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Presidential Documents

Title 3—

The President

Executive Order 14059 of December 15, 2021

Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), the Fentanyl Sanctions Act (21 U.S.C. 2301 *et seq.*) (FSA), sections 212(f) and 215(a) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f) and 1185(a)), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, find that the trafficking into the United States of illicit drugs, including fentanyl and other synthetic opioids, is causing the deaths of tens of thousands of Americans annually, as well as countless more non-fatal overdoses with their own tragic human toll. Drug cartels, transnational criminal organizations, and their facilitators are the primary sources of illicit drugs and precursor chemicals that fuel the current opioid epidemic, as well as drug-related violence that harms our communities. I find that international drug trafficking—including the illicit production, global sale, and widespread distribution of illegal drugs; the rise of extremely potent drugs such as fentanyl and other synthetic opioids; as well as the growing role of Internet-based drug sales—constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. This serious threat requires our country to modernize and update our response to drug trafficking. I hereby declare a national emergency to deal with that threat.

Accordingly, I hereby order:

Section 1. (a) The Secretary of the Treasury is authorized to impose any of the sanctions described in section 2 of this order on any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the Secretary of Homeland Security:

(i) to have engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production; or

(ii) to have knowingly received any property or interest in property that the foreign person knows:

(A) constitutes or is derived from proceeds of activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production; or

(B) was used or intended to be used to commit or to facilitate activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

(b) The Secretary of the Treasury is authorized to impose any of the sanctions described in section 2 of this order on any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the Secretary of Homeland Security:

(i) to have provided, or attempted to provide, financial, material, or technological support for, or goods or services in support of:

(A) any activity or transaction described in subsection (a)(i) of this section; or

(B) any sanctioned person;

(ii) to be or have been a leader or official of any sanctioned person or of any foreign person that has engaged in any activity or transaction described in subsection (a)(i) of this section; or

(iii) to be owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, any sanctioned person.

(c) The Secretary of the Treasury is authorized to impose any of the sanctions described in section 2 of this order consistent with the requirements of section 7212 of the FSA (21 U.S.C. 2312) on any foreign person determined by the President, or by the Secretary of the Treasury pursuant to authority delegated by the President and in accordance with the terms of such delegation, to be subject to sanctions pursuant to section 7212 of the FSA.

Sec. 2. When the Secretary of the Treasury, in accordance with the terms of section 1 of this order, has determined that a foreign person meets any of the criteria in section 1(a)–(c) of this order, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, is authorized to select one or more of the sanctions set forth in subsections (a)(i)–(vi) of this section to impose on that foreign person.

(a) The Secretary of the Treasury shall take the following actions as necessary to implement the selected sanctions:

(i) block all property and interests in property of the sanctioned person that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

(ii) prohibit any transfers of credit or payments between financial institutions, or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

(iii) prohibit any United States financial institution from making loans or providing credit to the sanctioned person;

(iv) prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest;

(v) prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the sanctioned person; or

(vi) impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in subsections (a)(i)–(v) of this section that are applicable.

(b) The heads of the relevant executive departments and agencies, in consultation with the Secretary of the Treasury, shall take the following actions as necessary and appropriate to implement the sanctions selected by the Secretary of the Treasury:

(i) with respect to a sanctioned person that is a financial institution:

(A) the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of New York shall not designate, and shall rescind any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; and

(B) the sanctioned person shall not serve as an agent of the United States Government or serve as a repository for United States Government funds;

(ii) actions required to ensure that executive departments and agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

(iii) actions required to suspend entry into the United States of any noncitizen whom the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, determines is a leader, official, senior executive officer, or director of, or a shareholder with a controlling interest in, the sanctioned person; or

(iv) actions required to impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in subsections (b)(i)–(iii) of this section that are applicable.

Sec. 3. The prohibitions in section 2 of this order apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

Sec. 4. (a) The unrestricted immigrant and nonimmigrant entry into the United States of noncitizens determined to meet any of the criteria in section l(a)–(c) of this order, and for whom the sanctions described in section 2(a)(i) or 2(b)(iii) of this order have been selected, would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended, except when the Secretary of State or the Secretary of Homeland Security, as appropriate, determines that the person's entry would not be contrary to the interests of the United States, including when the Secretary of State or the Secretary of Homeland Security, as appropriate, so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives.

(b) The Secretary of State shall implement this order as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish.

(c) The Secretary of Homeland Security shall implement this order as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(d) Such persons shall be treated by this section in the same manner as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 5. The prohibitions in section 2(a)(i) of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 6. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 7. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 2(a) of this order.

Sec. 8. For the purpose of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''financial institution'' includes a depository institution (as defined in section 3(c)(l) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(l))), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7))); a credit union; a securities firm, including a broker or dealer; an insurance company, including an agency or underwriter; and any other company that provides financial services;

(c) the term ''foreign person'' means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States, provided such individual does not reside in the United States) or any entity not organized under the laws of the United States;

(d) the term ''knowingly'' or ''knows'' with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result;

(e) the phrase ''means of production'' includes any activities or transactions involving any equipment, chemical, product, or material that may be used, directly or indirectly, in the manufacture of illicit drugs or precursor chemicals;

(f) the term ''noncitizen'' means any person who is not a citizen or noncitizen national of the United States;

(g) the term ''person'' means an individual or entity;

(h) the term ''proliferation of illicit drugs'' means any illicit activity to produce, manufacture, distribute, sell, or knowingly finance or transport: narcotic drugs, controlled substances, listed chemicals, or controlled substance analogues, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(i) the term ''sanctioned person'' means any person sanctioned pursuant to this order;

(j) the term ''United States financial institution'' means a financial institution (including its foreign branches) organized under the laws of the United States or of any jurisdiction within the United States or located in the United States; and

(k) the term ''United States person'' means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 9. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for those measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, is authorized to take such actions, including promulgating rules and regulations, and to employ all powers granted to the President by the FSA or IEEPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All executive departments and agencies shall take all appropriate measures within their authority to implement the provisions of this order.

Sec. 11. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

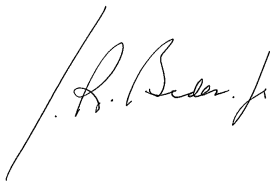
Sec. 12. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
December 15, 2021.

[FR Doc. 2021–27505
Filed 12–16–21; 8:45 am]
Billing code 3395–F2–P

Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0269; Project Identifier MCAI–2020–01417–T; Amendment 39–21682; AD 2021–16–19]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by reports of in-flight engine shutdowns (IFESs); investigation results indicated that this could be caused by high altitude climbs at higher thrust settings on engines with certain thrust ratings. This AD requires amending the existing airplane flight manual (AFM) to incorporate a new limitation and revise certain normal procedures, as specified in a Transport Canada Civil Aviation (TCCA) 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 21, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 21, 2022.

ADDRESSES: For TCCA material incorporated by reference (IBR) in this AD, contact the TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, CANADA; telephone 888–663–3639; email *AD-CN@tc.gc.ca*; internet *https://tc.canada.ca/en/aviation.* For Airbus material incorporated by reference in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450–476–7676; email *a220_crc@abc.airbus*; internet *https://a220world.airbus.com.* 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–2021–0269.

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–2021–0269; 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 Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

TCCA, which is the aviation authority for Canada, has issued TCCA AD CF–2020–41, issued October 15, 2020 (TCCA AD CF–2020–41) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

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 Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM published in the **Federal Register** on April 16, 2021 (86 FR 20097). The NPRM was prompted by reports of IFESs; investigations are ongoing to determine the root cause. Investigation results indicated that an IFES could be caused by high altitude climbs at higher thrust settings on engines with certain thrust ratings. The NPRM proposed to require amending the existing AFM to incorporate a new limitation and revise certain normal procedures, as specified in TCCA AD CF–2020–41.

The FAA is issuing this AD to provide the flightcrew with information and procedures for operation above 29,000 feet to prevent uncontained failure of an engine during an IFES, which could result in structural damage and reduced structural integrity of the airplane. See the MCAI for additional background information.

Comments

The FAA received comments from Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

The FAA received additional comments from one commenter. The following presents the comment received on the NPRM and the FAA's response.

Request To Amend the Existing Airplane Flight Manual

Delta Air Lines Inc. (Delta) asked that the proposed AD also require amending the AFM with Supplement 21 at Issue 016 for Model A220–300 (BD–500–1A11) airplanes. Delta stated that the proposed AD requires amending the AFM with Supplement 21 for only Model A220–100 (BD–500–1A10) airplanes, and should include amending the AFM for both models.

The FAA agrees with the commenter's request. Paragraph (h)(2) of the proposed AD incorrectly identified only the A220–100 AFM. The FAA intended to require the AFM revision based on the applicable AFM for both Model BD–500–1A10 and BD–500–1A11 airplanes, including both the A220–100 and A220–300 AFMs. The FAA has added the AFM amendment for Model A220–300 (Model BD–500–1A11) airplanes to paragraph (h)(2) of this AD.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the change described previously and 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.

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2020–41 specifies procedures for amending the applicable AFM to incorporate a new limitation and revise the normal procedures to limit the engine N1 setting for flights above 29,000 feet.

Airbus Canada Limited Partnership has issued Supplement 21—Operation Above 29000 Feet, of Airbus A220–100 Airplane Flight Manual, Publication BD500–3AB48–22200–00, and Airbus A220–300 Airplane Flight Manual Publication BD500–3AB48–32200–00, both Issue 016, dated October 16, 2020. These supplements specify limitations, information, and procedures for operation above 29,000 feet. These documents are distinct since they apply to different airplane models.

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.

Interim Action

The FAA considers this AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this AD affects 42 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	$3,570

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:

2021–16–19 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–21682; Docket No. FAA–2021–0269; Project Identifier MCAI–2020–01417–T.

(a) Effective Date

This airworthiness directive (AD) is effective January 21, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada Civil Aviation (TCCA) AD CF–2020–41, issued October 15, 2020 (TCCA AD CF–2020–41).

(d) Subject

Air Transport Association (ATA) of America Code 72, Engines.

(e) Reason

This AD was prompted by reports of in-flight engine shutdowns (IFESs); investigation results indicated that this could be caused by high altitude climbs at higher thrust settings on engines with certain thrust ratings. The FAA is issuing this AD to provide the flightcrew with information and procedures for operation above 29,000 feet to prevent uncontained failure of an engine during an IFES, which could result in structural damage and reduced structural integrity of 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, paragraph A., of TCCA AD CF–2020–41.

(h) Exceptions to TCCA AD CF–2020–41

(1) Where TCCA AD CF–2020–41 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph A. of TCCA AD CF–2020–41 requires amending the existing airplane flight manual (AFM) by ''incorporating the SUPPLEMENT 21 Operation above 29000 feet from AFM Revision 15–A dated 10 September 2020,'' this AD requires amending the existing AFM by incorporating Supplement 21—Operation Above 29000 Feet, of Airbus A220–100 Airplane Flight Manual, Publication BD500–3AB48–22200–00, and Airbus A220–300 Airplane Flight Manual Publication BD500–3AB48–32200–00, both Issue 016, dated October 16, 2020.

(3) Where paragraph A. of TCCA AD CF–2020–41 specifies to ''[i]nform all flight crews of the new supplement and thereafter operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(4) Where paragraphs B. and C. of TCCA AD CF–2020–41 specify procedures for a borescope inspection for signs of damage of the 1st stage axial low-pressure compressor (LPC) rotor of each engine, to be performed after the AFM N1 limitation has been exceeded, this AD does not require that action.

(5) Where paragraph C. of TCCA AD CF–2020–41 describes an optional installation of health management unit reports to monitor N1 exceedances, this AD does not include that option.

(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 local Flight Standards District 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 local flight standards district office/certificate holding district 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 TCCA; or Airbus Canada Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

For more information about this AD, contact Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@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 this AD specifies otherwise.

(i) Supplement 21—Operation Above 29000 Feet, of Airbus A220–100 Airplane Flight Manual, Publication BD500–3AB48–22200–00, Issue 016, dated October 16, 2020.

(ii) Supplement 21—Operation Above 29000 Feet, of Airbus A220–300 Airplane Flight Manual Publication BD500–3AB48–32200–00, Issue 016, dated October 16, 2020.

(iii) Transport Canada Civil Aviation (TCCA) AD CF–2020–41, issued October 15, 2020.

(3) For TCCA AD CF–2020–41, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, CANADA; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.*

(4) For Airbus service information identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450–476–7676; email *a220_crc@abc.airbus*; internet *https://a220world.airbus.com.*

(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. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0269.

(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 *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on July 30, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

Note: This document was received for publication by the Office of the Federal Register on December 14, 2021.

[FR Doc. 2021–27319 Filed 12–16–21; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 211213–0259]

RIN 0694–AI68

Addition of Certain Entities to the Entity List and Revision of an Entry on the Entity List

AGENCY: Bureau of Industry and Security, Commerce

ACTION: Final rule.

SUMMARY: This final rule amends the Export Administration Regulations (EAR) by adding thirty-seven entities under forty entries to the Entity List. These thirty-seven entities have been determined by the U.S. Government to be acting contrary to the foreign policy or national security interests of the United States and will be listed on the Entity List under the destinations of the People's Republic of China (China), Georgia, Malaysia, and Turkey. This final rule also modifies one existing entry on the Entity List under the destination of China.

DATES: This rule is effective December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Entity List

The Entity List (supplement no. 4 to part 744 of the EAR) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States. The EAR (15 CFR parts 730–774) impose additional license requirements on, and limit the availability of most license exceptions for, exports, reexports, and transfers (in-country) to listed entities. The license review policy for each listed entity is identified in the ''License Review Policy'' column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document adding entities to the Entity List. BIS places entities on the Entity List

pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add thirty-seven entities under forty entries to the Entity List. The thirty-seven entities are added based on § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The entities are located in the People's Republic of China (China), Georgia, Malaysia, and Turkey. Of the forty entries, thirty-four are located in China, three are located in Georgia, one is located in Malaysia, and two are located in Turkey. Three entities are listed under multiple destinations, accounting for the difference between the number of entities and number of entries in this final rule.

The ERC determined to add the Academy of Military Medical Sciences (AMMS) in China and eleven of its research institutes (the Institute of Health Service and Medical Information; the Institute of Radiation and Radiation Medicine; the Institute of Basic Medicine; the Institute of Hygiene and Environmental Medicine; the Institute of Microbiology and Epidemiology; the Institute of Toxicology and Pharmacology; the Institute of Medical Equipment; the Institute of Bioengineering; the Field Blood Transfusion Institute; the Institute of Disease Control and Prevention; and the Military Veterinary Research Institute) to the Entity List under the destination of China based on the body of information that AMMS and its eleven research institutes use biotechnology processes to support Chinese military end uses and end users, to include purported brain-control weaponry. This activity is contrary to U.S. national security and foreign policy interests under § 744.11(b) of the EAR.

The ERC determined to add China Electronics Technology Group Corporation 52nd Research Institute, Shaanxi Reactor Microelectronics Co. Ltd., Shanghai AisinoChip Electronics Co., Ltd., and Hangzhou Hikmicro Sensing Technology Co., Ltd. to the Entity List for their support of China's military modernization. This activity is contrary to national security and foreign policy interests under Section 744.11(b) of the EAR. In addition, the ERC determined to add HMN International, Jiangsu Hengtong Marine Cable Systems, Jiangsu Hengtong Optic-Electric, Shanghai Aoshi Control Technology Co., Ltd., and Zhongtian Technology Submarine Cable to the Entity List for acquiring and attempting to acquire U.S.-origin items in support of military modernization for the People's Liberation Army. This activity is contrary to national security and foreign policy interests under Section 744.11(b) of the EAR.

