	OR	SG
National Native American Construction, Inc	NNAC, Inc	Coeur d'Alene	ID	MG
Nationwide Pharmaceutical		San Antonio	TX	SG
Native Instinct LLC		Boynton Beach	FL	SP
Navigator Development Group Inc		Enterprise	AL	MP
Nemean Solutions, LLC	Nemean Solutions, LLC	Sierra Vista	AZ	SG
NetImpact Strategies		Falls Church	VA	MP
NetWise IT Consulting LLC		East Point	GA	SP
NeuroScience Associates Inc		Knoxville	TN	SG
New England Airfoil Products Inc		Farmington	CT	MG
New Horizons of Phoenix	New Horizons of Phoenix	Phoenix	AZ	SG
NexTech Solutions LLC	NexTech Solutions LLC	Orange Park	FL	SP
NextEra Energy, Inc		Juno Beach	FL	LP

Employer name	DBA	City	State/ terr.	Award typ
Nighthawk Integrated Solutions LLC		Las Vegas	NV	SG
Nisga'a Data Systems, LLC		Chantilly	VA	MG
Nisga'a Tek, LLC		Chantilly	VA	SG
Noble Oil Services, Inc		Sanford	NC	MG
North America Mattress Corp		Clackamas	OR	SP
North American Consulting Services, Inc		Point Pleasant	WV	SG
North American Rescue, LLC	North American Rescue	Greer	SC	MP
North Bay Rehabilitation Services, Inc	North Bay Industries	Rohnert Park	CA	MG
Northern Industrial Training, LLC		Palmer	AK	SP
Northern Testing, Inc		Minot	ND	SG
Northrop Grumman Corporation	Northrop Grumman Systems Corporation	Falls Church	VA	LG
Norton Consulting & Investigations		Lakewood	WA	SG
Novetta	Novetta	McLean	VA	LG
NTS Services LLC	RedSky	Aldie	VA	SP
Nucor Steel Auburn, Inc		Auburn	NY	MG
Nueces County Human Resources Department		Corpus Christi	TX	LG
Nuss Truck and Equipment	Nuss Truck and Equipment	Roseville	MN	MG
Oaklea Security Services, LLC	Oaklea Simpson Security, LLC	Westminster	MD	MP
Oasis Systems LLC	Oasis Systems	Burlington	MS	LG
OMNICOMMANDER Inc	OMNICOMMANDER	Miramar Beach	FL	SG
On Target Solutions, Inc		Belton	MO	SG
On Time Plumbing & Air Corp	Benjamin Franklin Plumbing	Wilmington	NC	SG
On Time Prime LLC		Daytona Beach	FL	MG
Open Systems Technologies Corporation		Gainesville	VA	MP
Opportunity Center, Inc	ServiceSource	New Castle	DE	MP
Optimum Low Voltage, LLC	Optimum Fire & Security	Wilmington	NC	SG
Orbit Advanced Technologies, Inc		Warminster	PA	SG
Orion ICS LLC	Orion Talent	Cary	NC	MG
Oxley Enterprises, Inc		Fredericksburg	VA	SP
PACCAR Winch Inc	PACCAR Winch Inc	Broken Arrow	OK	MG
Pacific Bells		Vancouver	WA	LP
Packages From Home	Packages From Home	Glendale	AZ	SP
Panacea Group LLC		Seymour	WI	SP
Panum Group, LLC		Bethesda	MD	LG
Pathfinder Consultants LLC		Washington	DC	SP
Patricio Enterprises, Inc	Patricio Enterprises, Inc	Stafford	VA	MP
PATRONUS SYSTEMS INC		Melbourne	FL	MG
Paul, inc	SERVPRO of Franklin, Vance and Granville Counties.	Henderson	NC	SG
PavCon, LLC		Latrobe	PA	SG
PCI, LLC	PCI	Columbia	MD	MG
Peckham Vocational Industries, Inc	Peckham Vocational Industries, Inc	Lansing	MI	MG
PeopleTec, Inc		Huntsville	AL	MG
Peraton	Peraton, Inc	Herndon	VA	LG
Peregrine Technical Solutions		Yorktown	VA	MG
Perfect Technician Academy		Weatherford	TX	SG
Perseverance Staffing LLC	Perseverance	Denver	CO	SG
Persevus LLC		Omaha	NE	SP
Philbrook Construction Services Group, INC (PECSG).		Yarmouth	MS	SG
Phoenix Global Support, LLC		Fayetteville	NC	SP
Phoenix Management, Inc		Austin	TX	MG
Pinnacle West Capital Corp	Arizona Public Service Company	Phoenix	AZ	LP
PL Consulting, Inc		Herndon	VA	SG
Planate Management Group LLC		Alexandria	VA	MG
Planet Technologies, Inc	Planet Technologies, Inc	Germantown	MD	MG
PLEXSYS Interface Products, Inc		Camas	WA	MG
Pod-Grown LLC	POD-GROWN	Wentzville	MO	SP
Portland Patrol		Portland	OR	MG
Posterity Group, LLC		Rockville	MD	MG
Powell Strategies		Annapolis	MD	SG
PPT Solutions, Inc		Huntsville	AL	SG
PRAVA Construction Services, Inc	PRAVA Construction Services, Inc	Escondido	CA	SG
Precise Systems, Inc	Precise Systems	Lexington Park	MD	MP
Priority 1 Air Rescue Operations Arizona LP	P1AR or Priority 1 Air Rescue	Mesa	AZ	SG
Professional Solutions Delivered, LLC		Fredericksburg	VA	SP
Profile Packaging Inc	PPi Technologies	Sarasota	FL	SG
Programatics LLC		Alexandria	VA	SP
Projects Unlimited, Inc		Dayton	OH	MG
Property Craft		Pueblo	CO	SG
Pro-Sphere Tek, Inc		Alexandria	VA	MP
Purpose Built Families Foundation		Pembroke Pines	FL	SG
Q Analysts		San Jose	CA	MG

Employer name	DBA	City	State/ terr.	Award typ
QED Technology Resources, LLC		Valrico	FL	SP
Quadrint, Inc		Falls Church	VA	MG
Qualis Corporation		Huntsville	AL	MG
Quality Cable Installers LLC		Houston	TX	SG
Quick Services LLC	QSL	Cheyenne	WY	MP
Quiet Professionals LLC		Riverview	FL	MG
R3 Strategic Support Group		Coronado	CA	MP
Rapid Dry Inc		Scottsville	NY	SG
Raytheon Company		Waltham	MS	LP
RBG Janitorial LLC		Belvidere	IL	SP
Ready Support Services LLC		Purcellville	VA	SG
RECRUITING FORCE, LLC	RECRUIT VETERANS	Cedar Park	TX	MG
Regenesis Biomedical, Inc		Scottdale	AZ	MG
RELI Group Inc		Catonsville	MD	MP
Reliability & Performance Technologies, LLC	R&P Technologies	Dublin	PA	MG
RELYANT Global LLC		Maryville	TN	MG
Remy Battery		Milwaukee	WI	SG
Renaissance Global Services, LLC	Renaissance Global Services, LLC	Wall	NJ	SG
Renaissance Solutions, Inc		Boulder	CO	MG
Renton Coil Spring Company		Renton	WA	MG
Resilience-Building Leader Program LLC		Burbank	CA	SP
Results Technology		Lenexa	KA	SG
Revolution National Pest Council		Carson	CA	SP
Rhino Demolition and Environmental Services Corp.		Myrtle Beach	SC	SG
Richardson's Accounting Service Corporation	H&R Block	Shippensburg	PA	MG
Ridgeline International, Inc	Ridgeline International, Inc	Tysons Corner	VA	MG
Rigid Tactical	Rigid Security Group DBA Rigid Tactical	Virginia Beach	VA	SP
Riley McGuire Partners LLC		Washington	DC	SG
RISE Manufacturing	RISE Armament	Broken Arrow	OK	SG
River Town Electric LLC		Gallipolis	OH	SG
RMP SAFETY SERVICES INC dba AMERICAN SAFETY GROUP.	American Safety Group	Rancho Cucamonga	CA	SG
Road Warrior Logistics LLC		Modesto	CA	SG
Robert Dittert Century Collision Repair		Essington	PA	SG
Roberts & Ryan Investments, Inc		New York	NY	SG
Robja, LC	Servpro of Flower Mound/Lewisville	Wylie	TX	SP
Rock Project Management Services, L.L.C		Renton	WA	SG
Roger Abshire	United States K9 Unlimited, LLC	Abbeville	LA	SG
Rolston Information Systems Assurance	RISA	Lutz	FL	SG
Roseburg Urban Sanitary Authority		Roseburg	OR	SP
RRDS INC		Irvine	CA	SG
Rubicon Planning, LLC		Roanoke	VA	SG
Rubicon Technical Services LLC		Kennesaw	GA	MP
S Lee LLC	Lee Crest Construction	Sanford	FL	SG
Sabre Systems Inc		Warrington	PA	MG
SAF, INC		Akron	OH	SG
Safe Foods Corporation		North Little Rock	AR	MG
Safespill Systems LLC		Houston	TX	SG
Sage Advisory Services LTD		Austin	TX	SP
SAKOM Services WI, LLC		Appleton	WI	MP
Salute Inc	Salute Mission Critical	Clinton Twp	MI	MG
Sani Law, APC		Encino	CA	SG
Santa Cruz County Veterans Memorial Building Board of Trustee.	Santa Cruz County Veterans Memorial Building Board Of Trustee.	Santa Cruz	CA	SG
SAVE Farm		Manhattan	KA	SP
scDataCom LLC		Savannah	GA	SP
Scientific Research Corporation	Scientific Research Corporation	Atlanta	GA	LG
SDV Command Source Inc		Winston Salem	NC	SG
SDV Construction, Inc		Albuquerque	NM	SG
Seabee Construction		Gresham	OR	SG
Sealing Technologies, Inc		Columbia	MD	MG
Security 1 Solutions LLC		Gaithersburg	MD	MG
Seeds2 LLC	Seeds2 LLC	Garfield Heights	OH	SG
Senspex, Inc		Albuquerque	NM	SG
Sequoia Strategies & Solutions		Manchester	MD	SG
Serco Inc	Serco Inc	Herndon	VA	LG
ServiceSource, Inc		Oakton	VA	LG
Servpro Industries	Servpro Industries LLC	Gallatin	TN	MG
SERVPRO of Belle Meade	SERVPRO of Belle Meade	Nashville	TN	SG
Sevan Multi-Site Solutions, Inc		Downers Grove	IL	MG
Shearer & Associates, Inc		Huntsville	AL	SP
Shine Systems, LLC	Shine Enterprises, LLC	Charlottesville	VA	MG

Employer name	DBA	City	State/ terr.	Award typ
SHINN KELLOGG, LLC		Albia	IA	SP
SHOTSTOP BALLISTICS,LLC		Stow	OH	SG
ShurMed Emergency Medical Service	ShurMed EMS	San Antonio	TX	SP
Siemens Corp		Washington	DC	LG
Silotech Group, Inc		San Antonio	TX	MP
SixGen, Inc		Annapolis	MD	SP
SkyBridge Tactical, LLC		Tampa	FL	MG
SNVC, LC		Herndon	VA	SP
SOF Intelligence Solutions LLC		Alexandria	VA	SP
SOLKOA Inc		Colorado Springs	CO	MG
Solutions4Less, INC	S4L	Colorado Springs	CO	SG
Sonalysts Inc		Waterford	CT	MG
South Carolina Vocations and Individual Advancement.	South Carolina Vocations and Individual Advancement.	Greenville	SC	SG
Southern Company		Atlanta	GA	LP
Southern Spear Ironworks LLC		Chattanooga	TN	MG
Southwest Airlines	Southwest Airlines Co	Dallas	TX	LG
Space Coast Intelligent Solutions		Melbourne	FL	SP
Special Applications Group		Tampa	FL	MP
Spectral Labs Incorporated	Spectral Labs Incorporated	San Diego	CA	SG
Spring Environmental, Inc		Spokane	WA	SP
Stellar Solutions, Inc	Stellar Solutions, Inc	Palo Alto	CA	SG
Stevens Ventures, LLC	SERVPRO of North Raleigh, Wake Forest, and North Durham.	Raleigh	NC	MG
Stiles Machinery, Inc		Grand Rapids	MI	MG
Still Serving Veterans	Still Serving Veterans	Huntsville	AL	SG
Strata-G, LLC		Knoxville	TN	MP
Strategic Alliance Business Group		Fairfax	VA	MP
Strategic Medical Equipment Solutions		Colorado Springs	CO	SP
Strategic Staffing Solutions, L.C		Detroit	MI	MP
Summit Aviation Inc		Middletown	DE	MP
Summit Exercises and Training LLC		Saint Petersburg	FL	SG
Summit Technical Solutions, LLC		Colorado Springs	CO	MG
Support The Enlisted Project (STEP)		San Diego	CA	SG
Surespan USA Inc		Las Vegas	NV	SG
Survival Systems USA, Inc		Groton	CT	SG
Synack, Inc		Redwood City	CA	MG
Synectic Solutions Inc		Oxnard	CA	MG
Syntelligent Analytic Soultions, LLC		Falls Church	VA	MG
System Studies and Simulation, Inc	System Studies and Simulation, Inc	Huntsville	AL	MG
Systematic Inc		Centreville	VA	SG
Systems Planning and Analysis, Inc		Alexandria	VA	LG
T and T Consulting Services, Inc		Falls Church	VA	MP
TAC Industries Inc	The Abilities Connection	Springfield	OH	MP
Tactical & Survival Specialties, Inc	TSSi	Harrisonburg	VA	MG
Target Media Mid Atlantic, In	Target Systems	Mechanicsburg	PA	MG
Team Carney, Inc	Carney	Alexandria	VA	MP
Tebbens Steel LLC		Calverton	NY	SG
Tech62, Inc		Fairfax	VA	SG
Technology Learning Group, Inc	TLG Learning	Bellevue	WA	SG
TekSynap		Reston	VA	MP
Tele-Consultants, Inc		Alpharetta	GA	SG
Tetrad Digital Integrity, LLC	TDI	Washington	DC	SP
Texas Bug Team LLC	Texas Bug Team	Little Elm	TX	SG
Texas Veteran Security LLC	Texas Veteran Security LLC	San Antonio	TX	SG
Textron Systems	Unmanned Systems, Marine and Land, Weapon and Sensor Systems, Lycoming Engines, Airborne Solutions.	Hunt Valley	MD	LG
ThayerMahan		Groton	CT	SG
The AEgis Technologies Group LLC		Huntsville	AL	MP
The Aviation Institute of Maintenance—Norfolk, VA.		Norfolk	VA	SP
The Cloud Geeks, Llc	The Cloud Geeks	Dover	DE	SG
The Coalition to Salute America's Heroes	The Coalition to Salute America's Heroes	Leesburg	VA	SG
The Electronic On-Ramp Inc	EOR	Rockville	MD	MP
The Greentree Group		Beavercreek	OH	MP
The Independence Fund		Charlotte	NC	SG
The Metamorphosis Group, Inc		Vienna	VA	SG
The Pipe Line Development Company (PLIDCO)		Westlake	OH	MP
The Rockhill Group, Inc		Molino	FL	MG
The Veteran Initiative		MacDill AFB	FL	SG
The W.W.Williams Company		Dublin	OH	LG
The Wolverine Group		Washington	DC	SG

Employer name	DBA	City	State/terr.	Award typ
Thermo Systems LLC		East Windsor	NJ	MP
Thomas Solutions Incorporated	Thomas Solutions Incorporated	Arlington	VA	SP
Thompson Metal Fab, Inc		Vancouver	WA	MG
Titan Associates Group, Inc		Athens	TN	SG
Titan Roofing and Exteriors	Titan Roofing and Exteriors	Urbandale	IA	SG
Titan, Consultants & Engineers, LLC	TITAN	Orlando	FL	SG
Titania Solutions Group, Inc	Titania Solutions Group, Inc	Warrenton	VA	MG
TMC Design Corporation	TMC Design Corporation	Las Cruces	NM	MG
Tokyo Electron U.S. Holdings, Inc		Austin	TX	LP
Topsarge Business Solutions, LLC	Topsarge Business Solutions	Killeen	TX	SP
Torden LLC	Torden LLC	New Bedford	MS	SP
TP Trucking LLC	TP Trucking	Central Point	OR	MG
Trade Training Co. LLC	Sonoran Desert Institute	Tempe	AZ	MG
Treasure Valley Advanced Concepts LLC	Advanced Services LLC	Nampa	ID	SG
TRECIG, LLC		Rockwall	TX	SG
TRI Industries NFP	Triumph Workplace Solutions	Vernon Hills	IL	SG
Trident Technologies and Consulting—Global, LLC.	T2C-Global	Wesley Chapel	FL	SG
Trinity Technology Group, Inc		Manassas	VA	MP
Tri-State Mechanical & Environmental INC	Tri-State Mechanical & Environmental Services	Shreveport	LA	SG
Trj Transportation Inc		Douglasville	GA	SG
Trusted Internet, LLC		New Boston	NH	SP
TruWeather Solutions, Inc		Syracuse	NY	SP
United Rentals Inc		Stamford	CT	LG
United Veterans Construction & Landscape Solutions, Inc.		Fort Worth	TX	SP
Universal Technical Resource Services, Inc		Cherry Hill	NJ	MG
Up-Side Management Company		Hubert	NC	SG
Upstate Warrior Solution		Greenville	SC	SP
US Communications and Electric, Inc	US Communications and Electric, Inc	Garfield Heights	OH	MG
USA Environmental, Inc		Oldsmar	FL	MG
USAA		San Antonio	TX	LP
Utility Mapping Services, Inc		Clancy	MT	SG
VANTAGE POINT CONSULTING INC		Reston	VA	SG
Vector Force Development		Collinsville	IL	MP
VectorCSP		Elizabeth City	NC	MP
Venergy Group, LLC		Fort Pierce	FL	SG
Veracity Technology Solutions, LLC		Pensacola	FL	SG
Veteran Data Solutions	VetDS	Landrum	SC	SG
Veteran Engineering and Technology, LLC		Colorado Springs	CO	SP
Veterans Alliance, LLC		Stateline	NV	SG
Veterans ASCEND		Simpsonville	SC	SG
Veterans Assembled electronics	STRAC Institute	Providence	RI	SP
Veterans Connection Organization Inc		Bartlesville	OK	SG
Veterans Elite Services		Jacksonville	FL	SG
Veterans Enterprise Technology Solutions, Inc		Clarksville	VA	MG
Veterans Guardian VA Claim Consulting		Pinehurst	NC	MP
Veterans Inc		Worcester	MS	MP
Veterans Leadership Program of Western Pennsylvania.		Pittsburgh	PA	SG
Veterans Management Services, Inc		Sterling	VA	MP
Veterans Northeast Outreach Center, Inc		Haverhill	MS	MP
Veterans of Foreign Wars of the U.S		Kansas City	MO	MP
Veterans Outreach Center		Rochester	NY	SG
VETForce, Inc		Lock Haven	PA	SG
Vetrun LLC		Henryville	IN	SG
Vets2PM, LLC		Melbourne	FL	SG
Vetted Tech Inc		Syracuse	NY	SP
Vietnam Veterans of California	Veterans Resource Centers of America	Santa Rosa	CA	MP
Villa and Villa Inc	Tents Party Rental	Pottstown	PA	SG
Village of Hanover Park		Hanover Park	IL	MG
Virgo Medical Services, Inc		East Orange	NJ	MG
Virtual Enterprise Architects, LLC		Washington	DC	SP
Virtual Service Operations, LLC		Warrenton	VA	SG
Voigt-Peters Associates, LLC	VPD Government Solutions	Arlington	VA	SP
Volunteers of America Veteran Services	VOA Veteran Services	Sacramento	CA	SP
Vulcan, Inc		Foley	AL	MG
Vysnova Partners, Inc		Landover	MD	SG
W R Systems, Ltd		Fairfax	VA	MG
Warrior Service Company		Hialeah	FL	SG
Watermark Risk Management International, LLC		Triangle	VA	SG
Watershed Security, LLC		Chesapeake	VA	MP
Web Business Solutions, Inc		Fredericksburg	VA	SG

Employer name	DBA	City	State/ terr.	Award typ
Westwind Computer Products Inc	Westwind Environmental	Albuquerque	NM	SP
Whalls Group	Sanford Rose Associates	Aliso Viejo	CA	SG
White Oaks Aligned, LLC		Raleigh	NC	SG
White Tanks Group LLC	VetLink Solutions	Surprise	AZ	SP
Willis Mechanical Inc		Norcross	GA	SP
WindStax Energy		Pittsburgh	PA	SG
WIndstream Holdings Inc		Little Rock	AR	LG
Winquest Engineering Corporation		Severn	MD	SP
Women In Military Service For America Memorial Foundation, Inc.		Arlington	VA	SP
Worldwide Counter Threat Solutions, LLC		Fredericksburg	VA	SG
WPS Labor, LLC		Rogers	AR	SG
Xcel Energy		Minneapolis	MN	LG
XeoHealth Corporation	XeoHealth	Middletown	MD	SG
Xtreme Express LLC		Columbus	OH	SG
Yates Company, LLC	Yates Company	San Antonio	TX	SG
Your Recruiting Company Inc	YRCI	Fairfax	VA	MG
ZamCo Directional Drilling		Houston	TX	SG
Zekiah Technologies, Inc		La Plata	MD	SG
Zero Point, Incorporated		Virginia Beach	VA	SP

VETS received 440 applications for the HIRE Vets Medallion Award in 2019. Among the 440 applications, 427 applications were approved for award, with 6 applications denied and 7 applications withdrawn by the applicant. Of the 427 applications approved for award, the breakdown by award type is as follows: 173 small gold (SG), 62 small platinum (SP), 93 medium gold (MG), 50 medium platinum (MP), 39 large gold (LG), and 10 large platinum (LP).

The following list shows the 427 recipients for 2019 in alphabetical order by employer name, along with their doing business as (DBA) name (as applicable), city and state or territory, and award type.

Employer name	DBA name	City	State/ terr.	Award typ
5x5 Brewing Co., LLC	5x5 Brewing Co	Mission	TX	SG
6L Transport LLC		Pampa	TX	SG
A PRECISION AUTO GLASS, INC		Mobile	AL	SG
A Safe Haven Foundation		Chicago	IL	MG
AASKI Technology, Inc		Tinton Falls	NJ	MP
Acato Information Management		Oak Ridge	TN	SG
Acclaim Technical Services, Inc		Reston	VA	MG
Adaptive Construction Solutions, Inc		Houston	TX	SP
Advanced Technology International		Summerville	SC	MP
Adventure Properties LLC WA		Bremerton	WA	SG
Aerospace Professional Services, LLC		Haslet	TX	SG
Affinis Corp		Overland Park	KS	SP
Against All Odds Trucking Services		Richmond	CA	SG
Agile IT Synergy, LLC		Tampa	FL	SG
AGS LLC		Las Vegas	NV	LG
Air Quality Solutions Heating and Cooling		Grove City	OH	SP
Alamo City Tactical Medical Solutions LLC	ACTM Solutions LLC	San Antonio	TX	SP
ALLIED UNIVERSAL Security Services		Santa Ana	CA	LG
Amada Senior Care Chester County		Exton	PA	SG
American Senior Health Advisers		Warrington	PA	SG
American States Utility Services, Inc		Fredericksburg	VA	MG
AMERICAN SYSTEMS		Chantilly	VA	LG
American Veteran Solutions, Inc		Las Vegas	NV	SP
America's Warrior Partnership, Inc		Augusta	GA	SP
Amerivet Securities, Inc		New York	NY	SP
Analytic Services Inc	ANSER	Falls Church	VA	MP
Analytical Engineering, Inc		Columbus	IN	SG
Anderson Hydra Platforms, Inc		York	SC	SG
ANVIL SYSTEMS GROUP INC		Lorton	VA	SP
Appzzetti Enterprises	The Freedom Cafe	Melbourne	FL	SG
Area X Cyber Solutions LLC		Dumfries	VA	SG
AREVALOS TRADE COMPANY		San Antonio	TX	SG
ArgenTech Solutions		Newmarket	NH	MG
ASM Research, LLC		Fairfax	VA	LG
Aspen Communications	Aspen Engineering & Contracting	Prescott	AZ	SG
Assured Consulting Solutions LLC		Reston	VA	SG
ATECH, Inc		Nashville	TN	SG
Atlantic Nitrogen & Testing LLC		Washington	PA	SG
Atlas Sand Company	Atlas Sand	Austin	TX	MG

Employer name	DBA name	City	State/ terr.	Award typ
AutoBase Inc		Amityville	NY	MP
Aviate Enterprises, Inc		McClellan Park	CA	SP
Azimuth Corporation		Beavercreek	OH	MP
Azule Management Group, Inc		Eagan	MN	SP
Azule Opportunities, LLC		Northfield	MN	SG
B3 Group Inc		Herndon	VA	MG
Bancroft Capital, LLC		Fort Washington	PA	SP
Banning Contracting Services, Inc		Tulsa	OK	SG
BD Anthonys LLC	Anthony's Barber Shop	Wyomissing	PA	SG
Berry Law Firm		Lincoln	NE	MP
Bevilacqua Research Corporation		Huntsville	AL	MG
BGIS		Seattle	WA	LG
Black Hills Asset Protection Group, LLC	Black Hills Patrol	Rapid City	SD	SP
Blackfly Investments, LLC	Molecular Testing Labs	Vancouver	WA	MG
Blue Line Systems LLC		Franklin	MA	SG
Bluecord International, Inc	Bluecord	Hillsboro	OR	SG
BluePath Labs		Washington	DC	SP
BLUERIDGE IT Solutions		Montgomery	AL	SG
Booz Allen Hamilton		McLean	VA	LG
Boston Services, LLC		Burlington	MA	SG
Bowman Tax & Financial LLC		Fredericksburg	VA	SG
Boyer Commercial Construction, Inc		Columbia	SC	SG
Boy's Electric	Service Today!	South St. Paul	MN	MG
Brad Deery Motors, Inc	General Motors, Dodge, and Ram New Vehicle Dealership.	Maquoketa	IA	MG
Bradley-Morris Holdings, LLC	Bradley-Morris/RecruitMilitary	Kennesaw	GA	MG
BrainTrust Holdings LLC		Annapolis Junction	MD	MP
Brodar Chiropractic Office		Delphi	IN	SG
Brooks Construction Co., Inc		Fort Wayne	IN	MG
Buck & Doe's Mercantile		San Antonio	TX	SG
BULLET RENTAL & SALES INC		Klamath Falls	OR	SG
C2C LLC		Chesterfield	MO	SG
CAE USA INC		Tampa	FL	LG
Camblin Mechanical, Inc		Atlantic	IA	SG
CANA LLC	CANA Advisors LLC	Gainesville	VA	SG
Capco LLC		Grand Junction	CO	MG
Capewell Aerial Systems, LLC		South Windsor	CT	MG
Carnation Design Products, Inc		Alliance	OH	SG
Cayuse Holdings		Pendleton	OR	MP
Central Florida Cloud, LLC		Malabar	FL	SG
Chamberlain Advisors LLC		Chicago	IL	SP
Chemours		Wilmington	DE	LG
Chicago Executive Airport		Wheeling	IL	SG
Chief Safety Services, LLC		Peoria	IL	SG
Cincinnati Incorporated		Harrison	OH	MG
City Machine Technologies, Inc		Youngstown	OH	MG
City of Minnetonka		Minnetonka	MN	MG
City of New Haven Missouri	City of New Haven	New Haven	MO	SG
City of St Charles		St. Charles	IL	MG
ClayDean Electric		Denver	CO	SG
Cloud49		Austin	TX	SG
Cobham Advanced Electronic Solutions		Arlington	VA	LG
Colorado Commercial Roofing, Inc		Colorado Springs	CO	SG
Colorado Sheet Metal JATC		Colorado Springs	CO	MP
Companion Home Care, Inc		Salem	VA	SG
COMSETRA LLC		Jay	OK	SG
Connectria		St. Louis	MO	MG
Consolidated Dispatch Agency		Tallahassee	FL	MG
ContactUS Communications		Columbus	OH	LG
CONTRACTING RESOURCES GROUP, INC		Baltimore	MD	SP
Converse Construction, Inc		Redding	CA	SG
Coulter & Son, Inc		Middlebury	IN	SG
CPMC, LLC		Potomac Falls	VA	MG
Crean & Associates		Lakeway	TX	SP
Crossroads Technologies		Wyomissing	PA	SG
CTC, INC		Oklahoma City	OK	SG
Cudd Pumping Services, Inc		The Woodlands	TX	LG
Curtis Construction		Carmel	IN	SG
CWO Technical Solutions LLC	Restoration 1 of Springfield	Springfield	VA	SG
DAK Resources, Inc		Jacksonville	FL	MG
Darter Specialties, Inc		Cheshire	CT	SG
Data Center Solutions, Inc	DCS-Data Centers	Annapolis	MD	SP
Dead River Company		South Portland	ME	LG

Employer name	DBA name	City	State/ terr.	Award typ
Deltacon Global Inc		Richmond	TX	SG
Demco Enterprises, Inc	Demco Automation	Quakertown	PA	SG
Denron Plumbing and HVAC, LLC		Manchester	NH	MG
DENSO International America, Inc		Southfield	MI	LG
DFW Dungeon LLC		Dallas	TX	SG
Digital Defense, Inc		San Antonio	TX	MP
Dominion Energy, Inc		Richmond	VA	LP
Donnie Burnsides & Sons, LTD	Burnside Air Conditioning, Heating & Indoor Air Quality.	McKinney	TX	SG
Drain Masters inc		Anchorage	AK	SP
DRH CONSTRUCTION LLC		Richmond	UT	SG
Duke Energy Business Services LLC		Charlotte	NC	LG
Eastern Carolina Vocational Center, Inc		Greenville	NC	MG
Eaton Corp PLC	Eaton	Cleveland	OH	LG
EGS, Inc	Empowered Global Solutions	Englewood	CO	MG
Elgin Discount Liquor Wine Beer		Elgin	OK	SG
Elite Rescue Team LLC	Elite Rescue Team	Holly Springs	NC	SG
Eljen Corporation		Windsor	CT	SP
ENERGYNEERING SOLUTIONS INC		Sisters	OR	MG
Entegrit Corporation		Philadelphia	PA	SP
Entergy Corporation		New Orleans	LA	LP
Epigen Technology Corp		McLean	VA	SP
equilibrium it solutions, inc		Chicago	IL	SP
Eskridge Enterprises LLC	Eskridge & Associates	Round Rock	TX	SP
eTRANSERVICES Corporation		Fredericksburg	VA	SP
Ever-Green Energy, Inc		Saint Paul	MN	MG
Exact Staff, Inc		Woodland Hills	CA	MG
Excalibur Legal Staffing LLC	The Excalibur Group	Washington	DC	MG
Excentium, Inc		Falls Church	VA	SP
Executive Airborne Solutions, Inc		Bellevue	NE	SG
Fastport, Inc		Lowell	MA	SG
Fathom 4, LLC		Charleston	SC	SG
FDM Group Inc		New York	NY	LG
Fermilab	Fermi National Accelerator Laboratory, Fermilab, Fermi Research Alliance.	Batavia	IL	LG
FiberQA LLC		Old Lyme	CT	SG
First Nation Group LLC		Niceville	FL	MG
FirstPathway Partners		Milwaukee	WI	SG
Florida Is For Veterans, Inc	Veterans Florida	Tallahassee	FL	SG
Forsite Partners		Chicago	IL	SP
Franklin Equipment LLC		Groveport	OH	MP
Freedom Staffing LLC		Indianapolis	IN	SG
Fusion Technology LLC		Bridgeport	WV	MG
G C Logistics LLC		Ridgeland	MS	SG
Gannon & Scott Phoenix, Inc	Gannon & Scott	Phoenix	AZ	SG
Gary Merlino Construction		Seattle	WA	MG
Gary R Banks Industrial Group LLC	Banks Industrial Group LLC	West Berlin	NJ	SG
Gary/Chicago International Airport		Gary	IN	SP
GCubed Enterprises, Inc	GCubed, Inc	Stafford	VA	SG
Geostabilization International		Denver	CO	MP
Global Executive Security, Inc		Beverly Hills	CA	SP
Go Energistics, LLC		Dallas	TX	SG
Go High Corp	PROM BRING IT	Glen Allen	VA	SP
Golden Aluminum, Inc		Fort Lupton	CO	MG
Greater Columbus Convention Center		Columbus	OH	MG
Green Cell Consulting, LLC		Fredericksburg	VA	SG
GREEN EXPERT TECHNOLOGY INC		Haddonfield	NJ	SG
Green Group Global LLC	Green Group	Edmond	OK	SG
Greencastle Associates Consulting, LLC		Malvern	PA	SP
Guardian Angels Medical Service Dogs, Inc		Williston	FL	SG
Halfaker and Associates		Arlington	VA	MP
Hancock Management LLC		Derry	NH	SG
Hartman Appliance & Electronics LLC	Cabin Hill Maytag & SleepSource	Greensburg	PA	SP
Hathlocke Security Group LLC		Dallas	TX	SG
HEBCO, Inc		Oklahoma City	OK	MG
Heinrich Services, LLC		Lockport	NY	SG
Helios Defense Solutions, LLC		Eldersburg	MD	SP
High Order Solutions, LLC		Frisco	TX	SP
HigherEchelon, Inc		Huntsville	AL	MG
Hiller, LLC	Hiller Plumbing, Heating, Cooling & Electrical	Nashville	TN	LG
Hilton Garden Inn—Waldorf	St. Charles Operating, LLC	Waldorf	MD	SG
Hollandia Dairy, Inc		San Marcos	CA	MG
Ingalls Shipbuilding—A Division of Huntington Ingalls Industries.	Ingalls Shipbuilding	Pascagoula	MS	LG

Employer name	DBA name	City	State/ terr.	Award typ
Inspection Experts, Inc		Columbia	MD	MP
IntelliDyne, LLC		Falls Church	VA	MP
Interactive Process Technology		Billerica	MA	MP
Intermountain Polygraph Services	James Woods Intermountain Polygraph Services	Twin Falls	ID	SG
Intuitive Research and Technology Corporation		Huntsville	AL	MP
Invenergy Services LLC		Chicago	IL	MG
Invictus Internal Holding LLC	Invictus GS3	Las Vegas	NV	MG
Iowa Lakes Regional Water		Spencer	IA	SP
IT Veterans, LLC		Herndon	VA	SG
Itero Group, LLC		New Cumberland	PA	SP
ITRCC Concession Company LLC		Granger	IN	MG
J. Rayl Transport, Inc	J. Rayl Transport, Inc	Akron	OH	MG
Java Productions, Inc	JPI	Blacksburg	VA	MP
Jay & Kay Mfg. LLC		Croswell	MI	SP
JetHq DMCC		Kansas City	MO	SG
JOHN DONOGHUE AUTOMOTIVE INC	AUTOMOTIVE DEALER	Whiteville	NC	SG
John Wilcox Plumbing and Heating LLC		Pittsburgh	PA	SG
JOHN'S PRECISION AUTO BODY		Marion	NC	SG
Joseph Jingoli & Son, Inc	Jingoli Power, LLC	Lawrenceville	NJ	MG
JR Kays Trucking Inc		Clarendon	PA	SP
JVS SoCal		Los Angeles	CA	MG
KaDSci, LLC		Springfield	VA	SG
Kegman Inc		Melbourne	FL	SG
Kent, Campa and Kate (KCK) Inc		Arlington	VA	MP
Keystone Fire Protection Co		North Wales	PA	MG
Kim Kochman	Manor Lake Labradoodles	Bellingham	WA	SG
Kitty Hawk Technologies		Honesdale	PA	SG
Knight Federal Solutions inc		Orlando	FL	MP
Korman LLC		Waukegan	IL	SP
LA Aluminum Casting Company	REO Industries, Inc	Hayden	ID	SG
Launch Technical Workforce Solutions		Oak Brook	IL	MG
Leaf Enterprises, Inc	Leaf Pest Control	Monaca	PA	SP
Legion Systems LLC		Tampa	FL	SG
Logistics Health Incorporated		La Crosse	WI	LG
Los Alamos National Laboratory		Los Alamos	NM	LG
Los Angeles Habilitation House, Inc	LAHH	Long Beach	CA	SG
LTC Partners	Long Term Care Partners	Portsmouth	NH	MG
Luhcs Enterprises LLC		Overland	MO	SG
Lunarline, Inc		Arlington	VA	MP
M Dean Owen CPA		Paducah	KY	SG
MAG Enterprise Inc	B&B Towing and Recovery	Brownington	VT	SG
Mainsail Group, Inc		Bedford	MA	SG
Mako Medical Laboratories		Raleigh	NC	MG
MANAGEMENT SUPPORT TECHNOLOGY, INC. (MSTI).		Fairfax	VA	MP
Marc-On Shooting LLC		Chippewa Falls	WI	SG
Marion Process Solutions		Marion	IA	MP
Maven Construction & Environmental, LLC		Odon	IN	SG
Maveris, LLC	Maveris	Martinsburg	WV	SP
Mayhew Technology Solutions		Edmond	OK	SG
McFarland Technology Inc		Murrysville	PA	SG
MCPc, Inc		Cleveland	OH	MG
Mechanical Solutions of Arkansas L.L.C	Mechanical Solutions of Arkansas L.L.C	Little Rock	AR	SG
Mesa Natural Gas Solutions		Evansville	WY	MP
Metis Technology Solutions, Inc		Albuquerque	NM	MP
Midwest AgEnergy Group LLC		Underwood	ND	MG
Mission 1st Group Inc		Arlington	VA	MP
MKS2, LLC		Austin	TX	MG
MULE Engineering, Inc	MULE Engineering & Construction	Winter Garden	FL	SP
MVP United	JDog United	Houston	TX	MG
Navigator Development Group Inc		Enterprise	AL	MP
NEPA CLEANING PROFESSIONALS, LLC	Stacie Anne Jordan DBA NEPA Cleaning Professionals.	Wyoming	PA	SG
Nesper International Inc		LaGrange	GA	SG
Netizen Corporation		Allentown	PA	SP
Newport News Shipbuilding		Newport News	VA	LG
NexTech Solutions LLC		Orange Park	FL	SG
NextEra Energy, Inc		Juno Beach	FL	LP
Nighthawk Integrated Solutions LLC		Las Vegas	NV	SG
nLogic, LLC	nLogic	Huntsville	AL	MP
North America Mattress Corp		Clackamas	OR	SG
North American Consulting Services, Inc		Point Pleasant	WV	SG
North Central Illinois Finishing Trades Institute		Aurora	IL	SP