As determined by the ERC, Wavelet Electronics, Comtel Technology Limited, and HSJ Electronics are being added to the Entity List under the destination of China for actions contrary to the national security or foreign policy interests of the United States. Specifically, these companies have supplied or attempted to supply U.S.-origin items that could provide material support to Iran's advanced conventional weapons and missile programs to entities designated by the U.S. Department of the Treasury's Office of Foreign Assets Control as Specially Designated Nationals (SDN).

The ERC determined to add Aerosun Corporation, Changsha Jingjia Microelectronics Co., Ltd., Fujian Torch Electron Technology Co., Ltd., and Inner Mongolia First Machinery Group Co., Ltd. to the Entity List for their support of China's military modernization. This activity is contrary to national security and foreign policy interests under Section 744.11(b) of the EAR.

The ERC determined to add the following entities to the Entity List for their involvement in activities that are contrary to the national security and/or foreign policy interests of the United States: Hong Kong Cheung Wah Electronics Technology Company Limited, Hyper Systems Union Limited, Shenzhen Rion Technology, and Thundsea Electric Limited, under the destination of China; Gensis Engineering under the destinations of Georgia and Turkey; Integrated Scientific Microwave Technology under the destinations of China and Malaysia; ROV Solutions under the destinations of China and Georgia; SAEROS Safety ERO Company under the destination of Georgia; and Vangurd Tec Makina Sanyi Ithalat under the destination of Turkey. Specifically, these entities are a part of a network used to supply or attempt to supply Iran with U.S-origin items that would ultimately provide material support to Iran's defense industries, in violation of U.S. export controls.

Pursuant to § 744.11(b) of the EAR, the ERC determined that the conduct of the above-described entities raises sufficient concerns that prior review, via the imposition of a license requirement for exports, reexports, or transfers (in-country) of all items subject to the EAR involving these thirty-seven entities and the possible issuance of license denials or the possible imposition of license conditions on shipments to these entities, will enhance BIS's ability to prevent violations of the EAR or otherwise protect U.S. national security or foreign policy interests.

For the entities added to the Entity List in this final rule, BIS imposes a license requirement that applies to all items subject to the EAR. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this rule. For all entities being added to the Entity List, BIS imposes a license review policy of a presumption of denial. The acronym ''a.k.a.,'' which is an abbreviation of 'also known as,' is used in entries on the Entity List to identify aliases, thereby assisting exporters, reexporters and transferors in identifying entities on the Entity List.

For the reasons described above, this final rule adds the following thirty-seven entities under forty entries to the Entity List and includes, where appropriate, aliases:

China

- Academy of Military Medical Sciences;
- Academy of Military Medical Sciences, Field Blood Transfusion Institution;
- Academy of Military Medical Sciences, Institute of Basic Medicine;
- Academy of Military Medical Sciences, Institute of Bioengineering;
- Academy of Military Medical Sciences, Institute of Disease Control and Prevention;
- Academy of Military Medical Sciences, Institute of Health Service and Medical Information;
- Academy of Military Medical Sciences, Institute of Hygiene and Environmental Medicine;
- Academy of Military Medical Sciences, Institute of Medical Equipment;
- Academy of Military Medical Sciences, Institute of Microbiology and Epidemiology;

- Academy of Military Medical Sciences, Institute of Radiation and Radiation Medicine;
- Academy of Military Medical Sciences, Institute of Toxicology and Pharmacology;
- Academy of Military Medical Sciences, Military Veterinary Research Institute;
- Aerosun Corporation;
- Changsha Jingjia Microelectronics Co., Ltd.;
- China Electronics Technology Group Corporation 52nd Research Institute;
- Comtel Technology Limited;
- Fujian Torch Electron Technology Co., Ltd.;
- Hangzhou Hikmicro Sensing Technology Co., Ltd.;
- HMN International Co., Ltd.;
- Hong Kong Cheung Wah Electronics Technology Company Limited;
- HSJ Electronics;
- Hyper Systems Union Limited;
- Inner Mongolia First Machinery Group Co., Ltd.;
- Integrated Scientific Microwave Technology;
- Jiangsu Hengtong Marine Cable Systems Co., Ltd.;
- Jiangsu Hengtong Optic-Electric Co., Ltd.;
- ROV Solutions;
- Shaanxi Reactor Microelectronics Co., Ltd.;
- Shanghai Aisinochip Electronics Technology Co., Ltd.;
- Shanghai Aoshi Control Technology Co., Ltd.;
- Shenzhen Rion Technology;
- Thundsea Electric Limited;
- Wavelet Electronics; *and*
- Zhongtian Technology Submarine Cable Co.

Georgia

- Gensis Engineering;
- ROV Solutions, *and*
- SAEROS Safety ERO Company.

Malaysia

- Integrated Scientific Microwave Technology.

Turkey

- Gensis Engineering; *and*
- Vangurd Tec Makina Sanyi Ithalat.

Revisions of Entity on the Entity List

The ERC determined to modify one existing entry on the Entity List, Huawei Technologies Co., Ltd. (Huawei), first added to the Entity list under the destination of China on May 2019 (84 FR 22963). Specifically, this rule adds three additional aliases (HMN Technologies, Huahai Zhihui Technology Co., Ltd., and HMN Tech) under one of its affiliated entities: Huawei Marine Networks.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on December 17, 2021, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR).

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and commodity classification, and carries a burden estimate of 29.6 minutes for a manual or electronic submission for a total burden estimate of 31,835 hours. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to § 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 15, 2021, 86 FR 52069 (September 17, 2021); Notice of November 10, 2021, 86 FR 62891 (November 12, 2021).2.

■ 2. Supplement No. 4 to part 744 is amended:

■ a. Under CHINA, PEOPLE'S REPUBLIC OF:

■ i. By adding in alphabetical order entries for ''Academy of Military Medical Sciences,'' ''Academy of Military Medical Sciences, Field Blood Transfusion Institution,'' ''Academy of Military Medical Sciences, Institute of Basic Medicine,'' ''Academy of Military Medical Sciences, Institute of Bioengineering,'' ''Academy of Military Medical Sciences, Institute of Disease

Control and Prevention,'' ''Academy of Military Medical Sciences, Institute of Health Service and Medical Information,'' ''Academy of Military Medical Sciences, Institute of Hygiene and Environmental Medicine,'' ''Academy of Military Medical Sciences, Institute of Medical Equipment,'' ''Academy of Military Medical Sciences, Institute of Microbiology and Epidemiology,'' ''Academy of Military Medical Sciences, Institute of Radiation and Radiation Medicine,'' ''Academy of Military Medical Sciences, Institute of Toxicology and Pharmacology,'' ''Academy of Military Medical Sciences, Military Veterinary Research Institute,'' ''Aerosun Corporation,'' ''Changsha Jingjia Microelectronics Co., Ltd.,'' ''China Electronics Technology Group Corporation 52nd Research Institute,'' ''Comtel Technology Limited,'' ''Fujian Torch Electron Technology Co., Ltd.,'' ''Hangzhou Hikmicro Sensing Technology Co., Ltd.,'' ''HMN International Co., Ltd.''; ''Hong Kong Cheung Wah Electronics Technology Company Limited,'' and ''HSJ Electronics'';

■ ii. By revising the entry for ''Huawei Technologies''; and

■ iii. By adding in alphabetical order entries for ''Hyper Systems Union Limited,'' ''Inner Mongolia First Machinery Group Co., Ltd.,'' ''Integrated Scientific Microwave Technology,'' ''Jiangsu Hengtong Marine Cable Systems Co., Ltd.,'' ''Jiangsu Hengtong Optic-Electric Co., Ltd.,'' ''ROV Solutions,'' ''Shaanxi Reactor Microelectronics Co., Ltd.,'' ''Shanghai Aisinochip Electronics Technology Co., Ltd.,'' ''Shanghai Aoshi Control Technology Co., Ltd.,'' ''Shenzhen Rion Technology,'' ''Thundsea Electric Limited,'' ''Wavelet Electronics,'' and ''Zhongtian Technology Submarine Cable Co.'';

■ b. Under GEORGIA, by adding in alphabetical order, entries for ''Gensis Engineering,'' ''ROV Solutions,'' and ''SAEROS Safety ERO Company'';

■ c. Under MALAYSIA, by adding in alphabetical order, an entry for ''Integrated Scientific Microwave Technology''; and

■ d. Under TURKEY, by adding in alphabetical order, entries for ''Gensis Engineering'' and ''Vangurd Tec Makina Sanyi Ithalat''.

The additions and revision read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF.	*	*	*	*
	Academy of Military Medical Sciences, a.k.a., the following one alias: —AMMS. 27 Taiping Road, Haidian District, Beijing, 100850, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Field Blood Transfusion Institution, 27 Taiping Road, Haidian District, Beijing, 100850, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Basic Medicine, 27 Taiping Road, Haidian District, Beijing, 100850, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Bioengineering, 20 East Street, Fengtai District, Beijing, China 100071.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Disease Control and Prevention, a.k.a., the following one alias: —Disease Control and Prevention Institute. 20 East Street, Fengtai District, Beijing, China 100071.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Health Service and Medical Information, 27 Taiping Road, Haidian District, Beijing, 100850, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Hygiene and Environmental Medicine, No. 1 Dali Road, Heping District, Tianjin, 300050, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Medical Equipment, 106 Wandong Road, Hedong District, Tianjin, 300162, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].

Country	Entity	License requirement	License review policy	Federal Register citation
	Academy of Military Medical Sciences, Institute of Microbiology and Epidemiology, a.k.a, the following one alias: —Institute of Microbial Epidemiology. 20 East Street, Fengtai District, Beijing, 100071, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Radiation and Radiation Medicine, a.k.a., the following two aliases: —Institute of Radiation Medicine; *and* —Institute of Electromagnetic and Particle Radiation Medicine. 27 Taiping Road, Haidian District, Beijing, 100850, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Institute of Toxicology and Pharmacology, a.k.a., the following one alias: —Institute of Toxicology and Drugs. 27 Taiping Road, Haidian District, Beijing, 100850, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Academy of Military Medical Sciences, Military Veterinary Research Institute, 666 Liuying West Road, Changchun City, 130122, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	Aerosun Corporation, No. 188, Tianyuan Middle Road, Jiangning Economic and Technological Development Zone, Nanjing City, Jiangsu Province 211100; *and* 188 Tianyuan Zhong Road, Jiangning Economic & Technical Area Nanjing, Jiangsu 211100; *and* No. 3931, Chuansha Road, Wanggang Town, Pudong New Area, Chuansha County, Shanghai 201201; *and* Building 1, No. 199 Jiangjun Avenue, Jiangning Economic and Technological Development Zone, Nanjing; *and* No. 9399 Shangchuan Road, South District, Jinqiao Processing Zone, Pudong New District, Shanghai, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	Changsha Jingjia Microelectronics Co., Ltd., 902, Building B1, Lugu Science and Technology Innovation Pioneer Park, 1698 Yuelu West Ave., Changsha High-tech Development Zone; *and* Building 3, Changsha Productivity Promotion Center, No. 2, Lujing Rd., Yuelu District, Changsha City, Hunan Province; *and* No. 1, Meixihu Road, Yuelu District, Changsha City, Hunan Province, 410221; *and* Room 1501, Aipu Building, 395 Xinshi North Road, Shijiazhuang City, Hebei Province, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	China Electronics Technology Group Corporation 52nd Research Institute, a.k.a., the following three aliases: —CETC 52; —CETHIK Group; *and* —China Electronics Technology HIK Group Co., Ltd.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].

Country	Entity	License requirement	License review policy	**Federal Register** citation
	198 Aicheng Street, Wuchang Avenue, Yuhang District, Hangzhou; *and* No. 36, Macheng Road, Xihu District, Hangzhou; *and* No. 1500, Wenyi West Road, Yuhang District; *and* No. 9 Lixin Road Qingha Lake, Hangzhou; *and* No. 9 Wenfu Road, Hangzhou, China.			
	* *	*	* *	*
	Comtel Technology Limited, Building A2–3, Haufeng Industrial Park, Shiyan, Baoan District, Shenzhen, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	Fujian Torch Electron Technology Co., Ltd., No.4 Zihua Rd., Quanzhou Hi-Tech Industries Park (Jiang Nan Park) Licheng District, Quanzhou, Fujian; *and* Building 23, District 7, No. 188 South 4th Ring Rd W, Fengtai District, Beijing; *and* Suites 705–708, 7th floor, Ping'An Wealth Management Center, Building 1, 1588 Shenchang Road, Minhang District, Shanghai; *and* Suites 2904–2905, Yongwei Times Center, Jinye 1st Rd, Yanta District, Xi'an; *and* Suites 402–1, Building 1, Xicun Compound, No 1. Beisen N Rd, Qingyang District, Chengdu; *and* Suite 1507, Tower A, Wuhan Guanggu Times Square, No. 111 Guanshan Avenue Hongshan District, Wuhan; *and* Suite 905, Kairu Junlin Business Building, Intersection of Kaixuan W Rd and Shachang S Rd, Xigong District, Luoyang; *and* Suite 2306, Tower A, Yinuo Business Center, Intersection of West 2nd Ring Rd and Hehuan Road, Shushan District, Hefei; *and* Suite 404, Building W2, West District, Airport Business Park, Tianjin Airport Economic Zone; *and* Suites 1102–1103, Tower B2, No. 13 Ludu Avenue, Greenland Window Business Plaza, Yuhuatai District, Nanjing; *and* Suite 10009, Times Building, No. 55 Qingjiang Rd, Weibin District, Baoji, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	Hangzhou Hikmicro Sensing Technology Co., Ltd., a.k.a., the following one alias: —Hikmicro. Building A1, No. 299, Qiushi Road, Tonglu Economic Development Zone, Tonglu County, Hangzhou City, Zhejiang Province; *and* No. 209 Gold Road, Fuyang District Hangzhou, Zhejiang; *and* Fuyang Branch—1st Floor, Building 4, No. 209, Golf Road, Dongzhou St., Fuyang District, Hangzhou City, Zhejiang province, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	HMN International Co., Ltd., a.k.a. the following one alias: —Huahai Communication International Co., Ltd. Room 08, 43/F., Far East Finance Centre, No. 16 Harcourt Road, Admiralty, Hong Kong.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].