Employer name	DBA name	City	State/ terr.	Award typ
Northrop Grumman Corporation	Northrop Grumman Systems Corporation	Falls Church	VA	LP
No-Sag Products; Division of Leggett & Platt, Inc		Kendallville	IN	MG
Novetta	Novetta, Inc	McLean	VA	LG
NTS Services LLC	RedSky	Aldie	VA	SP
NURIDE TRANSPORTATION GROUP, LLC	NURIDE	Long Island City	NY	MG
Nuss Truck and Equipment	Nuss Truck Group Inc	Roseville	MN	MG
NuWaves Engineering		Middletown	OH	MP
Oasis Systems LLC		Lexington	MA	LG
Occidental Petroleum		Houston	TX	LG
Omnicommander Inc	Omnicommander	Miramar Beach	FL	SG
On Computer Services, LLC	Unified Power	Terrell	TX	MP
On Time Plumbing & Air Corp	Benjamin Franklin Plumbing	Wilmington	NC	SG
Open Systems Technologies Corporation		Gainesville	VA	MG
Opportunity Center, Inc	ServiceSource	New Castle	DE	MP
Orbit Advanced Technologies, Inc		Warminster	PA	SP
Organic Shield, LLC	Shield Construction Division	Troy	MO	SG
Orion ICS LLC	Orion Talent	Cary	NC	MG
Orion Services Inc		Gloucester	MA	SG
Oxley Enterprises, Inc		Stafford	VA	SP
PACCAR Winch Inc		Broken Arrow	OK	MG
Pacific Gas & Electric Company		San Francisco	CA	LG
Packages From Home		Glendale	AZ	SP
Parker Hannifin	Parker Hannifin Corporation	Albion	IN	MG
Patricio Enterprises, Inc		Stafford	VA	MP
PavCon, LLC		Latrobe	PA	SG
Payken LLC	Sunset Hill Shooting Range	Henryville	PA	SG
Peer Technical Group LLC		Fond du Lac	WI	MG
PeopleTec, Inc		Huntsville	AL	MG
Perrone Direct		Plymouth	MA	SG
Perseverance Staffing LLC	Perseverance	Monument	CO	MG
Persevus LLC		Omaha	NE	SP
Perspecta		Chantilly	VA	LG
PGFM Solutions, LLC		Sewell	NJ	SG
Philadelphia Mortgage Brokers LLC		Collegeville	PA	SG
Phoenix Systems International, Inc		Kingston	TN	SG
Pinnacle Solutions, Inc		Huntsville	AL	MG
Pinnacle West Capital Corp	Arizona Public Service Company	Phoenix	AZ	LP
PK Group, LLC	Connelly Industrial Electronics	Centerville	MN	SG
Planet Technologies Inc	Planet Technologies, Inc	Germantown	MD	MG
PLEXSYS Interface Products, Inc		Camas	WA	MG
Pluribus International Corporation		Alexandria	VA	MG
PNT Data Corp		Middletown	CT	SP
Pointer Construction Group LLC		Fort Lauderdale	FL	SG
Polarhyde Distribution Corp	Final Flat Roof	West Palm Beach	FL	SG
Portland Patrol Inc		Portland	OR	MG
Prestige Group		Clinton Township	MI	MG
Professional Contract Services Inc	PCSI Texas LLC	Austin	TX	LG
Professional Solutions Delivered, LLC		Fredericksburg	VA	MG
Programatics LLC		Chesterfield	VA	SG
Projects Unlimited, Inc		Dayton	OH	MG
Proseal America, Inc	Proseal *America.com*	Richmond	VA	MG
Pro-Sphere Tek, Inc	ProSphere	Alexandria	VA	MP
Purpose Contracting Asphalt LLC		Franksville	WI	SG
QB Medical, Inc		Chula Vista	CA	SG
QED Technology Resources, LLC		Valrico	FL	SP
Qualis Corporation		Huntsville	AL	MG
Quality Distribution Inc		Tampa	FL	LG
Queen City Blacktop Co. Inc		Cincinnati	OH	SP
Quiet Professionals LLC		Tampa	FL	MP
R.E. West , Inc		Ashland City	TN	MP
Raytheon Company		Waltham	MA	LP
Ready Support Services LLC		Purcellville	VA	SG
Recruiting Force, LLC	Recruit Veterans	Cedar Park	TX	MP
Red River Technology, LLC		Claremont	NH	MG
Regenesis Biomedical, Inc		Scottsdale	AZ	MG
Resilient Solutions, Ltd		McLean	VA	SG
Revolution Pest Solutions		Carson	CA	SG
Rhino Demolition and Environmental Services Corp.		Myrtle Beach	SC	SG
RightDirection Technology Solutions LLC		Baltimore	MD	MG
Rigid Security Group	Rigid Tactical	Virginia Beach	VA	SG
Riverside Mfg., LLC		Fort Wayne	IN	MG
Rubicon Technical Services LLC		Kennesaw	GA	SP

Employer name	DBA name	City	State/ terr.	Award typ
SAKOM Services LLC		Appleton	WI	MP
Salute Inc	Salute Mission Critical	Clinton Township	MI	MG
Sancorp Consulting, LLC		Arlington	VA	SG
Scientific Research Corporation		Atlanta	GA	LG
SDV Command Source Inc		Winston-Salem	NC	SG
Sealing Technologies, Inc		Columbia	MD	SP
Security 1 Solutions LLC	All Source Protection	Gaithersburg	MD	MG
Semper Fi Doorman, Inc		Chicago	IL	SG
Senior Dog Sanctuary of Maryland Inc	The Senior Dog Sanctuary	Severn	MD	SG
Senspex, Inc		Albuquerque	NM	SG
Servicemen General Contracting Group LLC		Río Grande	PR	SG
ServiceSource, Inc		Oakton	VA	LG
SERVPRO of West Forsyth County		Winston-Salem	NC	SG
Shearer & Associates, Inc		Huntsville	AL	SG
SHINN KELLOGG, LLC		Albia	IA	SP
Shotstop Ballistics LLC		Stow	OH	SG
Siemens Corp		Washington	DC	LG
Sigma Six Solutions Inc		Auburn	WA	SG
Silotech Group Inc		San Antonio	TX	MP
SimVentions, Inc		Fredericksburg	VA	MP
Smoke Hall Foods L3C	The General's Hot Sauce	Columbia	SC	SP
Sodexo Government East		Jacksonville	NC	MP
Southeast Vocational Alliance		Houston	TX	SG
Southwest Airlines	Southwest Airlines Co	Dallas	TX	LG
Spade Corporation		Georgetown	KY	SG
SPRING ENVIRONMENTAL, INC		Spokane	WA	SP
Stanley Black and Decker		New Britain	CT	LG
Steam Turbine Alternative Resources		Marion	OH	SG
Stewart General Contracting, LLC	SGC	Cherry Hill	NJ	SG
Stiles Machinery		Grand Rapids	MI	MG
Strategic Alliance Consulting Incorporated		Warrenton	VA	SG
Strategic Medical Equipment Solutions, LLC		Colorado Springs	CO	SG
Strategic Staffing Solutions		Detroit	MI	LG
Summit Aviation Inc		Middletown	DE	MP
Summit Technical Solutions, LLC		Colorado Springs	CO	MG
Sunterra Supports Services LLC		Idaho Falls	ID	SG
Superior Reedsville Filtration, LLC	Superior Fibers, LLC	Reedsville	WV	MG
Sysco North Dakota		Fargo	ND	MG
Systems Planning and Analysis, Inc		Alexandria	VA	LG
Syzygy Integration LLC		Philadelphia	PA	SG
TAC Industries Inc	TAC Industries	Springfield	OH	MG
Tactical & Survival Specialties, Inc	TSSi	Harrisonburg	VA	MG
Talentscale, Inc		Las Vegas	NV	MP
Target Media Mid Atlantic Inc	Target Systems	Mechanicsburg	PA	MG
Team Red, White & Blue, Inc		Alexandria	VA	SG
Tech62, Inc		Fairfax	VA	SG
TekSynap		Reston	VA	MG
The Aviation Institute of Maintenance—Chesapeake, VA.		Chesapeake	VA	SP
The Cosmopolitan of Las Vegas	Nevada Property 1 LLC	Las Vegas	NV	LG
The Independence Fund		Charlotte	NC	SG
The Lighthouse for the Blind in New Orleans, Inc	Lighthouse Louisiana	New Orleans	LA	MP
The McConnell Group, Inc		Landover	MD	MG
The Pipe Line Development Company (PLIDCO)		Westlake	OH	MP
The Ribbon Incorporated	Overhead Door Company of Franklin™/Greater Erie™.	Franklin	PA	SG
The Steel Network, Inc		Durham	NC	MG
The Vocation Depot, Inc	The Vocation Depot	Plant City	FL	SG
Thermo Systems LLC		East Windsor	NJ	MG
Thomas Solutions Incorporated		Arlington	VA	SP
TimkenSteel Corporation		Canton	OH	LP
TISTA Science and Technology		Rockville	MD	MP
Tokyo Electron U.S. Holdings Inc		Austin	TX	LG
Torden LLC		New Bedford	MA	SG
Training, Rehabilitation & Development Institute, Inc.	TRDI	San Antonio	TX	MG
Travis County Emergency Services District No. 2		Pflugerville	TX	MP
Treblig Inc	Treblig USA Machining Technologies	Greenville	SC	SG
TRECIG, LLC		Rockwall	TX	SG
TRI Industries NFP		Vernon Hills	IL	SG
Trinity Technology Group, Inc		Manassas	VA	MG
Tri-State Mechanical & Environmental INC	Tri-State Mechanical & Environmental Services	Shreveport	LA	SG
TRJ Transportation Inc		Douglasville	GA	SG

Employer name	DBA name	City	State/ terr.	Award typ
U.S. Federal Solutions, Inc		Silver Spring	MD	SG
U.S. Vet General Contracting, LLC		McFarland	WI	SG
Union Pacific		Omaha	NE	LG
UNITED DRUG SUPPLY, INC		Morrisville	NC	SG
United Rentals, Inc		Stamford	CT	LP
United Veterans Construction & Landscape Solutions, Inc.		Fort Worth	TX	SP
USA Environmental, Inc		Oldsmar	FL	MG
USAA		San Antonio	TX	LP
VetCor, LLC		Tampa	FL	SP
Veteran Plumbing Services, Inc		Sewickley	PA	SG
Veterans ASCEND		Simpsonville	SC	SP
Veterans Assembled electronics	VAe	Providence	RI	SG
Veterans Elite Services		Jacksonville	FL	SG
Veterans Guardian		Pinehurst	NC	SG
Veterans Inc		Worcester	MA	MP
Veterans Leadership Program of Western Pennsylvania.		Pittsburgh	PA	SG
Veterans Management Services, Inc	Veterans Management Services Inc	Sterling	VA	MP
Veterans Outreach Center Inc		Rochester	NY	SG
VetLink Solutions		Litchfield Park	AZ	SG
Vets United LLC		White Plains	MD	MG
Vets2PM, LLC		Melbourne	FL	SG
Vietnam Veterans of California	Veterans Resource Centers of America	Santa Rosa	CA	MP
Vysnova Partners, Inc		Landover	MD	SG
W R Systems, Ltd		Fairfax	VA	MG
Watershed Security, LLC		Chesapeake	VA	SP
Windstream Holdings, Inc	Windstream Communications	Little Rock	AR	LP
Winning Technologies Inc		O'Fallon	MO	SP
Women Veterans Business Solutions LLC	CBS Consulting	Lanham	MD	SG
Workforce Opportunity Services	Workforce Outsource Services, Inc	New York	NY	MP
Worldwide Counter Threat Solutions, LLC		Fredericksburg	VA	SG
WPS Labor, LLC		Rogers	AR	SG
ZamCo Directional Drilling LLC		Houston	TX	SG

Dated: November 29, 2021.

James D. Rodriguez,

Principal Deputy Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2021–26344 Filed 12–3–21; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m., Wednesday, December 8, 2021.

PLACE: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.ncua.gov*) and access the provided webcast link.

STATUS: This meeting will be open to the public.

MATTER TO BE CONSIDERED:

1. Board Briefing, NCUA's 2022–2023 Budget.

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2021–26438 Filed 12–2–21; 11:15 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Service Contract Inventory; Notice of Availability

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The Division of Acquisition and Cooperative Support within the National Science Foundation (NSF) is publishing this notice to advise the public of the availability of its Fiscal Year (FY) 2020 Service Contracts Inventory Analysis Report.

FOR FURTHER INFORMATION CONTACT: Raymond McCollum, Policy Branch Chief, Division of Acquisition and Cooperative Support, National Science Foundation. Phone: 703–292–4225; email: *rmccollu@nsf.gov*.

SUPPLEMENTARY INFORMATION: NSF's FY 2020 Service Contract Inventory Analysis Report is included as part of a governmentwide service contract inventory. The inventory includes covered service contracts that were awarded in FY 2020. The NSF analyzes this data for the purpose of determining whether its contract labor is being used in an effective and appropriate manner and if the mix of federal employees and contractors in the agency is effectively balanced. The report does not include contractor proprietary or sensitive information.

The FY 2020 Service Contract Inventory Analysis Report is provided at the following link: *https://www.nsf.gov/bfa/dcca/contracts/index.jsp*.

Authority: 42 U.S.C. 1861, *et seq.*

Dated: November 30, 2021.

Raymond L. McCollum,

Policy Branch Chief, National Science Foundation.

[FR Doc. 2021–26335 Filed 12–3–21; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) hereby gives notice of the scheduling of teleconference meetings for the

transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Wednesday, December 8, 2021, from 12:45 p.m. to 5:35 p.m., and Thursday, December 9, 2021, from 11:00 a.m. to 3:35 p.m. EST.

PLACE: These meetings will be held by videoconference. There will be no in-person meetings. The public may observe the public meetings, which will be streamed to the NSF You Tube channel.

- December 8, 2021: *https://youtu.be/snamRnowjxQ*
- December 9, 2021: *https://youtu.be/71AMQQBijfU*

STATUS: Parts of these meetings will be open to the public. The rest of the meetings will be closed to the public. See full description below.

MATTERS TO BE CONSIDERED:

Wednesday, December 8, 2021

Plenary Board Meeting

Open Session: 12:45 p.m.–3:10 p.m.

- NSB Chair's Remarks
- NSF Director's Remarks
- Cool Science presentations
- Panel: The Uneven Geography of K–12 STEM Education
- NSB Chair Activity Summary

Open Session: 4:40 p.m.–5:35 p.m.

- Committee on Science and Engineering Policy Report and Discussion
- Committee on External Engagement Report and Discussion

Thursday, December 9, 2021

Plenary Board

Open Session: 11:00 a.m.–11:45 a.m.

- Committee on Equal Opportunities in Science and Engineering (CEOSE) Biennial Report Presentation
- *Vision 2030* Implementation Update

Closed Session: 11:45 a.m.–2:30 p.m.

- NSB Chair's Remarks
- Approval of Prior Minutes
- Director's Remarks
- Agency Operating Status
- Research Security
- Committee on Awards & Facilities Meeting Report and Discussion
- Vote: Rubin Observatory Rebaseline Action
- Committee on Strategy Report and Discussion
- Vote: Sense of the Board Statement on NSF's 2022–2026 Strategic Plan Draft
- Subcommittee on Technology, Innovation, and Partnerships (TIP) Report and Discussion
- Vote to Enter Executive Session

Executive Closed Agenda Items: 1:25 p.m.–2:30 p.m.

- NSB Chair's Remarks
- Approval of Prior Minutes
- NSF Director's Remarks
- TIP Status Update
- 2022 NSB Honorary Awards Discussion
- Vote

Plenary Board

Open Session: 3:00 p.m.–3:35 p.m.

- NSB Chair's Remarks
- K–12 STEM Education Exploratory Group
- Member recognitions
- NSBO staffing update
- Approval of Prior Minutes
- NSF Director's Remarks
- Senior Executive Update
- Office of Legislative and Public Affairs Update
- FY 2022 Budget Update
- Committee on Awards and Facilities Report and Discussion
- Astro 2020 Decadal Survey Executive Summary
- Committee on Oversight Report and Discussion
- Votes:
  - Merit Review Digest Overview
  - Merit Review Digest revisions to tables
- NSB Chair's Closing Remarks

Meeting Adjourns: 3:35 p.m.

PORTIONS OPEN TO THE PUBLIC:

Wednesday, December 8, 2021

12:45 p.m.–3:10 p.m. Plenary NSB
4:40 p.m.–5:35 p.m. Plenary NSB
Thursday, December 9, 2021
11:00 a.m.–11:45 a.m. Plenary NSB
3:00 p.m.–3:35 p.m. Plenary NSB

PORTIONS CLOSED TO THE PUBLIC:

Thursday, December 9, 2021

11:45 a.m.–2:30 p.m. Plenary NSB, including executive closed items
1:25 p.m.–2:30 p.m. Executive closed items

All open sessions of the meeting will be webcast live on the NSB YouTube channel.

- December 8, 2021: *https://youtu.be/snamRnowjxQ*
- December 9, 2021: *https://youtu.be/71AMQQBijfU*

Please refer to the NSB website for additional information. You will find any updated meeting information and schedule updates (time, place, subject matter, or status of meeting) at *https://www.nsf.gov/nsb/meetings/notices.jsp.*

Members of the public are advised that the NSB provides some flexibility around its meeting times. A meeting may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next meeting will start no later than 15 minutes after the noticed start time. If a meeting ends early, the next meeting may start up to 15 minutes earlier than the noticed start time. NSB and committee meetings will not vary from noticed times by more than 15 minutes. Open meetings can also be watched in their entirety later through the YouTube link.

CONTACT PERSON FOR MORE INFORMATION: The NSB Office contact is Chris Blair, *cblair@nsf.gov,* 703–292–7000. The NSB Public Affairs contact is Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–26479 Filed 12–2–21; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's Awards and Facilities Committee hereby gives notice of the scheduling of a teleconference meeting for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Tuesday, December 7, 2021, from 11:30 a.m.–1:30 p.m. EST. The open session of the meeting will be held from 11:30 a.m.–12:00 p.m. The closed session will be held from 12:00 p.m.–1:30 p.m.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open session and closed session.

MATTERS TO BE CONSIDERED: The agenda of the open session of the meeting is: Committee Chair's Opening Remarks; approval of prior meeting minutes; schedule of context and action items; and information item—update on the Astronomy Decadal Survey Report.

The agenda for the closed session of the meeting is: Committee Chair's Opening Remarks; approval of prior meeting minutes; information item—Regional Class Research Vessels; information item—Annual Report of the Chief Officer for Research Infrastructure; action item—Rubin Observatory Rebaseline.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Michelle McCrackin, *mmccrack@nsf.gov,* (703) 292–7000. Meeting

information and updates may be found at the National Science Board website *www.nsf.gov/nsb.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–26440 Filed 12–2–21; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8907; NRC–2019–0026]

Draft Programmatic Agreement Between the U.S. Nuclear Regulatory Commission, U.S. Environmental Protection Agency, Navajo Nation Tribal Historic Preservation Office, New Mexico State Historic Preservation Office, Bureau of Indian Affairs, and United Nuclear Corporation Regarding the United Nuclear Corporation Mill Site and Northeast Church Rock Mine Site Located in McKinley County, New Mexico

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comment on a draft Programmatic Agreement (PA) between the NRC, U.S. Environmental Protection Agency (US EPA), Navajo Nation Tribal Historic Preservation Office (NNTHPO), New Mexico State Historic Preservation Office (NMSHPO), Bureau of Indian Affairs (BIA), and United Nuclear Corporation (UNC). The purpose of this draft PA is to resolve any adverse effects to historic properties identified during consultation for a proposed license amendment application for the UNC Mill Site.

DATES: Submit comments by January 20, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0026. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

- *Email comments to: UNC-ChurchRockPA@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Ashley Waldron, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7317, email: *Ashley.Waldron@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0026 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0026.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2019–0026 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On September 24, 2018, UNC submitted a license amendment application (ADAMS Package Accession No. ML18267A235) to amend its Source Material License No. SUA–1475 for the former UNC Church Rock Mill Site in accordance with part 40 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Source Material.'' UNC is requesting that the NRC grant a license amendment that would allow disposal of Northeast Church Rock (NECR) mine waste on top of the tailings impoundment at the UNC Church Rock Mill Site (UNC Mill Site) in McKinley County, New Mexico. The NECR Mine Site is located on Navajo Nation trust land and the adjacent UNC Mill Site is located on private land owned by UNC.

Pursuant to 36 CFR 800.8, the NRC is using its National Environmental Policy Act process for developing the Environmental Impact Statement (EIS) to facilitate consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA).

On November 13, 2020, the NRC requested comment (85 FR 72706) on its draft EIS that includes the preliminary analysis that evaluates the environmental impacts from the proposed action and alternatives to the proposed action. After comparing the impacts of the proposed action to the

no-action alternative, the NRC staff, in accordance with the requirements in 10 CFR part 51, preliminarily recommended the proposed action which would authorize UNC to transfer and dispose the waste from the NECR Mine on top of the UNC tailings impoundment. The comment period on the draft EIS closed on October 31, 2021 (86 FR 32285).

Four archaeological sites fall within the area of potential effect (APE) for direct effects: Sites LA 11617, NM–Q–20–69, NM–Q–20–70, and NM–Q–20–71. Each of the four sites within the direct APE includes Anasazi-period artifact scatters and/or habitation sites. A fifth site, NM–Q–20–72, includes historic and Anasazi-period pictographs and is located fully outside the proposed action's direct APE but within 10 m [33 ft] of the direct APE (*i.e.,* the indirect APE), warranting consideration of the proposed action's indirect effects on the setting of this cultural site. The NRC conducted a site visit with the NNTHPO on December 12, 2019 (ADAMS Accession No. ML21328A180). As part of its consultation pursuant to NHPA Section 106, NRC staff discussed the recommended eligibility, potential impacts, and recommendations for avoidance and mitigation measures for each of the five sites. The NMSHPO (ADAMS Accession No. ML20107F771 and ML21312A473); and NNTHPO have concurred with the NRC staff's eligibility recommendations (ADAMS Accession No. ML20167A115). Due to the presence of historic properties located within the direct and indirect APE, the NRC staff concluded that historic properties would be adversely affected by the proposed project.

The NRC met with US EPA, BIA, NNTHPO, the NMSHPO, and UNC to discuss how to address the adverse effects. The NRC proceeded with development of a PA to resolve adverse effects. Pursuant to this agreement, once this agreement is executed, the US EPA will become the lead agency for implementation of the PA.

The draft PA addresses the potential direct and indirect adverse effects from the movement of waste from the NECR Mine to the UNC Mill Site and ensures that appropriate mitigation measures are implemented. The final EIS will reflect the PA once finalized and therefore conclude NHPA Section 106 consultation.

III. Request for Public Comment

The NRC is requesting public comment on the draft PA. The NRC will consider these comments before finalizing the PA, which will be published as an appendix in the final EIS. The draft PA is available in ADAMS under Accession No. ML21302A221.

Dated: December 1, 2021.

For the Nuclear Regulatory Commission.

Christine L. Pineda,

Acting Chief, Environmental Review Materials Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2021–26408 Filed 12–3–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–277 and 50–278; NRC–2020–0110]

Issuance of Exemption in Response to COVID–19 Public Health Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued one exemption in October 2021 in response to a request from one licensee for relief due to the coronavirus 2019 disease (COVID–19) public health emergency (PHE). The exemption affords the licensee temporary relief from certain requirements under NRC regulations.

DATES: On October 13, 2021, the NRC granted one exemption in response to a request submitted by one licensee on September 17, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0110. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *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: James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7422, email: *James.Danna@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

On October 13, 2021, the NRC granted one exemption in response to a request submitted by one licensee dated September 17, 2021. The exemption temporarily allows the licensee to deviate from certain requirements of chapter I of title 10 of the *Code of Federal Regulations* (10 CFR), part 26, ''Fitness for Duty Programs,'' section 26.205, ''Work hours.''

The exemption from certain requirements of 10 CFR part 26 for Exelon Generation Company, LLC (for Peach Bottom Atomic Power Station, Units 2 and 3), affords this licensee temporary relief from the work-hour control requirements under 10 CFR 26.205(d)(1) through (d)(7). The exemption from 10 CFR 26.205(d)(1) through (d)(7) ensures that the control of work hours and management of worker fatigue does not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID–19 PHE on maintaining the safe operation of this facility. Specifically, this licensee has stated that its staffing levels are affected or are expected to be affected by the COVID–19 PHE, and it can no longer meet or likely will not meet the work-hour controls of 10 CFR 26.205(d)(1) through (d)(7). This licensee has committed to effecting site-specific administrative controls for COVID–19 PHE fatigue-management for personnel specified in 10 CFR 26.4(a).

The table in this notice provides transparency regarding the number and type of exemptions the NRC has issued. Additionally, the NRC publishes tables of approved regulatory actions related to

the COVID–19 PHE on its public website at *https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html.*

II. Availability of Documents

The table in this notice provides the facility name, docket number, document description, and ADAMS accession number for the exemption issued. Additional details on the exemption issued, including the exemption request submitted by the licensee and the NRC's decision, are provided in the exemption approval listed in the following table. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3 DOCKET NOS. 50–277 AND 50–278

Document description	ADAMS accession No.
Peach Bottom Atomic Power Station, Units 2 and 3—COVID–19 Related Request for Exemption from 10 CFR part 26 Work Hours Requirements, dated September 17, 2021.	ML21260A162
Peach Bottom Atomic Power Station, Units 2 and 3—Exemption from Specific Requirements of 10 CFR part 26 (EPID L–2021–LLE–0041 [COVID–19]), dated October 13, 2021.	ML21265A438

Dated: November 30, 2021.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–26407 Filed 12–3–21; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Special Financial Assistance Information

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of information collection.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, without change, under the Paperwork Reduction Act, of a collection of information contained in PBGC's regulation on special financial assistance. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted by January 5, 2022.

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.

A copy of the request will be posted on PBGC's website at *https://www.pbgc.gov/prac/laws-and-regulation/federal-register-notices-open-for-comment.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street NW, Washington, DC 20005–4026; or, calling 202–229–4040 during normal business hours (TTY users may call the Federal Relay Service toll-free at 800–877–8339 and ask to be connected to 202–229–4040).

FOR FURTHER INFORMATION CONTACT: Melissa Rifkin (*rifkin.melissa@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, D.C., 20005–4026; 202–229–6563. (TTY and TDD users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–229–6563.)

SUPPLEMENTARY INFORMATION: Section 4262 of the Employee Retirement Income Security Act of 1974 (ERISA) requires PBGC to provide special financial assistance (SFA) to certain financially troubled multiemployer plans upon application for assistance. To implement section 4262 of ERISA, PBGC added part 4262 to its regulations, ''Special Financial Assistance by PBGC.'' Part 4262 provides guidance to multiemployer pension plan sponsors on eligibility, determining the amount of SFA, content of an application for SFA, the process of applying, PBGC's review of applications, restrictions and conditions, and reporting and notice requirements.

To apply for SFA, a plan sponsor must file an application with PBGC and include information about the plan, plan documentation, and actuarial information, as specified in §§ 4262.6 through 4262.9. PBGC needs this information to review a plan's eligibility for SFA, priority group status (if applicable), and amount of requested SFA. PBGC estimates that an annual average of 60 plan sponsors will file applications for SFA with an average annual hour burden of 600 hours and an average annual cost burden of $1,800,000.

Under § 4262.16(i), a plan sponsor of a plan that has received SFA must file an Annual Statement of Compliance with the restrictions and conditions under section 4262 of ERISA and part 4262 once every year through 2051. PBGC needs the information in the Annual Statement of Compliance to ensure that a plan is compliant with the imposed restrictions and conditions. PBGC estimates that an annual average of 49 plan sponsors will file Annual Statements of Compliance with an average annual hour burden of 98 hours and an average annual cost burden of $117,600.

Under § 4262.15(c), a plan sponsor of a plan with benefits that were suspended under sections 305(e)(9) or 4245(a) of ERISA must issue notices of reinstatement to participants and beneficiaries whose benefits were suspended and are being reinstated. Participants and beneficiaries need the notice of reinstatement to better understand the calculation and timing of their reinstated benefits and, if applicable, make-up payments. PBGC estimates that an average of 11 plans per year will be required to send notices to participants with suspended benefits. PBGC estimates that these notices will impose an average annual hour burden of 22 hours and average annual cost burden of $22,667.

Finally, under § 4262.16(d), (f), and (h) a plan sponsor must file a request for a determination from PBGC for approval for an exception under certain circumstances for SFA conditions under § 4262.16 relating to reductions in contributions, transfers or mergers, and settlement of withdrawal liability. PBGC needs the information required for a request for determination to determine whether to approve an exception from

the specified condition of receiving SFA. PBGC estimates that beginning in 2023, PBGC will receive an average of 2.2 requests per year for determinations. PBGC estimates an average annual hour burden of 2.53 hours and average annual cost burden of $6,333.

The existing collection of information was approved under OMB control number 1212–0074 (expires January 31, 2022). On September 27, 2021, PBGC published in the **Federal Register** (at 86 FR 53354) a notice informing the public of its intent to request an extension of this collection of information, as modified. No comments were received. PBGC is requesting that OMB extend approval of the collection for 3 years. 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 estimated aggregate average annual hour burden for the information collection in part 4262 is 723 hours for employer and fund office administrative, clerical, and supervisory time. The estimated aggregate average annual cost burden for the information collection request in part 4262 is $1,946,600, for approximately 4,867 contract hours assuming an average hourly rate of $400 for work done by outside actuaries and attorneys. The actual hour burden and cost burden per plan will vary depending on plan size and other factors.

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2021–26349 Filed 12–3–21; 8:45 am]

BILLING CODE 7709–02–P

SCIENCE AND TECHNOLOGY POLICY OFFICE

U.S. Global Change Research Program Prospectus for Its National Global Change Research Plan 2022–2031

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Request for public comment.

SUMMARY: The U.S. Global Change Research Program (USGCRP), in collaboration with the Office of Science and Technology Policy (OSTP), requests comments from the public on the draft prospectus of its upcoming decadal Strategic Plan. The USGCRP is nearing the end of the implementation phase of its current plan, the *National Global Change Research Plan 2012–2021;* the *Global Change Research Act* calls for a 10-year plan with periodic updates. More detail on USGCRP strategic planning processes to date can be found *here.* The prospectus for the 2022–2031 Strategic Plan culminates an 8-month effort to solicit inputs from USGCRP member agencies, interagency working groups, and OSTP, as well as *recommendations* from external organizations such as the National Academies of Sciences, Engineering, and Medicine (NASEM). The prospectus can be accessed for review, and comments may be submitted through the *USGCRP Review and Comment (R&C) System.*

DATES: Interested persons and organizations are invited to submit comments on or before 11:59 p.m. ET on 11 January 2022.

ADDRESSES: Comments should be submitted electronically via the *USGCRP R&C System* by the deadline. Due to time constraints, mailed paper submissions will not be accepted. The review system will be taken off-line at close of the review window, so there will be no means to submit late comments.

Instructions: Response to this notice is voluntary. Responses to this notice may be used by the government for program planning on a non-attribution basis. OSTP therefore requests that no business proprietary information or copyrighted information be submitted in response to this notice. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

FOR FURTHER INFORMATION CONTACT: Direct technical questions to David Dokken (Senior Program Officer) at *ddokken@usgcrp.gov* or 202–419–3473. Process issues or concerns should be addressed to Michael Kuperberg (USGCRP Executive Director) at *mkuperberg@usgcrp.gov.*

SUPPLEMENTARY INFORMATION: The *U.S. Global Change Research Program (USGCRP)* coordinates research across 13 Federal agencies to understand the human-induced and natural processes that influence the total Earth system—the atmosphere, land, water, ecosystems, and people. USGCRP was established by Presidential Initiative in 1989 and mandated by Congress in the *Global Change Research Act (GCRA) of 1990.* It emphasizes research that can be used to answer critical questions about the changing Earth system and how America and the world can respond to those changes. USGCRP builds on a foundation of Federal investments in research and development to ensure that America leads in basic and applied global change research.

The prospectus captures USGCRP's evolving vision and mission and describes priorities and activities that drive near-term activities while providing the flexibility to address longer term challenges. Disciplinary/technological advances, changing societal urgencies, and new challenges require a fresh perspective. Four strategic pillars have been identified and annotated to show alignment with the GCRA. Proposed page allocations and prospective boxes/graphics have been included in an abridged outline, with development milestones (including opportunities for public engagement) rounding out the prospectus.

USGCRP is seeking feedback on the strategic pillars and priorities, as well as themes or topics that should be included in the final Strategic Plan. Respondents should consider ideas on emerging, large-scale scientific questions related to global change and/or response, especially those where interagency collaboration will be critical; specific information on how science is or is not being used to inform societal response to climate change, and why; and knowledge gaps and obstacles to implementing scientific tools or knowledge.

Individuals wishing to participate in the public review of the 2022–2031 Strategic Plan prospectus are encouraged to register via the *USGCRP Review and Comment (R&C) System.* The document and instructions are available through 11 January 2022.

The draft prospectus was prepared and vetted by Federal agency officials comprising the *Subcommittee on Global Change Research (SGCR),* which provides overall direction and executive oversight of the Program. SGCR—whose membership includes representatives of scientific and implementing agencies—is a standing body of the Committee on Environment, a component of the *National Science and Technology Council (NSTC).*

Dated: November 29, 2021.

Stacy Murphy,

Operations Manager.

[FR Doc. 2021–26218 Filed 12–3–21; 8:45 am]

BILLING CODE 3271–F1–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA–57A; File No. S7–14–21]

Privacy Act of 1974; System of Records; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Notice; correction.

SUMMARY: The Securities and Exchange Commission published a document in the **Federal Register** on November 29, 2021, concerning a Privacy Act of 1974; System of Records. The document contained an incorrect comment due date. Comments are due on December 29, 2021.

FOR FURTHER INFORMATION CONTACT: Ronnette McDaniel, Privacy and Information Assurance Branch Chief, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, (202) 551–7200.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of November 29, 2021 in FR Doc. 2021–25871, on page 67755, in the first column, correct the **DATES** section to read:

DATES: The changes will become effective November 29, 2021, to permit public comment on the revised routine uses. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To assure consideration, comments should be received on or before December 29, 2021.

Dated: December 1, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–26366 Filed 12–3–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34429; 812–15263]

Fortune V Separate Account, et al.

November 30, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(b), 18(f)(1) and 18(i) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit a registered open-end investment company that offers variable annuity contracts (''Contracts'') to issue multiple classes of units (''Units'') with varying administrative and/or distribution expenses and other expenses, and to permit an arrangement for financing the distribution of those Contracts.

APPLICANTS: Fortune V Separate Account (''Fortune V'') and Universal Financial Services (''UFS'').

FILING DATES: The application was filed on September 20, 2021 and amended on October 29, 2021, November 12, 2021, and November 30, 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on December 22, 2021, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5, hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: c/o Dodie Kent, by email to *dodiekent@eversheds-sutherland.com.*

FOR FURTHER INFORMATION CONTACT: Harry Eisenstein, Senior Special Counsel, at (202) 551–6764 or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained by searching the Commission's website, at *http://www.sec.gov/search/search.htm,* using the application's file number or the applicant's name, or by calling (202) 551–8090.