Country	Entity	License requirement	License review policy	Federal Register citation
	* *	*	* *	*
	Hong Kong Cheung Wah Electronics Technology Company Limited, Flat D, 14/F., On Fook Ind. Bldg. 41–45 Kwai Fung Crescent, Kwai Chung, N.T., Hong Kong; *and* Room 2307, Dynamic World Bldg., Zhenzhong Road, Futian District, Shenzhen, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	HSJ Electronics, a.k.a., the following one alias: —HSJ Electronic Hong Kong Limited. Room 803, Chevalier House 45–51, Chatham Road South, Tsim Sha Tsui, Hong Kong; *and* 10/F Kras Asia Industrial Building 79 Hung to Road, Kowloon, Hong Kong.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* *	*	* *	*
	Huawei Technologies Co., Ltd., a.k.a., the following two aliases: —Shenzhen Huawei Technologies; *and* —Huawei Technology, and to include the following addresses and the following 22 affiliated entities: Addresses for Huawei Technologies Co., Ltd.: Bantian Huawei Base, Longgang District, Shenzhen, 518129, China; *and* No. 1899 Xi Yuan Road, High-Tech West District, Chengdu, 611731; *and* C1, Wuhan Future City, No. 999 Gaoxin Ave., Wuhan, Hebei Province; *and* Banxuegang Industrial Park, Buji Longgang, Shenzhen, Guangdong, 518129, China; *and* R&D Center, No. 2222, Golden Bridge Road, Pu Dong District, Shanghai, China; *and* Zone G, Huawei Base, Bantian, Longgang District, Shenzhen, China. Affiliated entities: *Beijing Huawei Longshine Information Technology Co., Ltd.,* a.k.a., the following one alias: —Beijing Huawei Longshine, to include the following subordinate. Q80–3–25R, 3rd Floor, No. 3, Shangdi Information Road, Haidian District, Beijing, China. *Hangzhou New Longshine Information Technology Co., Ltd.,* Room 605, No. 21, Xinba, Xiachang District, Hangzhou, China. *Hangzhou Huawei Communication Technology Co., Ltd.,* Building 1, No. 410, Jianghong Road, Changhe Street, Binjiang District, Hangzhou, Zhejiang, China. *Hangzhou Huawei Enterprises,* No. 410 Jianghong Road, Building 1, Hangzhou, China. *Huawei Digital Technologies (Suzhou) Co., Ltd.,* No. 328 XINHU STREET, Building A3, Suzhou (Huawei R&D Center, Building A3, Creative Industrial Park, No. 328, Xinghu Street, Suzhou), Suzhou, Jiangsu, China.	For all items subject to the EAR, see §§ 736.2(b)(3)(vi)1, and 744.11 of the EAR, except for technology subject to the EAR that is designated as EAR99, or controlled on the Commerce Control List for anti-terrorism reasons only, when released to members of a "standards organization" (see § 772.1) for the purpose of contributing to the revision or development of a "standard" (see § 772.1).	Presumption of denial	84 FR 22963, 5/21/19. 84 FR 43495, 8/21/19. 85 FR 29853, 5/19/20. 85 FR 36720, 6/18/20. 85 FR 51603, 8/20/20. 86 FR [INSERT FR PAGE NUMBER 12/17/2021].

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Huawei Marine Networks Co., Ltd., a.k.a., the following four aliases: —Huawei Marine; —HMN Technologies; —Huahai Zhihui Technology Co., Ltd.,; *and* —HMN Tech. Building R4, No. 2 City Avenue, Songshan Lake Science & Tech Industry Park, Dongguan, 523808, *and* No. 62, Second Ave., 5/F–6/F, TEDA, MSD–B2 Area, Tianjin Economic and Technological Development Zone, Tianjin, 300457, China.			
	Huawei Mobile Technology Ltd., Huawei Base, Building 2, District B, Shenzhen, China.			
	Huawei Tech. Investment Co., U1 Building, No. 1899 Xiyuan Avenue, West Gaoxin District, Chengdu City, 611731, China.			
	Huawei Technology Co., Ltd. Chengdu Research Institute, No. 1899, Xiyuan Ave., Hi-Tech Western District, Chengdu, Sichuan Province, 610041, China.			
	Huawei Technology Co., Ltd. Hangzhou Research Institute, No. 410, Jianghong Rd., Building 4, Changhe St., Binjiang District, Hangzhou, Zhejiang Province, 310007, China.			
	Huawei Technologies Co., Ltd. Beijing Research Institute, No. 3, Xinxi Rd., Huawei Building, ShangDi Information Industrial Base, Haidian District, Beijing, 100095, China; *and* No. 18, Muhe Rd., Building 1–4, Haidian District, Beijing, China.			
	Huawei Technologies Co., Ltd. Material Characterization Lab, Huawei Base, Bantian, Shenzhen 518129, China.			
	Huawei Technologies Co., Ltd. Xi'an Research Institute, National Development Bank Building (Zhicheng Building), No. 2, Gaoxin 1st Road, Xi'an High-tech Zone, Xi'an, China.			
	Huawei Terminal (Shenzhen) Co., Ltd., Huawei Base, B1, Shenzhen, China.			
	Nanchang Huawei Communication Technology, No. 188 Huoju Street, F10–11, Nanchang, China.			
	Ningbo Huawei Computer & Net Co., Ltd., No. 48 Daliang Street, Ningbo, China.			
	Shanghai Huawei Technologies Co., Ltd., R&D center, No. 2222, Golden Bridge Road, Pu Dong District, Shanghai, 286305 Shanghai, China, China.			
	Shenzhen Huawei Anjiexin Electricity Co., Ltd., a.k.a., the following one alias: —Shenzhen Huawei Agisson Electric Co., Ltd., Building 2, Area B, Putian Huawei Base, Longgang District, Shenzhen, China; *and* Huawei Base, Building 2, District B, Shenzhen, China.			

Country	Entity	License requirement	License review policy	Federal Register citation
	Shenzhen Huawei New Technology Co., Ltd., Huawei Production Center, Gangtou Village, Buji Town, Longgang District, Shenzhen, China. *Shenzhen Huawei Technology Service,* Huawei Base, Building 2, District B, Shenzhen, China. *Shenzhen Huawei Technologies Software,* Huawei Base, Building 2, District B, Shenzhen, China. *Zhejiang Huawei Communications Technology Co., Ltd.,* No. 360 Jiangshu Road, Building 5, Hangzhou, Zhejiang, China.			
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	Hyper Systems Union Limited, Unit A1 7/F Cheuk Nang Plaza, 250 Hennessy Road, Wan Chai, Hong Kong; *and* Rm. 905 Workingberg Commercial Bldg. 41–47 Marble Road Wan Chai, Hong Kong; *and* Flat D, 14/F., On Fook Ind. Bldg. 41–45 Kwai Fung Crescent, Kwai Chung, N.T., Hong Kong.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Inner Mongolia First Machinery Group Co., Ltd. a.k.a. the following three aliases: —China North Industries Group Corporation Limited (NORINCO) 617 Factory; —FIRMACO; *and* —Inner Mongolia One Machine. North Minzhu Road, Qingshan District, Baotou City, Inner Mongolia Autonomous Region, 014032 China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Integrated Scientific Microwave Technology, a.k.a., the following one alias: —ISM Tech. Rm. 1014 Favor Industrial Centre, 2–6 Kin Hong Street Kwai Chung Hong Kong (see alternate address under Malaysia).	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Jiangsu Hengtong Marine Cable Systems Co., Ltd., a.k.a., the following two aliases: —Jiangsu Hengtong Ocean Optical Network System Co., Ltd.; *and* —Smart Ocean System. No. 8, Tonga Road, Changshu Economic and Technological Development Zone, Suzhou City, Jiangsu Province.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	Jiangsu Hengtong Optic-Electric Co., Ltd., a.k.a., the following three aliases: —Jiangsu Hengtong Photoelectric Co., Ltd.; —Hengtong Optoelectronics Co., Ltd.; *and* —HTGD. 88 Hengtong Avenue, Qidu Town, Wujiang District, Suzhou City, Jiangsu Province; *and* No. 2288, Zhongshan North Road, Wujiang District, Suzhou City, Jiangsu Province, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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Country	Entity	License requirement	License review policy	**Federal Register** citation
	ROV Solutions, Rm. 1014 Favour Industrial Centre, 2–6 Kin Hong Street Kwai Chung Hong Kong. (see alternate address under Georgia).	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Shaanxi Reactor Microelectronics Co., Ltd., Room 301, Block A, Hanyun Tower, Xi'an Software Park, No. 68, Keji 2nd Rd., High-Tech Zone, Xi'an, Shaanxi; *and* Room 103, Building 3, Zhongfu Commercial Advertising Park, Liuxian 2nd Road, Shenzhen City; *and* C37, Block C, Langda Plaza, Guzhen Town, Zhongshan City; *and* Room 604, Building 10, Baofen Yuanyuan No. 165, Baoqing Rd., Zhuangqiao St., Jiangbei District, Ningbo City, Zhejiang Province; *and* Room 105, Information Building, Three High Tech Road, Shaanxi, Xian, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Shanghai Aisinochip Electronics Technology Co., Ltd., a.k.a., the following two aliases: —Shanghai Aixinnuohangxin Electronic Technology Co., Ltd.; *and* —Aisino Chip. Building 702, Building 102, Phase 3, Science and Technology Oasis, No. 2570, Hechuan Rd., Minhang District, Shanghai.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Shanghai Aoshi Control Technology Co., Ltd., a.k.a. the following two aliases: —Shanghai Hengtong Optic-Electric Technology Co., Ltd.; *and* —Shanghai Hengtong Photoelectric Technology Co. Ltd. Building 1, No. 618 Chengliu Middle Road, Jiading District, Shanghai; *and* 1st Floor, Building 2, No. 555 Jiangchang West Road, Jing'an District, Shanghai, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Shenzhen Rion Technology, 4/F Block 1. Fuan Second Industrial Park, D Yang Tian, Da Yang Road, Ruyo, Shenzhen, China	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Thundsea Electric Limited, Rm. 1014 Favour Industrial Centre, 2–6 Kin Hong Street Kwai Chung Hong Kong; *and* Unit 1405B 14/F, The Belgian Bank Building, NOS. 721–725 Nathan Road Mongkok, Kowloon, Hong Kong	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Wavelet Electronics, Room 605, 6/F, Corporation Park, No. 11 on Lai Street, Shatin, New Territories, Hong Kong; *and* Building A2–3, Haufeng Industrial Park, Shiyan, Baoan District, Shenzhen, China RM 511, 5/F, Corporation Park, 11 ON LAI Street, Siu Lek Yuen, Shatin, N.T. Hong Kong.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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Country	Entity	License requirement	License review policy	Federal Register citation
	Zhongtian Technology Submarine Cable Co., Ltd., a.k.a., the following one alias: —ZTT Cable. No. 1, Xinkai South Road, Nantong Economic and Technological Development Zone, China.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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GEORGIA	Gensis Engineering, a.k.a., the following one alias: —Gensis Muhendislik Danismanlik. No. 2 Flat Loselianis Ave. Tbilisi, Georgia. (see alternate address under Turkey).	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* * *	*	* *	*
	ROV Solutions, 12A Tahkenti Street, Tbilisi, Georgia. (see alternate address under China).	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
	* * *	*	* *	*
	SAEROS Safety ERO Company, —No. 2 Flat Loselianis Ave. Tbilisi, Georgia.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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MALAYSIA	* * *	*	* *	*
	Integrated Scientific Microwave Technology, a.k.a., the following one alias: —ISM Tech. 1–11 1st floor, Jalan Padan Perdana 2, Dataran Pandan Prima, 55100, Kuala Lumpur, Malaysia. (see alternate address under China).	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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TURKEY	* * *	*	* *	*
	Gensis Engineering, a.k.a., the following one alias: —Gensis Muhendislik Danismanlik. Fevzi Cakmak Mah., Malazgirt Cad 58/5, Pendik, Istanbul, Turkey. (see alternate address under Georgia).	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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	Vangurd Tec Makina Sanyi Ithalat, Yesilkent MH. 2011 SK. Innovia 3 Etap 18/15 Esenyurt, Istanbul, Turkey.	All items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	86 FR [INSERT FR PAGE NUMBER 12/17/2021].
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Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–27406 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. FDA–2021–N–0857]

Medical Devices; General and Plastic Surgery Devices; Classification of the Manual Percutaneous Surgical Set Assembled in the Abdomen

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the manual percutaneous surgical set assembled in the abdomen into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the manual percutaneous surgical set assembled in the abdomen's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

DATES: This order is effective December 17, 2021. The classification was applicable on April 30, 2012.

FOR FURTHER INFORMATION CONTACT: Cal Rabang, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4633, Silver Spring, MD 20993–0002, 301–796–6412, *Cal.Rabang@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the manual percutaneous surgical set assembled in the abdomen as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see 21 U.S.C. 360c(f)(2)(B)(i)). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application (PMA) to market a substantially equivalent device (see 21 U.S.C. 360c(i), defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

For this device, FDA issued an order on August 26, 2011, finding the Percutaneous Surgical Set with 5mm or 10mm Attachments not substantially equivalent to a predicate not subject to PMA. Thus, the device remained in class III in accordance with section 513(f)(1) of the FD&C Act when we issued the order.

On September 21, 2011, FDA received Ethicon Endo-Surgery, Inc.'s request for De Novo classification of the Percutaneous Surgical Set with 5mm or 10mm Attachments. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on April 30, 2012, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 878.4805.[1] We have named the

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to

generic type of device manual percutaneous surgical set assembled in the abdomen, and it is identified as a prescription device consisting of a percutaneous surgical set used as a means to penetrate soft tissue to access certain areas of the abdomen. The device's effectors or attachments are provided separately from the percutaneous shaft and are introduced to the site via a traditional conduit such as a trocar. The attachment or effectors are connected to the shaft once the tip of the shaft is inside the abdomen. Once inside the abdomen, the surgical set is used to grasp, hold, and manipulate soft tissues. A surgical instrument that has specialized uses in a specific medical specialty is classified in separate regulations in 21 CFR parts 868 through 892.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—MANUAL PERCUTANEOUS SURGICAL SET ASSEMBLED IN THE ABDOMEN RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Adverse tissue reaction	Biocompatibility evaluation.
Device failure	Non-clinical performance testing, Sterilization validation, and Shelf life testing.
User error	Non-clinical performance testing, Simulated use testing, and Labeling.
Abdominal cavity damage	Non-clinical performance testing, Simulated use testing, and Labeling.
Infection	Sterilization validation and Shelf life testing.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider if such an alternative method could be assessed for equivalency to an animal test method. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

At the time of classification, manual percutaneous surgical sets assembled in the abdomen are for prescription use only. Prescription devices are exempt from the requirement for adequate directions for use for the layperson under section 502(f)(1) of the FD&C Act (21 U.S.C. 352(f)(1)) and 21 CFR 801.5, as long as the conditions of 21 CFR 801.109 are met.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information 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). The collections of information in the guidance document ''De Novo Classification Process (Evaluation of Automatic Class III Designation)'' have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 878

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 878 is amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

■ 1. The authority citation for part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 878.4805 to subpart E to read as follows:

§ 878.4805 Manual percutaneous surgical set assembled in the abdomen.

(a) *Identification.* A manual percutaneous surgical set assembled in the abdomen is a prescription device consisting of a percutaneous surgical set used as a means to penetrate soft tissue to access certain areas of the abdomen. The device's effectors or attachments are provided separately from the percutaneous shaft and are introduced to the site via a traditional conduit such as a trocar. The attachment or effectors are connected to the shaft once the tip of the shaft is inside the abdomen. Once inside the abdomen, the surgical set is used to grasp, hold, and manipulate soft tissues. A surgical instrument that has specialized uses in a specific medical specialty is classified in separate regulations in parts 868 through 892 of this chapter.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) The patient-contacting components of the device must be demonstrated to be biocompatible.

(2) Performance data must demonstrate the sterility of patient-contacting components of the device.

(3) Performance data must support the shelf life of the device by demonstrating continued sterility, package integrity, and device functionality over the requested shelf life.

(4) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following

indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

performance characteristics must be tested:

(i) Dimensional verification testing must be conducted.

(ii) Force verification testing must be conducted. The force testing must demonstrate the forces necessary to insert and operate each component of the device during use as intended.

(iii) Functional verification testing of the device components must be conducted.