Applicants' Representations

1. Fortune V was established under the laws of Puerto Rico in 2007 by Universal Life Insurance Company (''Universal''), a stock life insurance company domiciled in Puerto Rico, and offers Contracts exclusively to residents of Puerto Rico. Until May 24, 2021, Fortune V was exempt from regulation under the Act pursuant to section 6(a)(1) of the Act. That exemption was repealed on May 24, 2018, effective May 24, 2021. On May 24, 2021, Fortune V filed a Notification of Registration under the Act on Form N–8A as an open-end investment company. In addition, with the repeal of Section 6(a)(l) of the Act, the exemption in section 3(a)(11) of the Securities Act of 1933 is no longer applicable to the Contracts.

2. UFS, a subsidiary of Universal, is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940 and as a broker-dealer under the Securities Exchange Act of 1934, and acts as investment adviser and the distributor for Fortune V.

3. Fortune V is comprised of several sub-accounts, each of which has a generally defined investment strategy and invests in a portfolio of separate underlying mutual funds (the ''Sub-Accounts''). Applicants calculate the value of the assets in each Sub-Account as of the close of every business day. Fortune V deducts expenses from the net assets of each Sub-Account each business day for investment management, administrative and distribution services.

4. Fortune V offers different classes of Units [1] in a Sub-Account with different levels of expenses that reflect the different liquidity options and death benefits made available to Contract owners, as described in the application. With the exception of Contracts sold until 2011, all classes incur a base annual account charge of 1.40% and, in addition, may be subject to additional charges based on which liquidity option is selected and whether the optional death benefit is selected (not including the base annual account charge, these additional charges are referred to as ''Covered Expenses'').

5. All expenses incurred by Fortune V are allocated among its various classes of Units based on the respective average daily net assets attributable to each such class, except that the Unit value and expenses of each class will reflect the Covered Expenses attributable to the class. Covered Expenses of Fortune V allocated to a particular class of Units will be borne on a pro rata basis by each Unit of that class.

6. On November 12, 2021, the board of directors of Fortune V (the ''Board''), including a majority of disinterested Board members, adopted a multiple class plan in accordance with Rule 18f–

[1] ''Units'' refers to accumulation units, which are used to calculate the value allocated to each of the Sub-Accounts in the variable account before the annuitization date.

3(d) under the Act. (On November 29, 2021, the Board, including a majority of disinterested Board members, approved clarifying amendments to the plan in accordance with rule 18f–3.) Also on November 12, 2021, the Board, including a majority of disinterested Board members, adopted a plan for the distribution of Units (''Rule 12b–1 Plan). On November 29, 2021, the Board, including a majority of disinterested Board members, approved clarifying amendments to the Rule 12b–1 Plan in accordance with rule 12b–1.

Applicants' Legal Analysis

1. Section 18(f)(1) of the Act provides, in relevant part, that an open-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock.

2. Section 12(b) of the Act makes it unlawful, with certain exceptions, for any registered open-end investment company to act as a distributor of securities, except through an underwriter, in contravention of such rules as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Rule 12b–1 under the Act provides that an open-end investment company that engages in financing any activity that is primarily intended to result in the sale of its shares will be deemed to be acting as a distributor of securities of which it is the issuer, unless it adopts a written plan that meets certain requirements.

3. Applicants state that the issuance and sale of multiple classes of Units of Fortune V may be deemed to be prohibited by section 18(f)(1) of the Act and to violate section 18(i). Applicants also state that the use of Sub-Account assets to finance the distribution of the Contracts may be deemed to violate section 12(b) of the Act.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(f)(1) and 18(i) to the extent that the proposed issuance and sale of multiple classes of Units of Fortune V with varying Covered Expenses may be deemed: (1) To result in the issuance of a ''senior security'' within the meaning of section 18(g) of the Act and thus be prohibited by section 18(f)(1); and (2) to violate the equal voting provisions of section 18(i) of the Act. In addition, Applicants request an exemption under section 6(c) of the Act from section 12(b), to the extent that Fortune V may be deemed to be acting as a distributor of its own securities within the meaning of rule 12b–1 under the Act, solely with respect to the initial shareholder approval requirement in rule 12b–1(b) as it applies to the Rule 12b–1 Plan adopted on November 12, 2021 and amended on November 29, 2021. Applicants state that, for the reasons discussed below, they satisfy the standard for relief under section 6(c) of the Act.

5. Applicants state that the different classes of Units provide the Applicants with the flexibility to offer different liquidity options and death benefits to Contract owners. Further, Applicants assert that being limited to a single liquidity option may adversely affect Fortune V's ability to maintain and attract retirement assets and maintain significant economies of scale.

6. Applicants submit that the proposed allocation of Covered Expenses and voting rights relating to the Covered Expenses applicable to the classes of Units in Fortune V is equitable and will not discriminate against any group of participants. Applicants state that Fortune V will comply with the requirements of rule 18f–3 under the Act. Applicants further state that Fortune V will disclose in its prospectus the fees, charges, estimated expenses and other characteristics of each class of Units offered for sale by the prospectus, as is required for open-end investment companies offering multiple classes under Form N–1A; and Fortune V will disclose expenses borne by Contract owners during the reporting period in annual and semi-annual reports as if it were an open-end investment company registered on Form N–1A.

7. Applicants further state that the Board has adopted the Rule 12b–1 Plan which complies with rule 12b–1 under the Act except for the initial shareholder approval requirement in rule 12b–1(b)(1). Applicants state that, when the Fortune V was established under the laws of Puerto Rico in 2007, it was exempt from the Act pursuant to section 6(a)(1) thereof, and only became subject to section 12(b) on May 24, 2021, long after the Contracts were offered and sold to the Contract owners. Applicants state that the Rule 12b–1 Plan does not change the rights or benefits of Contract owners, but reflects the current terms and provisions of the Contracts. Applicants also note that the Rule 12b–1 Plan was adopted prior to any public offering of shares of Fortune V as a registered investment company.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Fortune V will disclose in its prospectus the estimated expenses and other characteristics of each class of Units offered for sale by the prospectus, as is required for open-end, multiple class funds under Form N–1A. Fortune V will disclose expenses borne by Contract owners during the reporting period in annual and semi-annual reports as if it were an open-end management investment company registered on Form N–1A.

2. Fortune V will comply with rule 18f–3 under the Act.

3. Fortune V will comply with section 12(b) of the Act and rule 12b–1 under the Act (except with respect to the initial shareholder approval requirement in rule 12b–1(b)(1) for the Rule 12b–1 Plan adopted on November 12, 2021 and amended on November 29, 2021).

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–26328 Filed 12–3–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, December 9, 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: December 2, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–26480 Filed 12–2–21; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93678; File No. SR–NSCC–2021–014]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Enhance the Transparency of the Calculation of the Backtesting Charge

November 30, 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 November 23, 2021, National Securities Clearing Corporation (''NSCC'') 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 clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4) thereunder.[4] 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 proposed rule change of NSCC consists of modifications to Procedure XV (Clearing Fund Formula and Other Matters) of the NSCC Rules & Procedures (''Rules'') to provide additional transparency into the calculation of the Backtesting Charge that may be collected by NSCC as part of Members' Required Fund Deposits to the Clearing Fund by clarifying that such calculation does not include amounts already collected from a Member as a Backtesting Charge, as described in greater detail below.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

(a) Purpose

NSCC is proposing amendments to the Rules that would provide additional transparency into the calculation of the Backtesting Charge by clarifying that such calculation does not include amounts already collected from a Member as a Backtesting Charge. NSCC is not proposing to change how it calculates Members' backtesting coverage or any applicable Backtesting Charge and is proposing only to include additional transparency in the Rules in describing those calculations, as described in greater detail below.

Overview of NSCC's Clearing Fund and the Backtesting Charge

As part of its market risk management strategy, NSCC manages its credit exposure to Members by determining the appropriate Required Fund Deposits to the Clearing Fund and monitoring its sufficiency, as provided for in the Rules.[6] The Required Fund Deposit serves as each Member's margin. The objective of a Member's Required Fund Deposit is to mitigate potential losses to NSCC associated with liquidating a Member's portfolio in the event NSCC ceases to act for that Member (hereinafter referred to as a ''default'').[7] The aggregate of all Members' Required Fund Deposits constitutes the Clearing Fund of NSCC. NSCC would access its Clearing Fund should a defaulting Member's own Required Fund Deposit be insufficient to satisfy losses to NSCC caused by the liquidation of that Member's portfolio. Pursuant to the Rules, each Member's Required Fund Deposit consists of a number of applicable components, each of which is calculated to address specific risks faced by NSCC, as identified within Procedure XV of the Rules.[8]

NSCC employs daily backtesting to determine the adequacy of each Member's Required Fund Deposit. NSCC compares the Required Fund Deposit[9] for each Member with the simulated liquidation gains/losses using the actual positions in the Member's portfolio, and the actual historical security returns. NSCC investigates the cause(s) of any backtesting deficiencies. As a part of this investigation, NSCC pays particular attention to Members with backtesting deficiencies that bring the results for that Member below the 99 percent confidence target (*i.e.,* greater than two backtesting deficiency days in a rolling twelve-month period) to determine if there is an identifiable cause of repeat backtesting deficiencies. NSCC also evaluates whether multiple Members may experience backtesting

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] Terms not defined herein are defined in the Rules, *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[6] *See* Rule 4 (Clearing Fund) and Procedure XV (Clearing Fund Formula and Other Matters), *id.* NSCC's market risk management strategy is designed to comply with Rule 17Ad–22(e)(4) under the Act, where these risks are referred to as ''credit risks.'' 17 CFR 240.17Ad–22(e)(4).

[7] The Rules identify when NSCC may cease to act for a Member and the types of actions NSCC may take. For example, NSCC may suspend a firm's membership with NSCC or prohibit or limit a Member's access to NSCC's services in the event that a Member defaults on a financial or other obligation to NSCC. *See* Rule 46 (Restrictions on Access to Services) of the Rules, *supra* note 6.

[8] *Supra* note 6.

[9] For backtesting comparisons, NSCC uses the Required Fund Deposit amount without regard to the actual collateral posted by the Member.

deficiencies for the same underlying reason.

The Backtesting Charge, as described in Section I(B)(3) of Procedure XV, may be an additional component of a Member's Required Fund Deposit that NSCC may assess at either the start of the day (referred to in the Rules as the ''Regular Backtesting Charge'') or on an intraday basis (the ''Intraday Backtesting Charge).[10] More specifically, NSCC may assess a Backtesting Charge against any Member that has a 12-month trailing backtesting coverage below the 99 percent backtesting coverage target. If assessed, a Member's Backtesting Charge is generally equal to the Member's third largest deficiency, when calculating the Regular Backtesting Charge, and fifth largest deficiency, when calculating the Intraday Backtesting Charge, that occurred during the previous 12 months.[11] As described in Procedure XV, NSCC may adjust the Backtesting Charge if it determines that circumstances particular to a Member's settlement activity and/or market price volatility warrant a different approach to determining or applying such charge in a manner consistent with achieving NSCC's backtesting coverage target.[12]

NSCC calculates the Backtesting Charge monthly and, based on those calculations, may either impose a new Backtesting Charge or remove an existing Backtesting Charge, or it may either increase or decrease a Member's existing Backtesting Charge as necessary to maintain its target backtesting coverage. When calculating a Member's backtesting coverage for purposes of the Backtesting Charge and when calculating any applicable Backtesting Charge, NSCC does not include amounts already collected from that Member as a Backtesting Charge. As described above, the objective of the Backtesting Charge is to increase Required Fund Deposits for Members that are likely to experience backtesting deficiencies by an amount sufficient to maintain such Member's backtesting coverage above the 99 percent confidence threshold. By excluding the Backtesting Charge in these calculations, NSCC is able to more accurately evaluate Members' historical backtesting deficiencies and coverage ratios to determine if any adjustment to a Member's Backtesting Charge is appropriate.

Proposed Revisions To Clarify the Calculation of the Backtesting Charge

NSCC is proposing to revise Section I(B)(3) of Procedure XV to provide additional transparency into the calculation of the Backtesting Charge.[13] As described above, Procedure XV states that the Backtesting Charge may apply to Members that have 12-month trailing backtesting coverage below the 99 percent backtesting coverage target and that the Regular Backtesting Charge is calculated as the Member's third largest deficiency that occurred during the previous 12 months, and the Intraday Backtesting Charge is calculated as the Member's fifth largest deficiency in that same time period. Currently, however, Procedure XV does not state that NSCC does not include amounts already collected as a Backtesting Charge from a Member in calculating either that Member's backtesting coverage or calculating any applicable Backtesting Charge.

Therefore, in order to add additional transparency to the Rules regarding the calculation of the Backtesting Charge, NSCC is proposing to amend Section I(B)(3) of Procedure XV to state that, for purposes of calculating a Member's backtesting coverage and any applicable Backtesting Charge, NSCC would not include amounts already collected as a Backtesting Charge from that Member.

2. Statutory Basis

NSCC believes that the proposed changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. In particular, NSCC believes the proposed changes are consistent with Section 17A(b)(3)(F) of the Act,[14] and Rule 17Ad-22(e)(23)(ii) promulgated under the Act, [15] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires that the rules of NSCC be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.[16] NSCC believes the proposed changes are consistent with the requirements of Section 17A(b)(3)(F) of the Act because such changes would clarify and improve the transparency of the Rules regarding the calculation of the Backtesting Charge.

More specifically, the proposed changes would amend Section I(B)(3) of Procedure XV to provide Members with additional information regarding the calculation of the Backtesting Charge by stating that, for purposes of calculating a Member's backtesting coverage and any applicable Backtesting Charge, NSCC would not include amounts already collected as a Backtesting Charge from that Member. By enhancing the clarity and transparency of the Rules, the proposed changes would allow Members to more efficiently and effectively conduct their business in accordance with the Rules, which NSCC believes would promote the prompt and accurate clearance and settlement of securities transactions. As such, NSCC believes that the proposed changes would be consistent with Section 17A(b)(3)(F) of the Act.[17]

Rule 17Ad–22(e)(23)(ii) under the Act requires, in part, that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for sufficient information to enable participants to identify and evaluate the risks, fees, and other material costs they incur by participating in the covered clearing agency.[18] By providing Members with additional information regarding the calculation of the Backtesting Charge and clarifying that it would not include amounts already collected as a Backtesting Charge from that Member in such calculations, the proposed changes improve the transparency of the Rules. By providing Members with additional information that would enable them to evaluate the risks and material costs they incur by participating in NSCC, NSCC believes the proposed changes are consistent with the requirements of Rule 17Ad–22(e)(23)(ii).[19]

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe the proposed rule changes would impact competition. The proposed rule changes would merely enhance the clarity and transparency of the Rules and is not proposing any changes to the calculation of Members' Required Fund Deposits. Therefore, the proposed changes would not affect NSCC's operations or the rights and obligations of membership. As such, NSCC believes the proposed rule changes would not have any impact on competition.

[10] Section I(B)(3) of Procedure XV (Clearing Fund Formula and Other Matters) of the Rules, *supra* note 6. *See also* Release No. 79167 (October 26, 2016), 81 FR 75883 (November 1, 2016) (File Nos. SR–FICC–2016–006; SR–NSCC–2016–004).

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(e)(23)(ii).

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] *Id.*

[18] 17 CFR 240.17Ad–22(e)(23)(ii).

[19] *Id.*

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, available at *https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right not to respond to any comments 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) [20] of the Act and paragraph (f) [21] of Rule 19b–4 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.

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–NSCC–2021–014 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–NSCC–2021–014. 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 NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2021–014 and should be submitted on or before December 27, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Assistant Secretary.

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[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93683; File No. SR–MEMX–2021–15]

Self-Regulatory Organizations; MEMX LLC; Order Granting Accelerated Approval of a Proposed Rule Change To Amend the Corporate Documents of the Exchange's Parent Company

November 30, 2021.

On October 22, 2021, MEMX LLC (''MEMX'' 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 amend and restate the limited liability company agreement of MEMX Holdings LLC (''Holdco''), the parent company of the Exchange. The proposed rule change was published for comment in the **Federal Register** on November 3, 2021.[3] The Commission received no comment letters regarding the proposed rule change. This order approves the proposed rule change on an accelerated basis.

I. Summary of the Proposed Rule Change [4]

The Exchange filed a proposed rule change to reflect certain changes to the Fifth Amended and Restated Limited Liability Company Agreement of Holdco that resulted in the restatement of that agreement as the Sixth Amended and Restated Limited Liability Company Agreement of Holdco (''Sixth Amended Holdco LLC Agreement''). Specifically, the Sixth Amended Holdco LLC Agreement reflects the following substantive amendments: (1) The creation of the Class C Units [5] and the Common Units [6] in connection with the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 93452 (October 28, 2021), 86 FR 60683 (''Notice'').

[4] A full description of the proposed rule change is provided in the Notice.

[5] As proposed, ''Class C Units'' means Class C–1 Units and Class C–2 Units; the term ''Class C–1 Units'' means the Units having the privileges, preference, duties, liabilities, obligations and rights specified with respect to ''Class C–1 Units'' in the Sixth Amended Holdco LLC Agreement; and the term ''Class C–2 Units'' means the Units having the privileges, preference, duties, liabilities, obligations and rights specified with respect to ''Class C–2 Units'' in the Sixth Amended Holdco LLC Agreement.

[6] As proposed, the term ''Common Units'' means the Units having the privileges, preference, duties, liabilities, obligations and rights specified with respect to ''Common Units'' in the Sixth Amended Holdco LLC Agreement. Common Units are divided into the Voting Common Units and the Nonvoting Common Units.

sale by Holdco of Class C Units to certain LLC Members [7] in a capital raise transaction (''Transaction''); (2) provisions that address certain LLC Members' BHCA [8] considerations, particularly in light of recent amendments to BHCA regulations, to facilitate their continued compliance with requirements and restrictions under the BHCA regarding investments in nonbanking companies; [9] and (3) Holdco governance changes in connection with the Transaction.[10] The Exchange expects the Transaction to close shortly after this proposed rule change is approved. The Exchange represents that none of the proposed changes will affect the governance of the Exchange.[11]

Currently there are two classes of Units: [12] Class A Units, which are divided into the Class A–1 Units and the Class A–2 Units; [13] and Class B Units. The Exchange proposes to create two new classes Units: Class C Units and Common Units, each of which is divided into a voting series and a non-voting series. Holdco will sell Class C Units pursuant to the Transaction and will use the proceeds from the sale for general corporate expenses, including support of the operations and regulation of the Exchange. Class C Units are convertible into Common Units,[14] and generally will have the same rights and obligations as Class A Units. While each LLC Member's proportionate ownership of Holdco will change because of the Transaction, no LLC Member will own, directly or indirectly, Units constituting more than 20% of any class of Units or will otherwise exceed any ownership or voting limitation applicable to the LLC Members set forth in the current Holdco LLC Agreement after giving effect to the Transaction.[15]

The Exchange also proposes a number of changes to facilitate certain LLC Members' continued compliance, particularly in light of recent amendments to the BHCA regulations, with requirements and restrictions under the BHCA regarding investments in nonbanking companies. For example, the Exchange proposes to divide the existing series of Class A Units into voting and non-voting series in a manner consistent with the proposed voting structure of the Class C Units and the Common Units and prescribe certain matters on which such series are entitled to vote.[16] The Exchange also proposes to allow LLC Members to specify a maximum voting percentage for Voting Class A and Class C–1 Units.[17]

Additionally, the Exchange proposes a number of Holdco governance changes in connection with the Transaction. For example, the Exchange proposes to amend the definition of Supermajority Board Vote, which currently refers to the affirmative vote of at least 77% of the votes of all Directors then entitled to vote on the matter under consideration and who have not recused themselves, whether or not present at the applicable meeting of the Board,[18] and the current definition also provides that if the affirmative vote threshold results in the necessity of the affirmative vote of all such Directors with respect to such matter, that an affirmative vote of all but one of such Directors shall instead be required.[19] Instead, the Exchange proposes that, if the affirmative vote threshold results in the necessity of the affirmative vote of eight Directors or fewer, an affirmative vote of all but two such Directors shall be required with respect to such matter.[20] The Exchange also proposes to allow a meeting of the LLC Members to be called by the Class C Members holding, in the aggregate, at least 20% of the aggregate then-outstanding Class C Units, and to include a reference to Class C Units in the provision governing quorum for the transaction of business by the LLC Members. Further, the Exchange proposes that the dissolution and winding up of the affairs of Holdco be approved by holders of the various series of Units in addition to the approval of the Holdco Board by Supermajority Board Vote.

II. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[21] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(1) of the Act,[22] which requires that a national securities exchange be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations

[7] A ''LLC Member'' is a person (*i.e.,* an individual or entity) that owns one or more Units and is admitted as a limited liability company member of Holdco.

[8] ''BHCA'' refers to the United States Bank Holding Company Act of 1956, as amended and the rules and regulations thereunder. Certain LLC Members are subject to requirements and restrictions under the BHCA, including recent amendments to BHCA regulations regarding the determination of control over investments in nonbanking companies that became effective on September 30, 2020. *See* Notice, *supra* note 3, 86 FR at 60684.

[9] *See id.*

[10] The Sixth Amended Holdco LLC Agreement also reflects various clarifying, updating, conforming, and other non-substantive amendments. For example, the Exchange proposes to delete provisions and language that are now obsolete due to the passage of time or the occurrence of certain events.

[11] *See id.* at 60684. Under the current Holdco LLC Agreement, LLC Members do not have any voting or management rights, except in certain very limited circumstances; the authority to manage and control the business and affairs of Holdco is vested in the Holdco Board. In connection with the Transaction, three LLC Members that do not currently have the right to nominate a director (''Director'') to the Holdco Board—Citicorp North America, Inc., UBS Americas Inc., and Wells Fargo Central Pacific Holdings, Inc.—will receive the right to nominate a Director, thereby increasing the size of the Holdco Board from 11 to 14 Directors.

[12] A ''Unit'' is a unit representing a fractional part of the membership interests of the members of Holdco.

[13] The Exchange proposes to re-characterize Class A–1 Units and Class A–2 Units as separate ''series'' rather than ''classes'' of Units. The Exchange represents that the Holdco Board asserts that this is appropriate because such Units have identical privileges, preference, duties, liabilities, obligations, and rights under the Sixth Amended Holdco LLC Agreement, and the only difference between such Units is the original purchase price paid by the applicable LLC Members. *See id.* at 60683, n.10.

[14] Common Units will be issuable only in connection with an investment in Holdco or upon optional or mandatory conversion of Class C Units. No Common Units will be sold in connection with the Transaction, and none are currently issued and outstanding. In the event of a conversion to Common Units, Class C–1 Units will be converted into Voting Common Units, and Class C–2 Units will be converted into Nonvoting Common Units. The Exchange states that this conversion structure is designed to keep the same voting construct in place with respect to the Common Units that are issued upon the conversion of any Class C Units in a manner consistent with BHCA considerations. *See id.,* 86 FR at 60685.

[15] *See* Section 3.5 of the Sixth Amended Holdco LLC Agreement. *See also* Notice, *supra* note 3, 86 FR at 60684.

[16] The Exchange states that the sole purpose of these changes is to facilitate certain LLC Members' continued compliance with requirements and restrictions under the BHCA regarding investments in nonbanking companies. *See* Notice, *supra* note 3, 86 FR at 60684.

[17] The Exchange represents that the proposed amendments to the current Holdco LLC Agreement are simply an expansion of existing provisions allowing LLC Members to specify a maximum voting percentage and are designed to facilitate certain LLC Members' compliance with the BHCA. *See id.* at 60692.

[18] This aspect of the definition is not changing.

[19] MEMX states that this provision is intended to cover situations where a large number of Directors are recused from voting on a matter or the size of the Board is such that a Board vote would require unanimity and instead allows a matter to be approved so long as all but one Director is in favor of a particular voting matter. *See id.* at 60690.

[20] According to the Exchange, the proposed change will ensure that a more consistent voting structure is maintained even if several Directors are recused from voting on a particular matter. *See id.*

[21] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 15 U.S.C. 78f(b)(1).

thereunder, and the rules of the exchange.

The Commission believes that the proposed updates and clarifying changes reflected in the Sixth Amended Holdco LLC Agreement will not materially alter Holdco's governance with respect to the Exchange or adversely impact governance of the Exchange itself[23] and will continue to enable the Exchange to be organized to have the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange.

In particular, the Sixth Amended Holdco LLC Agreement does not amend Section 3.5 (Limitations on Ownership), which imposes an ownership limit of ''twenty percent (20%) of any class of Units'' and a voting limit of ''twenty percent (20%) of the voting power of the then issued and outstanding Units.''[24] Though Holdco will have two new classes of shares and some LLC Members will make additional investments as part of the Transaction, the 20% ownership limit will apply to those new series, and the 20% voting limit will continue to apply to all issued and outstanding Units collectively. These limitations are designed to address the conflicts of interests that might result from a broker-dealer member of a national securities exchange owning interests in an entity that controls that exchange.[25] The Commission believes that these requirements are designed to minimize the potential that a person or entity can improperly interfere with or restrict the ability of the Exchange to effectively carry out its regulatory oversight responsibilities under the Act. In addition, other provisions that recognize the unique and important regulatory nature of MEMX as a national securities exchange and self-regulatory organization under the Act similarly will not be substantively altered by the proposed amendments, including but not limited to Sections 15.12 (Submission to Jurisdiction), 15.9 (Amendments), 12.2 (Inspection Rights; Books and Records), and 8.18 (Governance of Company Subsidiaries; Certain Agreements Related to the Exchange Board). Rather, the proposed amendments accommodate the Transaction, facilitate LLC Members' continued compliance with requirements and restrictions under the BHCA regarding investments in nonbanking companies (*i.e.,* Holdco), and make non-substantive changes that do not alter the important protections that Holdco has adopted to protect MEMX's regulatory independence and ability to operate in a manner consistent with the Act as a registered a national securities exchange.

III. Accelerated Approval of the Proposed Rule Change

The Commission finds good cause to approve the proposed rule change prior to the thirtieth day after the date of publication of notice in the **Federal Register**.[26] The Exchange states that approval of the proposed rule change on an accelerated basis will facilitate certain LLC Members' continued compliance with requirements and restrictions under the BHCA regarding investments in nonbanking companies. As discussed above, because the proposed changes do not impact Holdco's ownership of the Exchange, alter LLC Members' ownership and voting limits, or otherwise alter any existing provision that would adversely impact the Exchange, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[27] to approve the proposed rule change on an accelerated basis.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[28] that the proposed rule change (SR–MEMX–2021–15), be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–26337 Filed 12–3–21; 8:45 am]

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[23] The protections against any particular Holdco shareholder exerting undue influence over the affairs of Holdco—and indirectly the affairs of the Exchange—remain in place. *See supra* note 15 and accompanying text. *See also* note 11 and accompanying text.

[24] Section 3.5(a)(ii) provides that ''[n]o Exchange Member, either alone or together with its Related Persons, may own, directly or indirectly, of record or beneficially, Units constituting more than twenty percent (20%) of any class of Units'' and Section 2.5(a)(iii) provides that ''[n]o Person, either alone or together with its Related Persons, at any time may, directly, indirectly or pursuant to any voting trust, agreement, plan or other arrangement, vote or cause the voting of Units or give any consent or proxy with respect to Units representing more than twenty percent (20%) of the voting power of the then issued and outstanding Units. . . .''

[25] As the Commission has previously explained, an exchange member's ownership interest in an entity that controls an exchange could become so large as to cast doubt on whether the exchange may fairly and objectively exercise its self-regulatory responsibilities with respect to such member. An exchange member that is a controlling shareholder of an exchange could seek to exercise that controlling influence by directing the exchange to refrain from, or the exchange may hesitate to, diligently monitor and conduct surveillance of the member's conduct or diligently enforce the exchange's rules and the federal securities laws with respect to conduct by the member that violates such provisions. *See, e.g.,* Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (In the Matter of the Application of MEMX LLC for Registration as a National Securities Exchange).

[26] The 21-day comment period for this proposed rule change expired on November 24, 2021 (*see* Notice, *supra* note 3, 86 FR at 60693) and no comments were received.

[27] 15 U.S.C. 78s(b)(2).

[28] *Id.*

[29] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Docket No. SBA–2021–0012]

Class Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of change to the Nonmanufacturer Rule.

SUMMARY: In the interest of efficiency and transparency the U.S. Small Business Administration intends to eliminate the use of Product Service Codes (PSC) to determine whether an item falls within a class waiver.

DATES: This action is effective January 5, 2022.

FOR FURTHER INFORMATION CONTACT: Carol J. Hulme, Attorney Advisor, by telephone at (202) 205–6347 or by email at *carol-ann.hulme@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) and 46 of the Small Business Act (Act), 15 U.S.C. 637(a)(17) and 657s, and SBA's implementing regulations require that recipients of Federal supply contracts issued as a small business set-aside (except as stated below), service-disabled veteran-owned small business (SDVO SB) set-aside or sole source contract, Historically Underutilized Business Zone (HUBZone) set-aside or sole source contract, WOSB (women-owned small business) or economically disadvantaged women-owned small business (EDWOSB) set-aside or sole source contract, 8(a) set-aside or sole source contract, partial set-aside, or set aside of an order against a multiple award contract provide the product of a small business manufacturer or processor if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the

Nonmanufacturer Rule (NMR). 13 CFR 121.406(b). Note that the NMR does not apply to small business set-aside acquisitions with an estimated value between the micro-purchase threshold and the simplified acquisition threshold but continues to apply to socioeconomic categories above the micropurchase threshold.

Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorizes SBA to waive the NMR for a class of products for which there are no small business manufacturers or processors available to participate in the Federal market. As defined in 13 CFR 121.1202(d), a ''class of products'' is an individual subdivision within a North American Industry Classification System (NAICS) Industry Number as established by the Office of Management and Budget in the NAICS Manual. SBA has previously identified class waivers using a combination of (1) the six-digit NAICS code, (2) the four-digit PSC, and (3) a description of the class of products.

To improve consistency in the application of class waivers SBA will no longer use PSCs to classify products covered by class waivers. Instead, as provided in its regulations, SBA will use the NAICS as its classification system to identify products covered by class waivers.

More information on the NMR and Class Waivers can be found at *https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers.*

David Wm. Loines,

Director, Office of Government Contracting.

[FR Doc. 2021–26371 Filed 12–3–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Docket No.: SBA–2021–0012]

Small Business Size Standards: Termination of Nonmanufacturer Rule Class Waiver

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to terminate the class waiver to the Nonmanufacturer Rule.

SUMMARY: The U.S. Small Business Administration (SBA) is considering terminating a class waiver of the Nonmanufacturer Rule (NMR) for Furniture Frames and Parts, Metal, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Frames, Wood, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Parts, Finished Plastics, Manufacturing under NAICS code 33725 and PSC 7195; Furniture, Factory-type (*e.g.,* cabinets, stools, tool stands, work benches), Manufacturing under NAICS code 337127 and PSC 7110; Furniture, Hospital (*e.g.,* hospital beds, operating room furniture) Manufacturing under NAICS code 339113 and PSC 7195; and Furniture, Laboratory-type (*e.g.,* benches, cabinets, stools, tables) Manufacturing under NAICS code 339113 and PSC 7195.

DATES: Comments and source information must be submitted on or before January 14, 2022.

ADDRESSES: You may submit comments and source information via the Federal Rulemaking Portal at *https://www.regulations.gov* under Docket ID SBA–2021–0012. If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the information to Carol Hulme, Attorney Advisor, Office of Government Contracting, U.S. Small Business Administration, 409 Third Street SW, 8th Floor, Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make a final determination as to whether the information will be published.

FOR FURTHER INFORMATION CONTACT: Carol Hulme, Program Analyst, by telephone at 202–205–6347; or by email at *Carol-Ann.Hulme@sba.gov.*

SUPPLEMENTARY INFORMATION: On October 6, 2019, SBA received a request to terminate the current class waiver of the NMR for the products identified above. According to the request, there are small business manufacturers available to participate in the Federal marketplace for these products. According to the information the requester provided to the SBA, several small manufacturers have provided these products to the Federal agencies within the past 24 months.

Based on this information, the SBA is seeking comment on the termination of the class waiver for Furniture Frames and Parts, Metal, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Frames, Wood, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Parts, Finished Plastics, Manufacturing under NAICS code 33725 and PSC 7195; Furniture, Factory-type (*e.g.,* cabinets, stools, tool stands, work benches), Manufacturing under NAICS code 337127 and PSC 7110; Furniture, Hospital (*e.g.,* hospital beds, operating room furniture) Manufacturing under NAICS code 339113 and PSC 7195; and Furniture, Laboratory-type (*e.g.,* benches, cabinets, stools, tables) Manufacturing under NAICS code 339113 and PSC 7195. An awardee of a Federal small business set-aside contract valued over $250,000.00, service-disabled veteran-owned small business contract, HUBZone contract, women-owned small business contract, or 8(a) contract must provide its own product or that of a small business manufacturer unless a waiver is in place. If the above-identified class waiver is terminated, small businesses will no longer be authorized to provide the product of any manufacturer regardless of size on the identified items, unless a Federal Contracting Officer obtains an individual waiver to the NMR.

Sections 8(a)(17) and 46 of the Small Business Act (Act), 15 U.S.C. 637(a)(17) and 657, and SBA's implementing regulations require that recipients of Federal supply contracts (except those valued between $3,500 and $250,000) set aside for small business, service-disabled veteran-owned small business (SDVOSB), women-owned small business (WOSB), economically disadvantaged women-owned small business (EDWOSB), or participants in the SBA's 8(a) Business Development (BD) program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule (NMR). 13 CFR 121.406(b). Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorize SBA to waive the NMR for a ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or been awarded a contract to supply the class of products within the last 24 months.

In accordance with the SBA's regulations at 13 CFR 121.1204(a)(7), SBA will periodically review existing class waivers to the NMR to determine whether small business manufacturers or processors have become available to participate in the Federal market. Upon receipt of information that such a small business manufacturer or processor exists, the SBA will announce its intent to terminate the NMR waiver for a class of products. 13 CFR 121.1204(a)(7)(ii). Unless public comment reveals no small

business exists for the class of products in question, SBA will publish a Final Notice of Termination in the **Federal Register**.

On June 27, 2006, SBA issued a Notice of Intent to waive the NMR for Furniture Frames and Parts, Metal, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Frames, Wood, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Parts, Finished Plastics, Manufacturing under NAICS code 33725 and PSC 7195; Furniture, Factory-type (*e.g.,* cabinets, stools, tool stands, work benches), Manufacturing under NAICS code 337127 and PSC 7110; Furniture, Hospital (*e.g.,* hospital beds, operating room furniture) Manufacturing under NAICS code 339113 and PSC 7195; and Furniture, Laboratory-type (*e.g.,* benches, cabinets, stools, tables) Manufacturing under NAICS code 339113 and PSC 7195. After the comment and notice period passed, SBA issued a class waiver for those products.

On October 6, 2019, SBA received a request to terminate the previously issued waiver. The requester provided information that established the existence of small business manufacturers of the identified products. These small businesses have submitted bids on Federal solicitations within the past 24 months. Thus SBA is proposing to terminate the class waiver for Furniture Frames and Parts, Metal, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Frames, Wood, Manufacturing under NAICS code 337215 and PSC 7195; Furniture Parts, Finished Plastics, Manufacturing under NAICS code 33725 and PSC 7195; Furniture, Factory-type (*e.g.,* cabinets, stools, tool stands, work benches), Manufacturing under NAICS code 337127 and PSC 7110; Furniture, Hospital (*e.g.,* hospital beds, operating room furniture) Manufacturing under NAICS code 339113 and PSC 7195; and Furniture, Laboratory-type (*e.g.,* benches, cabinets, stools, tables) Manufacturing under NAICS code 339113 and PSC 7195.

The public is invited to comment or provide source information on the proposed termination of the NMR waiver for these products.

More information on the NMR and class waivers can be found at *https://www.sba.gov/contracting/contracting-officials/non-manufacturer-rule/non-manufacturer-waivers.*

David Wm. Loines,

Director, Office of Government Contracting.

[FR Doc. 2021–26368 Filed 12–3–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11600]

60-Day Notice of Proposed Information Collection: Electronic Diversity Visa Entry Form

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 February 4, 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 *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2021–0035'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov.*
- *Phone:* 202–485–7586.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence. As well as current contact information to allow us to respond.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Electronic Diversity Visa Entry Form.
- *OMB Control Number:* 1405–0153.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO.
- *Form Number:* DS–5501.
- *Respondents:* Diversity Visa Entrants.
- *Estimated Number of Respondents:* 14,589,023.
- *Estimated Number of Responses:* 14,589,023.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 7,294,511.5 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

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 Department of State utilizes the Electronic Diversity Visa (''EDV'') Entry Form to elicit information necessary to establish the eligibility of the applicant for the diversity immigrant visa program. The two primary requirements of the program are: (1) The applicant is a native of a low admission country and (2) has at least a high education or its equivalent, or has two years of experience in a job that requires two years of training or experience. Individuals complete the electronic entry forms and then applications are randomly selected for further participation in the program. The Department of State's regulations pertaining to diversity immigrant visas are published in 22 CFR 42.33.