(5) Simulated use testing in an anatomically relevant animal model must demonstrate the device's ability to penetrate soft tissue, be assembled in situ, and to grasp, hold and manipulate soft tissues in the intended treatment area.

(6) The labeling must include the following:

(i) Instructions for use, including detailed instructions for instrument assembly, disassembly, and removal; and

(ii) A shelf life.

Dated: December 10, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–27317 Filed 12–16–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Chapter VII

[Docket ID: USAF–2021–HQ–0001]

RIN 0701–AA81

Appointment to the Air Force Academy

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule removes the regulation concerning how the Department of the Air Force appoints individuals to the United States Air Force Academy. The part is outdated, contains internal guidance, reiterates statutory law, and is otherwise subject to the military function exemption to rulemaking. Applicants to the Air Force Academy are individually provided with any relevant entrance information and the current policy is publicly available on the United States Air Force Academy's website. Therefore, the part is unnecessary and can be removed from the Code of Federal Regulations (CFR).

DATES: This rule is effective on December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Laura Megan-Posch at 703–697–4370.

SUPPLEMENTARY INFORMATION: This final rule removes 32 CFR part 901, ''Appointment to the United States Air Force Academy,'' which was originally published on June 26, 1986 (51 FR 23221), and has not since been updated. Part 901 is outdated, contains internal guidance, reiterates statutory law, and is otherwise subject to the military function exemption to rulemaking. Current policy is provided individually to applicants and is contained in Air Force Manual 36–2032, Military Recruiting and Accessions, September 27, 2019 (available at *https://static.e-publishing.af.mil/production/1/af_a1/publication/afman36-2032/afman36-2032.pdf*). Accordingly, this part is unnecessary and can be removed from the CFR. It has been determined that publication of this CFR part removal for public comment is impracticable and contrary to the public interest because it is based on removing outdated and unnecessary content. This rule is not significant under Executive Order 12866, Sec 3, ''Regulatory Planning and Review.''

The Under Secretary of the Air Force, Ms. Gina Ortiz Jones, having reviewed and approved this document, is delegating the authority to electronically sign this document to Mr. Tommy W. Lee, who is the Air Force Federal Register Liaison Officer, for purposes of publication in the **Federal Register**.

List of Subjects in 32 CFR Part 901

Military academies, Reporting and recordkeeping requirements.

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER K—[REMOVED AND RESERVED]

■ Accordingly, by the authority of 5 U.S.C. 301, subchapter K of chapter VII of 32 CFR, consisting of part 901, is removed and reserved.

Tommy W. Lee,

Air Force Federal Register Liaison Officer.

[FR Doc. 2021–27304 Filed 12–16–21; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0906]

RIN 1625–AA00

Safety Zone; Potomac River, Between Charles County, MD and King George County, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Potomac River. This action is necessary to provide for the safety of persons, and the marine environment from the potential safety hazards associated with construction operations at the new Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge, which will occur from 7 a.m. on January 3, 2022, through 8 p.m. on January 15, 2022. This rule will prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port, Maryland-National Capital Region or a designated representative.

DATES: This rule is effective without actual notice from December 17, 2021 through January 15, 2022. For the purposes of enforcement, actual notice will be issued from December 13, 2021 until December 17, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0906 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
§ Section
TFR Temporary Final Rule
U.S.C. United States Code

II. Background Information and Regulatory History

On December 9, 2021, Skanska-Corman-McLean, Joint Venture, notified

the Coast Guard that the company will be setting structural steel sections across the federal navigation channel at the new Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge. The bridge contractor stated the work required to set structural steel across the channel, originally scheduled to occur in November 2021, and rescheduled to December 2021, is now scheduled to occur from January 3, 2022, through January 15, 2022. The work described by the contractor requires the movement in and anchoring at multiple points of a large crane barge within the federal navigation channel. This crane can accommodate all of the steel to be hoisted and placed, which will streamline the operation by avoiding multiple reloads of steel and reducing the time in the channel by multiple days. This operation will impede vessels requiring the use of the channel. Note, the Coast Guard has previously issued other temporary safety zones at this location for placement of fender ring elements in association with construction of the new bridge (USCG–2021–0127; USCG–2021–0650; and USCG–2021–0745).

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 and contrary to the public interest. Construction operations involving large crane heavy lifts at the new Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge must occur within the federal navigation channel. Immediate action is needed to respond to the potential safety hazards associated with bridge construction. Hazards from the construction operations include low-hanging or falling ropes, cables, large piles and cement cast portions, dangerous projectiles, and or other debris. We must establish this safety zone by January 3, 2022, to guard against these hazards.

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 and contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with construction operations at the new Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge to be conducted within the federal navigation channel.

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 COTP has determined that potential hazards associated with bridge construction starting January 3, 2022, will be a safety concern for anyone within the federal navigation channel at the new Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge construction site. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the bridge is being constructed.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 7 a.m. on January 3, 2022, until 8 p.m. on January 15, 2022. The safety zone will cover all navigable waters of the Potomac River encompassed by a line connecting the following points beginning at 38°21′50.96″ N, 076°59′22.04″ W, thence south to 38°21′43.08″ N, 076°59′20.55″ W, thence west to 38°21′41.00″ N, 076°59′34.90″ W, thence north to 38°21′48.90″ N, 076°59′36.80″ W, and east back to the beginning point, located between Charles County, MD and King George County, VA.

The duration of the zone is intended to protect personnel and the marine environment in these navigable waters while structural steel is being set across the federal navigation channel at the new Governor Harry W. Nice/Senator Thomas ''Mac'' Middleton Memorial (US–301) Bridge.

Except for marine equipment and vessels operated by Skanska-Corman-McLean, Joint Venture, or its subcontractors, no vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Maryland-National Capital Region or a designated representative.

The COTP Maryland-National Capital Region will notify the public that the safety zone will be enforced by all appropriate means to the affected segments of the public, as practicable, in accordance with 33 CFR 165.7(a).

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 size and duration of the safety zone. The temporary safety zone is approximately 450 yards in width and 270 yards in length. We anticipate that there will be no vessels that are unable to conduct business. Excursion vessels and commercial fishing vessels are not impacted by this rulemaking. Excursion vessels do not operate in this area, and commercial fishing vessels are not impacted because of their draft. Some towing vessels may be impacted, but bridge project personnel have been conducting outreach throughout the project in order to coordinate with those vessels. Vessel traffic not required to use the navigation channel will be able to safely transit around the safety zone. Such vessels may be able to transit to the east or the west of the federal navigation channel, as similar vertical clearance and water depth exist under the next bridge span to the east and west. This safety zone will impact a small designated area of the Potomac River for 13 days, but coincides with the non-peak season for recreational boating.

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 received no comments from the Small Business Administration on this rulemaking. 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 temporary safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone lasting 13 total days that will prohibit entry within a portion of the Potomac River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T05–0906 to read as follows:

§ 165.T05–0906 Safety Zone; Potomac River, Between Charles County, MD and King George County, VA.

(a) *Location.* The following area is a safety zone: All navigable waters of the Potomac River, encompassed by a line connecting the following points beginning at 38°21′50.96″ N, 076°59′22.04″ W, thence south to 38°21′43.08″ N, 076°59′20.55″ W, thence west to 38°21′41.00″ N, 076°59′34.90″ W, thence north to 38°21′48.90″ N, 076°59′36.80″ W, and east back to the beginning point, located between Charles County, MD and King George County, VA. These coordinates are based on datum NAD 83.

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

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

Designated representative means any Coast Guard commissioned, warrant, or petty officer, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Maryland-National Capital Region (COTP) in the enforcement of the safety zone.

Marine equipment means any vessel, barge or other equipment operated by Skanska-Corman-McLean, Joint Venture, or its subcontractors.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone number 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

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

(e) *Enforcement period.* The section will be enforced from 7 a.m. on January 3, 2022, through 8 p.m. on January 15, 2022.

Dated: December 13, 2021.

David E. O'Connell,

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

[FR Doc. 2021–27349 Filed 12–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0901]

Safety Zone; Military Ocean Terminal Concord Safety Zone, Suisun Bay, Military Ocean Terminal Concord, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone in the navigable waters of Suisun Bay, off Concord, CA, in support of explosive off and on-loading to Military Ocean Terminal Concord (MOTCO). This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The safety zone is open to all persons and vessels for transitory use, but vessel operators desiring to anchor or otherwise loiter within the safety zone must obtain the permission of the Captain of the Port San Francisco or a designated representative. All persons and vessels operating within the safety zone must comply with all directions given to them by the Captain of the Port San Francisco or a designated representative.

DATES: The regulations in 33 CFR 165.1198 will be enforced from 12:01 a.m. on December 17, 2021, until 11:59 p.m. on December 21, 2021.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Anthony Solares, Sector San Francisco Waterways Management, U.S. Coast Guard; telephone 415–399–3585, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.1198 for the Military Ocean Terminal Concord regulated area from December 17, 2021 from 12:01 a.m., until December 21, 2021, at 11:59 p.m., or as announced via marine local broadcasts. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. Our regulation for this safety zone, § 165.1198, specifies the location of the safety zone which encompasses the navigable waters in the area between 500 yards of MOTCO Pier 2 in position 38°03′30″ N, 122°01′14″ W and 3,000 yards of the pier. During the enforcement periods, as reflected in § 165.1198(d), if you are the operator of a vessel in the regulated area you must comply with the instructions of the COTP or the designated on-scene patrol personnel. Vessel operators desiring to anchor or otherwise loiter within the safety zone must contact Sector San Francisco Vessel Traffic Service at 415–556–2760 or VHF Channel 14 to obtain permission.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, and marine information broadcasts.

Dated: December 13, 2021.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2021–27334 Filed 12–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0902]

Safety Zone; San Francisco New Year's Eve Fireworks Display; San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone in the navigable waters of the San Francisco Bay near the Ferry Plaza in San Francisco, CA for the San Francisco New Year's Eve Fireworks Display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect personnel, vessels, and the marine environment from the dangers associated with pyrotechnics. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone, unless authorized by the Patrol Commander (PATCOM) or other federal, state, or local law enforcement agencies on scene to assist the Coast Guard in enforcing the regulated area.

DATES: The regulation in 33 CFR 165.1191, Table 1, Item number 24, will be enforced from noon on December 31, 2021, through 12:45 a.m. on January 1, 2022, or as announced via Broadcast Notice to Mariners.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Anthony Solares, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191, Table 1, Item number 24, for the San Francisco New Year's Eve Firework Display from noon on December 31, 2021 through 12:45 a.m. on January 1, 2022. The Coast Guard will enforce a 100-foot safety zone around the two fireworks barges during the loading, standby, transit, and arrival of the fireworks barges from the loading location to the display location and until the start of the fireworks display. On December 31, 2021, the fireworks barges will be loaded with pyrotechnics at Pier 50 in San Francisco, CA from appoximately noon until approximately 6 p.m. The fireworks barges will remain on standby at the loading location until their transit to the display location. From 10:45 p.m. to 11:15 p.m. on December 31, 2021 the loaded fireworks barges will transit from Pier 50 to the launch site near the San Francisco Ferry Plaza in approximate position 37°47′45″ N, 122°23′15″ W (NAD 83), where they will remain until the conclusion of the fireworks display. At approximately 11:59 p.m. on December 31, 2021, 15-minutes prior to the fireworks display, the safety zone will expand to encompass all navigable waters, from surface to bottom, within a circle formed by connecting all points 1,000 feet out from the fireworks barges. The firework barges will be near the San Francisco Ferry Plaza in San Francisco, CA in approximate position 37°47′45″ N, 122°23′15″ W (NAD 83) as set forth in 33 CFR 165.1191, Table 1, Item number 24. The safety zone will be enforced until 12:45 a.m. on January 1, 2022, or as announced via Broadcast Notice to Mariners.

In addition to this notification in the **Federal Register**, the Coast Guard plans to provide notification of the safety zone and its enforcement period via the Local Notice to Mariners.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering

into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM or other Official Patrol, defined as a federal, state, or local law enforcement agency on scene to assist the Coast Guard in enforcing the regulated area. Additionally, each person who receives notice of a lawful order or direction issued by the PATCOM or Official Patrol shall obey the order or direction. The PATCOM or Official Patrol may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: December 13, 2021.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2021–27337 Filed 12–16–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2021–0255; FRL–5423.1–04–OW]

RIN 2040–AG15

Review of the National Primary Drinking Water Regulation: Lead and Copper Rule Revisions (LCRR)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of conclusion of review.

SUMMARY: On June 16, 2021, the U.S. Environmental Protection Agency (EPA) published the agency's decision to delay the effective and compliance dates of the National Primary Drinking Water Regulations: Lead and Copper Rule Revisions (LCRR), published on January 15, 2021, to allow time for EPA to review the rule in accordance with Presidential directives issued on January 20, 2021, to the heads of Federal agencies to review certain regulations, and conduct important consultations with affected parties. EPA has completed its review. The agency's review included a series of virtual public engagements to hear directly from a diverse set of stakeholders. This document describes the comments conveyed by stakeholders, EPA's decision to proceed with a proposed rule that would revise certain key sections of the LCRR while allowing the rule to take effect, and other non-regulatory actions that EPA and other Federal agencies can take to reduce exposure to lead in drinking water.

DATES: The effective date of the LCRR published on June 16, 2021, in the **Federal Register** (86 FR 31939), continues to be December 16, 2021, and the compliance date continues to be October 16, 2024. Primacy revision applications are due on December 18 2023. See **SUPPLEMENTARY INFORMATION** for further information.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2021–0255. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jeffrey Kempic, Standards and Risk Management Division, Office of Ground Water and Drinking Water, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Mail Code 4607M, Washington, DC 20460; telephone number: (202) 564–4880 (TTY 800–877–8339); email address: *kempic.jeffrey@epa.gov.* For more information visit *https://www.epa.gov/dwreginfo/lead-and-copper-rule.*

SUPPLEMENTARY INFORMATION:

Executive Summary

EPA's lead drinking water rules are a critical part of reducing the lead exposure for consumers of tap water in the United States. Lead poses serious health risks to both children and adults. Because lead in drinking water primarily results from leaching of lead from plumbing in homes and from lead service lines (lead pipes connecting homes to the water distribution system), and portions of lead service lines may be owned by the water system or homeowner, the drinking water rules intended to reduce the amount of lead in tap water have been complex and controversial. The latest version of those rules, the Lead and Copper Rule Revisions (LCRR), published in January 2021, is no exception.

In compliance with the Biden Administration executive order to review rules issued in the past Administration, EPA undertook an extensive review of the LCRR and delayed the effective and compliance dates in the rule during the review period. To get comprehensive input, EPA talked with states, tribes, water utilities, as well as people who have been underrepresented in past rule-making efforts. EPA sought input from communities disproportionately impacted by lead in drinking water, especially lower-income people and communities of color, to learn from their experiences. The broad range of thoughtful input EPA received provided valuable insights on ways to improve the LCRR, and more generally, other available tools to address lead in drinking water.

Based upon EPA's evaluation and stakeholder feedback, the agency has concluded that EPA actions to protect the public from lead in drinking water should consider the following policy objectives: Replacing 100 percent of lead service lines (LSLs) is an urgently needed action to protect all Americans from the most significant source of lead in drinking water systems; equitably improving public health protection for those who cannot afford to replace the customer-owned portions of their LSLs; improving the methods to identify and trigger action in communities that are most at risk of elevated drinking water lead levels; and exploring ways to reduce the complexity of the regulations.

To achieve these policy objectives, EPA intends to take the following regulatory and non-regulatory actions: First, EPA intends to propose for public comment a new rule to revise the LCRR to advance the goals described above while balancing stakeholder interests and incorporating required economic, environmental justice, and other analyses. A regulatory framework that addresses these considerations, combined with the other actions described in this document, has the potential to permanently eliminate the most significant source of lead contamination, better target other actions to reduce lead exposure where the highest risks are presented, and provide equitable protections to all Americans. At the same time, because the LCRR provides additional protections relative to the pre-existing rule and contains components (such as the LSL inventory) that supports any future rule, EPA is not further extending the effective date of the LCRR. Therefore, as explained herein, compliance with certain key provisions of the LCRR will not be delayed while the rulemaking is underway.

Because regulatory actions alone may not be adequate to achieve these policy objectives, this document also discusses important non-regulatory actions EPA intends to take, including programs to provide technical assistance and infrastructure funding.

I. Why EPA Reviewed the LCRR

Executive Order 13390 on Protecting Public Health

On January 15, 2021, EPA published the ''National Primary Drinking Water Regulation: Lead and Copper Rule Revisions'' in the **Federal Register** (86 FR 4198) (LCRR). On January 20, 2021, President Biden issued the ''Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.'' (86 FR 7037, January 25, 2021) (Executive Order 13990). Section 1 of Executive Order 13990 states that it is ''the policy of the Administration to listen to the science, to improve public health and protect our environment, to ensure access to clean air and water . . . , and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.'' Executive Order 13990 directs the heads of all Federal agencies to immediately review regulations that may be inconsistent with, or present obstacles to, the policy it establishes. On June 16, 2021, EPA published the National Primary Drinking Water Regulations: Lead and Copper Rule Revisions; Delay of Effective and Compliance Dates (86 FR 31939), which delayed the LCRR effective date until December 16, 2021, and the compliance date until October 16, 2024. During EPA's review, while the LCRR was delayed, EPA engaged with stakeholders to better understand their thoughts and concerns about the LCRR.

Stakeholder Concerns

EPA heard significant concerns from many drinking water stakeholders about the LCRR. These concerns included whether the rule will adequately protect public health, the confusion it might create about drinking water safety, and the implementation burden that will be placed on systems and states. Stakeholders also expressed concerns that EPA did not provide adequate opportunities for a public hearing in the development of the LCRR that was published on January 15, 2021 (86 FR 4198), and did not provide a complete or reliable evaluation of the costs and benefits of the proposed LCRR. The delay in the effective date of the LCRR enabled the Agency to engage meaningfully with the public regarding this important public health regulation before it took effect.

Lead Exposure Health Risks

Lead exposure is a critical public health issue. Its adverse effects on children and the general population are serious and well known. Lead has acute and chronic impacts on the body. Lead exposure causes damage to the brain and kidneys and may interfere with the production of red blood cells that carry oxygen to all parts of the body.[1] The most susceptible life-stages are the developing fetus, infants, and young children. The Centers for Disease Control and Prevention (CDC) states that ''no safe blood lead level in children has been identified.'' [2] Because they are growing, children's bodies absorb more lead than adults do, and their brains and nervous systems are more sensitive to its damaging effects. As a result, even low-level lead exposure is of particular concern to children.

The association between lead and adverse cardiovascular effects, renal effects, reproductive effects, immunological effects, neurological effects, and cancer has been documented in the EPA 2013 Integrated Science Assessment for Lead,[3] the U.S. Department of Health and Human Services (HHS) National Toxicology Program (NTP) Monograph on Health Effects of Low-Level Lead,[4] and the Agency for Toxic Substances and Disease Registry (ATSDR) 2020 Toxicological Profile for Lead.[5] EPA's Integrated Risk Information System (IRIS) Chemical Assessment Summary provides additional health effects information on lead.

Disproportionate Exposure to Lead

The environmental justice analysis for the final LCRR found that minority and low-income populations appear to be disproportionately exposed to the risks of lead in drinking water delivered by community water systems.[6] LSLs are typically the primary source of lead in drinking water,[7] meaning their presence is likely a driver of this disproportionate exposure given that these populations tend to live in older housing where LSLs are more likely to have been installed. Because of disparities in the quality of housing, community economic status, and access to medical care, lower-income people are also disproportionately affected by lead from other media. For example, children of color and children in low-income communities are more likely to live in proximity to lead-emitting industries and to live in urban areas, which are more likely to have contaminated soils, contributing to their overall exposure (Leech et al., 2016 [8]). Additionally, non-Hispanic black people are more than twice as likely as non-Hispanic whites to live in moderately or severely substandard housing, which is more likely to present risks from deteriorating lead-based paint (Leech et al., 2016; White et al., 2016).[9] The disparate exposure to all sources of environmental lead experienced by low-income people and communities of color may be exacerbated because of their more limited resources for remediating LSLs, which can be a significant source of lead exposure. In addition, a higher incidence of rental housing in these communities creates an additional barrier to lead service line replacement (LSLR) where the property owner does not consent to full replacement.

EPA reviewed the LCRR in light of the serious stakeholder concerns about it; the adverse health effects of lead; and the potential environmental justice issues associated with lead exposure. For a more detailed explanation of the decision to review the LCRR, see ''National Primary Drinking Water Regulations: Lead and Copper Rule Revisions; Delay of Effective and Compliance Dates'' (86 FR 31939) (June 16, 2021); ''National Primary Drinking Water Regulations: Lead and Copper Rule Revisions; Delay of Effective and Compliance Dates'' (86 FR 14063) (March 12, 2021); and ''National Primary Drinking Water Regulations: Lead and Copper Rule Revisions; Delay of Effective Date'' (86 FR 14003) (March 12, 2021).

[1] CDC. 2020. ATSDR Toxicological Profile for Lead. Atlanta, GA.

[2] CDC. 2018. Lead. Atlanta, GA. *https://www.cdc.gov/nceh/lead/default.htm.*

[3] USEPA. 2013. Integrated Science Assessment for Lead. Office of Research and Development. (EPA/600/R–10/075F). Research Triangle Park, NC.

[4] HHS. 2012. NTP Monograph on Health Effects of Low-Level Lead. Durham, NC.

[5] CDC. 2020. ATSDR Toxicological Profile for Lead. Atlanta, GA.

[6] See Chapter 8, section 8.11, of the USEPA Economic Analysis for the Final Lead and Copper Rule Revisions, December 2020.

[7] AwwaRF (now the Water Research Foundation). 2008. Contribution of Service Line and Plumbing Fixtures to Lead and Copper Rule Compliance Issues. 978–1–60573–031–7.

[8] Leech, T.G., E.A. Adams, T.D. Weathers, L.K. Staten, and G.M. Filippelli. 2016. Inequitable chronic lead exposure. Family & Community Health 39(3):151–159.

[9] White, B.M., H.S. Bonilha, and C. Ellis. 2016. Racial/ethnic differences in childhood blood lead levels among children <72 months of age in the United States: A systematic review of the literature. Journal of Racial and Ethnic Health Disparities 3(1):145–153.

II. E.O. 13990 Review Process

EPA's Process for Engagement

EPA hosted a series of virtual engagements from April to August 2021 to obtain public input on the review of the LCRR. EPA also opened a docket, from April 5, 2021 to July 30, 2021, to accept written comments, suggestions, and data from the public. Summaries of these engagements, including summaries of the meetings and written comments, can be found in the docket, EPA–HQ–OW–2021–0255 at *https://www.regulations.gov/*. Recordings of the public listening sessions and community, tribal, and national stakeholder association roundtables can also be found in the docket. The virtual engagement meetings included two public listening sessions, ten community roundtables, a tribal roundtable, a national stakeholder association roundtable, a national co-regulator meeting, and a meeting with organizations representing elected officials. A diverse group of individuals and associations provided feedback through these meetings and the docket, including people from communities impacted by lead in drinking water, local governments, water utilities, tribal communities, public health organizations, environmental groups, environmental justice organizations, and co-regulators.

EPA specifically sought engagement with communities that have been disproportionately impacted by lead in drinking water, especially lower-income people and communities of color that have been underrepresented in past rule-making efforts. EPA hosted roundtables with individuals and organizations from Pittsburgh, PA; Newark, NJ; Malden, MA; Washington, DC; Newburgh, NY; Benton Harbor and Highland Park, MI; Flint and Detroit, MI; Memphis, TN; Chicago, IL; and Milwaukee, WI. These geographically-focused roundtables included a range of participants including local government entities, community organizations, environmental groups, local public water utilities, and public officials. EPA worked with community representatives to develop meeting agendas that reflected community priorities. Each community roundtable included a presentation by local community members. EPA held a separate roundtable with representatives from tribes and tribal communities. Participants in all roundtables were invited to share diverse perspectives with the agency through verbal discussion and a chat feature. EPA obtained detailed, valuable feedback from these engagements, which often focused on the lived experiences of people impacted by lead in drinking water.

Public Comments Received by EPA

Many commenters, in their statements at virtual engagements and in their written materials provided to the docket, expressed concern that the LCRR would not provide equitable public health protections and would be difficult to implement. Commenters also provided many suggestions beyond the LCRR to reduce drinking water lead exposure.

While commenters provided feedback on all aspects of the LCRR, most comments focused on LSLR, the action level (AL) and trigger level (TL), tap sampling, public education, and sampling for lead in schools and child-care facilities. Each of these topics are discussed in more detail below.

Lead Service Line Replacement: Nearly all commenters expressed support for the goal of full replacement of all the nation's lead service lines. Many commenters raised concerns regarding LSLR and the financial and public health burdens placed on communities. Some participants noted the frequent split ownership of LSLs between water systems and property owners and that the LCRR does not prohibit partial replacements in which the private LSL remains in place if a customer is unwilling or unable to replace the private-side LSL. Partial replacements can cause elevated lead levels due to the physical disturbance associated with the practice as well as the potential for galvanic corrosion with the new portion of the service line. Frequent suggestions included: A regulatory requirement for water systems to proactively replace all LSLs over a defined time period (*e.g.,* 10–15 years) regardless of drinking water lead levels, a ban on all or certain partial replacements, and increased financial support for LSLR coordinated across Federal agencies. One participant also suggested the use of opportunity zone funds to provide tax incentives for replacement. Some commenters did not support a complete ban on partial LSLR, stating that there are some situations where they are necessary and that risk mitigation steps can reduce lead levels associated with partial replacements while maintaining water service for drinking, basic sanitation, and fire suppression purposes. Many commenters expressed that individual homeowners should not be asked to pay for the replacement of any part of an LSL. Many commenters also expressed the need for equitable distribution of funding for LSLR, noting that low-income people and communities of color are disproportionately served by LSLs and lack the resources to replace them. Commenters expressed the need for state and federal assistance, cautioning that funding LSLR by rate revenue could disproportionately affect low-income households given potential impacts on water rates. Some commenters also discussed potential barriers to private-side replacement, including local or state ordinances that may limit water system access to private property, restrictions on using rate revenue for such projects, or the possibility that customers may decline replacement even when available at no cost to them. Many commenters also observed that renters lack the ability to compel the replacement of the portions of LSLs that are owned by their landlords. Additionally, a few commenters cautioned that only conducting LSLR in conjunction with existing planned infrastructure projects may result in LSLs remaining in communities that have experienced historic disinvestment, particularly communities of color. Several commenters also expressed support for strengthening the LSL inventory requirements, including setting a deadline for identifying service line material and including lead connectors in the definition of a LSL for purposes of the inventory.

Action Level (AL): Most commenters expressed concern that the LCRR did not lower the lead AL. Some requested that EPA reconsider setting a Maximum Contaminant Level (MCL) for lead at 5 parts per billion (ppb) and that the agency reduce the AL (*e.g.,* 10, 5, or 1 ppb) if an MCL is not set. These commenters stated that the MCL or AL should be lowered to compel more systems to take actions to reduce drinking water lead exposure. Several commenters suggested removing the TL and reducing the AL to 10 ppb, noting that the use of two regulatory values would create confusion and be onerous to implement. These commenters noted that adding a TL that compels similar but different actions for LSLR, corrosion control, and public education creates confusion regarding which actions systems must take. Some commenters noted that the TL and AL also create confusion regarding health risks since neither is a health-based number. Some commenters discussed high childhood blood lead levels in their communities, noting that health impacts occur at levels much lower than the AL. Others did not support reducing the AL from 15 ppb, citing feasibility and the burden on water systems.

Tap Sampling: Many commenters expressed support for requiring first and fifth liter samples in homes served by LSLs and using the samples with the highest levels of lead in 90th percentile calculations. Commenters emphasized the need to prioritize the most at-risk populations in tap sample site selection. Several commenters recommended allowing water systems to maintain existing compliance tap sampling schedules.

Public Education Materials: A common recommendation was that the LCRR should require accessible public education materials and outreach to residents about lead risk. EPA was urged to ensure that public education information is provided in multiple languages and appropriate for people with different reading levels. Many commenters also called for more proactive communication about lead in drinking water and for clarity in general communications from water systems regarding the potential for lead in drinking water. Multiple commenters emphasized the need for public education targeted specifically towards renters. Commenters suggested that regulators and water systems should partner with local trusted messengers and organizations to conduct community outreach. There were also many commenters who expressed concerns with the number of public education and notification requirements. Some recommended streamlining the requirements and reducing certifications to primacy agencies.

Water Testing in Schools and Child-Care Facilities: Some commenters identified the inherent shortcomings of the LCRR's schools and child-care lead testing requirement given the statutory limitations of the Safe Drinking Water Act. Commenters recommended that more coordination between the water system and relevant entities, such as child-care facilities and state or local licensing entities, could improve outcomes. Many commenters recommended expansion of the requirements for water system-conducted lead testing in schools and child-care facilities. These recommendations included requiring sampling all elementary and secondary schools, more frequent sampling at more taps, making results public, and requiring remediation measures or installation of filters. Other commenters expressed concern regarding the ability of schools and child-care facilities to address lead issues given the potential associated financial, technical, and staff burdens. Some commenters also requested that EPA allow previous school and child-care sampling efforts to count towards the LCRR requirement while a few others stated that water systems should not be responsible for sampling in schools and child-care facilities.

Additional Comments: EPA also received comments on other areas of the LCRR, including corrosion control treatment (CCT) related requirements, ''find-and-fix'' (see below), and small system flexibility. On CCT, commenters requested:

- More flexibility in CCT requirements;
- Additional oversight of CCT decisions;
- Additional water quality parameter (WQP) monitoring; and
- More frequent monitoring after source or treatment changes.

Multiple commenters expressed support for the intention of find-and-fix provisions, which require water systems to follow up with customers where tap sampling was conducted to identify the cause of a lead sample exceeding 15 ppb. Some commenters raised potential implementation challenges for find-and-fix requirements including cases of repeat exceedances and customer inability or unwillingness to address lead in premise plumbing. Commenters supported limiting the flexibility provided by the small system options. Many commenters also requested timely guidance on a range of rule topics, including LSL inventory development, tap sampling site selection, CCT, and find-and-fix.

Most commenters requested that EPA revise the LCRR, citing inadequate health protection. However, some commenters urged EPA to implement the LCRR as finalized, and requested that if the agency makes further revisions that it suspend compliance dates, citing regulatory uncertainty.

III. Outcome of LCRR Review

Based upon EPA's evaluation and stakeholder feedback, EPA has determined that there is a range of potential regulatory and non-regulatory actions the agency can take to further reduce drinking water lead exposure.