Methodology

The EDV Entry Form is available online at *https://dvprogram.state.gov* and can only be submitted electronically during the annual registration period.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2021–26327 Filed 12–3–21; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0081]

Agency Information Collection Activities; Approval of an Information Collection Request: Commercial Driver Licensing and Test Standards

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. The FMCSA requests approval to revise and renew an ICR titled, ''Commercial Driver Licensing and Test Standards,'' due to an increase in the number of commercial driver's license records. This ICR is needed to ensure that drivers, motor carriers and the States are complying with notification and recordkeeping requirements for information related to testing, licensing, violations, convictions, and disqualifications and that the information is accurate, complete, transmitted, and recorded within certain time periods as required by the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), as amended.

DATES: Comments on this notice must be received on or before January 5, 2022.

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 information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Isabella Marra, Transportation Specialist, Office of Safety Programs, Commercial Driver's License Division (MC–ESL), DOT, FMCSA, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; 202–366–9579; *isabella.marra@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Commercial Driver Licensing and Test Standards.

OMB Control Number: 2126–0011.

Type of Request: Revision of the currently approved information collection.

Respondents: Drivers with a commercial learner's permit (CLP) or commercial driver's license (CDL) and State driver licensing agencies.

Estimated Number of Respondents: 7,696,360 driver respondents and 22,886 State respondents.

Estimated Time per Response: Varies, ranges from 5 seconds to 40 hours.

Expiration Date: December 31, 2021.

Frequency of Response: Varies.

Estimated Total Annual Burden: 2,700,901 hours, which is the total of four tasks for CDL drivers (2,062,676 hours), added to a total of eight tasks for State driver licensing agency CDL activities (638,225 hours).

Information collection tasks and associated burden hours are as follows:

IC–1.1 Driver Notification of Convictions/Disqualifications to Employer: 503,771 hours.

IC–1.2 Driver Providing Previous Employment History to New Employer: 316,742 hours.

IC–1.3 Driver Completion of the CDL Application Form: 43,527 hours.

IC–1.4 Driver Completion of Knowledge and Skills Tests: 1,198,636 hours.

IC–2.1 State Recording of Medical Examiner's Certificate Information: 90,202 hours.

IC–2.2 State Recording of the Self Certification of Commercial Motor Vehicle (CMV) Operation: 2,987 hours.

IC–2.3 State Verification of Medical Certification Status: 5,330 hours.

IC–2.4 Annual State Certification of Compliance: 1,632 hours.

IC–2.5 State Preparing for and Participating in Annual Program Review: 10,200 hours.

IC–2.6 CDLIS/PDPS/State Recordkeeping: 289,254 hours.

IC–2.7 Knowledge and Skills Test Recordkeeping: 49,721 hours.

IC–2.8 Knowledge and Skills Test Examiner Certification: 188,899 hours.

Background: The licensed drivers in the United States deserve reasonable assurances that their fellow motorists are properly qualified to drive the vehicles they operate. Before the Commercial Motor Vehicle Safety Act of 1986 (CMVSA or the Act) (Pub. L. 99–570, Title XII, 100 Stat. 3207–170, codified at 49 U.S.C. chapter 313) was signed by the President on October 27, 1986, 18 States and the District of Columbia authorized any person licensed to drive an automobile to also legally drive a large truck or bus. No special training or special license was required to drive these vehicles, even though it was widely recognized that operation of certain types of vehicles called for special skills, knowledge, and training. Even in the 32 States that had a classified driver licensing system in place, only 12 of these States required an applicant to take a skills test in a representative vehicle. Equally serious was the problem of drivers possessing multiple driver licenses. By spreading their convictions among several States, commercial motor vehicle (CMV) drivers could avoid punishment for their infringements and stay behind the wheel.

The CMVSA addressed these problems by requiring the Federal government to act and place minimum standards on all jurisdictions, including the District of Columbia. Section 12002 of the Act made it illegal for a CMV operator to have more than one driver's license. Section 12003 required the CMV driver conducting operations in commerce to notify both the designated State of licensure official and the driver's employer of any convictions of State or local laws relating to traffic control (except parking tickets). This section also required the promulgation of regulations to ensure each person who applies for employment as a CMV operator to notify prospective employers of all previous employment as a CMV operator for at least the previous 10 years. In section 12005 of the Act, the Secretary of Transportation (Secretary) is required to develop minimum Federal standards for testing and licensing of operators of CMVs. Section 12007 of the Act also directed the Secretary, in cooperation with the States, to develop a clearinghouse to aid the States in implementing the one driver, one license, and one driving record requirement. This clearinghouse is known as the Commercial Driver's License Information System (CDLIS). The CMVSA further required each person who has their CDL suspended, revoked or canceled by a State, or who is disqualified from operating a CMV for any period, to notify his or her employer of such actions. Drivers of CMVs must notify their employers within 1 business day of being notified of the license suspension, revocation, and cancellation, or of the lost right to operate or disqualification. These requirements are reflected in 49 CFR part 383, titled ''Commercial Driver's License Standards; Requirements and Penalties.'' Specifically, section 383.21 prohibits a person from having more than one license; section 383.31 requires notification of convictions for driver violations; section 383.33 requires notification of driver's license suspensions; section 383.35 requires notification of previous employment; and section 383.37 outlines employer responsibilities. Section 383.111

requires the passing of a knowledge test by the driver and section 383.113 requires the passing of a skills test by the driver. Section 383.115 contains the requirement for the double/triple trailer endorsement; section 383.117 contains the requirement for the passenger endorsement; section 383.119 contains the requirement for the tank vehicle endorsement; and section 383.121 contains the requirement for the hazardous materials endorsement. The 10-year employment history information supplied by the CDL holder to the employer upon application for employment (49 CFR 383.35) is used to assist the employer in meeting his/her responsibilities to ensure that the applicant does not have a history of high safety risk behavior. State officials use the information collected on the license application form (49 CFR 383.71), the medical certificate information that is posted to the driving record, and the conviction and disqualification data posted to the driving record (49 CFR 383.73) to prevent unqualified and/or disqualified CDL holders from operating CMVs on the nation's highways. State officials are required to adopt and administer an FMCSA approved program for testing and ensuring the fitness of persons to operate CMVs (49 CFR 384.201). State officials are also required to administer knowledge and skills tests to CDL driver applicants (49 CFR 384.202). The driver applicant is required to correctly answer at least 80 percent of the questions on each knowledge test to achieve a passing score on that test. To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all the skills listed in the regulations. During State CDL program reviews, FMCSA officials review this information to ensure that the provisions of the regulations are being carried out. Without the aforementioned requirements, there would be no uniform control over driver licensing practices to prevent unqualified and/or disqualified drivers from being issued a CDL and to prevent unsafe drivers from spreading their convictions among several licenses in several States and remaining behind the wheel of a CMV. Failure to collect this information would render the regulations unenforceable.

The 60-day **Federal Register** notice (86 FR 49595) was published on September 3, 2021 and announced FMCSA's intent to submit the Commercial Driver Licensing and Test Standards clearance process to OMB for approval and requested comments from the public for 60 days. The FMCSA received one comment recommending FMCSA: (1) Add a minimum number of behind-the-wheel training hours to the entry level driver training regulations, (2) implement the Moving Ahead for Progress in the 21st Century (Pub. L. 112–141, MAP–21) mandate for a written proficiency exam for new motor carriers, and (3) include additional data collection elements based on those additions. The comment was filed jointly by the Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (PATT), and their volunteers. This comment proposes changes to regulatory requirements, and not to the revision of the collection of information.

FMCSA contacted the commenters and notified them that their request is denied for two reasons. First, FMCSA noted that it will not be adding a minimum number of behind-the-wheel training hours to the entry level driver training regulations because there is no evidence that a certain amount of behind-the-wheel training has an impact on the safety performance of new drivers. FMCSA explained this in the Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators (81 FR 88732) **Federal Register** notice. Second, the MAP–21 mandate referenced does not pertain to CDLs and is not applicable to this information collection request.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator Office of Research and Registration.

[FR Doc. 2021–26410 Filed 12–3–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning TD 9467—Measurement of Assets and Liabilities for Pension Funding Purposes, Pension Funding Stabilization under the Highway and Transportation Funding Act of 2014 (HAFTA), Notice 2020–61—Special Rules for Single-Employer Defined Benefit Pension Plans under the Cares Act, Notice 2020–60—Election of Alternative Minimum Funding Standards for Community Newspaper Plans Benefit Pension Plans under the Cares Act, and Notice 2021–48, Guidance on Single-Employer Defined Benefit Pension Plan Funding Changes under the American Rescue Plan Act of 2021.

DATES: Written comments should be received on or before February 4, 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 this regulation/notices should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Measurement of Assets and Liabilities for Pension Funding Purposes.

OMB Number: 1545–2095.

Regulation Project Number: TD 9467.

Abstract: In order to implement the statutory provisions under sections 430 and 436, this final regulation contains collections of information in §§ 1.430(f)–1(f), 1.430(h)(2)–1(e), 1.436–1(f), and 1.436–1(h). The information required under § 1.430(f)–1(f) is required in order for plan sponsors to make elections regarding a plan's credit balances upon occasion. The information under § 1.430(g)–1(d)(3) is required in order for a plan sponsor to include as a plan asset a contribution made to avoid a restriction under section 436. The information required under § 1.430(h)(2)–1(e) is required in order for a plan sponsor to make an election to use an alternative interest

rate for purposes of determining a plan's funding obligations under § 1.430(h)(2)–1. The information required under §§ 1.436–1(f) and 1.436–1(h) is required in order for a qualified defined benefit plan's enrolled actuary to provide a timely certification of the plan's adjusted funding target attainment percentage (AFTAP) for each plan year to avoid certain benefit restrictions.

The Highway and Transportation Funding Act of 2014 (HATFA), Public Law 113–159, was enacted on August 8, 2014, and was effective retroactively for single employer defined benefit pension plans, optional for plan years beginning in 2013 and mandatory for plan years beginning in 2014.

Section 3608(b) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116–136 provides that for purposes of applying § 436 of the Code (and § 206(g) of ERISA), a sponsor of a single-employer defined benefit pension plan may elect to treat the plan's adjusted funding target attainment percentage (AFTAP) for the last plan year ending before January 1, 2020, as the AFTAP for plan years that include calendar year 2020. Notice 2020–61, in part, provides guidance on the rules relating to this election.

Section 115(a) of the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act), Division O of the Further Consolidated Appropriations Act, 2020, Public Law 116–94, added new § 430(m) to the Code to permit the plan sponsor of a community newspaper plan under which no participant has had an increase in accrued benefit after December 31, 2017 to elect to have alternative minimum funding standards apply to the plan in lieu of the minimum funding requirements that would otherwise apply under § 430. Pursuant to § 430(m)(2), any election under § 430(m) will be made at such time and in such manner as prescribed by the Secretary, and once an election is made with respect to a plan year, it will apply to all subsequent plan years unless revoked with the consent of the Secretary. Notice 2020–60 provides guidance regarding this election.

Notice 2021–48 provides guidance on the changes to the funding rules for single-employer defined benefit pension plans under § 430 of the Code that were made by §§ 9705 and 9706 of the (the ARP), Public Law 117–2. The ARP added § 430(c)(8), respect to plan years beginning after December 31, 2021 (or, at the election of the plan sponsor, plan years beginning after December 31, 2018, December 31, 2019, or December 31, 2020), the shortfall amortization bases for all plan years preceding the first plan year to which this provision applies (and all shortfall amortization installments determined with respect to those bases) are reduced to zero, and shortfall amortization installments for all new shortfall amortization bases are calculated to amortize each shortfall amortization base over 15 plan years.

In addition, § 9706 of the ARP provides changes to the applicable minimum and maximum percentages for the 24-month average segment rates set forth in the table in § 430(h)(2)(C)(iv)(II) of the Code, effective with respect to plan years beginning after December 31, 2019. However, § 9706(c)(2) provides that a plan sponsor may elect not to have the amendments made by § 9706 apply to any plan year beginning before January 1, 2022, either (as specified in the election) for all purposes or solely for purposes of determining the AFTAP for the plan year. This notice provides guidance regarding the elections under § 430(c)(8) of the Code and § 9706(c)(2) of the ARP.

Current Actions: Notice 2021–48 will allow sponsors of single-employer defined benefit pensions access to plan funding relief granted by §§ 9705 and 9706 of the American Rescue Plan (ARP) in response to the financial difficulties suffered by plan sponsors during the COVID–19 pandemic.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions and Federal, state, local or tribal governments.

TD 9467

Estimated Number of Respondents: 80,000.
Estimated Time per Respondent: 1.5 hrs.
Estimated Total Annual Burden Hours: 120,000.

Notice: 2020–60

Estimated Number of Respondents: 1,000.
Estimated Time per Respondent: 1 hr.
Estimated Total Annual Burden Hours: 1,000.

Notice 2020–61

Estimated Number of Respondents: 20.
Estimated Time per Respondent: 4 hr.
Estimated Total Annual Burden Hours: 80.

Notice 2021–48

Estimated Number of Responses: 160,000.
Estimated Time per Respondent: 25 hr.
Estimated Total Annual Burden Hours: 40,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 1, 2021.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2021–26411 Filed 12–3–21; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 86 Monday,

No. 231 December 6, 2021

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 112

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 112

[Docket No. FDA–2021–N–0471]

RIN 0910–AI49

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is proposing to amend the agricultural water provisions of the produce safety regulation that covered farms have found complex and challenging to implement. This proposal would replace the microbial criteria and testing requirements for pre-harvest agricultural water for covered produce (other than sprouts) with provisions for systems-based agricultural water assessments that are designed to be more feasible to implement across the wide variety of agricultural water systems, uses, and practices, while also being adaptable to future advancements in agricultural water quality science and achieving improved public health protections. Additionally, we are proposing to require expedited mitigation for hazards related to certain activities associated with adjacent and nearby lands, in light of findings from several recent produce outbreak investigations. These proposed revisions to the produce safety regulation, if finalized, would more comprehensively address a known route of microbial contamination that can lead to preventable foodborne illness that is a significant public health problem.

DATES: Submit either electronic or written comments on the proposed rule by April 5, 2022. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by April 5, 2022 (see the ''Paperwork Reduction Act of 1995'' section of this document).

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 April 5, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time on April 5, 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–0471 for ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water.'' 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 Dockets Management Staff between 9 a.m. and 4 p.m. Eastern Time, 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.

Submit comments on information collection issues under the Paperwork Reduction Act of 1995 to the Office of Management and Budget (OMB) at *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The title of this proposed collection is ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water.''

FOR FURTHER INFORMATION CONTACT:

Regarding the proposed rule: Samir Assar, Director, Division of Produce Safety, Office of Food Safety, Center for Food Safety and Applied Nutrition (HFS–317) 5001 Campus Dr., College Park, MD 20740, 240–402–1636, email: *samir.assar@hhs.fda.gov.*

Regarding the information collection: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

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I. Executive Summary

A. Purpose and Coverage of the Proposed Rule

FDA is proposing to amend the ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' rule (80 FR 74354, November 27, 2015) (2015 produce safety final rule), which implemented section 105 of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) and established science-based minimum standards for the safe production and harvesting of fruits and vegetables for human consumption (codified at part 112 (21 CFR part 112)). This proposed rule would revise certain provisions in the produce safety regulation applicable to agricultural water for produce subject to the requirements of part 112 (covered produce) other than sprouts, using a direct application method during growing activities (commonly referred to as ''pre-harvest agricultural water'').[1] The proposed revisions are intended to address stakeholder concerns about complexity and practical implementation challenges (described more fully in section III.C.) by replacing certain pre-harvest agricultural water testing requirements with provisions for comprehensive pre-harvest agricultural water assessments that would help farms identify potential sources of contamination and effectively manage their water. The proposed agricultural water assessments would offer flexibility for farms subject to the requirements of 21 CFR part 112 (covered farms) to evaluate a broad range of factors that impact pre-harvest agricultural water quality, using a systems-based approach that would be feasible to implement across the wide variety of agricultural water systems, practices, and uses and would be adaptable to future advancements in agricultural water quality science. The proposed expedited mitigation requirements are designed to help address recent outbreak investigation findings relating to the impacts of certain adjacent and nearby land uses on pre-harvest agricultural water for (covered produce) other than sprouts.

In light of the identified implementation challenges with the current pre-harvest agricultural water testing requirements, the proposed rule, if finalized, would enhance public health protections by setting forth procedures for comprehensive pre-harvest agricultural water assessments and mitigation measures that minimize the risk of serious adverse health consequences or death, including those reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into or onto produce, and to provide reasonable assurances that produce is not adulterated on account of those hazards.

B. Summary of Major Provisions of the Proposed Rule

FDA is proposing to amend the produce safety regulation by revising certain provisions relating to pre-harvest agricultural water for covered produce other than sprouts, while retaining the existing standards applicable to agricultural water for sprouts and for harvest and post-harvest activities conducted by covered farms.

For pre-harvest agricultural water for non-sprout covered produce, we are proposing to:

- Replace the microbial quality criteria and testing requirements §§ 112.44(b) and 112.46(b) with new provisions for conducting pre-harvest agricultural water assessments (proposed § 112.43) for hazard identification purposes (including consideration of agricultural water sources, distribution systems, and practices, as well as adjacent and nearby land uses, and other relevant factors), and using the results of the assessments in risk management decision making;
- Include a testing option for certain covered farms that elect to test their pre-harvest agricultural water for generic *Escherichia coli* (*E. coli*) (or other appropriate indicator organism, index organism, or analyte) to help inform their agricultural water assessments;
- Add new options for mitigation measures in § 112.45(b), providing covered farms additional flexibility in responding to findings from their pre-harvest agricultural water assessments;
- Expedite implementation of mitigation measures under § 112.45(b) for known or reasonably foreseeable hazards related to certain adjacent and nearby land uses;
- Require management review under § 112.161 of pre-harvest agricultural water assessments; and
- Add new definitions of ''agricultural water assessment'' and ''agricultural water system'' to § 112.3 (subpart A) and make conforming changes in § 112.12 (subpart B), § 112.151 (subpart N), and § 112.161 (subpart O).

We solicit comments on these proposed amendments, which are described more fully in section VI.C. through H. We are proposing additional amendments, such as adding examples and reorganizing some provisions, which are described in section VI.I.

C. Legal Authority

FDA is proposing to amend certain requirements in the produce safety

[1] The produce safety regulation refers to pre-harvest agricultural water used during sprout production as ''sprout irrigation water.''

regulation relating to pre-harvest agricultural water for covered produce, other than sprouts, while retaining the existing standards applicable to agricultural water for sprouts and for harvest and post-harvest activities conducted by covered farms. These changes are consistent with our authority in sections 402, 419, and 701(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 342, 350h, and 371(a)) and sections 311, 361, and 368 of the Public Health Service Act (PHS Act) (42 U.S.C. 243, 264, and 271). We discuss our legal authority in greater detail in section IV.

D. Costs and Benefits

We estimate costs of this proposed rule, if finalized. Our primary estimates of annualized costs are approximately $11.3 million at a 3 percent discount rate and approximately $11.2 million at a 7 percent discount rate over 10 years.

We estimate benefits of this proposed rule, if finalized. Our primary estimates of annualized benefits are approximately $9.9 million at a 3 percent discount rate and approximately $9.6 million at a 7 percent discount rate over 10 years. If finalized, the qualitative benefits of the rule would stem from increased flexibility for covered farms to comprehensively evaluate their pre-harvest agricultural water systems for non-sprout covered produce. These changes are being proposed, in part, to address practical implementation challenges of the current pre-harvest agricultural water testing requirements.

II. Table of Abbreviations and Acronyms Commonly Used in This Document

TABLE 1—TABLE OF ABBREVIATIONS AND ACRONYMS

Abbreviation or acronym	What it means
AMS	Agricultural Marketing Service
BSAAO	Biological Soil Amendment of Animal Origin
CAFO	Concentrated Animal Feeding Operation
CDC	Centers for Disease Control and Prevention
CFU	Colony-Forming Units
Codex	Codex Alimentarius Commission
EA	Environmental Assessment
E. coli	*Escherichia coli*
EPA	Environmental Protection Agency
E.O.	Executive Order
FD&C Act	Federal Food, Drug, and Cosmetic Act
FSMA	FDA Food Safety Modernization Act
GAP	Good Agricultural Practices
GM	Geometric Mean
IFSAC	Interagency Food Safety Analytics Collaboration
LGMA	Leafy Greens Marketing Agreement
mL	Milliliters
MWQP	Microbial Water Quality Profile
PRIA	Preliminary Economic Analysis of Impacts
NPRM	Notice of Proposed Rulemaking
QAR	Qualitative Assessment of Risk
RV	Recreational Vehicle
RWQC	Recreational Water Quality Criteria
SDWA	Safe Drinking Water Act
STEC	Shiga toxin-producing *E. coli*
STV	Statistical Threshold Value
USDA	U.S. Department of Agriculture
UV	Ultraviolet
WGS	Whole genome sequencing
WHO	World Health Organization

III. Background

A. FDA Food Safety Modernization Act

The FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353), signed into law by President Obama on January 4, 2011, is intended to allow FDA to better protect public health by helping to ensure the safety and security of the food supply. FSMA transformed the nation's food safety system by shifting the focus from responding to foodborne illness to preventing it.

FSMA enables FDA to establish a prevention-oriented framework that focuses effort where food safety hazards are reasonably likely to occur and is flexible and practical in light of current scientific knowledge and food safety practices. The law also provides enforcement authorities for responding to food safety problems when they do occur. In addition, FSMA gives FDA important tools to help ensure the safety of imported foods and encourages partnerships with State, local, tribal, and territorial authorities, as well as foreign regulatory counterparts.

FDA has issued seven foundational rules that create risk-based standards and provide oversight at various points in the supply chain for domestic and imported human and animal food. The produce safety regulation is one of the seven foundational rules.

B. Produce Safety Regulation

In November 2015, FDA finalized the produce safety regulation, which establishes science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption. In accordance with section 419 of the FD&C Act, the produce safety regulation sets forth procedures, processes, and practices to minimize the risk of serious adverse health consequences or death, including those that are reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into produce and to provide reasonable assurances that produce is not adulterated on account of such hazards. The regulation focuses on biological hazards (defining a ''known or reasonably foreseeable hazard'' as a biological hazard that is known to be, or has the potential to be, associated with the farm or the food) and major routes of microbial contamination—including agricultural water; biological soil amendments; domesticated and wild animals; worker health and hygiene; and equipment, buildings, and tools.

The regulation established requirements for ''covered produce,'' defined in § 112.3 as produce that is subject to the requirements of this part in accordance with §§ 112.1 and 112.2. It includes a produce RAC that is grown domestically and a produce RAC that will be imported or offered for import in any State or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico (§ 112.1). Covered produce refers to the harvestable or harvested portion of the crop. (§ 112.3). Farms subject to the requirements are described in § 112.4.

Subpart E of the produce safety regulation includes a general requirement that agricultural water must be safe and adequate for its intended uses (§ 112.41). It also includes microbial water quality criteria (§ 112.44) and requirements for testing certain water sources (§ 112.46). The microbial quality criteria are based on the intended use of the agricultural water—*i.e.,* for growing activities for covered produce other than sprouts (including irrigation water applied to covered produce, other than sprouts, using a direct water application method and water used in preparing crop sprays), and for certain other specified uses, including sprout irrigation water and water applications that directly contact covered produce during or after harvest.[2]

Covered farms must establish a microbial water quality profile (§ 112.46(b)) for certain pre-harvest agricultural water for non-sprout covered produce, by calculating two numerical values of generic *E. coli* in their water samples: A geometric mean (GM) (a measure of central tendency of a water quality distribution) and a statistical threshold value (STV) (a measure of variability of a water quality distribution, derived as a model-based

[2] Because sprouts present a unique safety risk, the produce safety regulation establishes sprout-specific requirements on multiple topics, including agricultural water. Sprouts are not subject to the Subpart E compliance date extension that applies to other covered produce.

calculation approximating the 90th percentile using the lognormal distribution). The GM and STV values are initially derived based on an initial survey data set that consists of a minimum total of 20 samples for untreated surface water sources (taken over at least 2 years and no more than 4 years) and 4 samples for untreated ground water sources (taken during the growing season or over a period of 1 year).

Following the initial survey, covered farms revise the GM and STV values based on annual survey data, which consists of at least 5 new samples per year for untreated surface water sources and at least one new sample per year for untreated ground water sources. The new samples are then combined with the most recent data from within the previous 4 years, to make up a rolling dataset of 20 samples for untreated surface water and 4 samples for untreated ground water. The GM and STV values are recalculated using this updated data set to update the microbial water quality profile for certain pre-harvest agricultural water for covered produce, other than sprouts (§ 112.46(b)). When testing untreated surface water or untreated ground water sources used during growing activities using a direct water application method, the initial and annual survey samples must be representative of covered farms' use of the water and must be collected as close in time as practicable to, but prior to, harvest.

In the produce safety final rule, FDA committed to implementing the final rule though a broad, collaborative effort to foster awareness and compliance with guidance, education, and technical assistance, coupled with accountability for compliance (80 FR 74354 at 74519). This proposal continues that commitment.

Table 2 lists the key FSMA produce safety regulation documents published in the **Federal Register**. The complete set of **Federal Register** documents associated with the FSMA produce safety regulation, including supporting materials, are available in the docket folder at *https://www.regulations.gov/docket?D=FDA-2011-N-0921.*

TABLE 2—LIST OF KEY FEDERAL REGISTER PRODUCE SAFETY REGULATION DOCUMENTS

Description	Publication
Notice of proposed rulemaking (2013 proposed produce safety rule)	78 FR 3504, January 16, 2013.
Notice of correction for the 2013 proposed produce safety rule	78 FR 17155, March 20, 2013.
Supplemental notice of proposed rulemaking (supplemental notice)	79 FR 58434, September 29, 2014.
Final rule (2015 produce safety final rule or final rule)	80 FR 74354, November 27, 2015.
Technical amendment to the 2015 produce safety final rule	81 FR 26466, May 3, 2016.
FSMA: Extension and Clarification of Compliance Dates for Certain Provisions of Four Implementing Rules; Final rule.	81 FR 57784, August 24, 2016.
Extension of Compliance Dates for Subpart E; Notice of proposed rulemaking	82 FR 42963, September 13, 2017.
Extension of Compliance Dates for Subpart E; Final rule (subpart E compliance date extension or compliance date extension).	84 FR 9706, March 18, 2019.

C. Stakeholder Concerns Regarding Certain Pre-Harvest Agricultural Water Requirements

In November 2015, FDA began to conduct outreach to educate stakeholders about the new requirements of the produce safety rule and share the Agency's implementation plans, in keeping with our commitment to a broad, collaborative effort to foster awareness about, and compliance with, the rule.

Upon release of the produce safety final rule in November 2015, FDA conducted a webinar with nearly 400 participants, in which FDA subject matter experts discussed the significant provisions of the rule and answered questions. Beginning in December 2015, subject matter experts discussed the produce safety regulation at a series of public meetings held in the United States and abroad. This included four regional meetings in Oregon (December 1, 2015); Vermont (December 15, 2015); Florida (January 27, 2016); and North Carolina (February 4, 2016), that were attended by growers and other interested stakeholders and sponsored by State regulatory partners. Also in December 2015, FDA officials and subject matter experts discussed the requirements of the produce safety rule and other foundational FSMA rules at a public meeting convened by the European Commission. Later that month, FDA subject matter experts briefed U.S.-based embassy personnel on the contents of the FSMA rules, including the produce safety rule.

In 2016 and 2017, FDA continued outreach and education efforts to inform stakeholders, including industry, consumers, academia, and regulatory partners, about the produce safety rule requirements and FDA's implementation plans through speaking engagements and participation in conferences convened by stakeholders representing a broad range of interests. FDA subject matter experts also participated in educational farm visits with State partners to observe the range of growing conditions and practices across the United States (*e.g.,* Alaska, Arizona, California, Colorado, Georgia, Maine, Maryland, Nevada, New Mexico, Oregon, Texas, Vermont, Washington, and Wisconsin). Through these farm visits, together with speaking engagements, conferences, coalition meetings, and questions about the rule submitted to the FSMA Technical Assistance Network, FDA gained an understanding that numerous industry stakeholders found certain provisions of subpart E to be the difficult to understand, translate, and implement in their operations—in particular, the pre-harvest microbial quality criteria and testing requirements that required farms to establish a Microbial Water Quality Profile (MWQP) for each water source used for non-sprout covered produce. For example, FDA repeatedly heard from covered farms and produce industry associations that the pre-harvest agricultural water microbial quality criteria (§ 112.44(b)) and testing requirements (§ 112.46(b)) are too complicated to understand, and that questions remain about how to implement them in a practical manner. We also heard consistent feedback from covered farms and produce industry associations that these requirements do not sufficiently allow for a variety of water uses and availabilities.

Specifically, this feedback centered on the following issues:

- A number of these stakeholders stated that they have large numbers of water sources—in some cases, dozens of surface water sources, or upwards of one hundred ground water sources—for which they would have to establish individual MWQPs under the final rule.

• These stakeholders indicated that they find the alternatives in the final rule for the use of a different microbial water quality criterion (or criteria) and/or testing frequency for untreated surface water sources to be unworkable.

• While data sharing is one way that implementation challenges associated with sampling could be reduced, some stakeholders noted that it may be difficult to implement due to the requirements that water samples be representative of the particular use of the water and collected as close in time as practicable, but prior to, harvest.

• Some stakeholders noted implementation challenges with establishing long-term MWQPs for farms that grow rotational crops or on leased land, as they may not be using (or have access to) the same water source over multiple years.

Based on stakeholder feedback received as of March 2017, FDA publicly announced that we were considering how we might simplify the microbial quality and testing requirements for agricultural water while still protecting public health and that we intended to work with stakeholders as these efforts progressed (Ref. 1).

As FDA subject matter experts continued stakeholder engagement activities, they gained additional feedback that was consistent with earlier messages that the pre-harvest requirements in subpart E were complex and challenging to implement, as they were:

• Inflexible, by imposing a ''one-size-fits-all'' approach that is difficult to implement across the wide variety of sources, uses, and practices covered by the rule;

• Too complicated to understand and implement, such as the calculation of the GM and STV; and

• Difficult to implement because covered farms with multiple pre-harvest agricultural water sources are required to establish individual microbial quality profiles for each agricultural water source.

After receiving consistent feedback from numerous stakeholders expressing concern about complexity and challenges with implementation of certain agricultural water requirements, in the **Federal Register** of September 13, 2017 (82 FR 42963), FDA proposed to extend the compliance dates for subpart E for covered produce other than sprouts. FDA took that action based on feedback we received from numerous stakeholders raising issues regarding the practicality of some of these provisions (in particular the testing requirements for pre-harvest agricultural water). The additional time allotted by extending the Subpart E compliance dates for covered produce other than sprouts was intended to allow consideration of approaches to address these issues, as well as to identify opportunities to enhance the flexibility of these requirements beyond those reflected in the final rule.

As part of the continuing stakeholder engagement on agricultural water, in October 2017, FDA participated in a collaborative forum, sponsored by The Pew Charitable Trusts and the Robert Wood Johnson Foundation, where participants discussed ideas for how to amend the agricultural water requirements within the rule's current framework to address near-term challenges, as well as, and potentially in combination with, ideas for frameworks that could improve public health outcomes long term and allow for the incorporation of new scientific knowledge and learnings as they become available. At the invitation of the sponsor, farms, academia, food industry trade associations, consumer groups, and other State and Federal partners also attended.

Forum participants identified several possible alternatives for pre-harvest agricultural water, including: (1) Retaining the microbial water quality criteria and testing requirements for agricultural water used during growing activities and issuing companion guidance to recommend alternative approaches that would satisfy the regulation; (2) replacing the existing quantitative requirements with a qualitative standard and issuing companion guidance to recommend alternative approaches that would satisfy the regulation; (3) adopting private industry standards in guidance as a short term measure while research continues on analyte(s) and appropriate numerical thresholds; and (4) performing a multiyear quantitative microbial risk assessment to identify index and/or indicator organisms that can be used to characterize risk associated with agricultural water across a variety of conditions. Forum participants identified advantages and disadvantages of each proposed approach and also identified other areas for further consideration by FDA, including qualitative standards, data sharing, and the need for additional guidance (Ref. 2).

Implementation challenges with the agricultural water requirements in subpart E were also the focus of a 2-day Agricultural Water Summit, convened by the Produce Safety Alliance in February 2018, to discuss implementation challenges and explore possible approaches that would be practical to implement while protecting public health (Ref. 3). FDA subject matter experts joined more than 350 other participants at the summit, including farmers and other produce industry members, researchers, extension educators, and State and Federal regulators. Additionally, approximately 200 people from eight different countries viewed the summit proceedings via webcast and had the opportunity to provide comments. The meeting was open to registration by the general public.

The summit included presentations and discussions on addressing food safety hazards in the growing environment. Participants discussed the complexities associated with farm environments. For example, participants noted that difficulties can arise due to variability in the following factors: (1) Agricultural water source quality, including how it arrives and moves throughout the farm; (2) the methods of water application to the crop; (3) commodity characteristics that influence vulnerability to contamination; and (4) regional climatic effects. Participants identified ''agricultural water assessments'' as a promising approach for science-based management decisions that could take those factors into account. Participants also recognized that farmers would need additional educational tools to conduct this type of assessment (Ref. 3).

FDA produce safety experts continued farm visits into 2018 to gather additional feedback and perspectives from stakeholders, in addition to the information and insights from the Agricultural Water Summit and the Collaborative Forum. Joined on these visits by representatives from the produce industry, academia, and government agencies, FDA visited nearly 100 farms in 2018, during which we observed a wide variety of water sources, distribution systems, and practices among farms of all sizes. As part of the farm visits, FDA often participated in listening sessions with farmers to learn about their water use practices, how they currently manage water quality, and their perspectives on how best to achieve public health protections related to agricultural water in a way that would be practicable and workable across a variety of operations (Ref. 4).

Throughout the produce safety rule outreach and education efforts, FDA also continued to engage with a broad range of stakeholders, including consumer protection groups, through coalition meetings, while also collaborating with State regulatory

partners to prepare for produce safety rule implementation. FDA heard frequent and consistent concerns from covered farms and produce industry trade associations about the complexity and implementation challenges of certain subpart E requirements, which was reinforced in their comment submissions. In the face of widespread and steady concerns, including new concerns that were not expressed in response to the produce safety proposed rule, FDA concluded that it was in the public's interest to institute a delay to allow for further collaboration with an array of stakeholders and pursuit of solutions to achieve the shared goal of improved produce safety in a way that is more workable for covered farms.

Accordingly, in the **Federal Register** of March 18, 2019 (84 FR 9706), FDA extended the compliance dates for subpart E for non-sprout covered produce, as follows: January 26, 2024, for very small farms; January 26, 2023, for small farms; and January 26, 2022, for all other farms covered by the produce safety regulation. FDA noted that ignoring the widespread concerns raised about complexity and serious questions about how the requirements can be implemented in practical ways on farms would be likely to reduce the estimated public health benefits of the agricultural water provision of the 2015 final rule (84 FR 9706 at 9710). We recognized that farms that cannot understand the requirements and determine how to implement the requirements are not likely to be realizing full food safety measures, which led us to conclude that further collaboration with stakeholders was necessary to understand the source of the complexity and develop a more workable solution for pre-harvest agricultural water that would increase produce safety.

In the compliance date extension final rule (84 FR 9706 at 9710), we also reiterated our commitment to ensuring that the produce safety rule addresses the risks associated with agricultural water and emphasized that produce remains subject to the other applicable provisions of the produce safety regulation and the FD&C Act notwithstanding the extension. We recommended that farms should continue to use good agricultural practices to help maintain and protect the quality of their water sources.

Stakeholders (including covered farms, consumer protection groups, and state governments) submitted various comments addressing the underlying subpart E requirements applicable to non-sprout covered produce in response to the compliance date extension proposed rule. FDA responded to comments on in the compliance date extension final rule (84 FR 9706). While substantive issues were outside the narrow scope of the compliance date extension rulemaking, we considered those comments in developing this proposed rule. Stakeholders also submitted comments on the underlying subpart E requirements to Docket No. FDA–2017–N–5094, ''Review of Existing Center for Food Safety and Applied Nutrition Regulatory and Information Collection Requirements'' (82 FR 42503 (September 8, 2017)). Although this docket was established as part of the implementation of two Executive Orders (E.O.) that have since been revoked (see E.O. 13992 (''Revocation of Certain Executive Orders Concerning Federal Regulation'')), we consider the comments submitted to this docket on the underlying requirements of subpart E (Refs. 5–10) as relevant to the purposes of this rulemaking.

Some comments indicate that stakeholder concerns on the agricultural water requirements were already addressed during rulemaking for the produce safety rule and argue that further action to consider stakeholder concerns is therefore unnecessary. These comments note that stakeholders were given the opportunity to provide comment on pre-harvest agricultural water testing requirements when the notice of proposed rulemaking (NPRM) issued in 2013, and again when the supplemental NPRM issued in 2014. However, the feedback we received after the 2015 produce safety final rule was published about the complexity and the implementation challenges posed by the pre-harvest testing requirements was new and in addition to the comments on the proposed rule (84 FR 9706 at 9710). Some comments encouraged FDA to withdraw the proposed compliance date extension and focus on implementation, noting the public health benefits of the produce safety regulation and concluding that an extension would harm consumers more than it would help. As previously indicated, FDA decided to pursue a rigorous stakeholder engagement plan to consider the practical implementation of the agricultural water requirements and how to best achieve the important public health objectives of the rule.

Other comments indicate that certain agricultural water requirements in the 2015 produce safety final rule are too complex, overly prescriptive, and not practical to implement, urging FDA to reconsider the ''one-size-fits-all'' approach of the produce safety regulations that they state is not risk-based or adaptable based on future research. Some comments suggest that the pre-harvest agricultural water testing requirements in subpart E should be reduced to one annual test per source to be consistent with industry practice and some State requirements. Some comments cite concerns related to allowable testing methods, use of historical data and data sharing, the applicability of recreational water quality criteria to pre-harvest agricultural water, and considerations about crop rotations and short growing seasons. Some comments point out that certain areas where produce is grown lack nearby laboratories capable of testing water samples. Other comments assert that the produce safety regulation requires covered farms to hire a consultant or third party to test their water. Still other comments cite concerns about how the standards relate to foreign farms, in particular for covered farms located in foreign countries with a systems recognition arrangement with FDA.

Various comments indicate that a more flexible approach that incorporates region-, commodity-, and practice-specific information would be useful in addressing the diversity of agricultural water sources. These comments recommend taking into account practices and lessons learned under third-party auditing standards. Other comments assert that FDA should recognize the risk-based approaches that different commodity groups and different industry sectors are already using. Some comments suggest that FDA perform a multiyear quantitative microbial risk assessment for agricultural water to better understand the associated risks, while other comments propose building additional flexibility into the testing requirements to allow for future scientific advancements, such as the use of metagenomics. Still others cite a need for ongoing education, training, outreach, and guidance on a variety of agricultural water-related issues and recommend that FDA involve a variety of stakeholders, including the States, in any outreach and guidance efforts. We considered these comments in developing this proposed rule.

D. Recent Outbreaks

For more than a decade, FDA has conducted investigations of produce outbreaks to learn what factors may have contributed to the outbreaks of foodborne illness or food contamination events. These investigations (also known as environmental assessments, or EAs) are performed in collaboration with regulatory partners following initial outbreak response activities and

focus on identifying possible causes, contributing factors, and measures to prevent reoccurrence of a similar event. We assess potential sources of microbial hazards not only in growing fields identified through traceback investigation of contaminated product but also potential sources in the larger growing area within the geographic area of interest. This commonly includes assessment of water sources and distribution systems used by growers during growing, harvesting, or post-harvesting activities. These investigations allow us to consider how a pathogen may be transported from a source in the surrounding area to the field and ultimately the product. FDA's investigations underscore decades of scientific research that pre-harvest agricultural water is a potential contributing factor in the introduction and spread of contamination to produce. See, *e.g.,* the QAR (Ref. 11), 2013 proposed rule 78 FR 3504 at 3559–3563, 2015 final rule 80 FR at 74354 at 74441–74446, and the discussion in section III.E. The proposed rule reflects new information and findings on the potential routes of microbial contamination of pre-harvest agricultural water from investigations of several recent outbreaks linked to consumption of produce.

1. Spring 2018 E. Coli O157:H7 Outbreak Linked to Romaine Lettuce From the Yuma Growing Region

In collaboration with the Centers for Disease Control and Prevention (CDC) and State partners, FDA led an EA of the Yuma growing region associated with the spring 2018 *E. coli* O157:H7 outbreak linked to consumption of romaine lettuce. Investigators found the outbreak strain in water samples from three locations along a 3.5-mile stretch of an open irrigation canal adjacent to a Concentrated Animal Feeding Operation (CAFO) (Ref. 12). One of these samples was collected immediately downstream from where shallow ground water is pumped into the irrigation canal (Ref. 13). The EA investigators also found an area where ground water may have been seeping directly into unlined sections of the canal within the 3.5-mile stretch where the outbreak strain was detected. Although no obvious route of contamination was determined, the investigators identified onsite wells at the CAFO as a potential route of ground water contamination from the CAFO (Ref. 13).

The EA team also found *Salmonella* spp. and other Shiga toxin-producing *E. coli* (STEC) strains in water samples collected during the investigation of the Yuma growing region, including *Salmonella* Agona, *S.* Typhimurium, and *E. coli* O178:H19, O6:H34, O181:H49, O153:H25, and O157:H7 (which did not match the outbreak strain) (Ref. 13).

The findings of the Yuma EA led FDA to issue a letter to State partners and the leafy greens industry that highlighted, in part, the importance of assessing and mitigating risks related to land uses near or adjacent to growing fields that may contaminate agricultural water or leafy greens crops directly (such as nearby cattle operations, dairy farms, manure, and composting facilities) (Ref. 14).

2. Fall 2018 E. Coli O157:H7 Outbreak Linked to Romaine Lettuce From California

Following a romaine lettuce outbreak in Fall 2018, FDA led an EA, in collaboration with CDC and the States, that found the outbreak strain in the sediment of an on-farm water reservoir in Santa Barbara County, CA (Ref. 15). We concluded that the water from the on-farm water reservoir where the outbreak strain was found most likely led to contamination of some romaine lettuce consumed during this outbreak. Investigators noted extensive wild animal activity in the area; adjacent land use, including the use of soil amendments; and animal grazing on nearby land by cattle and horses. They were unable to determine, though, how the outbreak strain of *E. coli* O157:H7 was introduced into this on-farm water reservoir.

3. Fall 2019 E. Coli O157:H7 Outbreaks Linked to Romaine Lettuce

From late 2019 to early 2020, FDA and state and federal partners conducted multiple on-farm investigations of contamination of romaine lettuce with several strains of *E. coli* O157:H7 that resulted in three outbreaks of foodborne illness beginning in September and ending in December 2019 (Ref. 16). These outbreaks, which were all traced back to farms located in the Salinas, CA, growing region, collectively resulted in 188 people falling ill. As a result of sampling during the investigations, one of the outbreak strains of *E. coli* O157:H7 was detected in a fecal-soil composite sample taken from a cattle grate on public land less than 2 miles upslope from a farm with multiple fields tied to the outbreaks by traceback investigations. Other STEC strains, while not linked to the 2019 outbreaks, were found in closer proximity to where romaine lettuce crops were grown, including two samples from a border area of a farm immediately next to cattle grazing land in the hills above leafy greens fields and two samples from on-farm water drainage basins. Of note, the number of cattle we observed on nearby lands during the 2019 investigations was far lower than the volume of what is considered a large concentrated animal feeding operation.

4. Fall 2020 E. Coli O157:H7 Outbreak Linked to Leafy Greens

From August to December 2020, FDA and multiple state and federal partners investigated a multi-state *E. coli* O157:H7 outbreak associated with the consumption of leafy greens (Ref. 17). The outbreak, which caused 40 reported illnesses in the U.S., was linked via genetic sequencing and geography to the 2019 outbreak (Ref. 16) and the 2018 leafy greens outbreak (in which the outbreak strain was detected in the sediment of an on-farm water reservoir) (Ref. 15). The investigation identified the outbreak strain in a cattle feces composite sample taken alongside a road approximately 1.3 miles upslope from a produce farm with multiple fields tied to the outbreaks by the traceback investigations. Three water samples tested positive for other STEC strains not linked to the outbreak (Ref. 17).

5. Summer 2020 Salmonella Newport Outbreak Linked to Red Onions

From June to October 2020, federal and state agencies investigated a *Salmonella* Newport foodborne illness outbreak associated with consumption of red onions from the Southern San Joaquin Valley and Imperial Valley in California (Ref. 18). The outbreak, which caused 1,127 reported domestic illnesses and 515 reported Canadian cases, was the largest *Salmonella* outbreak in over a decade. The FDA, alongside state and federal partners, investigated the outbreak to identify potential contributing factors that may have led to red onion contamination with *Salmonella* Newport. While the outbreak strain (specific whole genome sequence (WGS)) was not identified in any of the nearly 2,000 subsamples tested, a total of 11 subsamples (10 water and 1 sediment) collected near one of the growing fields identified in the traceback were positive for *Salmonella* Newport, representing a total of three different genotypical strains (unique WGS patterns). Although a conclusive root cause could not be identified, several potential contributing factors to the 2020 red onion outbreak were identified, including a leading hypothesis that contaminated irrigation water used in a growing field in Holtville, California,

may have led to contamination of the onions.

While our investigation did not occur during any harvesting activities, visual observations of the implicated red onion growing fields suggested several plausible opportunities for contamination including irrigation water, sheep grazing on adjacent land, as well as signs of animal intrusion, such as scat and large flocks of birds which may spread contamination. Similarly, the investigation did not occur while packing activities were ongoing. However, visual observations and records review of packing house practices confirmed numerous opportunities for spread of foodborne pathogens such as *Salmonella,* including signs of animal and pest intrusion as well as food contact surfaces which had not been inspected, maintained, cleaned, or sanitized as frequently as necessary to protect against the contamination of produce.

While these outbreaks serve as recent examples of the role that water quality may play in produce safety, the potential for water to serve as a source or route of contamination in produce outbreaks has been a longstanding concern. For example, investigators identified several risk factors potentially related to a 2006 outbreak of *E. coli* O157:H7 associated with pre-packaged spinach, including the proximity of irrigation wells to surface water exposed to cattle and wildlife feces (Ref. 19). The outbreak strain was detected in river water, cattle feces, wild pig feces, and soil samples collected from one of the investigated farms. The outbreak strain also was detected in two surface water samples analyzed as part of a separate study (Ref. 20). (See also section VI.E.)

During investigation of a 2006 outbreak of *E. coli* O157:H7 associated with iceberg lettuce, the outbreak strain was detected in water samples collected close to a suspect growing field and from a nearby dairy (Ref. 20). Investigators found that the dairy wastewater blending and distribution system used by the farm had inadequate backflow protection and presented a possible route for conveyance of contaminated water to fields adjacent to the suspect lettuce growing fields, as described more fully in section VI.E. Investigators also found the outbreak strain of *Salmonella* Saintpaul in agricultural water during investigation of a 2008 produce outbreak (Ref. 22).

Persistent pathogens in agricultural water may serve as a recurring source of contamination. For example, two multistate outbreaks linked to tomatoes in 2002 and 2005 were caused by the same strain of *Salmonella* Newport, which was also detected in ponds used to irrigate tomato growing fields. (Ref. 23). On at least one of the farms investigated, pond water was used to dilute pesticides sprayed on tomato plants. Investigators isolated the outbreak strain in irrigation ponds through sampling conducted 2 years apart, suggesting persistent contamination (Ref. 23).

FDA outbreak investigations underscore the importance of pre-harvest agricultural water quality and the potential impacts of adjacent and nearby land uses on agricultural water, which can serve as a route of contamination of produce. This NPRM is designed to address those concerns by proposing to require covered farms to conduct comprehensive pre-harvest agricultural water assessments and implement mitigation measures that minimize the risk of serious adverse health consequences or death, including those reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into or onto produce, and provide reasonable assurances that the produce is not adulterated on account of those hazards.

E. Recent Information on Relative Food Safety Risks of Produce

FDA outlined the history of contamination associated with produce, predominantly during growing, harvesting, packing, and holding, during the rulemaking to establish the produce safety regulations in part 112. See. *e.g.,* 78 FR 3504 at 3507, 80 FR 74354 at 74731.

Recent estimates by the Interagency Food Safety Analytics Collaboration (IFSAC) indicate that many foodborne illnesses are attributed to contaminated produce. A tri-agency group created by the CDC, FDA, and the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service, IFSAC developed a method to estimate the sources of foodborne illness using outbreak data for four priority pathogens: *Salmonella, E. coli* O157, *Listeria monocytogenes,* and *Campylobacter* (Ref. 24).

In its 2019 Report (Ref. 25), IFSAC estimated that produce commodities cause 65 percent of foodborne *E. coli* O157 illnesses and over 40 percent of foodborne *Salmonella* illnesses. IFSAC attributed approximately 56 percent of *E. coli* O157 illnesses to vegetable row crops (such as leafy greens) and approximately 9 percent to fruits and other types of produce. IFSAC concluded that *Salmonella* illnesses came from a broad variety of foods, including more than 13 percent from fruits and more than 12 percent from seeded vegetables (such as tomatoes and cucumbers) (Ref. 25).

IFSAC derived estimates for 2018, its most recent reporting year, based on outbreaks that occurred from 1998 through 2018, relying most heavily on the most recent 5 years of outbreak data (Ref. 25). The analysis included 1,459 foodborne disease outbreaks, for which each confirmed or suspected implicated food fell into a single food category. Foods were categorized using a scheme IFSAC created to classify foods into 17 categories that closely align with the U.S. food regulatory agencies' classification needs (Ref. 26).

More recently, FDA tentatively identified certain FDA-regulated foods (including certain produce commodities) for inclusion on a Food Traceability List (Ref. 27) for which additional traceability recordkeeping requirements will be required, in accordance with FSMA section 204(d)(2)(A).[3]

To determine which foods should be included on the Food Traceability List (Ref. 27), FDA developed a risk-ranking model for food tracing (''the Model''), based on the following factors that Congress identified in the statute:

- Known safety risks of a particular food, including the history and severity of foodborne illness outbreaks attributed to such food, taking into consideration foodborne illness data collected by the CDC;
- Likelihood that a particular food has a high potential risk for microbiological or chemical contamination or would support the growth of pathogenic microorganisms due to the nature of the food or the processes used to produce the food;
- Point in the manufacturing process of the food where contamination is most likely to occur;
- Likelihood of contamination and steps taken during the manufacturing process to reduce the possibility of contamination;
- Likelihood that consuming a particular food will result in a foodborne illness due to contamination of the food; and
- Likely or known severity, including health and economic impacts, of a foodborne illness attributed to a particular food.

The Model was designed to be flexible and to consider a wide range of contaminants in FDA-regulated human

[3] In the **Federal Register** of September 23, 2020 (85 FR 59984), FDA published a proposed rule to establish additional traceability recordkeeping requirements for entities that manufacture, process, pack, or hold foods the Agency has designated as high risk in accordance with FSMA section 204(d)(2)(A).

foods (Ref. 28). To identify commodities for the Food Traceability List, the commodities and associated commodity-hazard pairs produced by the Model were ranked. Commodities with associated commodity-hazard pairs with criteria scores in the moderate to strong range were considered for inclusion on the list.

Based on data in the Model, we tentatively identified foods for inclusion on the Food Traceability List (Ref. 27), which was announced in conjunction with issuance of the Food Traceability proposed rule (85 FR 59984, September 23, 2020). When the FDA issues a final rule, we will also publish the Food Traceability List.

The proposed Food Traceability List (Ref. 27) includes the following types of produce:

- Cucumbers (fresh), includes all varieties of cucumbers;
- Herbs (fresh), includes all types of herbs, such as parsley, cilantro, basil;
- Leafy greens (fresh), includes all types of leafy greens, such as lettuce, (*e.g.,* iceberg, leaf and romaine lettuces), kale, chicory, watercress, chard, arugula, spinach, pak choi, sorrel, and endive;
- Melons (fresh), includes all types of melons, such as cantaloupe, honeydew, and watermelon;
- Peppers (fresh), includes all varieties of peppers;
- Sprouts (fresh), includes all varieties of sprouts;
- Tomatoes (fresh), includes all varieties of tomatoes; and
- Tropical tree fruits (fresh), includes all types of tropical tree fruit, such as mango, papaya, mamey, guava, lychee, jackfruit, and starfruit.

On-farm contamination of produce is well documented in the literature. The peer-reviewed ''FDA Qualitative Assessment of Risk to Public Health from On-Farm Contamination of Produce'' (QAR) (Ref. 11) provides a scientific evaluation of the potential adverse health effects resulting from human exposure to microbiological hazards in produce, with a focus on public health risk associated with the on-farm contamination of produce. With respect to water used during growing, harvesting, and post-harvesting activities, the QAR concludes as follows:

- Agricultural water can be a source of contamination of produce.
- Public Drinking Water Systems (domestically regulated by the Environmental Protection Agency (EPA)) have the lowest relative likelihood of contamination due to existing standards and routine analytical testing.
- Though less likely to be contaminated than surface water, groundwater continues to pose a public health risk, despite the regulation of many U.S. public wells under the Ground Water Regulation.
- There is a significant likelihood that U.S. surface waters will contain human pathogens, and surface waters pose the highest potential for contamination and the greatest variability in quality of the agricultural water sources.
- Susceptibility to runoff significantly increases the variability of surface water quality.
- Water that is applied directly to the harvestable portion of the plant is more likely to contaminate produce than water applied by indirect methods that are not intended to, or not likely to, contact produce.
- Proximity of the harvestable portion of produce to water is a factor in the likelihood of contamination during indirect application.
- Timing of water application in produce production before consumption is an important factor in determining likelihood of contamination.
- Commodity type (growth characteristics, *e.g.,* near to ground) and surface properties (*e.g.,* porosity) affect the probability and degree of contamination.
- Microbial quality of source waters, method of application, and timing of application are key determinants in assessing relative likelihood of contamination attributable to agricultural water use practices.

The QAR (Ref. 11) concludes that while different commodities may have different risk profiles at different stages of production, all commodities have the potential to become contaminated through one or more of the routes identified, especially if practices are poor and/or conditions are insanitary.

Based on the foregoing, we continue to conclude that there is an ample history of microbiological contamination of produce on farms to justify requirements for pre-harvest agricultural water in part 112 to help prevent contamination and illness.

IV. Legal Authority

We are issuing this proposed rule under FDA's authorities in sections 402, 419, and 701(a) of the FD&C Act and sections 311, 361, and 368 of the PHS Act.

Section 419(a) of the FD&C Act (21 U.S.C. 350h(a)), in relevant part, directs FDA to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which we have determined such standards minimize the risk of serious adverse health consequences or death. Section 419(a)(3) (21 U.S.C. 350h(a)(3)) further requires that these minimum standards provide sufficient flexibility and are appropriate to the scale and diversity of the production and harvesting of raw agricultural commodities. Section 402(a)(3) of the FD&C Act (21 U.S.C. 342(a)(3)) provides that a food is adulterated if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food. Section 402(a)(4) of the FD&C Act provides that a food is adulterated if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. Additionally, section 701(a) of the FD&C Act (21 U.S.C. 371(a)) grants the authority to issue regulations for the efficient enforcement of the FD&C Act. This proposed rule includes requirements that are necessary to prevent food from being adulterated, and a regulation that requires measures to prevent food from being held under insanitary conditions whereby either of the proscribed results may occur allows for the efficient enforcement of the FD&C Act. The amendments we are proposing to the produce safety regulation thus would allow FDA to efficiently enforce sections 402 and 419 of the FD&C Act.

In addition to the FD&C Act, FDA's legal authority for the proposed rule derives from sections 311, 361, and 368 of the PHS Act, which provides authority for FDA to issue regulations to prevent the spread of communicable diseases from one State to another. Specifically, the PHS Act authorizes the Secretary to make and enforce such regulations as ''are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States . . . or from one State . . . into any other State'' (section 361(a) of the PHS Act). (See sec. 1, Reorg. Plan No. 3 of 1966 at 42 U.S.C. 202 for transfer of authority from the Surgeon General to the Secretary; see 21 CFR 5.10(a)(4) for delegation from the Secretary to FDA.) The provisions in the proposed rule are necessary to prevent food from being contaminated with human pathogens such as *Salmonella, L. monocytogenes,* and *E. coli* O157, and therefore to prevent the introduction, transmission, or spread of communicable disease from foreign countries into the United States, or from one state in the United States to another. We expect that the proposed

amendments to the produce safety regulation, if finalized, will help prevent the spread of communicable diseases associated with contaminated produce.

V. Need for Regulatory Action and Proposed Regulatory Approach

We are proposing to amend subpart E of the produce safety regulation based on stakeholder feedback, new information we have gathered since issuance of the 2015 final rule, and findings from FDA investigations of produce-related outbreaks.

As described in section III.C., numerous stakeholders have provided feedback to FDA about the complexity and challenges of implementing the pre-harvest microbial quality criteria and testing requirements in subpart E for pre-harvest agricultural water for covered produce other than sprouts. Stakeholders shared their input and concerns during FDA's outreach and education efforts on the 2015 produce safety final rule, at the 2018 Agricultural Water Summit, and at meetings convened by others. Stakeholders also expressed concerns about these pre-harvest agricultural water testing requirements in comments submitted to other dockets, including for the compliance date extension rulemaking (84 FR 9706). (See section III.C. of this document.) The feedback has been consistent in its message about the implementation challenges of the pre-harvest agricultural water testing requirements and has come from individual growers and industry organizations that encompass various growing regions, farm sizes, and commodities.

FDA investigations of recent produce-related outbreaks have highlighted the role of pre-harvest agricultural water as a potential contributing factor in the introduction and spread of contamination to produce. Section III.D. discusses new information and findings from several recent investigations of the potential routes of contamination of pre-harvest agricultural water associated with activities conducted on lands adjacent and nearby to farms identified during traceback investigations and the agricultural water systems used by those farms.

This proposed rule would amend the agricultural water provisions of the produce safety regulation to replace the microbial criteria and testing requirements for pre-harvest agricultural water for covered produce (other than sprouts) that covered farms have found to be complex and challenging to implement, with provisions for comprehensive assessments of pre-harvest agricultural water systems, practices, and on-farm conditions. The proposed agricultural water assessments would provide additional flexibility to covered farms, using a systems-based approach that would be feasible to implement across the wide variety of pre-harvest agricultural water systems, uses, and farm operations and would be adaptable as scientific understanding of agricultural water quality expands in the future. We also are proposing to require expedited mitigation for hazards related to certain activities associated with adjacent and nearby lands in light of findings from several recent produce outbreak investigations. These proposed revisions to the produce safety regulation, if finalized, would set forth requirements for comprehensive pre-harvest agricultural water assessments and mitigation measures that minimize the risk of serious adverse health consequences or death, including those reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into or onto produce, and to provide reasonable assurances that the produce is not adulterated on account of these hazards.

We developed this approach to pre-harvest agricultural water by considering public health objectives while recognizing that each covered farm—whether foreign or domestic—has a unique combination of agricultural water source(s), growing practices, current and previous uses of the farmland, and adjacent and nearby land uses, among other factors. Cognizant of the practical implementation challenges we identified, we sought to identify an approach that: (1) Is workable for covered farms of all sizes, both foreign and domestic; (2) provides sufficient specificity, while offering adequate flexibility, so that covered farms can understand what requirements apply and how to implement them to prevent produce contamination; (3) meets the public health objectives of the Agency and the relevant requirements set forth in the FD&C Act; and (4) enables FDA to verify compliance.

After evaluating relevant information gathered since publication of the final rule, and based on FDA's expertise and experience, we considered four options.

A. Option A: Additional Guidance on Subpart E

We considered the option of issuing additional guidance with more reference material, examples, and explanations for covered farms, while maintaining the existing pre-harvest agricultural water testing requirements in the produce safety regulation.

In particular, we contemplated issuing additional guidance to describe circumstances in which covered farms might satisfy the pre-harvest sampling and testing requirements through shared data with other covered farms. Discussions at a collaborative forum (Ref. 2) and the Agricultural Water Summit (Ref. 3), stakeholder comments and information gathered from farm visits and other stakeholder outreach (described in section III.C.) revealed several limitations with this option. There are currently few (if any) agricultural water data-sharing arrangements between covered farms, and such arrangements likely would be time-intensive and impractical to establish. For example, the diversity of agricultural water sources, distribution systems, and possible impacts from lands adjacent to and nearby each covered farm would make it difficult for many covered farms to rely on shared data to satisfy the requirement for samples adequately representative of their agricultural water at the time of application.

Moreover, some stakeholders indicated that guidance alone could not overcome difficulties with using alternative microbial quality criteria (or criterion) or alternative sampling frequency provisions of the produce safety regulation. Other stakeholders pointed out that, under § 112.171, the produce safety regulation only allows States, Federally recognized tribes, or countries from which food is imported into the United States to request a variance from FDA to use an alternative approach to the requirements set forth in the produce safety regulation.

In light of the foregoing, we concluded that issuing additional guidance as described above would not adequately address the practical implementation issues associated with the pre-harvest agricultural testing requirements in the produce safety regulation.

B. Option B: Risk Assessment/Research Followed by Rulemaking

Based on comments and dialogue at collaborative fora and other stakeholder engagement activities, as described in section III.C., we considered whether to conduct another risk assessment, followed by a rulemaking to revise the pre-harvest agricultural water testing requirements. For example, we could perform a multiyear quantitative microbial risk assessment to identify index and/or indicator organisms to characterize risk associated with agricultural water across a variety of conditions, followed by rulemaking on pre-harvest agricultural water testing.

Alternatively, we could issue guidance on pre-harvest agricultural water based on industry standards while research is conducted to develop sufficient scientific information on other analyte(s) and appropriate numerical thresholds, followed by rulemaking to revise the pre-harvest agricultural water testing requirements. (This is different than Option A, which would involve additional guidance on the 2015 produce safety final rule testing requirements.)

Having reviewed the conclusions of the QAR (Ref. 11) and the 2019 IFSAC report (Ref. 25), and considered FDA's experience with investigations of produce-related outbreaks, we concluded that it is not necessary for FDA to conduct an additional risk assessment (or issue guidance based on industry standards) before conducting rulemaking to establish new pre-harvest agricultural water standards to minimize the risk of serious adverse health consequences or death, including those reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into or onto produce, and provide reasonable assurances that the produce is not adulterated on account of those hazards.

C. Option C: Retaining the Pre-Harvest Agricultural Water Requirements for Covered Produce Other Than Sprouts

Another option would be to allow the existing testing requirements for pre-harvest agricultural water for non-sprout covered produce to go into effect after expiration of the compliance date extension (84 FR 9706).

When contemplating this option, we considered repeated stakeholder feedback that the testing requirements for pre-harvest agricultural water for non-sprout covered produce are difficult to understand and challenging to implement in a workable manner given the diversity of uses and sources of such water. We also considered additional information, gathered during recent outbreak investigations, on the variety of factors that impact on pre-harvest agricultural water for non-sprout covered produce.

Although we continue to believe that the existing rule with mandated testing frequency and water standards would, if implemented, result in overall improved agricultural water quality and improved public health, we understand that if confusion and infeasibility undermine successful implementation of the pre-harvest agricultural water requirements for non-sprout covered produce, then the desired public health improvements are not likely to result. Thus, we have sought an alternative means to achieve improved public health protections in this area.

In light of the foregoing, we concluded that retention of the subpart E pre-harvest requirements, as applicable to non-sprout covered produce, would not adequately address these issues in a timely manner.

D. Option D: Rulemaking To Revise Certain Provisions of the Produce Safety Regulation

As another option, we considered whether to engage in rulemaking to revise the pre-harvest agricultural water testing requirements for non-sprout covered produce.

In evaluating this option, we considered proceedings of the Agricultural Water Summit (Ref. 3), which included discussions and presentations on addressing hazards in the growing environment. In addition to discussing the feasibility of implementing the pre-harvest water quality profile and testing requirements of the produce safety regulation, Summit participants discussed the utility of pre-harvest agricultural water assessments given the diverse farm environments.

Summit participants identified several complex factors associated with agricultural water, including the variability in water source quality (such as how it arrives and moves throughout the farm); the method of water application to the crop; commodity characteristics that influence vulnerability to contamination; and regional climatic effects. After several presentations and lengthy discussions of issues, Summit participants identified agricultural water assessments as a promising approach for science-based management decisions that could take the complexities of each farm into account. Similar themes emerged during discussions at the Collaborative Food Safety Forum (Ref. 2) and in stakeholder feedback on the final rule, as described in section III.C.

In light of the findings of our QAR (Ref. 11), stakeholder feedback, and new findings and information we have gathered since publication of the 2015 produce safety regulation (as described in section III.), we have concluded that the most appropriate regulatory approach is to undertake rulemaking. We acknowledge that the identified implementation challenges of the pre-harvest agricultural water testing requirements for non-sprout covered produce could prevent full realization of our intended public health objectives.

The proposed rule provides for comprehensive assessments of pre-harvest agricultural water for non-sprout covered produce that would be feasible to implement across a wide variety of pre-harvest agricultural water systems, uses, and farm operations and are adaptable as our scientific understanding of agricultural water quality expands over time. The proposed rule also would provide for expedited mitigation for certain hazards related to animal activity and other activities on adjacent and nearby lands in light of findings of FDA investigations.

The proposal sets forth procedures, processes, and practices to minimize the risk of serious adverse health consequences or death, including those reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into or onto produce, and to provide reasonable assurances that the produce is not adulterated on account of those hazards. If finalized, the proposed rule would more comprehensively address the potential for pre-harvest agricultural water to serve as a route of contamination of non-sprout covered produce, by using a systems-based, preventive approach that is sufficiently flexible to accommodate a wide range of agricultural water sources, uses, and practices and would be adaptable to future advancements in agricultural water quality science.

VI. Description of the Proposed Rule

We are proposing to amend the produce safety regulation to address concerns about the practical challenges of implementing the pre-harvest agricultural water microbial water quality criteria and testing requirements by providing additional flexibility while continuing to protect the public health.

If finalized, the proposed rule would replace those pre-harvest agricultural water microbial criteria and testing requirements for non-sprout covered produce with requirements for pre-harvest agricultural water assessments that covered farms would use to determine appropriate measures for ensuring that their pre-harvest agricultural water is safe and of adequate sanitary quality under § 112.41. We also are proposing to enhance risk-based mitigation measures for pre-harvest agricultural water, including expedited mitigation measures to address known or reasonably foreseeable hazards in agricultural water systems due to animal activity, biological soil amendments of animal origin (BSAAOs), or human waste related to adjacent or nearby land uses. This proposed rule would add relevant definitions in subpart A and a requirement in subpart O for

supervisory review of records of pre-harvest agricultural water assessments, as well as conforming changes in subparts B and N for the proposed revisions to pre-harvest agricultural water requirements.

To ensure that interested parties can readily view the proposed pre-harvest agricultural water revisions, we are proposing to reorganize and replace subpart E in its entirety. Of note, this proposed rule would not substantively alter the standards established in part 112, subpart E, for agricultural water used for sprouts, for which the compliance dates have passed, or for agricultural water used during harvesting, packing, and holding activities, or for treatment of agricultural water.

Sections VI.C. through VI.H. describe our proposed revisions to the pre-harvest agricultural water requirements in subpart E of the produce safety regulation and conforming changes to align four additional provisions (in subparts A, B, N, and O) relating to the subpart E pre-harvest agricultural water testing requirements that we are proposing to revise. We seek comment on our proposal to replace the pre-harvest agricultural water quality criteria and testing requirements with requirements for agricultural water assessments and enhanced mitigation measures for pre-harvest agricultural water for non-sprout covered produce, including expedited mitigation in certain circumstances.

The proposed rule also contains other edits that are designed to provide clarity, such as reorganizing subpart E to group provisions of a similar nature, as follows:

- General provisions for agricultural water for all uses (proposed §§ 112.40 through 112.42);
- Agricultural water assessments for pre-harvest agricultural water for covered produce other than sprouts (proposed § 112.43);
- Microbial water quality criterion and testing requirements for agricultural water for irrigation of sprouts and for harvest and post-harvest uses (proposed § 112.44);
- Corrective and mitigation measures for agricultural water for all uses (proposed § 112.45);
- Requirements relating to treatment methods for agricultural water for all uses (proposed § 112.46);
- Who conducts testing for agricultural water (proposed § 112.47);
- Reserved (proposed § 112.48 through 112.49); and
- Records relating to agricultural water for all uses (proposed § 112.50).

Each of the proposed technical edits is described in the relevant subsections below.

A. Scope of the Rulemaking

This proposed rule is narrow in scope. We are not proposing to amend the requirements of the produce safety regulation relating to Personnel Qualifications and Training (subpart C); Health and Hygiene (subpart D); Biological Soil Amendments of Animal Origin and Human Waste (subpart F); Domesticated and Wild Animals (subpart I); Growing, Harvesting, Packing and Holding Activities (subpart K); Equipment, Tools, Buildings, and Sanitation (subpart L); Sprouts (subpart M); Variances (subpart P); Compliance and Enforcement (subpart Q); and Withdrawal of Qualified Exemption (subpart R), which are in effect for covered farms of all sizes [4] (Ref. 29).

Further, this proposed rule would not amend the requirements of the produce safety regulation in General Provisions (subpart A), other than the definitions we propose to add to § 112.3; General Requirements (subpart B), other than the proposed conforming change to § 112.12; Analytical Methods (subpart N), other than the proposed conforming change to § 112.151; or Records (subpart O), other than the proposed revisions to § 112.161(b). Therefore, we are not soliciting comment on subparts A through B and N through O of the produce safety regulation (with limited exceptions for the proposed changes to §§ 112.3, 112.12, 112.151, and 112.161), as those subparts are outside the scope of this rulemaking. We also are not soliciting comment on subparts C, D, F, I, K through M, and P through R of the produce safety regulation, as those requirements are outside the scope of this rulemaking, as discussed above.

B. Consistency With National Organic Program

In accordance with section 419(a)(3)(E) of the FD&C Act, this proposed rule does not include any requirements that conflict with or duplicate the requirements of the National Organic Program established under the Organic Foods Production Act of 1990. Compliance with the provisions of this proposed rule would not preclude compliance with the requirements for organic certification in 7 CFR part 205. Moreover, where this proposed rule and the National Organic Program would include similar or related requirements, our proposed requirements may be satisfied concurrently with those of the National Organic Program (*i.e.,* to the extent the requirements are the same, compliance with this proposed rule could be achieved without duplication).

For example, proposed § 112.43(a)(1) would require a covered farm to evaluate the likelihood that adjacent and nearby land uses involving animal activity, the application of BSAAOs, or the presence of untreated or improperly treated human waste may contaminate pre-harvest agricultural water for covered produce (other than sprouts). This provision would not conflict with or duplicate National Organic Program requirements to manage plant and animal materials, soil fertility, and manure in a manner so that they do not contribute to contamination of water by pathogenic organisms (7 CFR 205.203(c)–(d), 205.239(e)) and manage livestock operations to prevent runoff of wastes and contaminated waters to adjoining or nearby surface water and across property boundaries (7 CFR 205.239(a)(5)).

Further, we note that the provisions for treatment of agricultural water in proposed § 112.46 are not in conflict with or duplicative of the National Organic Program guidance, ''The Use of Chlorine Materials in Organic Production and Handling'' (Ref. 30), which provides that residual chlorine levels in pre-harvest water agricultural water should not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (40 CFR part 141), and post-harvest agricultural water is permitted to contain chlorine materials at levels approved by the FDA or the EPA for such purpose. Certified organic farms would be able to comply with the provisions of this proposed rule with respect to corrective or mitigation measures that would be reasonably necessary to implement under proposed § 112.45.

We seek comment on the tentative conclusion that this proposed rule does not conflict with or duplicate the requirements of the National Organic Program, while providing the same level of public health protection as required under FSMA.

C. Definitions (Proposed § 112.3)

We propose to add two new definitions in § 112.3 to provide clarity for terminology used in the proposed requirements for pre-harvest agricultural water assessments.

[4] FDA announced its intent to exercise enforcement discretion for specific requirements related to written assurances in ''Policy Regarding Certain Entities Subject to the Current Good Manufacturing Practice and Preventive Controls, Produce Safety, and/or Foreign Supplier Verification Programs: Guidance for Industry,'' *https://www.fda.gov/media/110023/download* (last accessed May 13, 2020).

1. Agricultural Water Assessment

We propose to add a new definition of ''agricultural water assessment.'' As proposed, the term agricultural water assessment would be defined to mean an evaluation, conducted by a covered farm, of its agricultural water system used during growing activities for non-sprout covered produce, its agricultural water practices for such pre-harvest water, crop characteristics, environmental conditions, and other relevant factors (including test results, where appropriate) to: (1) Identify any condition(s) that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce or food contact surfaces and (2) determine whether corrective or mitigation measures for pre-harvest agricultural water are necessary to reduce the potential for contamination with such known or reasonably foreseeable hazards.

A definition of ''agricultural water assessment'' is needed to provide clarity, particularly in light of widespread use of similar terms that may have different meanings than the definition in this proposal. For example, the definition of agricultural water assessment we are proposing includes crop characteristics. By contrast, an ''ag water system assessment,'' as described by Western Growers (Ref. 31), or a ''sanitary survey,'' as described by some stakeholders (Ref. 3) do not consider this factor.