EPA finds that although the LCRR improves public health protection in comparison to the previous version of the rule, there are significant opportunities to further improve upon it to achieve increased protection of communities from lead exposure through drinking water. Specifically, after hearing from stakeholders, including during the engagements that took place over the last nine months, the agency has concluded that regulations and other non-regulatory actions to protect the public, from lead in drinking water, should consider: The urgent need to replace LSLs as quickly as possible to protect all Americans from the most significant source of drinking water lead,; equitably improving public health protection for those who cannot afford to replace the customer-owned portions of their LSLs; and improving the methods to identify and trigger action in communities that are most at risk of elevated drinking water lead levels. A framework including regulatory and nonregulatory actions to address these considerations has the potential to permanently eliminate the most significant sources of drinking water lead contamination, better target other actions to reduce lead exposure to where the highest risks are presented, and provide equitable protections to all Americans. Accordingly, EPA intends to propose for public comment a rulemaking to revise the LCRR as part of its overall strategy to advance these policy goals while balancing stakeholder interests, and incorporating required economic, environmental justice, and other analyses, and to take other steps towards these goals. And, as with any rulemaking, EPA will maintain an open mind and looks forward to receiving comments on its proposed new rule. Each of these considerations is discussed more fully below.

First, our review impressed upon the agency the urgency of fully removing all lead service lines using any and all regulatory and non-regulatory tools available to EPA and its federal partners. Leaving millions of LSLs in place would result in generations of Americans being at risk of significant lead exposure through their drinking water. Where present, LSLs are the most significant source of drinking water lead exposure.[10] These LSLs present a risk of sustained lead exposure through drinking water, which presents a risk of damage to the brains of children and the kidneys and other critical functions of adults. EPA estimates that the LCRR would result in replacements of only approximately five percent of LSLs over a 35-year period. Our review leads the agency to believe that there are opportunities to do significantly more to address this urgent public health risk. EPA plans to seek comment on how revisions to the LCRR could advance the Administration's priority of removing 100 percent of LSLs.

Second, based on EPA's review of the LCRR, the agency believes there are significant potential opportunities to

[10] AwwaRF. 2008. Contribution of Service Line and Plumbing Fixtures to Lead and Copper Rule Compliance Issues. 978–1–60573–031–7.

revise the LCRR to ensure that it equitably improves public health protection for all, regardless of their economic status, to avoid exacerbating existing health and economic inequalities. To reach this goal, EPA will explore potential regulatory revisions in combination with financial assistance programs and partnerships targeted to disadvantaged consumers, regardless of whether they are homeowners, in an effort to direct limited community resources towards low-income households that have been historically underserved. Communities such as Newark, New Jersey, and Flint, Michigan have shown that full LSLR can be equitably achieved when there is both a regulatory requirement and a commitment to prioritize funding.

Third, EPA's review of the LCRR leads the agency to conclude that there are opportunities to better identify the communities that are most at risk of elevated drinking water lead levels and explore ways to compel action before consumers have been put at risk, rather than only after a lead action level exceedance. Specifically, EPA is considering potential revisions to the LCRR to expeditiously compel steps to replace lead service lines and ensure that the higher tap sampling result is used for measuring compliance, including levels found in the service line or in plumbing fixtures inside homes. In addition, EPA is considering potential revisions to the LCRR to reduce complexity from the lead action and trigger levels in particular and ensure that the rule is easily understandable and triggers appropriate and feasible corrective actions.

IV. Planned Actions To Address Lead in Drinking Water

To protect public health and fully and equitably meet the requirements of the Safe Drinking Water Act, the agency intends to propose for comment revisions to the Lead and Copper Rule and to undertake non-regulatory actions. This section describes the potential improvements to the LCRR that EPA plans to explore through a notice and comment rulemaking and additional actions EPA is contemplating to ensure greater public health protection from lead in drinking water.

A. New Regulation: Lead and Copper Rule Improvements

EPA intends to immediately begin to develop a proposed National Primary Drinking Water Regulation: Lead and Copper Rule Improvements (LCRI) to address the issues identified in the E.O. 13990 review. EPA will follow all Safe Drinking Water Act (SDWA) and other relevant statutory and E.O. requirements in proposing the LCRI and taking final action on the proposal, including all necessary economic and environmental justice analyses and the consideration of alternatives and public comment. EPA intends to take final action on the LCRI proposal prior to the October 16, 2024 compliance date of the existing regulations (*i.e.,* the LCRR); the implications for compliance and primacy applications under the LCRR are discussed in detail below in Section IV.B. This schedule ensures that as little time as possible is lost before the improved public health protections of the LCRR and the LCRI can be realized in communities across the country.

EPA's Intent To Propose LCR Improvements

EPA intends to propose changes to the LCRR to address the main opportunities for improvement identified in our review, as well as consider other potential improvements. These are described below.

1. Replacement of LSLs

First, there is a significant opportunity to improve the LCRR with regard to replacement of LSLs. Under the LCRR, water systems are only required to replace a small percentage of their LSLs and only after their customers are exposed to high lead levels. Water systems serving more than 10,000 people with more than 10 percent of samples above the action level of 0.015 mg/L need only replace 3 percent of their LSLs per year. These systems may stop their LSLR programs in as little as two years if the system meets the action level in four consecutive 6-month monitoring periods. Large systems with 90th percentile lead concentrations above the trigger level of 0.010 mg/L are only required to replace LSLs at a goal rate approved by the state. EPA projected that goal rate would likely be lower than 3 percent (USEPA, 2020).[11] Systems may stop these goal-based LSLR programs in as little as one year if the system meets the trigger level in two consecutive 6-month monitoring periods. Ultimately, most systems would be required to replace only a small portion of the LSLs in their distribution system: EPA projected that only 339,000 to 555,000 LSLs (out of 6.3 to 9.3 million LSLs) would be replaced over the 35-year period of analysis for the rulemaking (USEPA, 2020). This Administration believes it is an urgent priority to eliminate all LSLs to improve the health of our people. President Biden has called for replacement of all LSLs in the nation, which will improve public health while putting Americans to work.[12] To help achieve this goal, the recently enacted Bipartisan Infrastructure Law (BIL) provides $15 billion in funding over the next five years for LSLR.

Given the serious risks of lead exposure through drinking water, replacing all LSLs is an important policy goal. The States of Michigan, Illinois, and New Jersey have recently passed laws requiring all of their water systems to proactively replace lead service lines. These are three of the five states with the highest estimated numbers of LSLs according to a 2016 national survey (Cornwell 2016).[13] Cornwell 2016 reported that the sum of the estimated number of LSLs in these three states is just over one-fourth of the remaining estimated number of LSLs in the country.

EPA is mindful however, that the existing LCRR requirements and action by selected states and federal funding incentives may not be sufficient to achieve 100 percent replacement of LSLs and reduce risks to families living in the homes served by these lines without additional actions. Therefore, EPA intends to propose for comment requirements that, along with other, non-regulatory actions, would result in the replacement of all LSLs as quickly as is feasible. EPA's proposal will fully consider the agency's statutory authority and required analyses, including an economic and environmental justice analysis.

Second, there are important opportunities to ensure that public health is protected equitably. The cost of replacing the customer-portion of an LSL may leave the most vulnerable Americans disproportionately exposed to lead if they cannot afford the expense of replacement. In the Economic Analysis for the final LCRR (USEPA, 2020), EPA estimated that between 21 and 28 percent of the anticipated LSLRs under the LCRR would be customer-initiated replacements. Those are replacements where the system replaces the public portion of an LSL after being notified that a homeowner has replaced the private portion of the service line. The remaining LSLR predicted under the LCRR would be done by systems that exceed the action level or trigger

[11] USEPA. 2020. Economic Analysis for the Final Lead and Copper Rule Revisions. December 2020. Office of Water.

[12] *https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/.*

[13] Cornwell, D.A et al., National Survey of Lead Service Line Occurrence, Journal AWWA, April 2016, at E182.

level. To meet the LCRR's mandatory 3 percent replacement or state-approved goal rate, some systems may focus on replacing lines where the customer could pay to replace their portion of the line.

To address both of these issues, EPA intends to propose for comment rule revisions to advance the policy goal to prioritize distributional impacts. For instance, EPA intends to explore how to replace LSLs in a manner that prioritizes historically disadvantaged communities. Through the regulatory development process, EPA will also evaluate options to partner and provide financial assistance and prioritize the removal of LSLs in communities disproportionately impacted by lead in drinking water. EPA is also committing to partnering on a number of non-regulatory actions to address this issue of the cost of LSLR on consumers (see Section IV.C of this document).

The goal of these potential LSLR regulatory improvements and non-regulatory actions is to equitably improve public health protection and remove the most significant source of lead in drinking water.

2. Compliance Tap Sampling and Action/Trigger Levels

There are also significant potential opportunities to identify the communities that are most at risk of experiencing elevated levels of lead in drinking water and compel actions sufficient to reduce the health risks in those communities. At sites with LSLs, the LCRR requires a fifth liter sample to be analyzed for lead to better characterize the lead which has been introduced while the water was in contact with the LSL, as opposed to the building premise plumbing. It also requires a first liter sample to be analyzed for copper when copper is also being monitored at those sites. For non-lead LSL sites, a first liter sample is analyzed for both lead and copper. The State of Michigan revised its Lead and Copper Rule in 2018 to require the first and fifth liter samples to be analyzed for lead at sites with LSLs, with the higher of the two results used for the 90th percentile calculation. The Association of State Drinking Water Administrators, in their May 21, 2021 comments, summarized data from the initial round of sampling in Michigan. Using the highest number from the first and fifth liters, 31 systems had an action level exceedance. When just the fifth liter results were used, only 22 systems had an action level exceedance. EPA will explore these and other available data in developing potential revisions to strength compliance tap sampling in the forthcoming LCRI proposal.

In the forthcoming proposed LCRI, EPA also intends to evaluate options for utilities to address lead contamination at lower levels and improve sampling methods to provide better health protection and more effective implementation of the rule. The agency will evaluate options to consolidate and potentially lower the LCRR's action and trigger levels. Stakeholders participating in the virtual engagement identified the action level/trigger level concept as the central regulatory variable that drives system and state action to reduce elevated lead levels in drinking water and many stakeholders commented that the action level should be lower to require more systems to take corrective action to protect public health from the adverse effects of lead. In the forthcoming proposed LCRI, the agency will explore options to address these concerns, including whether to eliminate the trigger level and lower the action level to compel action by water systems sooner to reduce the health risks in more communities. The agency will also evaluate whether the trigger level requirements of the LCRR would still be necessary if improved proactive LSLR and a more aggressive lower action level are adopted.

3. Other Areas of the Rule Where EPA Is Considering Improvements

EPA intends to primarily focus its rulemaking process on proposing approaches aimed at the policy goal of proactive and equitable LSLR, as well as proposals to address compliance tap sampling improvements; re-evaluation of the action and trigger levels; and consideration of prioritizing protections for historically disadvantaged communities. The agency also received stakeholder input suggesting improvements to a number of additional components of the LCRR. EPA will also be considering these suggestions and other options to equitably improve public health protection and improve implementation of the rule to ensure that it prevents adverse health effects of lead to the extent feasible. These additional components may include the LCRR provisions for small system flexibility, school and child-care sampling, risk communication, and corrosion control treatment. EPA will also consider addressing these issues through non-regulatory actions such as the development of implementation tools, guidance, and other federal programs.

B. Implementation of the Lead and Copper Rule Revisions

The final agency action, National Primary Drinking Water Regulations: Lead and Copper Rule Revisions; Delay of Effective and Compliance Dates (published on June 16, 2021 in the **Federal Register** (86 FR 31939)), delayed the effective date of the LCRR until December 16, 2021 and the compliance date until October 16, 2024. Following the LCRR review, EPA has decided to not delay the effective date any further. At this time, EPA is also not planning to further change the compliance dates for the LCRR. EPA will consider any such changes through its forthcoming rulemaking. While EPA has identified components of the LCRR for potential revision to improve public health protection, the agency has also determined that the LCRR includes advancements that should proceed in order to ensure continued progress toward reducing drinking water lead exposure.

Compliance Deadlines

The current compliance deadline for the LCRR is thus October 16, 2024. EPA intends to propose, in the LCRI, revisions to the compliance deadlines only for components of the rule that the agency will propose to significantly revise. At this time, EPA does not expect to propose changes to the requirements for information to be submitted in the initial LSL inventory or the associated October 16, 2024 compliance date. Continued progress to identify LSLs is integral to lead reduction efforts regardless of potential revisions to the rule. The inventory provides critical information on the locations of potentially high drinking water lead exposure within and across public water systems, which will allow for quick action to reduce exposure. By preparing an LSL inventory, water systems will be able to target communication to residents in homes with LSLs about the actions they can take to reduce their lead exposure. Preparing the initial inventory will allow systems to assess the extent of the LSLs within their system, better identify sampling locations, and begin planning for LSLR actions, including applying for state and federal grants and loans. LSL inventories will allow water systems, states, tribes, and the Federal government to determine the prevalence of these lead sources and to target lead risk communication and lead removal programs where they are needed most. With the development of these initial inventories nationwide over the next three years, EPA anticipates that water

systems, states and tribes will be prepared to quickly implement the other LCRR requirements, as well as any improvements made through the planned LCRI rulemaking that may be adopted to further reduce drinking water lead levels, and be well-positioned to apply for any available grants or loans for LSLR.

There are two other actions that water systems currently must complete by the LCRR's October 16, 2024 compliance date: the LSLR plan and the tap sampling plan. The LSLR plan would describe the procedure for systems to conduct lead service line replacements in accordance with the LCRR and the tap sampling plan would identify the locations and procedures for systems to conduct tap sampling in accordance with the LCRR. Because EPA intends to propose changes to the LSLR and tap sampling requirements, however, the agency also expects to propose to delay the October 16, 2024 deadline for submitting LSLR and tap sampling plans so that systems can incorporate any potential revisions made through LCRI rulemaking. While EPA expects to complete that rulemaking prior to the 2024 compliance date, EPA recognizes that this announcement of the forthcoming proposal creates some uncertainty for water systems and states regarding the deadline for completion of these plans. EPA plans to continue to engage with states, tribes, water systems, and all other stakeholders as the agency proposes the LCRI and takes final action on the proposal. In those engagements, which include a notice and comment process, EPA will seek input on a number of issues including whether current LCRR deadlines should be changed. As part of those discussions, EPA will consider concerns expressed by some commenters that further delays in compliance dates for some LCRR provisions may delay public health improvements. EPA also intends to seek comment on whether it would be practicable for water systems to implement any of the proposed LCRI requirements earlier than three years from the date of final action on the proposed LCRI, consistent with SDWA section 1412(b)(10).

Primacy Deadlines

SDWA section 1413(a)(1) and 40 CFR 142.12(b), require states and tribes with primary enforcement authority (primacy) to submit final requests for approval of primacy program revisions to adopt new or revised EPA regulations two years after promulgation. As noted above, the LCRR is taking effect on December 16, 2021. EPA is not withdrawing the LCRR or further delaying its effective date because, among other reasons, it is critical for states and tribes to begin working with water systems to implement the initial LSL inventory provisions of the LCRR and because some other provisions of the LCRR, which advance protections from lead in drinking water, may not be revised as part of the forthcoming LCRI rulemaking. As explained in the final rule delaying the effective and compliance dates for the LCRR, EPA interprets the primacy revision application deadline in 40 CFR 142.12(b)(1) to be calculated using this publication date, December 17, 2021. As a result, primacy revision applications are due on December 18, 2023. However, a state or tribe may apply for an extension of the deadline for up to two years in accordance with 40 CFR 142.12(b)(2).