Crop characteristics also are a factor mentioned in the QAR (Ref. 11). Crop characteristics have long been identified as a factor influencing the potential for water to contaminate produce. In the 1998 FDA Good Agricultural Practices Guide, for example, we explained that produce that has a large surface area (such as leafy vegetables) and produce with topographical features (such as rough surfaces) that foster attachment or entrapment may be at greater risk from pathogens, if they are present, especially if contact with agricultural water occurs close to harvest or during post-harvest handling (Ref. 32). In light of the role that crop characteristics may play in contamination of produce, this would be an important component of an ''agricultural water assessment'' under this proposed rule.

2. Agricultural Water System

We are proposing to define the term ''agricultural water system'' to provide greater clarity and increase consistency in the interpretation of what comprises an agricultural water system that a covered farm must inspect under § 112.42(a), to the extent that the system is under the farm's control. In this proposed rule, an ''agricultural water system'' means a source of agricultural water, the water distribution system, any building or structure that is part of the water distribution system (such as a well house, pump station, or shed), and any equipment used for application of agricultural water to covered produce during growing, harvesting, packing, or holding activities.

We developed the proposed definition of ''agricultural water system'' based on elements listed in § 112.42(a) of the produce safety regulation, which provides that an agricultural water system includes water sources, water distribution systems, facilities, and equipment. We also incorporated language from the definition of ''water distribution system'' in § 112.3 of the produce safety regulation, which describes a system for carrying water from its source to its point of use. Additionally, we added examples of buildings or structures that may be part of a water distribution system—for example, a well house, pump station, or shed—to clarify the meaning of ''facilities'' as a component of an agricultural water system. We expect that adding a definition that clearly describes the scope of ''agricultural water system'' will help covered farms ensure that inspections and maintenance activities under proposed § 112.42 would be of adequate scope and rigor.

We are seeking comment on the definitions of ''agricultural water assessment'' and ''agricultural water system'' in proposed § 112.3.

D. Applicability (Proposed § 112.40)

We are proposing to add new § 112.40 to summarize the requirements that would apply to a covered farm. The provision would include an explanatory table presenting the following:

If you are a covered farm using pre-harvest agricultural water in growing covered produce, other than sprouts:

- You must meet the requirements of §§ 112.41 (water quality standard), 112.42 (inspections and maintenance of agricultural water systems), 112.43 (agricultural water assessment), and 112.50 (records) and
- As applicable, you must meet the requirements of §§ 112.45 (measures), 112.47 (who may test), and 112.151 (methods). Any water treatment must be in accordance with § 112.46.

If you are a covered farm using agricultural water for sprout irrigation:

- You must meet the requirements of §§ 112.41 (water quality standard), 112.42 (inspections and maintenance of agricultural water systems), 112.44(a) (microbial quality criterion), unless excepted under 112.44(c), and 112.50 (records) and
- As applicable, you also must meet the requirements of §§ 112.44(b) (untreated ground water testing), 112.44(c) (exceptions from testing requirement), 112.45 (measures), 112.47 (who may test), and 112.151 (test methods). Any water treatment must be in accordance with § 112.46.

If you are a covered farm using agricultural water for harvesting, packing, or holding covered produce:

- You must meet the requirements of §§ 112.41 (water quality standard), 112.42 (inspections and maintenance of agricultural water systems), 112.44(a) (microbial quality criterion), unless excepted under 112.44(c), 112.44(e) (additional management and monitoring practices), and 112.50 (records) and
- As applicable, you also must meet the requirements of §§ 112.44(b) (testing untreated ground water), 112.44(c) (exceptions from testing requirement), 112.45 (measures), 112.47 (who may test), and 112.151 (test methods). Any water treatment must be in accordance with § 112.46.

E. Pre-Harvest Agricultural Water Assessments (Proposed § 112.43)

Proposed § 112.43 would require covered farms to conduct agricultural water assessments for the pre-harvest agricultural water for non-sprout covered produce. The proposed assessments would be conducted annually (and more frequently as needed), documented in writing, and used for hazard identification and risk management decision-making purposes in lieu of the pre-harvest microbial water quality criteria and testing requirements in §§ 112.44(b) and 112.46(b) of the produce safety regulation.

Covered farms would be exempt from the proposed agricultural water assessment requirement if they can demonstrate that their pre-harvest agricultural water for non-sprout covered produce:

- Meets the requirements for harvest and post-harvest agricultural water (proposed § 112.44(a) and, as applicable, §§ 112.44(b), 112.47, and 112.151);
- Meets the requirements for water from a Public Water System or public water supply (proposed § 112.44(c)); or
- Is treated in accordance with § 112.46.

Unless exempt (as described above), covered farms using pre-harvest agricultural water for non-sprout covered produce would evaluate their pre-harvest agricultural water system(s), agricultural water practices, crop

characteristics, environmental conditions, and other relevant factors to identify any conditions that would be reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce or food contact surfaces. Certain covered farms also may opt to conduct testing to help inform their assessments.

Covered farms would use the results of their agricultural water assessments in determining whether corrective or mitigation measures for their pre-harvest agricultural water for non-sprout covered produce would be reasonably necessary to reduce the potential for contamination, or whether routine inspections and maintenance of their agricultural water systems would be adequate to ensure that their pre-harvest agricultural water is safe and of adequate sanitary quality for its intended use under § 112.41.

To assist readers, Table 3 outlines the discussion of proposed § 112.43.

TABLE 3—DISCUSSION OF PROPOSED § 112.43

1. Proposed § 112.43(a)—Elements of an Agricultural Water Assessment
2. Factors
3. Agricultural Water System
4. Location and nature of each water source
5. Type of water distribution system
6. Degree of protection of each agricultural water system
7. Degree of protection from contamination by other users
   a. Animal impacts
   b. Adjacent and nearby land uses
   c. Animal activities as possible contributing factors in outbreaks
   d. Endangered Species Act
   e. BSAAOs
   f. Untreated or improperly treated waste
8. Agricultural water practices
   a. Time to harvest
   b. Method of application
9. Crop characteristics
10. Environmental conditions
11. Other relevant factors
12. Written annual assessments
13. Proposed § 112.43(b)—Exemptions
14. Proposed § 112.43(c)—Outcomes
15. Proposed § 112.43(d)—Testing for Assessment Purposes
   a. Generic *E. coli*
   b. Frequency of testing
   c. Microbial water quality criteria
   d. Records relating to analytes, sampling frequencies, and pre-harvest water quality criteria
16. Proposed § 112.43(e)—Reassessment

1. Proposed § 112.43(a)—Elements of an Agricultural Water Assessment

Unless exempt under proposed § 112.43(b), covered farms using pre-harvest agricultural water for non-sprout covered produce would prepare a written assessment of their pre-harvest agricultural water, at least once each year, to identify any conditions that would be reasonably likely to introduce known or reasonably foreseeable hazards into or onto non-sprout covered produce or food contact surfaces.

2. Factors

In light of the diversity of operations, practices, and conditions that may impact the pre-harvest agricultural water used by foreign and domestic covered farms for non-sprout covered produce, we propose to require a covered farm to assess the following factors (further described in paragraphs 3–11, below) for hazard identification purposes, under proposed § 112.43(a):

- Each agricultural water system (defined as proposed in § 112.3) used for pre-harvest agricultural water for non-sprout covered produce, including:
  - The location and nature of the water source (that is, whether the source meets the definition of ground water or surface water);
  - the type of water distribution system, such as whether the conveyance is open to the environment (for example, an open irrigation canal) or is closed to the environment (for example, a closed piping system);
  - the degree to which the agricultural water system(s) are protected from possible sources of contamination, including possible contamination by other users of the same agricultural water system and animal impacts (including by grazing animals, working animals, and animal intrusion on the covered farm); and
  - the degree to which the agricultural water system(s) are protected from possible sources of contamination, including by adjacent and nearby land uses—particularly any animal activity (for example grazing, or commercial animal feeding operations of any size), the application of BSAAOs, or the presence of untreated or improperly treated human waste;
- Agricultural water practices associated with each agricultural water system used for pre-harvest water for non-sprout covered produce, including:
  - The type of direct application method used (such as foliar spray or drip irrigation of covered produce growing underground); and
  - the time interval between the last direct application of agricultural water and harvest of the non-sprout covered produce;
- Crop characteristics, including the susceptibility of the covered produce to surface adhesion or internalization of hazards;
- Environmental conditions, such as:
  - The frequency of heavy rain or extreme weather events that may impact the agricultural water system(s) (such as by stirring sediments) or that may impact covered produce (such as damage to edible leaves) during growing activities;
  - air temperatures; and
  - sun (ultraviolet (UV)) exposure; and
- Other relevant factors, including, if applicable, the results of any testing conducted to inform the assessment.

3. Agricultural Water Systems

Proposed § 112.43 is intended to supplement the requirements of proposed § 112.42,[5] which would require a covered farm to regularly inspect and routinely maintain the components of its agricultural water systems—to the extent that such components or systems are under its control. While proposed § 112.42 is focused on agricultural water system components under the covered farm's control, proposed § 112.43(a) would require covered farms to conduct a more comprehensive assessment of possible sources and routes by which known or reasonably foreseeable hazards are reasonably likely to be introduced into its preharvest agricultural water for non-sprout covered produce. While the covered farm may not have control over the factors assessed under proposed § 112.43(a), they are no less important for the farm to consider when determining the safe use of agricultural water on covered produce.

When conducting pre-harvest agricultural water assessments, covered farms would use the results of inspections and maintenance they performed under proposed § 112.42 for agricultural water systems under their control. For example, a covered farm using an on-farm pond as a pre-harvest agricultural water source would consider the results of any inspections and maintenance performed (including inspection findings documented in records under proposed § 112.50(b)(2)) as part of its pre-harvest agricultural water assessment (proposed § 112.43).

For hazard identification purposes, under proposed § 112.43, a covered farm would assess each pre-harvest agricultural water system it uses for non-sprout covered produce from water source to point of application. A covered farm could not satisfy the agricultural water assessment requirements in proposed § 112.43 solely based on inspection activities conducted under proposed § 112.42, for example, because the agricultural water

[5] As described in section VI.I., we are proposing to minor revisions to § 112.42, which applies to agricultural water for pre-harvest, harvest, and post-harvest application to covered produce.

assessment requires consideration of a broader range of factors, including agricultural water practices, crop characteristics, and other relevant factors.

For each agricultural water system used for pre-harvest agricultural water for non-sprout covered produce, a covered farm would consider:

4. Location and Nature of Each Water Source

Proposed § 112.43(a)(1) would require covered farms to evaluate the location and nature of each agricultural water source used during growing activities for non-sprout covered produce. The covered farm would need to identify whether the water source was ground water or surface water as a starting point for its agricultural water assessment.

The QAR (Ref. 11) concluded that the microbial quality of source water is one of the key determinants in assessing the relative likelihood of contamination attributable to agricultural water. For example, groundwater obtained from deep underground aquifers, with properly designed, located, and constructed wells, generally yields higher quality water with little variability due to the natural filtering capacity of soils, the depth pathogens would have to travel to compromise the source, and because it is not expected to be subject to environmental factors such as runoff (Refs. 11 and 32).

By contrast, surface waters, which are exposed to the environment, pose a higher potential for contamination due to runoff and greater variability in quality because of the potential for external inputs (Ref. 11). Runoff has the potential to carry pathogens and is known to mobilize pathogens from sediment reservoirs to the water column (Refs. 33–36). Runoff also carries pathogens to the surface water system from sources such as failing septic systems and deposited animal feces (Refs. 36 and 37).

5. Type of Water Distribution System

Under proposed § 112.42(a)(1), a covered farm also would identify the type of water distribution systems used to convey pre-harvest agricultural water for non-sprout covered produce.

As the QAR (Ref. 11) notes, pathogens can potentially enter a water system anywhere along the path from source to distribution and use, potentially introducing hazards onto produce. Some water used for growing activities is conveyed through open systems of canals and laterals that can be subject to the introduction of hazards such as via runoff, animal intrusion, direct discharge, or seepage. For example, in the investigation of the Spring 2018 *E. coli* O157:H7 outbreak, investigators conducted a ground water assessment of the area near the 3.5-mile section of irrigation canal where the outbreak strain was detected in three samples. (Refs. 12 and 13). Investigators noted that one of those positive samples was collected immediately downstream from a shallow ground water discharge into the irrigation canal. Investigators also found an area where ground water may have been seeping directly into unlined sections of the canal within the 3.5-mile stretch where the outbreak strain was detected.

Other water is distributed through closed distribution systems, such as through piping that conveys water from the source to the field. If intact, properly constructed, and properly functioning, piped systems can help protect the water from the potential introduction of hazards during conveyance.

However, hazards may be introduced into closed piping systems, such as where interconnected with other systems without adequate backflow protection. For example, an environmental investigation of a 2006 *E. coli* O157:H7 linked to iceberg lettuce led investigators to a farm with an irrigation system that blended irrigation water from the local water district and dairy wastewater, and routed the blended water to fields (Ref. 21). Investigators reported that the irrigation and dairy effluent conveyance systems appeared to be combined into a complex piping network, which raised concerns about the potential of microbial cross-contamination between the growing fields of lettuce and nearby dairies. Six samples (water, soil, and environmental swabs) matching the outbreak strain by pulsed-field gel electrophoresis came from areas where the blended water was routed. Investigators concluded: ''Because this system has been found to have inadequate backflow prevention devices, it presented a possible route of conveyance of contaminated water to fields adjacent to suspect lettuce growing fields associated with this outbreak.'' (Ref. 38).

Covered farms with open and closed components in their agricultural water distribution systems would consider the individual properties and characteristics of each component when conducting a pre-harvest agricultural water assessment under proposed § 112.43(a)(1).

6. Degree of Protection of Each Agricultural Water System

In evaluating each agricultural water system used for pre-harvest water for non-sprout covered produce under proposed § 112.43(a)(1), a covered farm would consider the likelihood that various external conditions (including those described in paragraphs 7, 11, and 12 below) could introduce known or reasonably foreseeable hazards to pre-harvest agricultural water, such as from:

- Other users of the agricultural water system;
- Animal impacts, including grazing animals, working animals, and animal intrusion on the covered farm; and
- Adjacent and nearby land uses involving animal activity, application of BSAAOs, or presence of untreated or improperly treated human waste.

Under proposed § 112.43(a)(1), a covered farm would evaluate whether there are measures in place to contain possible sources of contamination (such as discharges or runoff) away from the agricultural water system, including any measures implemented by the farm itself or by another entity (proposed § 112.43(a)(1)). For example, the QAR (Ref. 11) indicates that farms may be able to minimize the influence of discharge or runoff into on-farm surface water held in impoundments, catches, and ponds, such as through walls or earthen berms. Other farms may have little to no control over upstream runoff into a larger, shared body of water, such as a river. While flowing waters generally may be exposed to the same types of factors as on-farm ponds, reservoirs, and water containment structures, their composition and chemistry can be expected to be largely influenced by their course through land used for purposes that may lead to their contamination and, potentially, to the contamination of produce exposed to those waters.

7. Degree of Protection From Contamination by Other Users

In assessing the degree of protection of the agricultural water system(s) under proposed § 112.43(a)(1), a covered farm would consider the potential for known or reasonably foreseeable hazards to be introduced by other users of any pre-harvest agricultural water source or distribution system used for non-sprout covered produce. For example, a covered farm that draws water for crop protection sprays from a pond that is also used for recreational swimming would need to consider whether that use of the source for recreational swimming would be reasonably likely to introduce known or reasonably foreseeable hazards into the agricultural water system, such as through introduction of human waste.

Under proposed § 112.43(a)(1), covered farms that reuse (or recycle) water as a source for pre-harvest

agricultural water would need to consider the potential for known or reasonably foreseeable hazards to be introduced by the prior use of the water. This would include consideration of impacts relating to the nature of the prior use. We note that the requirements for agricultural water quality in proposed §§ 112.41 and 112.43 apply regardless of the source or type of water used as agricultural water. If finalized, a covered farm would determine the appropriate use of the recycled water in light of the conditions and practices on the farm by assessment as required under § 112.43, taking into account the standard in § 112.41 that all agricultural water must be safe and of adequate sanitary quality for its intended use.

We anticipate that some covered farms would treat the recycled water themselves (or through a third party acting on their behalf) in accordance with the proposed treatment requirements. Proposed § 112.46 would require the treatment method to be effective and delivered in a manner to ensure that the treated water is consistently safe and of adequate sanitary quality for its intended use(s). If finalized as proposed, the treated water would be monitored using an adequate method and frequency to ensure that it is consistently safe and of adequate sanitary quality for its intended use(s).

We seek comment on the types of water reuse that covered farms might use for pre-harvest agricultural water. We also seek comment from interested parties on providing greater specificity on testing for water reuse, such as by setting quantitative thresholds in the final rule, or by providing testing recommendations in guidance, for recycled water applied during growing activities for covered produce (other than sprouts), consistent with our mandate to establish science-based minimum standards for agricultural water that are reasonably necessary to minimize the risk of serious adverse health consequences or death from the use of, or exposure to, covered produce, including those reasonably necessary to prevent the introduction of known or reasonably foreseeable hazards into covered produce, and to provide reasonable assurances that the produce is not adulterated under section 402 of the FD&C Act.

a. Animal impacts. Under proposed § 112.43(a)(1), a covered farm would consider the potential for hazards to be introduced into its pre-harvest agricultural water sources or distribution systems from animals, including grazing animals, working animals, and wild animal intrusion on the farm.

As discussed in the QAR (Ref. 11), both wild and domesticated animals may be a source of human pathogens, including animals that only sporadically show symptoms (Ref. 39) or that may be asymptomatic shedders (Refs. 40 and 41). Animal waste has been shown to harbor many bacterial pathogens—for example, the predominant source of *E. coli* O157:H7 in animal feces is cattle, and the predominant source of *Salmonella* in animal feces is poultry (Ref. 11). The QAR (Ref. 11) identifies other domesticated animals (including sheep, goats, and swine) and wild animals can carry human pathogens as well, such as pathogenic *E. coli* in deer, feral swine, pigeons, and seagulls, and *Salmonella* in rodents and wild birds.

FDA acknowledges the longstanding co-location of animals and plant food production systems in agriculture. This proposed rule would not prohibit the presence of animals (such as grazing animals or working animals) on a covered farm, nor would it require the destruction of wildlife habitat or the clearing of farm borders. Rather, the proposed rule would require a covered farm to evaluate and take measures to prevent the introduction of known or reasonably foreseeable hazards into or onto non-sprout covered produce or food contact surfaces by pre-harvest agricultural water.

Proposed § 112.43(a)(1) is intended to provide a covered farm with information about animal impacts on its pre-harvest agricultural water system(s) and to facilitate measures as needed under proposed § 112.45. Some covered farms will be aware of potential animal impacts from grazing animals, working animals, or animal intrusion through assessments done under subpart I (§§ 112.81–112.84) of the produce safety regulation—which, under certain circumstances, requires a covered farm to assess the relevant areas used for a covered activity for evidence of potential contamination of covered produce (such as observation of significant quantities of animals, significant amounts of animal excreta, or significant crop destruction). (See 80 FR 74354 at 74478–74485.) When determining the probability that animals will contaminate its covered produce under subpart I of the produce safety regulation, a covered farm may consider the presence of animal attractants such as water sources or standing water on or near the farm (Ref. 42). Visual observations by a covered farm for purposes of §§ 112.81–112.83 could provide useful information for evaluating the degree of protection of a pre-harvest agricultural water system under proposed § 112.43(a)(1). For example, if a covered farm determines that there is a reasonable probability that wild animals will contaminate their crop, the covered farm must assess the relevant growing area for evidence of potential contamination in accordance with § 112.83(b)(1) of the produce safety regulation. The covered farm could consider findings from this assessment—for example, whether significant amounts of animal excreta are observed—when evaluating the likelihood of hazards being introduced into their pre-harvest agricultural water sources.

Additionally, a covered farm would be aware of potential animal impacts on agricultural water systems through inspections and maintenance performed on agricultural water sources and agricultural water systems it controls under proposed § 112.42. For example, pooled water in close proximity to the crop may serve as an attractant for pests and other animals which may in turn introduce hazards into pooled water that may contaminate produce. (See 80 FR 74354 at 74434.)

b. Adjacent and nearby land uses. Proposed § 112.43(a)(1) would require a covered farm to consider whether it is reasonably likely that known or reasonably foreseeable hazards would be introduced into agricultural water systems by activities conducted on lands adjacent to or nearby its sources or distribution systems for pre-harvest agricultural water for non-sprout covered produce.

By ''adjacent'' land, we are referring to land sharing a common border with the water source or distribution system. By ''nearby'' land, we are referring to a broader category of land, including land that does not adjoin the water source or distribution system but has the potential to affect the covered farm's agricultural water source or distribution system based on the land's location (80 FR 74354 at 74433).

Under proposed § 112.43(a)(1), covered farms would be required to consider the likelihood of introduction of known or reasonably foreseeable hazards related to animal activity on adjacent and nearby lands, for example:

- Grazing on public or private lands;
- Commercial animal feeding operations of any size; and
- Other animal activity, such as dairy production, poultry production, barnyards, and significant wildlife intrusion or habitat.

Animal activities on adjacent and nearby lands—including grazing, livestock operations, and wildlife intrusion—may introduce

contamination to surface and ground water through runoff and through direct access by animals to waterways (Refs. 43–46). Strong associations have been reported with *E. coli* O157:H7 originating from upstream pastures with unrestricted access to waterways (Ref. 47). Indicators of fecal contamination in water systems have been reported to be related to various types of livestock operations—for swine (Ref. 48), poultry (Ref. 49), and cattle (Ref. 50). Animals from densely populated farms or farms with a high population of immature animals have an increased likelihood of harboring various pathogens (Ref. 51). Runoff has the potential to increase the number of pathogens in the water column if its origins include human, livestock or wildlife feces, because it has the potential to increase the amount of suspended sediments which are likely to harbor pathogens (Ref. 43).

c. Animal activities as possible contributing factors in outbreaks. FDA investigators have identified animal operations of various sizes as possible contributing factors in several produce outbreaks.[6] In particular, animal operations in proximity to, or upstream of, an agricultural water source or distribution system may pose a significant risk in some circumstances. Topography is another important factor to consider in evaluating whether adjacent or nearby lands may serve as a source of contamination. For example, animal grazing was identified as a possible contributing factor in investigations of three 2019 *E. coli* O157:H7 outbreaks linked to romaine lettuce, in which one of the outbreak strains was detected in a fecal-soil composite sample taken from a cattle grate on public land less than 2 miles upslope from a farm with multiple fields tied to the outbreaks by traceback investigations (Ref. 16). Additional STEC strains were found in two samples collected from cattle grazing land in the hills above leafy greens fields identified by traceback evidence, though neither of the strains were linked to human illness. During collection of these samples, investigators observed cattle grazing on hills above the identified leafy greens fields, but far fewer than would be present on a large CAFO. Investigators estimated that each of these adjacent grazing lands had between 50 and 150 head of cattle.

Cattle and horse grazing on adjacent lands were identified as potential contributing factors in an investigation of a Fall 2018 *E. coli* O157:H7 outbreak linked to romaine lettuce, in which the outbreak strain was detected in a sediment sample from an on-farm water reservoir (Ref. 15). Although investigators were not able to determine how the contamination was introduced into the water reservoir, they identified several risk factors, including between 250 and 500 cattle grazing on land adjacent to romaine lettuce production on a farm identified by traceback investigation. This was a notable observation given that FDA's outbreak investigations have repeatedly demonstrated the heightened risk of contamination associated with grazing activities near produce growing areas and agricultural water sources, unless appropriate measures are taken to mitigate the risks.

In the investigation of the Spring 2018 *E. coli* O157:H7 outbreak, a large cattle CAFO was located adjacent to the 3.5-mile stretch of irrigation canal where the outbreak strain was found (Ref. 12). One of these samples was collected immediately downstream from where shallow ground water is pumped into the irrigation canal. The EA investigators also found an area where ground water may have been seeping directly into unlined sections of the canal within the 3.5-mile stretch where the outbreak strain was detected. Investigators identified on-farm wells at the CAFO as a possible route of ground water contamination (Ref. 13).

Nearby cattle feeding operations also were identified as a possible source of contamination during an investigation of a 2013 *E. coli* O157:H7 outbreak, with 33 reported illnesses, linked to ready-to-eat salads (Ref. 52). Based on traceback information, investigators conducted on-farm sampling and investigation. Of the ten soil and water samples collected, five were positive for *E. coli* O157:H7 but not the outbreak strain.

Feral swine and cattle were identified as possible vectors for surface water contamination in an investigation of a 2006 *E. coli* O157:H7 outbreak traced to bagged spinach (Ref. 20) The outbreak strain was detected in feral swine feces, cattle feces, surface water, and river sediment samples collected from a ranch with cattle pastures located adjacent to a leased field where spinach implicated by traceback was grown. Samples were matched by pulsed-field gel electrophoresis and multilocus variable number tandem repeat analysis (Ref. 20). Although investigators made no definitive determination on the route of contamination, they concluded that fecal loading of surface waterways by livestock and wildlife with subsequent contamination of wells used for irrigation was one possible route of transmission to plants in the field (Ref. 20).

Under proposed § 112.43(a)(1), a covered farm would evaluate animal activity on adjacent and nearby lands, such as grazing or commercial animal operations of any size, to identify any condition(s) that may introduce a known or reasonably foreseeable hazard into a source or distribution system used for pre-harvest agricultural water for non-sprout covered produce. Animal activities that may introduce contamination into sources or distribution systems include, but are not limited to, livestock feeding operations of any size, dairy production, poultry production, barnyards, or significant wildlife intrusion or wildlife habitat. In evaluating adjacent and nearby land uses under proposed § 112.43(a)(1), a covered farm could, for example, consider the effects of any fencing, containment, or other measures employed to prevent animal access to water sources or distribution systems, or earthen diversion berms, ditches, or other barriers to help minimize the influence of runoff on sources and distribution systems. Information on adjacent or nearby land uses could be acquired through visual observations, discussions with local extension agents or associations, online resources such as mapping tools, or other means that are appropriate to the circumstances.

The factors a covered farm might consider in evaluating the likelihood of hazards being introduced from adjacent or nearby lands may depend on the specific animal activity in question. For example, if a covered farm draws water from a stream with upstream grazing and pasturing of animals, the covered farm might consider the proximity of the grazing and pasture areas to the stream, whether the animals have direct access to the stream for loafing and drinking, and whether runoff from the grazed and pastured lands is likely to be introduced into the stream.

While a covered farm might consider similar factors to these if it draws water from a canal with an upstream dairy operation, there may be additional factors to consider when evaluating the likelihood of introduction of hazards, such as whether the operation has any best management practices in place (such as to prevent overflow of manure lagoons), the locations of waste storage

[6] In many instances, these operations did not meet the EPA's definition of large CAFO. Under 40 CFR 122.23(b), a CAFO is a lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. A large CAFO stables or confines 1,000 or more cattle (other than mature dairy cows or veal calves); 700 dairy cows; or 500 horses, for example.

or composting operations relative to the canal, and animal and traffic patterns throughout the dairy that have the potential to spread contaminants.

We recognize that farms may face uncertainty around evaluating factors like these where they are unable to obtain the relevant information, such as if adjacent or nearby land users are not willing to share information. Due to the nature of the risks associated with animal activity, in these instances, farms should consider accounting for the increased likelihood of hazard introduction to the water systems from adjacent or nearby lands when making decisions around the safe use of their water.

d. Endangered Species Act. Section 112.84 of the produce safety regulation clarifies that the regulation does not authorize or require covered farms to take actions that would constitute the ''taking'' of threatened or endangered species in violation of the Endangered Species Act (16 U.S.C. 1531–1544), or require covered farms to take measures to exclude animals from outdoor growing areas, or destroy animal habitat or otherwise clear farm borders around outdoor growing areas or drainages.

We note that nothing in proposed subpart E would require covered farms to take measures to exclude animals from covered farms or from adjacent or nearby lands, or to destroy animal habitat or otherwise clear farm borders.

e. BSAAOs. Proposed § 112.43(a)(1) also would require covered farms to evaluate the presence of BSAAOs on adjacent and nearby lands that may introduce known or reasonably foreseeable hazards into sources and distribution systems for pre-harvest agricultural water for non-sprout covered produce, such as through runoff.

Section 112.3 of the produce safety regulation defines BSAAO to mean ''any biological soil amendment which consists, in whole or in part, of materials of animal origin, such as manure or non-fecal animal byproducts including animal mortalities, or table waste, alone or in combination. The term biological soil amendment of animal origin does not include any form of human waste.''

The QAR (Ref. 11) concluded that biological soil amendments can transmit human pathogens to surface water or ground water when stockpiled or applied to fields. Composting is less likely than controlled chemical or physical treatments to fully eliminate human pathogens from animal waste. Incompletely treated, or re-contaminated, BSAAOs may contain human pathogens. (See also 80 FR 74534 at 74461–74478.)

Soil amendments have been identified as possible sources of pathogens in produce outbreak investigations (Ref. 11). For example, investigators identified soil amendments on adjacent lands as a possible source of contamination in the 2018 romaine lettuce outbreak in which the outbreak strain of *E. coli* O157:H7 was introduced into the on-farm water reservoir (Ref. 15).

In evaluating whether the application of BSAAOs on adjacent and nearby lands may introduce contamination into sources or distribution systems for pre-harvest agricultural water for non-sprout covered produce, a covered farm would consider whether the BSAAO is treated or applied to the land in accordance with the produce safety regulation (such as where adjacent or nearby lands are covered farms subject to the produce safety regulation) or any other Federal, State, or international regulations, recommendations, or guidelines for soil amendments. Covered farms would consider whether any BSAAOs on adjacent and nearby lands are handled, conveyed, and stored in a manner and location so that they do not become a potential source of contamination to water sources and water distribution systems for pre-harvest agricultural water for non-sprout covered produce (proposed § 112.43(a)(1)).

Factors to consider when evaluating the likelihood of potential hazards being introduced into a water system include, for example: (1) The distance between the fields and the water source; (2) the measures, if any, an upstream farm uses to control runoff; (3) whether the BSAAOs are treated and to what extent; (4) how BSAAOs are handled, conveyed, and stored on the land; and (5) whether runoff is likely to occur. In the event of uncertainty about use of BSAAO on adjacent and nearby lands, such as where the upstream farm does not provide information, farms should consider accounting for the increased likelihood of hazard introduction to the water systems from such BSAAO uses when making decisions around the safe use of their pre-harvest agricultural water.

f. Untreated or improperly treated human waste. Proposed § 112.43(a)(1) also would require covered farms to consider adjacent and nearby land uses related to untreated or improperly treated human waste.

As described in the QAR (Ref. 11), human waste may contain pathogens in relatively high concentrations. Runoff associated with human waste from adjacent and nearby lands may contaminate sources or distribution systems for pre-harvest agricultural water for non-sprout covered produce—such as where untreated or improperly treated human waste is applied as a soil amendment or where human waste systems are not properly constructed and maintained. Covered farms also should consider whether any portable toilet facilities on adjacent and nearby lands are appropriately located away from water sources and distribution systems in the event of malfunctioning, flooding, or high winds. Fixed human waste systems also may introduce contamination to water sources or water distribution systems. For example, investigators identified a recreational vehicle (RV) park as a potential source of contamination in a 2010 STEC O145 outbreak associated with romaine lettuce (Ref. 53). Investigators found that the RV park property had multiple septic leach systems with subterranean moisture in the area that drains into an irrigation canal.

When evaluating proposed § 112.43(a)(2)–(4), the covered farm would consider the likelihood that any hazards, if present in its agricultural water system, would be reasonably likely to introduce hazards into or onto non-sprout covered produce, due to the agricultural water practices employed by the farm, the characteristics of the crop(s) to which the pre-harvest agricultural water is applied, and the environmental conditions that may impact the introduction and/or persistence of hazards. An evaluation of the hazards associated with untreated or improperly treated human waste from adjacent or nearby lands could include consideration of potential sources of contamination, such as wastewater treatment plants, toilet facilities (portable and fixed), sewage systems, septic tanks, and drain fields. In considering whether hazards associated with human waste from adjacent or nearby lands might be introduced to water systems, covered farms might consider: (1) Whether and how the human waste is treated; (2) whether the source of human waste is discharged directly into the water system; (3) the proximity of the potential source to the water system; (3) the topography between the potential source of human waste and the water system; and (4) whether there are any physical measures in place between the potential source of human waste and water system that would reduce the likelihood of hazards being introduced. In the event of uncertainty about adjacent and nearby land uses related to untreated or improperly treated human waste, such

as if adjacent and nearby land users are not willing to share information, farms should consider accounting for the increased likelihood of hazard introduction to the water systems from such land uses when making decisions around the safe use of their pre-harvest agricultural water.

We note that in the United States, the use and disposal of treated sewage sludge (biosolids), including domestic septage, are regulated under 40 CFR part 503. Subpart D of the Part 503 regulation protects public health and the environment through requirements designed to reduce the potential for contact with the disease-bearing microorganisms (pathogens) in sewage sludge and domestic septage applied to the land or placed on a surface disposal site (Ref. 54).

8. Agricultural Water Practices

a. Time to harvest. In evaluating any conditions that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce (other than sprouts) or food contact surfaces under proposed § 112.43(a)(2), a covered farm would consider the interval between the last time pre-harvest agricultural water was applied to the covered produce and the date of harvest. For example, a covered farm that uses furrow irrigation and crop protection sprays for its non-sprout covered produce would consider the timing of both types of applications.

As explained in the QAR (Ref. 11), the timing of water application is an important factor in determining the likelihood of contamination, because pathogens die off over time on the surface of produce. Generally, bacteria or pathogens in water that is applied early in the growing cycle are subject to die-off from several environmental forces, such as UV exposure, temperature, humidity, and the presence of competitive organisms (Ref. 55). In contrast, pathogens present in agricultural water that is applied shortly before harvest may not be exposed to the same environmental conditions for sufficient time to provide a similar magnitude of die-off (Ref. 11). For more discussion of microbial die off rates, see section VI.F.

b. Method of application. Proposed § 112.43(a)(2) also would require a covered farm to evaluate the method(s) by which pre-harvest agricultural water is applied to non-sprout covered produce during growing activities.

The most frequently used irrigation methods include overhead sprinkler (or spray), surface and subsurface drip, furrow, flood, and seep irrigation (Ref. 56). The QAR (Ref. 11) explains that different irrigation methods present different risks based on the extent to which the irrigation water is directly applied to the harvestable portion of the crop.[7] Overhead sprinkler irrigation increases the risk of contamination as compared with furrow and subsurface drip irrigation (Ref. 57). The location of the harvestable portion of a plant in relation to irrigation water plays a significant role in contamination in studies of lettuce, cantaloupe, and bell pepper (Ref. 58). The likelihood of produce contamination may be reduced if irrigation water is delivered by subsurface drip irrigation as compared to using the same water to irrigate by overhead spray (Refs. 33 and 59).

Pathogenic *E. coli* has been recovered from lettuce tissue after surface irrigation and spray irrigation with suspensions of *E. coli* O157:H7; the level of contamination was lower from drip than from sprinkler irrigation (Ref. 60). The lettuce leaves remained contaminated with *E. coli* O157:H7 even after washing, indicating that surface and spray irrigation of food crops with water of unknown microbiological quality may introduce risk.

9. Crop Characteristics

Under proposed § 112.43(a)(3), a covered farm would be required to evaluate whether the covered produce has any characteristics that make it vulnerable to contamination, such as whether it is susceptible to surface adhesion of bacteria or internalization of microbial hazards. This includes increased susceptibility to internalization of hazards due to physical damage from weather events (such as freezing of an epidermal peel and hail damage) or biological damage (such as phytopathogens).

The QAR (Ref. 11) concluded that:

- The physical characteristics of the crop is one of the likely factors contributing to the likelihood of contamination, exposure, and illness.
- In particular, the growth characteristics (*e.g.,* near to the ground) and surface properties (*e.g.,* porosity) affect the probability and degree of contamination.
- No physical characteristics were identified that would be protective against contamination.

As discussed in the QAR (Ref. 11), although some physical characteristics of produce commodities (*e.g.,* netted rind of cantaloupe or large, rough surface area of some leafy greens) may increase the likelihood of contaminants being trapped and surviving long enough to cause illness, physical characteristics that could alter the potential for contamination (*e.g.,* smooth surfaces) do not always appear to do so. For example, while honeydew melon has a smooth rind, seemingly making it less likely to harbor pathogens, it has been associated with outbreaks. Some crops are more susceptible to the persistence and growth of human pathogens, including co-infections with plant pathogens (Ref. 61). (See also, the Codex Alimentarius Commission, Code of Hygienic Practice for Fresh Fruits and Vegetables (CXC 53–2003) (the Codex Code) section 3.2.1.1.1 (Ref. 62). We anticipate that as more information is learned about how commodity characteristics can impact produce safety, covered farms would use this information to further inform their pre-harvest agricultural water assessments.

10. Environmental Conditions

Proposed § 112.43(a)(4) would require a covered farm to evaluate the potential impacts of weather conditions, including seasonal rainfall patterns, the frequency of extreme weather events (such as heavy winds or rain), and other relevant agro-ecological conditions (such as temperature, sunlight (UV exposure)). As described in the QAR (Ref. 11), survival of pathogens in the environment is influenced by complex physical, chemical, and biological interactions. Some pathogens are widely distributed and naturally capable of long-term survival under a wide range of natural conditions (*e.g., Listeria monocytogenes*) while the distribution of others (*e.g., Salmonella, E. coli* H7:O157) may be more narrowly defined by temperature, sunlight (UV exposure), moisture level, pH, available nutrients and related factors, each of which may limit survival to some degree.

Changes in temperature and seasonality are expected to impact persistence of foodborne pathogens in the environment (Ref. 56). In general, the survival of pathogens in water sources decreases with increasing temperatures (Ref. 56). For example, in mid-latitude areas, it is thought that the overall survival of foodborne pathogens in soils, manure-amended soils and surface waters is likely to decrease with increasing temperatures (Ref. 63). However, exceptions may be observed in certain geographic areas and/or on certain farm environments due to factors that confound the effects of temperature, such as nutrient levels and humidity (Refs. 63 and 64).

[7] Irrigation water as described in the QAR is broader than the definition of agricultural water in § 112.3 of the produce safety regulations that would apply under this proposed rule.

Airborne transmission may also result in contamination of the environment—such as agricultural water and growing areas—particularly when dry, windy conditions are present (Ref. 65). One study (Ref. 66) found that *E. coli* was present in air samples from the edge of a beef cattle feedlot, indicating that airborne transfer of microorganisms can occur. Another study (Ref. 67) found that *E. coli* was recovered from 20 percent of air samples from an almond orchard downwind from a poultry operation and from 0.48 percent of air samples from an almond orchard not located near an animal operation. Increased levels of global dust activity due to desertification as well as increased wind speeds associated with storm systems may promote the dispersal and persistence of some microbial hazards in the environment, especially those that demonstrate higher levels of resistance to environmental conditions, such as spore-formers (Ref. 63).

Precipitation and its effects (*e.g.,* discharge and flow rate), along with temperature, are common factors reported to affect the microbial quality of watersheds with agricultural land inputs. Seasonal changes in rainfall—particularly heavy rainfall and flooding events—can greatly affect surface water quality (Refs. 33 and 62) and may result in sediments, which can serve as reservoirs for pathogens, being dispersed within the water column (Ref. 68). One study (Ref. 48) found that that as rainfall increases, populations of various indicators (fecal coliforms, generic *E. coli,* Enterococcus) increased; moreover, swine-specific markers were detected more frequently in water samples in the 48 hours following a rainfall event greater than the mean.

Rainfall events are reported to result in enhanced loading of fecal pollutants from adjacent lands into water systems (Ref. 63) and increased transport of pathogens onto growing fields (Ref. 63). Alternately, rainfall may also have a dilution effect on pathogens or indicator organisms that are already present in growing areas (Ref. 63). Although more research is needed, the possibility of splash dispersal and internalization of pathogens may also become problematic during periods of rainfall (Refs. 62 and 69), especially when increased levels of pathogens are transported to growing areas.

11. Other Relevant Factors

Under proposed § 112.43(a)(5), covered farms would consider any other factors relevant to identifying any conditions that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce (other than sprouts) or food contact surfaces. Those relevant factors may include, for example, whether the covered farm elected to conduct testing under § 112.43(d) to help inform its agricultural water assessment, as discussed below.

12. Written Annual Assessments

Under proposed § 112.43(a), covered farms using pre-harvest agricultural water for non-sprout covered produce would prepare a written assessment of their pre-harvest agricultural water, at least once each year, to identify any conditions that would be reasonably likely to introduce known or reasonably foreseeable hazards into or onto non-sprout covered produce or food contact surfaces, unless the farm is exempt under proposed § 112.43(b).

A written agricultural water assessment would help FDA to verify that covered farms conducted comprehensive assessments that included all of the elements required by proposed § 112.43(a) and made a written determination as required by proposed § 112.43(c). A written agricultural water assessment also would allow covered farms using pre-harvest water for non-sprout produce to more effectively manage their agricultural water (such as in evaluating the effectiveness of any mitigation measures), identify trends and changes impacting their agricultural water systems (such as a change in nearby land use that might introduce known or reasonably foreseeable hazards), and help identify potential sources of contamination of the water system and covered produce. Records of annual agricultural water assessments also would help covered farms in determining whether changed conditions would require covered farms to conduct a reassessment under proposed § 112.43(f)(2), prior to an annual reassessment.

The proposed requirement for an annual, written agricultural water assessment for pre-harvest agricultural water, with the elements described in paragraphs (a)(1)–(5), aligns with the Codex Code Section 3.2.1.1 (Ref. 63), which recommends the assessment of agricultural water for suitability for use, and the USDA Harmonized GAP Plus+ Standard, section F–4.1 (Ref. 70).

13. Proposed § 112.43(b)—Exemptions

Proposed § 112.43(b) would create various exemptions from the requirement to conduct an assessment of pre-harvest agricultural water for application to non-sprout covered produce.

Under proposed § 112.43(b)(1), a covered farm would be exempt from the requirement to conduct an assessment for pre-harvest agricultural water if the farm can demonstrate that the agricultural water meets the requirements of proposed § 112.44(a), which is applicable to agricultural water used for sprout irrigation or for harvest or post-harvest uses—*i.e.,* untreated ground water that meets the microbial water quality criterion of no detectable generic *E. coli,* based on testing requirements in proposed §§ 112.44(b), 112.47, and 112.151. The exclusion in proposed § 112.43(b)(1) does not apply to untreated surface water, because proposed § 112.44(a) prohibits the use of untreated surface water for sprout irrigation or harvest or post-harvest application on covered produce.

For example, if a covered farm uses the same untreated ground water source for pre-harvest and harvest application to non-sprout covered produce, the farm would be exempt from conducting an agricultural water assessment for the untreated ground water provided that the farm could demonstrate, through results of testing as required by proposed §§ 112.44(b), 112.47, and 112.151, that its agricultural water meets microbial water quality criterion in proposed § 112.44(a).

Ground water obtained from deep underground aquifers with properly designed, located, and constructed wells, is not subject to the impacts of runoff from adjacent and nearby lands and similar conditions evaluated as part of an agricultural water assessment. As explained in the 2015 produce safety final rule (80 FR 74354 at 74430), the microbial quality requirement of no detectable generic *E. coli* in § 112.44(a) in untreated ground water is intended to address the known or reasonably foreseeable hazards associated with fecal contamination of agricultural water. The stringency of the requirements in proposed § 112.44(a) is commensurate with the risks associated with using contaminated water for sprout irrigation and for harvest and post-harvest uses.

Proposed § 112.43(b)(2) would exempt a covered farm from the requirement to conduct an agricultural water assessment for pre-harvest agricultural water for non-sprout covered produce that a covered farm receives from a public water system that the covered farm can demonstrate:

- Meets the microbial requirements of EPA Safe Drinking Water Act (SDWA) regulations in 40 CFR part 141 (or the regulations of a State approved to administer the SDWA program) through

public water system results or certificates of compliance or

• Meets the microbial quality criterion in § 112.44(a) through public water system results or certificates of compliance.

Proposed § 112.43(b)(3) would exempt a covered farm from the requirement to conduct an agricultural water assessment for pre-harvest agricultural water for non-sprout covered produce that is treated in accordance with proposed § 112.46 (such as through application of an EPA-registered antimicrobial pesticide product).

Although we are not proposing to require covered farms to treat their agricultural water to meet applicable requirements, we note that scientists from FDA's Center for Food Safety and Applied Nutrition have developed a test protocol for evaluating the efficacy of antimicrobial chemical treatments against public health organisms in agricultural water sources and submitted it to EPA. On April 29, 2020, EPA approved FDA's testing protocol, which potential chemical registrants can now use to develop data to support registration of their pesticide products for treatment of agricultural water used during growing activities (Ref. 71).

We tentatively conclude that an agricultural water assessment would not be necessary when a covered farm can demonstrate that it its pre-harvest agricultural water for non-sprout covered produce meets the microbial quality criterion of no detectable generic *E. coli* and testing requirements that would be applicable to agricultural water for sprout irrigation and harvest and post-harvest uses; EPA drinking water standards or other public water supply standards; or the treatment requirements in proposed § 112.46. We seek comment on this tentative conclusion.

14. Proposed § 112.43(c)—Outcomes

Under proposed § 112.43(c), a covered farm would use the information gathered through inspection and maintenance of its agricultural water system and evaluation of its agricultural water practices, the crop characteristics, environmental conditions, and other relevant factors for hazard identification purposes, as described in § 112.43(a). The covered farm also would make a written determination of any corrective or mitigation measures to implement based on:

• The farm's evaluation of factors described in proposed § 112.43(a)(1) through (5);

• Any conditions the farm identified that would be reasonably likely to introduce known or reasonably foreseeable hazards (specifically, biological hazards, as explained in section III.B.) into or onto covered produce or food contact surfaces; and

• The results of any inspections and maintenance conducted by the farm, pursuant to proposed § 112.42, of any agricultural water systems used during growing activities for non-sprout covered produce.

Proposed § 112.43(c) would require a covered farm to record the determination in the written agricultural water assessment and take appropriate action, as described in table 4:

TABLE 4—SUMMARY OF OUTCOMES OF A PRE-HARVEST AGRICULTURAL WATER ASSESSMENT FOR COVERED PRODUCE (OTHER THAN SPROUTS)

[Proposed § 112.43(c)]

If you determine . . .	Then you must . . .
that your agricultural water is not safe or is not of adequate sanitary quality for intended use(s).	• Immediately discontinue use(s) *And* • Take corrective measures before resuming use of the water for pre-harvest activities
there is one or more known or reasonably foreseeable hazards related to animal activity, BSAAOs, or untreated or improperly treated human waste for which mitigation is reasonably necessary.	• Implement mitigation measures promptly, and no later than the same growing season,
there is one or more known or reasonably foreseeable hazards not related to animal activity, BSAAOs, or untreated or improperly treated human waste, for which mitigation is reasonably necessary.	• Implement mitigation measures as soon as practicable and no later than the following year *Or* • Test water as part of the assessment and implement measures, as needed, based on the outcome of the assessment
that there are no known or reasonably foreseeable hazards for which mitigation is reasonably necessary.	• Regularly (at least once each year) inspect and adequately maintain the water system(s)

With respect to pre-harvest agricultural water for non-sprout covered produce, under proposed § 112.43(c):

• If the covered farm determines the agricultural water is not safe or is not of adequate sanitary quality for its intended use(s), the farm would be required to immediately discontinue use of the water and take corrective measures under proposed § 112.45(a) before resuming such use(s);

• If the covered farm determines that mitigation measures are reasonably necessary to reduce the potential for contamination of such produce or food contact surfaces with a known or reasonably foreseeable hazard that is *related to* animal activity, a biological soil amendment of animal origin, or untreated or improperly treated human waste on an adjacent or nearby land, the farm would be required to implement the mitigation measures within the same growing season as the assessment.

• If the covered farm determines that mitigation measures are reasonably necessary to reduce the potential for contamination of such produce or food contact surfaces with a known or reasonably foreseeable hazard that is *not related to* animal activity, a biological soil amendment of animal origin, or untreated or improperly treated human waste on adjacent or nearby lands, the farm would be required to either:

○ Implement mitigation measures under proposed § 112.45(b) as soon as practicable and no later than the following year; or

○ test the water, pursuant to proposed § 112.43(d), consider the results as part of the assessment in making a determination under § 112.43(c), and implement measures as needed under proposed § 112.45;

• If the covered farm determined that no corrective or mitigation measures under proposed § 112.45 were reasonably necessary to reduce the potential for contamination of such produce or food contact surfaces, the farm would be required to regularly inspect and adequately maintain the

agricultural water system(s) under proposed § 112.42, and conduct a written agricultural water assessment annually and whenever a significant change occurs (such as a change in the manner or timing of water application) that would increase the likelihood that a known or reasonably foreseeable hazard would be introduced into or onto covered produce or food contact surface.

We are maintaining the requirements for corrective measures in § 112.45(a), as explained and supported by the 2015 produce safety final rule (80 FR 74354 at 74429–74431, 74440–74441), including the requirement that if a covered farm determines or has reason to believe that the agricultural water is not safe or of adequate sanitary quality for its intended use, then the farm must immediately discontinue such use. For example, if in performing the agricultural water assessment a covered farm finds that there is a dead and decaying sheep in the canal upstream and at a close distance from where it draws water, the farm would have reason to believe that the agricultural water is not safe or of adequate sanitary quality for its intended use because the water is reasonably likely to contain human pathogens transferred by the dead and decaying sheep. Therefore, the farm would have to immediately discontinue that use of the water and take corrective measures under proposed § 112.45(a) before resuming such use(s).

We also are maintaining the requirements to mitigate other risks as soon as practicable and no later than the following year, also supported by the produce safety final rule (80 FR 74354 at 74441–74446), except that a covered farm would be required to implement mitigation measures under proposed § 112.45(b) for known or reasonably foreseeable hazards related to animal activity, the application of BSAAOs, or the presence of untreated or improperly treated human waste on adjacent or nearby lands promptly, and no later than the same growing season as the agricultural water assessment. For example, if in performing their agricultural water assessment, a covered farm identifies upstream lands used for animal grazing from which runoff is likely to introduce known or reasonably foreseeable hazards into the water source based on the topography of the land, the farm would be required to implement mitigation measures promptly, and no later than the same growing season as the agricultural water assessment. (We note that proposed § 112.43(c)(2) is not intended to include those situations in which animal or human waste impacts result in water no longer being safe or of adequate sanitary quality for its intended use under § 112.41. In those instances, a covered farm would be required under § 112.43(c)(1) to immediately discontinue that use of the water and take corrective measures under § 112.45(a) before resuming such use.)

Animal activity, BSAAOs, and untreated or improperly treated human waste have been identified as possible causal or contributing factors in several large produce outbreaks in recent years. The pathogens associated with animal and human waste are well established, as are the risks associated with introduction of animal or human waste into agricultural water used in growing covered produce (Ref. 11).

Subparts B, F, I, and L of the produce safety regulation require covered farms to take appropriate measures to minimize the risk of serious adverse health consequences or death from the use of, or exposure to, covered produce, including those measures reasonably necessary to prevent the introduction of known or reasonably foreseeable hazards associated with animal activity, BSAAOs, and untreated and improperly treated human waste on the covered farm.

In considering how best to achieve public health protections under this proposed approach, we determined that animal activity, BSAAOs, or human waste impacts on water sources and systems related to adjacent or nearby lands should elicit an expedited timeline for implementation of mitigation measures. We recognize that activities associated with adjacent or nearby lands that introduce contaminants into a water source or distribution system are often not under a covered farm's control. While the covered farm may not have control over potential hazards at their point of introduction into a water source or system, the potential hazards are no less important for the farm to consider when determining the safe use of agricultural water on covered produce. Therefore, it is important that the covered farm not only implement mitigation measures that are under its control to reduce the risk associated with that water source or system, but that it do so on an expedited basis to protect public health.

15. Proposed § 112.43(d)—Testing for Assessment Purposes

Proposed § 112.43(d) would establish the requirements applicable to testing that a covered farm chooses to conduct to provide additional information for its agricultural water assessment. The testing option for pre-harvest agricultural water for non-sprout covered produce under proposed § 112.43(d) is science-based and also provides for flexibility as science evolves. For example, a covered farm that opts to test pre-harvest agricultural water under this provision would be required to test its agricultural water for generic *E. coli* as an indicator of fecal contamination, but also may test for another scientifically valid indicator organism, index organism, or other analyte.

Proposed § 112.43(d) also would require that samples of pre-harvest agricultural water tested as part of an agricultural water assessment be collected aseptically immediately prior to or during the growing season, representative of the water used in growing non-sprout covered produce, and tested using a scientifically valid method.

Additionally, proposed § 112.43(d) would require that the frequency of testing and any microbial criteria applied be scientifically valid and appropriate to assist in determining, in conjunction with other data and information evaluated under paragraph § 112.43(a), whether measures under § 112.45 are reasonably necessary to reduce the potential for contamination of non-sprout covered produce or food contact surfaces with known or reasonably foreseeable hazards associated with pre-harvest agricultural water.

a. Generic E. coli. Generic *E. coli* remains a commonly used analyte used as an indicator of fecal contamination and currently is the preferred indicator for monitoring water quality (80 FR 74354 at 74428). However, the potential use of other indicator organisms, index organisms, or other analytes for monitoring water quality continues to be of interest for agricultural water, as well as related disciplines. For example, in its 2012 Recreational Water Quality Criteria (RWQC) EPA provided various examples of possible alternate indicators, including *Bacteroidales, Clostridium perfringens,* human enteric viruses, and coliphages (Ref. 72). Additionally, as part of the 2017 5-year review of the 2012 RWQC, EPA evaluated the science related to the recreational waters and public health to determine if revisions to the criteria (which specify densities for enterococci and generic *E. coli*) were appropriate (Ref. 73). While it did not ultimately revise the 2012 RWQC during the 2017 review cycle, EPA emphasized that further scientific research and analysis is likely to contribute to future reviews of the 2012 RWQC. EPA noted, in part, that with further scientific development, the use of viral indicators such as

coliphages may help to further advance public health protections. FDA anticipates that as science evolves and more information about other indicator or index organisms is learned, testing for other organisms may be used to inform pre-harvest agricultural water assessments by covered farms, if finalized as proposed.

b. Frequency of sampling. The 2015 produce safety final rule established sampling frequencies for covered farms to use in developing microbial water quality profiles for pre-harvest agricultural water for non-sprout covered produce. For untreated surface waters, this consists of an initial profile of at least 20 samples collected over a 2–4-year period, followed by at least 5 annual samples thereafter; for untreated ground water sources, this consists of an initial profile of at least 4 samples collected during the growing season or over a period of one year, followed by at least 1 annual sample thereafter (80 FR 74354 at 74452) (Ref. 74).

During outreach activities, some stakeholders, including covered farms and some State regulators, indicated that they found the pre-harvest microbial water quality criteria and testing requirements in the 2015 produce safety final rule to be overly complex. (See section III.B. through III.C.) Some farms anticipated that it would be infeasible to implement the pre-harvest agricultural water testing requirements in their operations and asked for additional flexibility—in addition to the alternatives and variances already allowed by the produce safety regulation. Moreover, various stakeholders shared the opinion that, as new science continues to become available in the realm of water quality monitoring, farms should have the flexibility to take those findings into account when establishing or updating their sampling programs (Refs. 3 and 75).

We continue to believe that the information used to support the sampling frequencies in the 2015 produce safety final rule for pre-harvest agricultural water for non-sprout covered produce is well-grounded, broadly-applicable science. Therefore, for purposes of proposed § 112.43(d), covered farms that opt to test their untreated surface water for purposes of proposed § 112.43(d) may initially collect at least 20 samples over a 2–4-year period, with at least 5 samples collected annually thereafter; covered farms that opt to test their untreated ground water may initially collect at least 4 samples over a growing season or year, with at least 1 sample collected annually thereafter. Depending on the conditions that may affect their pre-harvest agricultural water, covered farms may consider collecting additional samples as needed to better understand whether measures are reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces with known or reasonably foreseeable hazards associated with their pre-harvest agricultural water for non-sprout covered produce.

We recognize that there are circumstances—for example, when access to a body of water varies from year to year—in which some covered farms may not be able to collect samples spanning multiple years. In situations such as these, covered farms may consider collecting at least 5 samples per year for untreated surface water sources, or at least 4 samples per year for untreated ground water sources used for pre-harvest application to non-sprout covered produce.

However, we are also providing flexibility in proposed § 112.43(d)(3) for covered farms to use any sampling frequency when testing under proposed § 112.43(d)(3), provided that it is adequate to assist in determining, in conjunction with other data and information evaluated under § 112.43(a), whether measures under § 112.45 are reasonably necessary to reduce the potential for contamination of non-sprout covered produce or food contact surfaces with known or reasonably foreseeable hazards associated with pre-harvest agricultural water for non-sprout covered produce. For example, other options could include sampling frequencies a covered farm establishes based on its historical data and/or knowledge of water quality variability within its source. A covered farm also could, for example, include consideration for other site- or region-specific data or information indicating that a certain sampling frequency is appropriate. We expect that as covered farms learn more about water quality relevant to their sources, systems, and operations—for example, through an evaluation of data shared between farms, within water systems, and/or within regions—that such information may be used to establish sampling frequencies that are appropriate to their specific circumstances and conditions.

c. Microbial water quality criteria. The microbial water quality criteria established by the 2015 produce safety final rule for pre-harvest agricultural water consist of a GM of 126 colony forming units (CFU) generic *E. coli* per 100 milliliters (mL), and an STV of 410 CFU generic *E. coli* per 100 mL—using the science underlying EPA's RWQC (80 FR 74354 at 74441–74442).

The information used to support the pre-harvest agricultural water quality criteria in the 2015 produce safety final rule is the best science currently available that is broadly applicable to the range of conditions that exist across the diversity of operations, agricultural water sources, and agricultural water uses of domestic and foreign covered farms. Therefore, if a covered farm decides to test its pre-harvest agricultural water for generic *E. coli* under proposed § 112.43(d) to inform its agricultural water assessment, the farm may use a GM of 126 or less CFU generic *E. coli* per 100 mL and an STV of 410 or less CFU generic *E. coli* per 100 mL as microbial criteria.

However, we acknowledge stakeholder concerns and recognize that the science around agricultural water quality criteria continues to evolve (Ref. 3). We recognize that there may be other options for microbial water quality criteria (for example, alternative criteria relevant to an indicator organism other than generic *E. coli*).

Proposed § 112.43(d) would offer additional flexibility to apply any microbial criterion or criteria that would be scientifically valid and appropriate to assist in determining, in conjunction with other data and information evaluated under proposed § 112.43(a), whether measures under § 112.45 are reasonably necessary to reduce the potential for contamination of non-sprout covered produce or food contact surfaces with known or reasonably foreseeable hazards associated with pre-harvest agricultural water. We are not proposing to require that covered farms notify or seek approval from FDA prior to applying a microbial criterion or criteria when electing to test their pre-harvest agricultural water. Rather, we would provide flexibility for a covered farm to determine which microbial criterion or criteria to apply, when supported by scientific data or information demonstrating scientific validity and appropriateness under proposed § 112.43(d). For example, a covered farm could rely on microbial criterion or criteria available in the scientific literature or made available by a third party, such as a trade association, provided that the microbial criterion or criteria would be scientifically valid and appropriate based on the circumstances.

When possible, covered farms may continue to collect water quality data over time—whether historical data, new data, or both—that can assist in analyzing trends. For example, this approach may be useful in situations in

which potential hazards are introduced into a water system intermittently, such that a covered farm is able to compare data to further refine its assessments of whether measures under § 112.45 are reasonably necessary to reduce the potential for contamination of non-sprout covered produce or food contact surfaces with known or reasonably foreseeable hazards associated with pre-harvest agricultural water.

d. Records relating to analytes, sampling frequencies, and pre-harvest water quality criteria. If a covered farm tests its water under § 112.43(d) for generic *E. coli* using the sampling frequencies and pre-harvest microbial water quality criteria outlined in the 2015 produce safety final rule, the covered farm could document its use of such sampling frequencies and microbial criteria in meeting the requirements of proposed § 112.50(b)(4), as we have already determined these sampling frequencies and microbial criteria to be scientifically valid and appropriate for purposes of proposed § 112.45(b).

Under proposed § 112.50(b)(3)–(4), a covered farm that tests its pre-harvest agricultural water using a scientifically valid indicator organism other than generic *E. coli,* or an index organism or other analyte would be required to maintain records under proposed § 112.50 of the scientific data or information used to support its selection of other indicator organism, index organism, or other analyte, as well scientifically valid and appropriate sampling frequency and microbial criterion (or criteria) being applied. (See also section VI.G. regarding proposed records requirements.)

Such data and information could be developed by the covered farm, available in the scientific literature, or available to the farm through a third party. Such scientific support could be derived from the science underlying commodity-specific or other guidance or recommendations, including those developed by industry, academia, trade associations, or other stakeholders.

16. Proposed § 112.43(e)—Reassessment

Under proposed § 112.43(e), a covered farm would conduct an agricultural water assessment, at a minimum, each year that the farm applies pre-harvest agricultural water to non-sprout covered produce. A covered farm also would conduct a reassessment whenever a significant change occurs in its agricultural water system(s), agricultural water practices, crop characteristics, environmental conditions, or other relevant factors that would impact hazard identification or a risk management determination as described in § 112.43(c). For example, a change from an untreated ground water source to an untreated surface water source would be a significant change that would require a reassessment under proposed § 112.43(e). The reassessment would evaluate the impacts of those changes on the factors in proposed § 112.43(a)(1) through (5), any new hazards identified, and the outcome and determination under proposed § 112.43(c).

Agricultural water assessments are the primary tool that covered farms would use under this proposed rule for hazard identification and risk management for their pre-harvest agricultural water used for non-sprout covered produce. Specifically, covered farms would use the outcomes of their pre-harvest agricultural water assessments (proposed § 112.43), together with the results of any inspections and maintenance performed (proposed § 112.42), in determining whether measures (proposed § 112.45) are reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces with known or reasonably foreseeable hazards associated with pre-harvest agricultural water.

The proposed requirements for an agricultural water assessment align with domestic produce safety standards, such as the USDA Harmonized GAP Plus+ Standard, section F–4.1 (Ref. 70), and international standards, such as the Codex Code Section 3.2.1.1 (Ref. 62), which recommends the periodic assessment of agricultural water for suitability for use.

For the foregoing reasons, we have tentatively concluded that it would be reasonable and appropriate to require covered farms to conduct a written pre-harvest agricultural water assessments annually, and whenever significant changes would impact the hazard identification or risk management determination relating to pre-harvest agricultural water for non-sprout covered produce.

F. Mitigation Measures (Proposed § 112.45)

Proposed § 112.45 would establish requirements for implementing corrective and mitigation measures for pre-harvest, harvest, and post-harvest agricultural water that are reasonably necessary to reduce the potential for contamination of non-sprout covered produce or food contact surfaces with known or reasonably foreseeable hazards associated with agricultural water for covered produce. This provision is supplemented by proposed § 112.42, which would require covered farms to conduct routine maintenance of agricultural water systems to the extent of their control including, for example, taking steps to prevent pooled water from contaminating covered produce.

We are proposing to retain the requirement from § 112.45(a) of the produce safety regulation to immediately discontinue use of any agricultural water that is not safe or not of adequate sanitary quality for its intended use(s), until the covered farm implements effective corrective measures and the agricultural water meets the requirements of § 112.41. We also propose to retain the requirement, from § 112.45(a) of the produce safety regulation, to discontinue use of harvest or post-harvest water that does not meet the microbial water quality criterion in § 112.44(a) until effective corrective measures are implemented.

Under this proposed rule, a covered farm would make a determination under § 112.43(c), based on the outcome of its agricultural water assessment, as to whether mitigation measures would be reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces with known or reasonably foreseeable hazards associated with its pre-harvest agricultural water. A covered farm would be required to implement mitigation measures under proposed § 112.45(b) as soon as practicable and no later than one year after the date of the agricultural water assessment or reassessment (as required by proposed § 112.43), except that mitigation measures for known or reasonably foreseeable hazards related to animal activity, the application of biological soil amendments of animal origin, or the presence of untreated or improperly treated human waste on adjacent or nearby lands must be implemented promptly, and no later than the same growing season as its assessment. (See the discussions of adjacent and nearby land uses and outcomes in section VI.E.)

Under proposed § 112.45(b), mitigation measures include:

- Making necessary changes (such as repairs) to address any conditions that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce or food contact surfaces;
- Increasing the time interval between the last direct application of agricultural water and harvest of the covered produce to allow for microbial die-off (with a minimum interval of 4 days between application and harvest, except as supported by test results

conducted under proposed § 112.43(d), or other scientifically valid data or information in accordance with proposed § 112.12);

- Increasing the time interval between harvest and the end of storage using an appropriate microbial die-off rate, and/or conducting other activities, such as commercial washing, to reduce pathogens using appropriate microbial removal rates, except as supported by scientifically valid data and information;
- Changing the method of water application to reduce the likelihood of produce contamination (such as by changing from overhead spray to subsurface drip irrigation of certain crops);
- Treating the water in accordance with proposed § 112.46; and
- An alternative mitigation measure, in accordance with proposed § 112.12.

We are revising our approach to mitigation measures involving microbial die-off and/or removal in proposed § 112.45(b)(1) to reflect our proposal to remove the pre-harvest microbial quality criteria and testing requirements from the produce safety rule. These changes also reflect feedback we have received throughout stakeholder engagement activities.

Proposed § 112.45(b)(1)(i) would provide for an established time interval between last direct application of agricultural water and harvest of the covered produce to allow for microbial die-off, with a minimum interval of 4 days between application and harvest, except as supported by test results conducted under § 112.43(d), or other scientifically valid data or information in accordance with § 112.12.

Survival of pathogens and other microorganisms on produce commodities prior to harvest is dependent upon several environmental factors, including sunlight (UV) intensity, moisture level, temperature, pH, the presence of competitive microbes, and suitable plant substrate (Ref. 55). Generally, pathogens and other microbes die-off or are inactivated relatively rapidly under hot, dry, and sunny conditions compared to inactivation rates observed under cloudy, cool and wet conditions. The impact of these variables results in a range of microbial die-off rates of 0.5 to 2.0 log per day, as explained in the 2015 produce safety final rule (80 FR 74534, 74443–74446).

In general, high initial rates of die-off during the period immediately following contamination suggests field conditions through the first few days are critical in reducing microbial populations on produce compared to weeks after the event. (80 FR 74354 at 74445.) In studies reporting decay constant(s) measured over time (*e.g.,* 0 hours to 14 days or more), pathogen die-off rates were found to be highest immediately following contamination (inoculation) and to slow over time; this phenomenon is known as ''tailing'' and suggests that pathogen die-off curves are biphasic (80 FR 74354 at 74445).

A die-off rate of 0.5 log per day provides a reasonable estimate of die-off under a broad range of variables including pathogen characteristics, environmental conditions, crop type, and watering frequency (80 FR 74354 at 74416). We derived this die-off rate based on a review of currently available scientific literature and recognize that microbial die-off rates are dependent on various environmental factors, including sunlight intensity, moisture level, temperature, pH, the presence of competitive microbes, and suitable plant substrate.

We reviewed available literature for a time interval that is appropriate when applying a microbial die-off rate of 0.5 log per day. (See 80 FR 74354 at 74444–74445.) The studies we reviewed indicate that greater microbial die-off or decay rates occur during the early timeframe post-contamination, and although the die-off rate in these studies was established from survival data or decay rates for bacterial studies ranging from 2–7 days, the specific timeframe for the biphasic shift in die-off was not identified. Within this range identified in the literature, we determined that a time interval of 4 days is reasonable because it serves as a general mid-point in time representing neither end of the range where microbial die-off was observed in these studies.

Based on this information, in § 112.45(b)(1)(i)(A) of the produce safety final rule, we allowed covered farms to apply a time interval between last irrigation and harvest using a microbial die-off rate of 0.5 log per day, for no greater than 4 days, if their water quality exceeded the pre-harvest microbial water quality criteria (80 FR 74354 at 74443). We consider the scientific data used to support this approach as one example of adequate supporting scientific data and information on which a time interval between last direct application and harvest could be established under proposed § 112.45(b). Therefore, we have tentatively concluded that it would be appropriate to allow covered farms to use the following approaches for implementing a pre-harvest time interval as a mitigation measure under proposed § 112.45(b), without having to develop and maintain additional supporting scientific data and information. We seek comment on this tentative conclusion.

1. Time Interval Without Testing Data

If a covered farm does not test its pre-harvest agricultural water as part of an agricultural water assessment under proposed § 112.43(d) but determines that the application of a time interval prior to harvest would be an appropriate mitigation measure, the farm could use a time interval between last direct application of agricultural water and harvest of at least 4 days. This would correspond to the broadly-applicable time frame identified in the 2015 produce safety final rule that corresponds to the amount of time associated with the first phase of die-off, when bacterial reduction rates are greatest on produce surfaces and before ''tailing'' of bacterial populations occurs. Lacking quantitative test data, the covered farm could not use less than 4 days as a time interval between last direct application and harvest under proposed § 112.45(b)(1)(ii), unless the farm had scientifically valid data or information to support use of a die-off rate of 0.5 log per day for less than 4 days in accordance with proposed § 112.12.

2. Time Interval With Testing Data

If a covered farm tests its pre-harvest agricultural water as part of an agricultural water assessment under proposed § 112.43(d) and determines that the application of a time interval prior to harvest is an appropriate mitigation measure, the farm could choose to use a microbial die-off rate of 0.5 log per day, for potentially less than 4 days between last direct water application and harvest, to achieve a (calculated) log reduction to meet the criteria the farm would establish per proposed § 112.43(d)(3). (Alternately, the covered farm could choose to use a different time interval (and accompanying die-off rate) if the farm has scientifically valid data or information in accordance with proposed § 112.12.)

While we consider the information used to support the use of a die-off rate of 0.5 log per day with a maximum time interval of 4 days as being one example of adequate supporting scientific data and information on which a time interval between last direct application and harvest could be established under proposed § 112.45(b), we recognize that covered farms may have additional information on in-field die-off that is applicable to their unique circumstances. For example, we acknowledged in both the 2014 supplemental produce safety notice and

the 2015 produce safety final rule that practices and conditions on a covered farm and circumstances unique to a specific commodity could result in higher die-off rates between last irrigation and harvest, especially with little or no precipitation, coupled with high ultraviolet radiation, high temperature exposures, or low humidity.

Moreover, during outreach activities related to agricultural water (as described in section III.C), stakeholders described the diversity of pathogens, commodities, and climates that may be associated with different microbial die-off rates and/or time intervals. We also are aware that further research on the various conditions that exist is likely to impact the appropriate use of a pre-harvest application interval (Ref. 3). As more studies are conducted that examine in-field die-off in various circumstances (Refs. 76–78), we expect that this is an area where science will continue to evolve.

Therefore, to provide additional flexibility to allow for future science while continuing to protect public health, we are proposing to allow covered farms to use a time interval other than the minimum 4 days between last direct water application and harvest as a mitigation measure, if they have adequate supporting scientific data and information. We expect that any microbial die-off rate and accompanying maximum time interval that a covered farm establishes and uses would be supported by an equally robust and rigorous scientific analysis to that described above for the 0.5 log per day die-off rate with accompanying 4-day time interval. We expect that scientific data and information used to support a pre-harvest time interval would be relevant to conditions on the covered farm (such as the region, crop, and environment), and be similarly characterized in a manner that addresses the likely biphasic nature of microbial die-off (*i.e.,* the two different decay constants of a rapid short-term die-off and a gradual long-term die-off). We also expect that the scientific approach would not increase the likelihood that the covered produce will be adulterated compared to the microbial die-off rate standard in § 112.45(b)(1)(i)(A) of the produce safety regulation.

Consistent with § 112.45(b)(1)(ii) of the produce safety regulation, we are proposing to allow covered farms to increase the time interval between harvest and the end of storage to allow for microbial die-off, and/or adopt activities such as commercial washing that result in microbial removal as a mitigation measure. This proposed revision reflects our proposal to remove the pre-harvest microbial quality criteria and testing requirements from the produce safety regulation and would allow a covered farm to use microbial die-off or removal post-harvest (*i.e.,* between harvest and end of storage, and during activities such as commercial washing) as a mitigation measure, provided the covered farm has adequate supporting scientific data and information.

We are not proposing to establish a specific microbial die-off rate(s) between harvest and end of storage or specific microbial removal rate(s) during postharvest activities such as commercial washing. The World Health Organization has attributed a 1-log reduction in microbial load to washing (Ref. 55). (See also 79 FR 58434 at 58446.) As discussed in the produce safety supplemental notice and final rule, we do not have sufficient information to support the derivation of appropriate, broadly-applicable microbial die-off or removal rate(s) for this purpose. While it is reasonable to expect some die-off during post-harvest storage, the rate and accompanying time interval would be highly dependent upon the conditions of storage. Covered farms would be able to more narrowly define die-off and/or removal rates associated with their specific production practices, and apply an appropriate time interval between harvest and end of storage and/or adopt activities such as commercial washing that result in microbial removal, as applicable to their circumstances. We are proposing to provide this option so that a covered farm may account for microbial die-off or removal during post-harvest activities (*i.e.,* between harvest and end of storage, and during activities such as commercial washing), provided the farm has adequate scientific data or information to support the conclusions in accordance with proposed § 112.12.

In light of recent produce outbreaks (including the outbreaks described in section III.D.), we are proposing in § 112.45(b)(1) to require expedited mitigation for known or reasonably foreseeable hazards from animal activity, BSAAOs, or untreated or improperly treated human waste associated with adjacent or nearby lands.