As further stated in this document, EPA anticipates completing its LCRI rulemaking prior to October 16, 2024. The forthcoming proposed regulatory changes under the LCRI, if finalized, would also result in states and tribes having to submit a primacy application for that regulation two years after it is promulgated. States and tribes will have greater clarity with respect to the primary enforcement (primacy) application revisions process and relevant timeframes when the LCRI is proposed. Accordingly, states and tribes that are concerned about submitting two successive primacy applications may request an extension of their LCRR primacy application deadline to be able to group the program revisions for the LCRR and LCRI into a single primacy application in accordance with 40 CFR 142.12(b)(2)(i)(C).

C. Additional EPA Actions To Address Lead in Drinking Water

EPA's review of the LCRR and information received during the engagements process led the agency to conclude that EPA should take a number of additional actions outside of the SDWA regulatory framework to achieve the agency's policy objectives. These actions include:

- Developing and partnering on plans to ensure the equitable distribution of funds for reducing lead in drinking water;
- Encouraging cabinet level commitments for federal collaboration to address school and child-care lead in drinking water;
- Committing to target oversight and technical assistance for communities impacted by high lead levels;
- Improving risk communication through additional EPA guidance and tool development;
- Supporting water systems in meeting LSL Inventory requirements through the issuance of guidance; and
- Encouraging full LSL replacement and strongly discouraging partial LSL replacement.

1. Financing and Grant Programs

Funding is key to a community's ability to accelerate both voluntary and required LSLR programs. EPA collaborates with states and tribes to provide opportunities for below-market interest rate loans and grants through the Drinking Water State Revolving Fund (DWSRF) and the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. To support LSLR programs, special financing terms are available through the DWSRF for disadvantaged communities to help address affordability and the impacts of past disinvestment. EPA will encourage states to use their disadvantaged community programs to their fullest extent to provide subsidies and other assistance to support LSLR in vulnerable communities.

Since 2018, EPA has also developed and implemented three grant programs [14] under the Water Infrastructure Improvements for the Nation (WIIN) Act to fund grants to small and disadvantaged communities. More than $175 million has been provided to date for: developing and maintaining compliance with national primary drinking water regulations (NPDWRs); lead reduction projects; and support for voluntary testing of drinking water in schools and child-care facilities. Funding from these programs can continue to be used to support actions to reduce lead in drinking water in addition to regulatory actions. Specifically, EPA has determined that there are multiple lead reduction activities that these grant programs authorize the use of funds for:

- Developing LSL inventories;
- Replacing full LSLs (including replacing the customer-owned portion of an LSL);
- Installing or improving corrosion control treatment;
- Supporting voluntary lead drinking water testing programs for schools and child-care facilities; and

[14] The 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act) addresses, supports, and improves America's drinking water infrastructure and included three new drinking water grants that promote public health and the protection of the environment. These include: (1) Section 2104: Small, Underserved, and Disadvantaged Communities; (2) Section 2105: Reducing Lead in Drinking Water; and (3) Section 2107: Lead Testing in School and Child Care Program Drinking Water.

• Remediating lead in school and child-care drinking water.

EPA learned during the LCRR virtual engagements that many small and historically disadvantaged communities face challenges accessing these EPA funding opportunities. Many lack the capacity to develop competitive funding applications and have not applied for DWSRF loans or other infrastructure grants in the past. EPA will seek opportunities to provide technical assistance to small and disadvantaged communities. The agency will also promote awareness of the availability of these programs to address lead in drinking water, including, for LSL replacement, regardless of ownership of the LSLs. EPA will also highlight case studies from communities that have successfully addressed concerns regarding the use of public funds for private-side LSLR. To the extent possible, expanded, or new funding programs under future legislation will also be directed to similar projects.

States can direct funds available under the American Rescue Plan (ARP) Act to water infrastructure, and specifically lead reduction. States could also use ARP funds to address lead in schools and child-care facilities and to accelerate voluntary LSLR programs.

2. Ensuring Equity in the Distribution of Funds for Reducing Lead in Drinking Water

Through E.O. 14008, President Biden established the Justice 40 initiative—setting a goal that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care. This initiative is a critical part of the Administration's whole-of-government approach to advancing equity and environmental justice. Two EPA programs central to EPA's goal to accelerate LSLR are pilot programs under the Justice 40 initiative: The DWSRF and the WIIN Reduction in Lead via Drinking Water Exposure Grant. EPA is engaging with stakeholders and exploring opportunities to maximize the benefits of these programs in disadvantaged communities, including their specific application to LSLR projects.

EPA will partner with states, tribes, and other stakeholders to collaborate with disadvantaged communities to build their capacity to better compete for and access water infrastructure funding. EPA will develop tools to share information, improve transparency and accountability. EPA is committed to improving public education and outreach on the availability of funding opportunities and the tools and resources to support accessing these dollars.

One of EPA's priorities is to ensure that entities receiving federal financial assistance from the agency comply with the federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, sex and age, including Title VI of the Civil Rights Act of 1964. Federal civil rights laws protect many of the populations that have been exposed to disproportionate levels of harmful environmental, quality of life, and health impacts from pollution and environmental contamination. These populations are also more likely to be exposed to lead in drinking water. Many states and water systems receive some form of federal funding under the Safe Drinking Water Act and have an affirmative obligation to ensure their actions comply with civil rights laws. States and water systems receiving federal funds have an affirmative obligation to implement effective non-discrimination compliance programs. EPA intends to carefully evaluate the provisions of the rule, including the LSLR provisions, and implementation of EPA financial assistance programs to ensure compliance with these laws.

3. Bipartisan Infrastructure Law

The recent Bipartisan Infrastructure Law (BIL) [15] provides an additional $11.713 billion in general DWSRF funding and $15 billion specifically targeted to communities for the identification and replacement of LSLs through the DWSRF. Each funding provision is scheduled over the next five years. The BIL authorizes $500 million for the WIIN Reduction in Lead Program over the next five years, emphasizing LSL replacement and corrosion control treatment in disadvantaged communities. BIL also authorizes $200 million for lead testing and remediation in school and child-care drinking water and authorizes $10 million for a new grant program for LSLR in communities with existing inventories. EPA will work with its state and tribal partners, communities, and other stakeholders to identify potentially high impact but underutilized authorities that would allow states and tribes to fund full LSL replacement. The agency will also significantly increase federal, state, and tribal outreach and engagement efforts to communities to support LSLR activities. Additionally, EPA will update funding program guidance to provide examples of best state practices for addressing disproportionate and adverse health and environmental impacts experienced by communities, including communities of color and low-income communities.

4. Cabinet Level Commitments for Federal Collaboration To Address School and Child-Care Lead in Drinking Water

Children spend a significant portion of their time at places of learning, so it is critical to reduce lead in drinking water in schools and child-care facilities. This is a challenging problem. EPA's authority to regulate actions by schools and child-care centers that may be necessary to address lead in drinking water is limited. Moreover, due to resource constraints, schools and child-care facilities may choose not to participate in voluntary efforts to sample for lead in drinking water if funding for remediation is not available. Some commenters representing facilities with lead in drinking water indicated they need financial support to address lead. Finally, schools and child-care facilities that serve low-income communities are less likely to have the resources necessary to identify and address lead issues.

EPA currently advances efforts to address lead in schools and child-care facilities through two vehicles: (a) The Memorandum of Understanding on Reducing Lead Levels in Drinking Water in Schools and Child-Care Facilities (MOU), which includes 14 federal and non-federal partners; and (b) funding under grant programs like the Lead Testing in School and Child-care Drinking Water Grant and the Reducing Lead in Drinking Water Grant. While these efforts assist schools and child-care facilities to develop and implement lead testing programs, EPA recognizes the urgency of a more comprehensive federal approach to address this issue.

To address these critical concerns, EPA is pursuing deeper partnerships with a range of Federal agencies to make progress on reducing lead in drinking water from schools and child-care facilities. EPA will explore funding that may be available from Federal agencies that could be used towards remediation of lead in drinking water in these facilities, with a particular focus on communities at risk of multiple forms of lead exposure. Collaboration at the federal level has the potential to further the reduction of lead in drinking water at schools and child-care facilities than

[15] Public Law 117–58. *https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf.*

could be achieved by reliance on regulatory requirements alone.

5. Targeted Technical Assistance to Communities With High Drinking Water Lead Levels

While EPA will propose important changes to the regulation of lead in drinking water, it is critical for systems to conduct proper sampling for lead and maintain the water chemistry needed to minimize lead corrosion under existing rules. EPA will collaborate with states to provide oversight of these critical provisions as well as provide assistance to low income and other historically disadvantaged communities experiencing high levels of lead in their drinking water because they are disproportionately served by LSLs. Communities impacted by lead in drinking water participating in the LCRR virtual engagements emphasized the need for financial and technical assistance. In collaboration with our state and tribal coregulators, EPA intends to provide targeted technical assistance to community water systems to reduce lead exposure.

6. Improving Risk Communication Tools

Throughout the LCRR virtual engagements, EPA received feedback that risk communication about lead in drinking water must be improved and that water utilities need support to develop effective communication materials. EPA intends to develop guidance and templates to assist states, tribes, and water systems in the communication of lead risk to householdsand communities. Additionally, EPA intends to propose revisions to the Consumer Confidence Report Rule (40 CFR 141, subpart O) which will include requirements related to providing information on corrosion control efforts and on lead action level exceedances when corrective action is needed.

7. Providing Guidance on How To Create a Lead Service Line Inventory

To further advance the proactive replacement of LSLs, EPA will pursue research to use data analytics and other methods to accelerate and improve the process of identifying LSLs. EPA intends to publish inventory development guidance to assist water systems, states, and tribes by providing best practices, case studies, and templates. The guidance will address issues raised by commenters including the use of statistical models to help determine LSL locations, classification of unknowns, goosenecks, and galvanized plumbing, best practices for service line material verification, inventory form and format, inventory accessibility, tools to support inventory development and data tracking, and how LSL identification may be prioritized. EPA is also updating the Safe Drinking Water Information System, including all relevant components, to support state and tribal data management needs for LSL inventories.

8. Discourage Partial LSLR and Encourage Full LSLR

Partial LSLRs can cause short-term elevation of lead concentrations in drinking water and further extend lead health risk from service lines because a portion of the lead line remains in service. EPA strongly discourages water systems from conducting partial LSLR. EPA recommends systems proactively implement full LSLR programs. The agency also expects water systems to effectively inform and engage customers during LSLR and provide outreach and filters to residents with LSLs for six months following replacements. EPA also recommends that LSLR programs prioritize the most vulnerable populations by focusing on schools, child-care facilities, homes where children are living, other locations where children are present, and households of those who historically have been disproportionately exposed to lead from water and other media.

EPA will provide training and guidance on LSLR program development and available methods for replacing LSL as safely and efficiently as possible. EPA also will provide tools, best practices, and case studies for systems to set up voluntary LSLR programs and to implement required ones. The agency will update the document *Funding and Technical Resources for Lead Service Line Replacement in Small and Disadvantaged Communities,*[16] and promote awareness of funding and financing that can be used for LSLR, including the replacement of the customer-owned portion of the service line. All the agency's communications will describe the risks posed by partial LSLR and mitigation measures to reduce elevated water lead concentrations.

Michael S. Regan,

Administrator.

[FR Doc. 2021–27457 Filed 12–16–21; 8:45 am]

BILLING CODE 6560–50–P

[16] *https://www.epa.gov/sites/default/files/2020-12/documents/ej_lslr_funding_sources-final.pdf.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 447

[CMS–2482–CN]

RIN 0938–AT82

Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the final rule that appeared in the November 19, 2021 **Federal Register** entitled, ''Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States.''

DATES: Effective December 20, 2021.

FOR FURTHER INFORMATION CONTACT: Christine Hinds, (410) 786–4578.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2021–25009 (86 FR 64819), the final rule entitled, ''Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States'' there were technical errors that are identified and corrected in this correcting document. These corrections are applicable as of December 16, 2021.

II. Summary of Errors

A. Summary of Errors in the Preamble

On page 64819 of the Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States final rule, we inadvertently omitted the delayed effective date of the revised definition of ''Best price'' at § 447.505(a), which was previously published in the December

31, 2020 **Federal Register** (85 FR 87000) in instruction 10.a.

B. Summary of Errors in the Regulatory Text

On page 64825, we inadvertently included amendatory instruction 3.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (the APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. In addition, section 553(d) of the APA mandates a 30-day delay in effective date after issuance or publication of a substantive rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA notice and comment, and delay in effective date requirements. Section 553(b)(B) of the APA authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. Similarly, section 553(d)(3) of the APA allows the agency to avoid the 30-day delay in effective date where good cause is found and the agency includes in the rule a statement of the finding and the reasons for it. In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements.

This document merely corrects technical errors in the Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States final rule. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies that were proposed, subject to notice and comment procedures, and adopted in the Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States final rule. As a result, the corrections made through this correcting document are intended to resolve inadvertent errors so that the rule accurately reflects the policies adopted in the final rule. Even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the Medicaid Program; Delay of Effective Date for Provision Relating to Manufacturer Reporting of Multiple Best Prices Connected to a Value Based Purchasing Arrangement; Delay of Inclusion of Territories in Definition of States and United States final rule or delaying the effective date of the corrections would be contrary to the public interest because it is in the public interest to ensure that the rule accurately reflects our policies as of the date they take effect. Further, such procedures would be unnecessary because we are not making any substantive revisions to the final rule, but rather, we are simply correcting the **Federal Register** document to reflect the effective date for the policies that we previously proposed, received public comment on, and subsequently finalized in the final rule. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

IV. Correction of Errors

In FR Doc. 2021–25009 (86 FR 64819), make the following corrections:

A. Correction of Errors in the Preamble

On page 64819 in the second column, correct the **DATES** section to read:

DATES: This rule is effective December 20, 2021. As of December 20, 2021, the effective date of amendatory instruction 10.a. of the final rule published December 31, 2020 at 85 FR 87000 of January 1, 2022 is delayed until July 1, 2022.

B. Correction of Errors in the Regulatory Text

§ 447.505 [Corrected]

■ On page 64825, remove instruction 3.

Karuna Seshasai,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2021–27452 Filed 12–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[RTID 0648–XB534]

Fraser River Pink Salmon Fisheries; Inseason Orders

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

ACTION: Temporary rule; inseason orders.

SUMMARY: NMFS publishes Fraser River salmon inseason orders to regulate tribal treaty (treaty Indian) and non-tribal (all citizen) commercial salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during 2021 for pink salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen commercial fisheries during the period the Panel exercised jurisdiction over these fisheries.

DATES: The effective dates for the inseason orders are set out in this document under the heading Inseason Orders.

FOR FURTHER INFORMATION CONTACT: Anthony Siniscal at 971–322–8407, Email: *Anthony.siniscal@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631–3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F, provide a framework for the implementation of certain regulations of the Commission and inseason orders of the Commission's Panel for U.S. sockeye and pink salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Panel Area to U.S. sockeye and pink salmon tribal and non-tribal commercial fishing unless opened by Panel regulations that are given effect by inseason orders issued by NMFS (50 CFR 300.94(a)(1)). During the fishing season, NMFS may issue inseason orders that establish fishing times and

areas consistent with the Commission agreements and regulations of the Panel. Such orders must be consistent with domestic legal obligations and are issued by the Regional Administrator, West Coast Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1) and in 84 FR 19729 (May 6, 2019). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical.