For any other identified hazards, proposed § 112.45(b)(1) would require covered farms to implement mitigation measures as soon as practicable and no later than one year after the date of the agricultural water assessment (as required by proposed § 112.43). This requirement aligns with § 112.45(b) of the produce safety regulation, which requires mitigation measures to be implemented as soon as practicable and no later than the following year.

Proposed § 112.45(b)(2) would provide that if a covered farm failed to implement appropriate mitigation measures, or if the farm determined that the measures were not effective to reduce the potential for contamination of non-sprout covered produce or food contact surfaces with any known or reasonably foreseeable hazards, the farm must discontinue use of the pre-harvest agricultural water until it has implemented mitigation measures adequate to reduce the potential for such contamination, consistent with § 112.41.

We note that while not considered agricultural water for purposes of subpart E, indirect water application methods, such as the use of drip tape in a manner that water is not likely to contact the harvestable portion of the crop, remain subject to section 402 of the FD&C Act. That is, indirect water application may adulterate produce if, considering the water quality and the manner of its application, the use of the water causes produce to be prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or rendered injurious to health under section 402(a)(4) of the FD&C Act. For example, if a farm uses drip tape in a way that water does not normally contact the harvestable portion of the crop, unintentional contact may still occur if the drip tape begins to leak sprays water on the crop. Although not considered agricultural water for purposes of subpart E, the farm should consider whether the source of water may have caused the produce to become adulterated under section 402 of the FD&C Act (for example, the farm may consider the conditions described in proposed § 112.43(a)(1)) and, if so, dispose of the product appropriately.

G. Records Requirements for Pre-Harvest Agricultural Water Assessments (Proposed § 112.50)

We propose to amend the records requirements in § 112.50 of the produce safety regulation to conform with proposed subpart E and to add new requirements for records relating to pre-harvest agricultural water assessments and the optional testing that certain covered farms may elect to conduct under proposed § 112.43.

1. Records of Pre-Harvest Agricultural Water Assessments

Proposed § 112.50(b)(2) would require covered farms to maintain records of their agricultural water assessments, including written determinations on whether mitigation measures under proposed § 112.45(b) would be reasonably necessary to reduce the potential for contamination of non-sprout covered produce or food contact surfaces with known or reasonably foreseeable hazards associated with pre-harvest agricultural water.

Effective water management includes records necessary to confirm that agricultural water is safe and of adequate sanitary quality for its intended use(s). Records of pre-harvest agricultural water assessments would be critical for a covered farm to maintain to ensure its own compliance with the requirements of proposed § 112.43. For example, records of agricultural water assessments would be helpful to a covered farm in determining whether changed conditions were sufficient to trigger the requirement to conduct a reassessment under proposed § 112.43(f)(2), prior to an annual reassessment.

Such records also are important for FDA to verify, for example, that the covered farm evaluated all the required elements of an assessment listed in proposed § 112.43(a), in support of a written determination, under proposed § 112.43(c), regarding whether mitigation measures are reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces with known or reasonably foreseeable hazards associated with agricultural water used in growing non-sprout covered produce.

2. Records Relating to Testing Pre-Harvest Agricultural Water for Analytes Other Than Generic *E. coli*

Under proposed § 112.50(b)(3), a covered farm that tests its pre-harvest agricultural water to inform its agricultural water assessment and uses an indicator of fecal contamination, index organism, or other analyte other than generic *E. coli,* would be required to retain records of the scientific data or information the farm relies on to support the use of such analyte. These records would be necessary for a covered farm to ensure, and for FDA to verify, that appropriate scientific methods are being used when the farm elects to test its pre-harvest agricultural water under proposed § 112.43(d) to inform its agricultural water assessment.

3. Records Relating to the Sampling and Microbial Criterion (or Criteria) Applied for Pre-Harvest Agricultural Water

Under proposed § 112.50(b)(4), a covered farm that tests its pre-harvest agricultural water would be required to maintain records of the scientific data or information it relied on to support the sampling and testing methods and the microbial criterion (or criteria) it applied. Records of sampling protocols, testing methods, and microbial criterion (or criteria) would be necessary for a covered farm that uses testing to ensure that the frequency of testing samples and microbial criteria applied are adequate to assist in determining, in conjunction with other data and information from their assessment, whether mitigation measures are reasonably necessary. Such records would allow FDA to help verify a covered farm's compliance with proposed § 112.43(d).

Additionally, we would amend § 112.50(b) of the produce safety regulation to:

- Move paragraph (b)(2) to proposed § 112.50(b)(5), and as a clarifying edit add the phrase, ''including any testing conducted for purposes of §§ 112.43 and 112.44'';
- Move paragraphs (b)(3) through (b)(4) to proposed § 112.50(b)(9) through (b)(10);
- Move paragraph (b)(5) to proposed § 112.50(b)(8) and remove the phrase '', in accordance with § 112.45(b)(1)(ii)'';
- Move paragraph (b)(6) to proposed § 112.50(b)(7) and remove the phrase ''in accordance with § 112.45(b)(1)(ii) and/or (b)(1)(iii)'';
- Move paragraph (b)(7) to proposed § 112.50(b)(6) and replace ''§ 112.46(a)(1) or (2)'' with ''§ 112.44(c)(1) or (c)(2)'';
- Remove paragraph (b)(8); and
- Move paragraph (b)(9) to proposed § 112.50(b)(11).

H. Conforming Changes (Proposed §§ 112.12, 112.151, and 112.161)

As conforming changes in light of our proposal to remove the microbial water quality criteria in § 112.44(b), the microbial die-off (calculated log reduction) rate in § 112.45(b), and the testing requirements in § 112.46(b) of the produce safety regulation, we would:

- Amend § 112.12 to replace ''§ 112.49'' with ''§ 112.45(b)'';
- Amend the section heading of § 112.151 to replace ''§ 112.46'' with ''subpart E''; and
- Amend § 112.151(b)(2) to replace ''§ 112.49(a)'' with ''§ 112.43(d)''.

As an additional conforming change, we propose to revise the requirements of § 112.161(b) of the produce safety regulation to require supervisory review of records of pre-harvest agricultural water assessments and determinations, given the essential role of such records in establishing compliance with the requirements of proposed § 112.43 and in confirming that pre-harvest agricultural water is safe and of adequate sanitary quality for its intended use(s). Therefore, in § 112.161 of the produce safety regulation, we would replace ''(b)(4), and (b)(6)'' with ''(b)(7), and (b)(10)''.

I. Other Amendments (Proposed §§ 112.42, 112.44, and 112.46–112.49)

1. Proposed § 112.42

To provide additional clarity around certain language, based on stakeholder feedback and questions, we would:

- Add descriptive headings to paragraphs (a) and (b);
- Consolidate the requirements for maintenance of agricultural water systems in § 112.43(b), (c), and (d) into § 112.42(b)(1)–(4); and
- Clarify the descriptions of possible maintenance measures for pooled water in § 112.42(b)(4).

2. Proposed § 112.44

As part of the proposed reorganization of subpart E to group provisions of a similar nature (*i.e.,* requirements specific to pre-harvest agricultural water, sprout irrigation water, and harvest/post-harvest agricultural water), we would:

- Revise the section heading of § 112.44 of the produce safety regulation by adding ''and testing requirements'' after ''criteria'' and by replacing ''certain intended uses'' with ''sprout irrigation and for harvesting, packing, and holding covered produce'';
- Move § 112.46(c) of the produce safety regulation to proposed § 112.44(b), add a paragraph heading, ''*Untreated ground water.*'', and replace ''§ 112.44(a)'' with ''paragraph (a)'' wherever it appears;
- Move § 112.46(a) of the produce safety regulation to proposed § 112.44(c) and add a paragraph heading, ''*Exemptions.*'' and replace ''§ 112.43'' with ''§ 112.46''; and
- Move the text of § 112.48 of the produce safety regulation to proposed § 112.44(d) and add a paragraph heading, ''*Additional management and monitoring practices.*''

3. Proposed § 112.46

As part of our reorganization of subpart E for clarifying purposes, we are proposing to move the treatment provision from § 112.43 of the produce safety regulation to § 112.46.

4. Proposed § 112.47

As clarifying edits, we would:

- In § 112.47(a) of the produce safety regulation, replace ''§ 112.46'' with ''§§ 112.43(c)(4)(ii) and ''112.44'' and
- In § 112.47(b) of the produce safety regulation, replace ''method as set forth in § 112.151'' with ''method set forth in § 112.151, as applicable''.

5. Proposed § 112.48

As part of our reorganization of subpart E, we would move the requirements in § 112.48 of the produce safety regulation to proposed § 112.44(d), which would contain other requirements applicable to harvest and post-harvest uses of agricultural water, and reserve § 112.48.

6. Proposed § 112.49

As part of our reorganization of subpart E, we would remove and reserve § 112.49 of the produce safety regulation that allows for various alternatives based on the pre-harvest agricultural water quality profile and testing requirements that we propose to remove from subpart E.

VII. Online Tool

We recognize that covered farms would likely benefit from resources to assist them in complying with the proposed requirements, if finalized. As such, we are developing an online tool that would assist farms in developing the pre-harvest agricultural water assessments described in this proposed rule. We plan to provide additional information about this online tool in the near future.

VIII. Proposed Effective and Compliance Dates

We are proposing that a final rule based on this proposed rule be effective 60 days after the date of publication of the final rule.

Covered farms currently are required to comply with the subpart E pre-harvest, harvest, and post-harvest agricultural water requirements for covered produce (other than sprouts) beginning on January 26, 2024, for very small farms; January 26, 2023, for small farms; and January 26, 2022, for all other covered farms (84 FR 9706). We intend to exercise enforcement discretion for these subpart E requirements while pursuing a targeted compliance date rulemaking, with the goal of completing the rulemaking as quickly as possible.

In the meantime, covered farms (other than sprout operations, for which compliance dates have already passed) should focus their attention good agricultural practices to maintain and protect the quality of their water sources (Ref. 32). We note that produce remains subject to the other applicable provisions of the produce safety regulation and the applicable provisions of the FD&C Act.

IX. Preliminary Economic Analysis of Impacts

We have examined the impacts of the proposed rule under E.O. 12866, E.O. 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). E.O.s 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). This proposed rule has been designated a significant regulatory action as defined by E.O. 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because we estimate that annualized costs will not be larger than 3 percent of revenue for any covered farms, we anticipate that the proposed rule will not have a significant economic impact on a substantial number of small entities. If the proposed rule is finalized, we may, if appropriate, certify that the final rule does not have a significant impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $158 million, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

We have developed a comprehensive Preliminary Economic Analysis of Impacts (PRIA) that assesses the impacts of the proposed rule (Ref. 79). We estimate costs of the proposed rule resulting from reading the rule, conducting pre-harvest agricultural water assessments, conducting mitigation measures when reasonably necessary based on the outcomes of the pre-harvest agricultural water assessments, and recordkeeping as a result of the pre-harvest agricultural water assessments. We estimate cost savings of the proposed rule resulting from pre-harvest agricultural water testing and corrective measure provisions in the 2015 final rule that would be replaced by the proposed provisions for pre-harvest agricultural water assessments and mitigation measures. Our primary estimates of annualized net costs are approximately $11.3 million at a 3 percent discount rate over 10 years and approximately $11.2 million at a 7 percent discount rate over 10 years.

We estimate benefits of the proposed rule resulting from the dollar burden of foodborne illnesses averted, and we estimate forgone benefits of the proposed rule resulting from foodborne illnesses not averted due to the current pre-harvest agricultural water testing provisions. Our primary estimates of annualized net benefits are approximately $9.9 million at a 3 percent discount rate and approximately $9.6 million at a 7 percent discount rate. We discuss qualitative benefits of the proposed rule stemming from increased flexibility for covered farms to comprehensively evaluate their agricultural water systems. These changes to pre-harvest agricultural water provisions are being proposed, in part, to address practical implementation challenges of the current pre-harvest agricultural water testing requirements.

The full preliminary analysis of economic impacts is available in the docket for this proposed rule and at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations*.

X. Analysis of Environmental Impact

The Agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The Agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday (Refs. 80–81). Under FDA's regulations implementing the National Environmental Policy Act (21 CFR part 25), an action of this type would require an EA under 21 CFR 25.31a(a) (an abbreviated EA under 21 CFR 25.31a(b)).

XI. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). A description of these provisions is given in the Description section with an estimate of the annual recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each 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.

Title: Standards for the Growing, Harvesting, Packing, and Holding of Produce; Recordkeeping—OMB Control Number 0910–0816—Revision.

Description: The proposed rule would replace current recordkeeping requirements (found in 21 CFR part 112, subpart E) associated with sampling and testing of pre-harvest agricultural water for non-sprout covered produce with revised requirements to prepare and maintain documentation of written agricultural water assessments for certain pre-harvest agricultural water.

Description of Respondents: Farms subject to the regulation in part 112.

We estimate the burden of the information collection as follows:

TABLE 5—CUMULATIVE AVERAGE ANNUAL BURDEN, COVERED FARMS OF ALL SIZES

21 CFR part 112, subpart E: Requirements that apply regarding records	Total number of respondents	Number of records per respondent	Total annual records	Average burden per farm (in hours)	Total hours
Agricultural Water Assessment and Records Maintenance—Very small covered farms (proposed § 112.50(b)(2))	8,218	1.1	9,040	4	36,160
Agricultural Water Assessment and Records Maintenance—Small covered farms (proposed § 112.50(b)(2))	1,613	1.1	1,774	8	14,192
Agricultural Water Assessment and Records Maintenance—All other (Large) Covered Farms (proposed § 112.50(b)(2))	4,283	1.1	4,711	9	42,399
Cumulative totals for covered farms of all sizes	14,114	3.3	15,525	7.0	92,751
Cumulative average 7.0 burden hours per covered farm annually					

Covered farms using pre-harvest agricultural water for non-sprout covered produce would prepare and maintain records of their agricultural water assessments unless excluded under proposed § 112.43(b). We estimate that a total of 14,114 covered farms (8,218 very small farms, 1,613 small farms, and 4,283 other (large) covered farms) would be subject to information collection requirements under the proposed rule, consistent with figures in our current approval and our PRIA (Ref. 79) for this proposed rule and informed by a 2018 USDA survey of covered farms' irrigation practices (Ref. 82). We are estimating a range of burden: 4 hours of burden for very small farms, 8 hours of burden for small farms, and 9 hours for other (large) farms, based on estimates of the amount of time in hours to conduct recordkeeping for pre-harvest agricultural water assessments.

To ensure that comments on information collection are received, OMB recommends that written comments be submitted through *reginfo.gov* (see **ADDRESSES**). All comments should be identified with the title of the information collection.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3407(d)), we have submitted the information collection provisions of this proposed rule to OMB for review. These information collection requirements will not be effective until FDA publishes a final rule, OMB approves the information collection requirements, and the rule goes into effect. FDA will announce OMB approval of these requirements in the **Federal Register**.

XII. Federalism

We have analyzed this proposed rule in accordance with the principles set forth in E.O. 13132. We have determined that the proposed rule does not contain policies that 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. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive Order and, consequently, a federalism summary impact statement is not required.

XIII. Consultation and Coordination With Tribal Governments

We have analyzed this proposed rule in accordance with the principles set forth in E.O. 13175. We have tentatively determined that the rule does not contain policies that would have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. We invite comments from tribal officials on any potential impact on Indian Tribes from this proposed action.

XIV. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://*

www.regulations.gov. References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

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List of Subjects in 21 CFR Part 112

Dietary foods, Food grades and standards, Foods, Fruits, Incorporation by reference, Packaging and containers, Reporting and recordkeeping requirements, Safety, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, we propose that 21 CFR part 112 be amended as follows:

PART 112—STANDARDS FOR THE GROWING, HARVESTING, PACKING, AND HOLDING OF PRODUCE FOR HUMAN CONSUMPTION

■ 1. The authority citation for part 112 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 342, 350h, 371; 42 U.S.C. 243, 264, 271.

■ 2. Amend § 112.3 by adding in alphabetical order the definitions for ''Agricultural water assessment'' and ''Agricultural water system'' to read as follows:

§ 112.3 What definitions apply to this part?

* * * * *

Agricultural water assessment means an evaluation of an agricultural water system, agricultural water practices, crop characteristics, environmental conditions, and other relevant factors (including test results, where appropriate) related to growing activities for covered produce (other than sprouts) to:

(1) Identify any condition(s) that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce or food contact surfaces; and

(2) Determine whether measures are reasonably necessary to reduce the potential for contamination of covered produce or food contact surfaces with such known or reasonably foreseeable hazards.

Agricultural water system means a source of agricultural water, the water distribution system, any building or structure that is part of the water distribution system (such as a well house, pump station, or shed), and any equipment used for application of agricultural water to covered produce during growing, harvesting, packing, or holding activities.

* * * * *

■ 3. In § 112.12, revise paragraph (a) to read as follows:

§ 112.12 Are there any alternatives to the requirements established in this part?

(a) You may establish alternatives to certain specific requirements of subpart E of this part, as specified in § 112.45(b), provided that you satisfy the requirements of paragraphs (b) and (c) of this section.

* * * * *

■ 4. Revise subpart E to read as follows:

Subpart E—Agricultural Water

Sec.

112.40 What requirements of this subpart apply to my covered farm?
112.41 What requirements apply to the quality of agricultural water?
112.42 What requirements apply to inspecting and maintaining my agricultural water systems?
112.43 What requirements apply to assessing agricultural water used in growing covered produce (other than sprouts)?
112.44 What requirements apply to agricultural water used as sprout irrigation water and in harvesting, packing, and holding covered produce?
112.45 What measures must I take for agricultural water to reduce the potential for contamination of covered produce or food contact surfaces with known or reasonably foreseeable hazards?
112.46 What requirements apply to treating agricultural water?
112.47 Who must perform the tests required under this subpart?
112.48–112.49 [Reserved]
112.50 Under this subpart, what requirements apply regarding records?

Subpart E—Agricultural Water

§ 112.40 What requirements of this subpart apply to my covered farm?

This subpart applies to agricultural water used for, or intended for use in, growing, harvesting, packing, or holding covered produce. If you are using agricultural water for a covered activity listed in the first column, then you must meet the requirements in the second column. You also must meet the

requirements in the third column, if applicable.

TABLE 1 TO § 112.40

If you use agricultural water for this covered activity	Then you must meet these requirements	If applicable, you also must meet these requirements
(a) Growing covered produce (other than sprouts).	§ 112.41 (quality standard)	§ 112.45 (measures).
	§ 112.42 (inspections and maintenance)	§ 112.46 (treatment).
	§ 112.43 (agricultural water assessment)	§ 112.47 (who may test).
	§ 112.50 (records)	§ 112.151 (test methods).
(b) Sprout irrigation water	§ 112.41 (quality standard)	§ 112.44(b) (testing untreated ground water).
	§ 112.42 (inspections and maintenance)	§ 112.45 (measures).
	§ 112.44(a) (microbial quality criterion).	§ 112.46 (treatment).
	§ 112.50 (records).	§ 112.47 (who may test).
		§ 112.151 (test methods)
(c) Harvesting, packing, or holding covered produce.	§ 112.41 (quality standard)	§ 112.44(b) (testing untreated ground water
	§ 112.42 (inspections and maintenance)	§ 112.45 (measures)
	§ 112.44(a) (microbial quality criterion)	§ 112.46 (treatment)
	§ 112.44(e) (additional management and monitoring)	§ 112.47 (who may test)
	§ 112.50 (records)	§ 112.151 (test methods)

§ 112.41 What requirements apply to the quality of my agricultural water?

All agricultural water must be safe and of adequate sanitary quality for its intended use.

§ 112.42 What requirements apply to inspecting and maintaining my agricultural water systems?

(a) *Inspection of your agricultural water systems.* At the beginning of a growing season, as appropriate, but at least once annually, you must inspect all of your agricultural water systems, to the extent they are under your control, to identify any conditions that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce or food contact surfaces, including consideration of the following:

(1) The nature of each agricultural water source (for example, whether it is ground water or surface water);

(2) The extent of your control over each agricultural water source;

(3) The degree of protection of each agricultural water source;

(4) Use of adjacent and nearby land; and

(5) The likelihood of introduction of known or reasonably foreseeable hazards to agricultural water by another user of agricultural water before the water reaches your covered farm.

(b) *Maintenance of your agricultural water systems.* You must adequately maintain all agricultural water systems, to the extent they are under your control, as necessary and appropriate to prevent the systems from being a source of contamination to covered produce, food contact surfaces, or areas used for a covered activity. Such maintenance includes:

(1) Regularly monitoring each system to identify any conditions that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce or food contact surfaces;

(2) Correcting any significant deficiencies (such as control of cross-connections and repairs to well caps, well casings, sanitary seals, piping tanks, and treatment equipment);

(3) Properly storing equipment and keeping the source and distribution system free of debris, trash, domesticated animals, and other possible sources of contamination of covered produce to the extent practicable and appropriate under the circumstances; and

(4) As necessary and appropriate, implementing measures reasonably necessary to reduce the potential for contamination of covered produce with known or reasonably foreseeable hazards resulting from contact of covered produce with pooled water (for example, through use of protective barriers or through equipment adjustments).

§ 112.43 What requirements apply to assessing agricultural water used in growing covered produce (other than sprouts)?

(a) *Elements of an agricultural water assessment.* Based in part on the results of any inspections and maintenance you conducted under § 112.42, at least once annually you must prepare a written agricultural water assessment for water that you apply to covered produce (other than sprouts) using a direct application method during growing activities. The agricultural water assessment must identify conditions that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce (other than sprouts) or food contact surfaces, based on an evaluation of the following factors:

(1) Each agricultural water system you use for growing activities for the covered produce, including the location and nature of the water source (whether it is ground water or surface water), the type of water distribution system (for example, open or closed conveyance), and the degree of protection from possible sources of contamination (including by other water users; animal impacts; and adjacent and nearby land uses related to animal activity (for example, grazing or commercial animal feeding operations of any size), application of biological soil amendment(s) of animal origin, or presence of untreated or improperly treated human waste);

(2) Agricultural water practices associated with each agricultural water system, including the type of direct application method (such as foliar spray or drip irrigation of covered produce growing underground) and the time interval between the last direct application of agricultural water and harvest of the covered produce;

(3) Crop characteristics, including the susceptibility of the covered produce to surface adhesion or internalization of hazards;

(4) Environmental conditions, including the frequency of heavy rain or extreme weather events that may impact the agricultural water system (such as by stirring sediments) or covered produce (such as damage to edible leaves) during growing activities, air temperatures, and sun exposure; and

(5) Other relevant factors, including, if applicable, the results of any testing conducted pursuant to paragraph (d) of this section.

(b) *Exemptions.* You do not need to prepare a written agricultural water assessment for water that you directly apply during growing activities for covered produce (other than sprouts), if you can demonstrate that the water:

(1) Meets the requirements in § 112.44(a), including the microbial quality criterion, and if untreated ground water, also meets the testing requirements in §§ 112.44(b), 112.47, and 112.151;

(2) Meets the requirements in § 112.44(c) for water from a Public Water System or public water supply; or

(3) Is treated in accordance with § 112.46.

(c) *Outcomes.* Based on your evaluation under paragraph (a) of this section, you must determine whether measures under § 112.45 are reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces with known or reasonably foreseeable hazards associated with your agricultural water used in growing covered produce (other than sprouts). You must record your determination in the assessment, and you must take necessary and appropriate action, as follows:

(1) If your agricultural water is not safe or is not of adequate sanitary quality for its intended use(s), as required under § 112.41, you must discontinue use of the water and take corrective measures under § 112.45(a) before resuming such use(s);

(2) If you have identified a condition that is reasonably likely to introduce a known or reasonably foreseeable hazard and is related to animal activity, application of a biological soil amendment of animal origin, or the presence of untreated or improperly treated human waste on adjacent or nearby lands, you must implement any mitigation measures under § 112.45(b) promptly, and no later than the same growing season as the assessment;

(3) If you have identified no conditions that are reasonably likely to introduce a known or reasonably foreseeable hazard for which measures under § 112.45 are reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces, you must:

(i) Regularly inspect and adequately maintain your agricultural water system(s) under § 112.42; and

(ii) Reassess your agricultural water annually and whenever a significant change occurs (such as a change in the manner or timing of water application) that increases the likelihood that a known or reasonably foreseeable hazard will be introduced into or onto covered produce or food contact surfaces; and

(4) If your agricultural water does not meet the criteria in paragraph (c)(1), (2), or (3) of this section, you must either:

(i) Implement mitigation measures under § 112.45(b) as soon as practicable and no later than 1 year after the date of the agricultural water assessment (as required by this section); or

(ii) Test the water pursuant to paragraph (d) of this section, consider the results as part of your assessment, and take appropriate action under paragraph (c)(1), (2), or (3), or (c)(4)(i) of this section.

(d) *Testing for assessment purposes.* In conducting testing to be used as part of your assessment under paragraph (a)(5) of this section, you must use scientifically valid collection and testing methods and procedures, including:

(1) Any sampling conducted for purposes of paragraph (c)(4)(ii) of this section must be collected aseptically immediately prior to or during the growing season and must be representative of the water you use in growing covered produce (other than sprouts).

(2) The sample(s) must be tested for generic *Escherichia coli* (*E. coli*) as an indicator of fecal contamination (or for another scientifically valid indicator organism, index organism, or other analyte).

(3) The frequency of testing samples and any microbial criteria applied must be scientifically valid and appropriate to assist in determining, in conjunction with other data and information evaluated under paragraph (a) of this section, whether measures under § 112.45 are reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces with known or reasonably foreseeable hazards associated with your agricultural water used in growing covered produce (other than sprouts).

(e) *Reassessment.* You must conduct an agricultural water assessment and take appropriate action under paragraph (c) of this section:

(1) At least once annually when you apply agricultural water to covered produce (other than sprouts) during growing activities; and

(2) Whenever a significant change occurs in your agricultural water system(s) (including changes relating to animal activity, the application of biological soil amendments of animal origin, or the presence of untreated or improperly treated human waste associated with adjacent or nearby land uses), agricultural water practices, crop characteristics, environmental conditions, or other relevant factors that make it reasonably likely that a known or reasonably foreseeable hazard will be introduced into or onto covered produce (other than sprouts) or food contact surfaces through direct application of agricultural water during growing activities. Your reassessment must evaluate any factors and conditions that are affected by such change.

§ 112.44 What requirements apply to agricultural water used as sprout irrigation water and in harvesting, packing, and holding covered produce?

(a) *Microbial quality criterion.* When you use agricultural water for any one or more of the following purposes, you must ensure there is no detectable generic *Escherichia coli* (*E. coli*) in 100 milliliters (mL) of agricultural water, and you must not use untreated surface water for any of these purposes:

(1) Used as sprout irrigation water;

(2) Used during or after harvest activities in a manner that directly contacts covered produce (for example, water that is applied to covered produce for washing or cooling activities, water that is applied to harvested crops to prevent dehydration before cooling, and water that is used to make ice that directly contacts covered produce during or after harvest activities);

(3) Used to contact food contact surfaces, or to make ice that will contact food contact surfaces; and

(4) Used for washing hands during and after harvest activities.

(b) *Untreated ground water.* You must test any untreated ground water used as sprout irrigation water or for harvesting, packing, holding covered produce to determine if it meets the microbial quality criterion in paragraph (a) of this section, as follows:

(1) You must initially test the microbial quality of each source of the untreated ground water at least four times during the growing season or over a period of 1 year, using a minimum total of four samples collected aseptically and representative of the intended use(s). Based on these results, you must determine whether the water can be used for the intended purpose(s), in accordance with § 112.45(a).

(2) If your four initial sample results meet the microbial quality criterion, you may test once annually thereafter, using a minimum of one sample collected aseptically and representative of the intended use(s).

(3) If any annual test fails to meet the microbial quality criterion, you must:

(i) Immediately discontinue the use(s) and meet the requirements of § 112.45(a) before resuming such use(s); and

(ii) Resume testing at least four times per growing season or year, as required under paragraph (b)(1) of this section, until all of the survey results collected in a year meet the microbial quality criterion.

(4) You may meet these testing requirements using test results or data collected by a third party, as provided in § 112.47.

(c) *Exemptions.* There is no requirement to test agricultural water that is used as sprout irrigation water or for harvesting, packing, or holding covered produce when:

(1) You receive the water from a Public Water System, as defined under the Safe Drinking Water Act (SDWA) regulations, 40 CFR part 141, that furnishes water that meets the microbial requirements under those regulations or under the regulations of a State (as defined in 40 CFR 141.2) approved to administer the SDWA public water supply program, and you have Public Water System results or certificates of compliance that demonstrate that the water meets those microbial requirements;

(2) You receive the water from a public water supply that furnishes water that meets the microbial quality criterion in paragraph (a) of this section, and you have public water system results or certificates of compliance that demonstrate that the water meets that requirement; or

(3) You treat water in accordance with the requirements of § 112.46.

(d) *Additional management and monitoring practices.* (1) You must manage water used in harvesting, packing, and holding covered produce as necessary, including by establishing and following water-change schedules for non-single-pass water (including recirculated water or reused water) to maintain its safe and adequate sanitary quality and minimize the potential for contamination of covered produce and food contact surfaces with known or reasonably foreseeable hazards (for example, hazards that may be introduced into the water from soil adhering to the covered produce).

(2) You must visually monitor the quality of water that you use during harvesting, packing, and holding activities for covered produce (for example, water used for washing covered produce in dump tanks, flumes, or wash tanks, and water used for cooling covered produce in hydrocoolers) for buildup of organic material (such as soil and plant debris).

(3) You must maintain and monitor the temperature of water at a temperature that is appropriate for the commodity and operation (considering the time and depth of submersion) and that is adequate to minimize the potential for infiltration of microorganisms of public health significance into covered produce.

§ 112.45 What measures must I take for agricultural water to reduce the potential for contamination of covered produce or food contact surfaces with known or reasonably foreseeable hazards?

(a) *Discontinue use(s).* If you have determined or have reason to believe that your agricultural water is not safe or of adequate sanitary quality for its intended use(s) in growing, harvesting, packing, or holding covered produce as required under § 112.41, and/or if your agricultural water used as sprout irrigation water or for harvesting, packing, or holding activities does not meet the requirements in § 112.44(a) (including the microbial quality criterion), you must immediately discontinue such use(s). Before you may use the water source and/or distribution system again for the intended use(s), you must either:

(1) Re-inspect the entire affected agricultural water system to the extent it is under your control, identify any conditions that are reasonably likely to introduce known or reasonably foreseeable hazards into or onto covered produce or food contact surfaces, make necessary changes, and take adequate measures to determine if your changes were effective, and, as applicable, ensure that your agricultural water meets the microbial quality criterion in § 112.44(a); or

(2) Treat the water in accordance with the requirements of § 112.46.

(b) *Implement mitigation measures.* (1) You must implement any mitigation measures that are reasonably necessary to reduce the potential for contamination of covered produce (other than sprouts) or food contact surfaces with known or reasonably foreseeable hazards associated with your agricultural water. Such measures must be implemented as soon as practicable and no later than 1 year after the date of your agricultural water assessment or reassessment (as required by § 112.43), except that mitigation measures for known or reasonably foreseeable hazards related to animal activity, or the application of biological soil amendments of animal origin or the presence of untreated or improperly treated human waste on adjacent or nearby lands, must be implemented promptly, and no later than the same growing season as such assessment or reassessment. Mitigation measures include:

(i) Making necessary changes (for example, repairs) to address any conditions that are reasonably likely to introduce such known or reasonably foreseeable hazards into or onto the covered produce or food contact surfaces;

(ii) Increasing the time interval between the last direct application of agricultural water and harvest of the covered produce to allow for microbial die-off (with a minimum interval of 4 days between application and harvest, except as supported by test results conducted under § 112.43(d), or other scientifically valid data or information in accordance with § 112.12);

(iii) Increasing the time interval between harvest and the end of storage using an appropriate microbial die-off rate, and/or conducting other activities, such as commercial washing, to reduce pathogens using appropriate microbial removal rates, provided you have scientifically valid supporting data and information;

(iv) Changing the method of water application to reduce the likelihood of contamination of the covered produce (such as by changing from overhead spray to subsurface drip irrigation of certain crops);

(v) Treating the water in accordance with § 112.46; and

(vi) Taking an alternative mitigation measure, provided that you satisfy the requirements of § 112.12.

(2) If you fail to implement appropriate mitigation measures in accordance with paragraph (b)(1) of this section, or if you determine that your mitigation measures were not effective to reduce the potential for contamination of the covered produce or food contact surfaces with known or reasonably foreseeable hazards, you must discontinue use of the agricultural water until you have implemented mitigation measures adequate to reduce the potential for such contamination, consistent with § 112.41.

§ 112.46 What requirements apply to treating agricultural water?

(a) Any method you use to treat agricultural water (such as with physical treatment, including using a pesticide device as defined by the U.S. Environmental Protection Agency (EPA); EPA-registered antimicrobial pesticide product; or other suitable method) must be effective to make the water safe and of adequate sanitary quality for its intended use(s) and/or meet the microbial quality criterion in § 112.44, as applicable;

(b) You must deliver any treatment of agricultural water in a manner to ensure that the treated water is consistently safe and of adequate sanitary quality for its intended use(s) and, if applicable, also meets the microbial quality criterion in § 112.44; and

(c) You must monitor any treatment of agricultural water using an adequate method and frequency to ensure that the treated water is consistently safe and of adequate sanitary quality for its intended use(s) and, if applicable, also meets the microbial quality criterion in § 112.44.

(d) Treatment may be conducted by you or by a person or entity acting on your behalf.

§ 112.47 Who must perform the tests required under this subpart?

(a) You may meet the requirements related to agricultural water testing required under §§ 112.43(c)(4)(ii) and 112.44 using:

(1) Results from agricultural water testing performed by you or by a person or entity acting on your behalf; or

(2) Data collected by a third-party or parties, provided the water sampled by the third party or parties adequately represents your agricultural water source(s) and all other applicable requirements of this part are met.

(b) Agricultural water samples must be aseptically collected and tested using methods as set forth in § 112.151, as applicable.

§ 112.48–112.49 [Reserved]

§ 112.50 Under this subpart, what requirements apply regarding records?

(a) You must establish and keep records required under this subpart in accordance with the requirements of subpart O of this part.

(b) You must establish and keep the following records, as applicable:

(1) The findings of inspections of your agricultural water systems in accordance with the requirements of § 112.42(a);

(2) Your written agricultural water assessments, including descriptions of factors evaluated and written determinations, in accordance with § 112.43;

(3) Scientific data or information that you rely on to support the use of an index organism, indicator organism, or other analyte, other than testing for generic *Escherichia coli* (*E.coli*) for purposes of § 112.43(c)(4)(ii);

(4) Scientific data or information that you rely on to support the frequency of testing and any microbial criterion (or criteria) you applied for purposes of § 112.43(c)(4)(ii), if applicable;

(5) Documentation of the results of all analytical tests for purposes of compliance with this subpart, including any testing conducted under §§ 112.43 and 112.44;

(6) Annual documentation of the results or certificates of compliance from a public water system required under § 112.44(c)(1) or (2), if applicable;

(7) Documentation of actions you take in accordance with § 112.45. With respect to any time interval applied in accordance with § 112.45(b)(1)(ii) and/or (iii), such documentation must include the specific time interval (or log reduction. if applicable), how the time interval or log reduction was determined, and the dates of corresponding activities such as the dates of last application and harvest, the dates of harvest and end of storage, and/or the dates of activities such as commercial washing;

(8) Scientific data or information you rely on to support the time interval between last direct application of agricultural water and harvest in § 112.45(b)(1)(ii), and/or the time interval between harvest and end or storage and/or use of activities (such as commercial washing) that result in microbial removal in § 112.45(b)(1)(iii);

(9) Scientific data or information you rely on to support the adequacy of a treatment method used to satisfy the requirements of § 112.46(a) and (b);

(10) Documentation of the results of water treatment monitoring under § 112.46(c); and

(11) Any analytical methods you use in lieu of the method that is incorporated by reference in § 112.151(a).

5. In § 112.151, revise the section heading and paragraph (b)(2) to read as follows:

§ 112.151 What methods must I use to test the quality of water to satisfy the requirements of subpart E of this part?

* * * * *

(b) * * *

(2) For any other indicator of fecal contamination, index organism, or other analyte you may test for pursuant to § 112.43(d), a scientifically valid method.

■ 6. In § 112.161, revise paragraph (b) to read as follows:

§ 112.161 What general requirements apply to records required under this part?

* * * * *

(b) Records required under §§ 112.7(b), 112.30(b), 112.50(b)(2), (5), (7), and (10), 112.60(b)(2), 112.140(b)(1) and (2), and 112.150(b)(1), (4), and (6) must be reviewed, dated, and signed, within a reasonable time after the records are made, by a supervisor or responsible party.

Dated: November 24, 2021.

Janet Woodcock,

Acting Commissioner of Food and Drugs.

[FR Doc. 2021–26127 Filed 12–2–21; 11:15 am]

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