Inseason Orders

NMFS issued the following inseason orders for U.S. fisheries within Panel Area waters during the 2021 fishing season, consistent with the orders adopted by the Panel. Each of the following inseason actions was effective upon announcement on telephone hotline numbers as specified at 50 CFR 300.97(b)(1) and in 86 FR 26425 (May 16, 2021); those dates and times are listed herein. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220–22.

Fraser River Panel Order Number 2021–01: Issued 2 p.m., August 20, 2021

Treaty Indian Fishery

Areas 4B, 5, and 6C: Open for drift gillnet fishing from 12 p.m. (noon), Saturday, August 21, 2021, through 12 p.m. (noon), Wednesday, August 24, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

All Citizen Fishery

Areas 7 and 7A: Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m. Monday, August 23, 2021.

Fraser River Panel Order Number 2021–02: Issued 2 p.m., August 24, 2021

Treaty Indian Fishery

Areas 4B, 5, and 6C: Extend for drift gillnet fishing from 12 p.m. (noon), Wednesday, August 25, 2021, through 12 p.m. (noon), Saturday, August 28, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

All Citizen Fishery

Areas 7 and 7A, excluding the Apex: Open to purse seine fishing, from 5 a.m. to 9 p.m., Friday, August 27, 2021. Sockeye non-retention.

Areas 7 and 7A, excluding the Apex: Open to drift gillnet fishing, from 8 a.m. to 11:59 p.m., Friday, August 27, 2021. Sockeye non-retention.

The Apex is defined as those waters north and west of the Area 7A ''Iwersen Dock Line''. The Iwersen Dock Line is the line projected from Iwersen Dock on Point Roberts to the Georgina Point light at the entrance to Active Pass in the Province of British Columbia.

Fraser River Panel Order Number 2021–03: Issued 3:30 p.m., August 27, 2021

Treaty Indian Fishery

Areas 4B, 5, and 6C: Extend for drift gillnet fishing from 12 p.m. (noon), Saturday, August 28, 2021, through 12 p.m. (noon), Wednesday, September 1, 2021. Release sockeye.

Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from Iwersen's dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open for net fishing from 5 a.m., Sunday, August 29, 2021, through 9 a.m., Monday, August 30, 2021. Release sockeye.

All Citizen Fishery

Areas 7 and 7A in the area southerly and easterly of a straight line drawn from Iwersen's dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open to purse seine fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m. Tuesday, August 31, 2021.

Areas 7 and 7A in the area southerly and easterly of a straight line drawn from Iwersen's dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open to drift gillnet fishing, with non-retention of sockeye, from 8 a.m. to 11:59 p.m., Tuesday, August 31, 2021.

Area 7: Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Tuesday, August 31, 2021.

Fraser River Panel Order Number 2021–04: Issued 3:15 p.m., August 30, 2021

Treaty Indian Fisheries

Areas 4B, 5, and 6C: Extend for drift gillnet fishing from 12 p.m. (noon), Wednesday, September 1, 2021, through 12 p.m. (noon), Saturday, September 4, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open for net fishing from 5 a.m., Tuesday, August 31, 2021, through 9 a.m., Thursday, September 2, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

All Citizen Fishery

Areas 7 and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open to purse seine fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Wednesday, September 1, 2021.

Areas 7 and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open to drift gillnet fishing, with non-retention of sockeye, from 8 a.m. to 11:59 p.m., Wednesday, September 1, 2021.

Area 7: Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Wednesday, September 1, 2021.

Fraser River Panel Order Number 2021–05: Issued 2 p.m., September 3, 2021

Treaty Indian Fisheries

Areas 4B, 5, and 6C: Extend for drift gillnet fishing from 12 p.m. (noon), Saturday, September 4, 2021, through 12 p.m. (noon), Tuesday, September 7, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open for net fishing from 5 a.m., Saturday, September 4, 2021, through 9 a.m., Tuesday, September 7, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

Fraser River Panel Order Number 2021–06: Issued 2 p.m., September 7, 2021

Treaty Indian Fisheries

Areas 4B, 5, and 6C: Open for drift gillnet fishing from 12 p.m. (noon), Wednesday, September 8, 2021, through 12 p.m. (noon), Friday, September 10, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British

Columbia: Open for net fishing from 5 a.m., Wednesday, September 8, 2021, through 9 a.m., Friday, September 10, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

Fraser River Panel Order Number 2021–07: Issued 2 p.m., September 10, 2021

Treaty Indian Fisheries

Areas 4B, 5, and 6C: Open for drift gillnet fishing from 12 p.m. (noon), Saturday, September 11, 2021, through 12 p.m. (noon), Monday, September 13, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

Areas 6, 7, and 7A in the area southerly and easterly of a straight line drawn from the Iwersen Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia: Open for net fishing from 5 a.m., Saturday, September 11, 2021, through 9 a.m., Monday, September 13, 2021. Sockeye non-retention, all efforts must be made to release sockeye alive.

All Citizen Fishery

Area 7: Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Saturday, September 11, 2021 and 5 a.m. to 9 p.m., Sunday, September 12, 2021.

Fraser River Panel Order Number 2021–08: Issued 4:45 p.m., September 13, 2021

All Citizen Fishery

Area 7: Open to reef net fishing, with non-retention of sockeye, from 5 a.m. to 9 p.m., Tuesday, September 14, 2021, 5 a.m. to 9 p.m., Wednesday, September 15, 2021, 5 a.m. to 9 p.m., Thursday, September 16, 2021, and 5 a.m. to 9 p.m., Friday, September 17, 2021.

Fraser River Panel Order Number 2021–09: Issued 12 p.m., September 17, 2021

Treaty Indian and All Citizen Fisheries

Areas 6, 6A, and 7: Relinquish regulatory control effective 11:59 p.m., Saturday, September 18, 2021.

Classification

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public prior notice and opportunity for comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior notice and opportunity for public comment between the time the stock abundance information is available to determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

The AA also finds good cause to waive the 30-day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 3636(b).

Dated: December 14, 2021.

Ngagne Jafnar Gueye,

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

[FR Doc. 2021–27392 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217–0022; RTID 0648–XB563]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2021 Pacific ocean perch total allowable catch (TAC) in the Bering Sea subarea of the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), December 14, 2021, through 2400 hours, A.l.t., December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Allyson Olds, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2021 Pacific ocean perch TAC in the Bering Sea subarea of the BSAI is 10,782 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI and groundfish reserve release (86 FR 11449, February 25, 2021, and 86 FR 64827, November 19, 2021).

The Regional Administrator has determined that the 2021 TAC for Pacific ocean perch in the Bering Sea subarea of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 10,712 mt, and is setting aside the remaining 70 mt as bycatch to support other anticipated groundfish fisheries. Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Pacific ocean perch in the Bering Sea subarea of the BSAI. While this closure remains in effect the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific ocean perch Bering Sea subarea in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 13, 2021.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: December 14, 2021.

Ngagne Jafnar Gueye,

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

[FR Doc. 2021–27372 Filed 12–14–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 240
Friday, December 17, 2021

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1059; Project Identifier MCAI–2021–00797–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a report that in the event of a specific discrete wire failure, the landing gear extension and retraction system (LGERS) may not be able to complete landing gear retraction when commanded by moving the landing gear lever to the UP position. This proposed AD would require revising the operator's existing FAA-approved minimum equipment list (MEL) for the landing gear extension and retraction system, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 31, 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 material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1059.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1059; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@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–2021–1059; Project Identifier MCAI–2021–00797–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0161, dated July 6, 2021 (EASA AD 2021–0161), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes.

This proposed AD was prompted by a report that, in the event of a specific discrete wire failure, the LGERS may not be able to complete landing gear retraction when commanded by moving the landing gear lever to the UP position. The FAA is proposing this AD to address this condition, which, if one engine is inoperative at takeoff, could lead to a reduction of the flight path clearance and possibly result in damage

to the airplane and injury to occupants. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0161 describes procedures for revising the landing gear extension and retraction system for master minimum equipment list (MMEL) item 32–31–01. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0161 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

EASA AD 2021–0161 requires operators to ''inform all flight crews'' of revisions to the MMEL, and thereafter to ''operate the aeroplane accordingly.'' However, this proposed AD would not specifically require those actions as they are already required by FAA regulations. FAA regulations (14 CFR 121.628(a)(2)) require operators to provide pilots with access to all of the information contained in the operator's MEL. Furthermore, 14 CFR 121.628(a)(5) requires airplanes to be operated under all applicable conditions and limitations contained in the operator's MEL. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised MEL would be redundant and unnecessary. Further, compliance with such a requirement in an AD would be impracticable to demonstrate or track on an ongoing basis; therefore, a requirement to operate the airplane in such a manner would be unenforceable.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0161 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0161 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0161 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0161. Service information required by EASA AD 2021–0161 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1059 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD would affect 19 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$0	$170	$3,230

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–1059; Project Identifier MCAI–2021–00797–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 31, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that in the event of a specific discrete wire failure, the landing gear extension and retraction system (LGERS) may not be able to complete landing gear retraction when commanded by moving the landing gear lever to the UP position. The FAA is issuing this AD to address this condition, which, if one engine is inoperative at takeoff, could lead to a reduction of the flight path clearance and possibly result in damage to the airplane and injury to occupants.

(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 2021–0161, dated July 6, 2021 (EASA AD 2021–0161).

(h) Exceptions to EASA AD 2021–0161

(1) Where EASA AD 2021–0161 refers to its effective date, this AD requires using the effective date of this AD.

(2) Whereas paragraph (1) of EASA AD 2021–0161 specifies to ''inform all flight crews, and, thereafter, operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(3) The ''Remarks'' section of EASA AD 2021–0161 does not apply to this AD.

(i) Additional 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)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those 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

(1) For EASA AD 2021–0161, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1059.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.*

Issued on December 2, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–27287 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1067; Project Identifier MCAI–2021–00857–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by a report that some tie-rod assemblies may have been over-tightened during the installation of interior monuments (such as galleys, lavatories, and forward stowage or wardrobes). This proposed AD would require adjusting the tie-rod assemblies, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 31, 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 TCCA material that will be incorporated by reference (IBR) in this AD, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des

Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1067.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1067; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@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–2021–1067; Project Identifier MCAI–2021–00857–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The TCCA, which is the aviation authority for Canada, has issued TCCA AD CF–2021–25, dated July 22, 2021 (TCCA AD CF–2021–25) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

This proposed AD was prompted by a report that some tie-rod assemblies may have been over-tightened during the installation of interior monuments (such as galleys, lavatories, and forward stowage or wardrobes). The FAA is proposing this AD to address over-tightened (pre-loaded) tie-rods that induce unwanted stress in a monument and may cause the monument to become unconstrained in an emergency landing, potentially blocking exits or injuring occupants. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2021–25 specifies procedures for, among other actions, adjustment of the affected tie-rod assemblies to remove any pre-load. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in TCCA AD CF–2021–25 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Difference Between this Proposed AD and the MCAI.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate TCCA AD CF–2021–25 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with TCCA AD CF–2021–25 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information required by TCCA AD CF–2021–25 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1067 after the FAA final rule is published.

Difference Between This Proposed AD and the MCAI

TCCA AD CF–2021–25 specifies an inspection of the tie-rod for pre-load. The service information required by TCCA AD CF–2021–25 specifies that it ''gives the procedure to inspect and release the load the tie-rod assemblies,'' but does not include any specific inspection procedures. This proposed AD does not propose to include any inspection.

Costs of Compliance

The FAA estimates that this proposed AD would affect 21 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × $85 per hour = $425	None	$425	$8,925

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–1067; Project Identifier MCAI–2021–00857–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 31, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada Civil Aviation (TCCA) AD CF–2021–25, dated July 22, 2021 (TCCA AD CF–2021–25).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that some tie-rod assemblies may have been over-tightened during the installation of interior monuments (such as those for the galleys, lavatories, and forward stowage or wardrobes). The FAA is issuing this AD to address over-tightened (pre-loaded) tie-rods that induce unwanted stress in the monument and may cause the monument to become unconstrained in an emergency landing, potentially blocking exits or injuring occupants.

(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, TCCA AD CF–2021–25.

(h) Exceptions to TCCA AD CF–2021–25

(1) Where TCCA AD CF–2021–25 refers to hours air time, this AD requires using flight hours.

(2) Where TCCA AD CF–2021–25 refers to its effective date, this AD requires using the effective date of this AD.

(3) The inspection specified in the Corrective Actions paragraph of TCCA AD CF–2021–25 does not apply to this AD.

(i) Additional 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 TCCA; or Airbus Canada Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) For TCCA AD CF–2021–25, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1067.

(2) For more information about this AD, contact Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

Issued on December 6, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–27289 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1062; Project Identifier MCAI–2021–00886–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations related to pylon maintenance are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations for pylon maintenance, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 31, 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 EASA material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1062.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1062; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@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–2021–1062; Project Identifier MCAI–2021–00886–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0181, dated July 30, 2021 (EASA AD 2021–0181) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

EASA AD 2021–0181 specifies that it requires certain tasks (limitations) already required by EASA AD 2017–0207, dated October 12, 2017 (which corresponds to FAA AD 2018–19–17, Amendment 39–19417 (83 FR 48207, September 24, 2018) (AD 2018–19–17)), and invalidates prior instructions for those tasks. This proposed AD would, for AD 2018–19–17, terminate the limitation for the tasks identified in the service information referred to in EASA AD 2021–0181 only.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations for pylon maintenance are necessary. The FAA is proposing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0181 specifies new or more restrictive airworthiness limitations for pylon maintenance. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations for pylon maintenance, which are specified in EASA AD 2021–0181 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (k)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0181 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0181 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0181 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0181. Service information required by EASA AD 2021–0181 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1062 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections), intervals, or Critical Design Configuration Control Limitations (CDCCLs) may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under ''Additional FAA Provisions.'' This new format includes a ''New Provisions for Alternative Actions, Intervals, and CDCCLs'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action, interval, or CDCCL.

Costs of Compliance

The FAA estimates that this proposed AD would affect 1 airplane of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Would not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–1062; Project Identifier MCAI–2021–00886–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 31, 2022.

(b) Affected ADs

This AD affects AD 2018–19–17, Amendment 39–19417 (83 FR 48207, September 24, 2018) (AD 2018–19–17).

(c) Applicability

This AD applies to all Airbus SAS Model A300 B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations for pylon maintenance are necessary. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements; such fatigue cracking, damage, and corrosion could result in reduced structural integrity of 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, European Union Aviation Safety Agency (EASA) AD 2021–0181, dated July 30, 2021 (EASA AD 2021–0181).

(h) Exceptions to EASA AD 2021–0181

(1) Where EASA AD 2021–0181 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0181 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0181 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2021–0181 is at the applicable ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2021–0181, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraph (4) of EASA AD 2021–0181 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2021–0181 does not apply to this AD.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0181.

(j) Terminating Action for AD 2018–19–17

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2018–19–17, for the tasks identified in the service information referred to in EASA AD 2021–0181 only.

(k) Additional 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 (l)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district 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):* Except as required by paragraph (k)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those 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.

(l) Related Information

(1) For EASA AD 2021–0181, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1062.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.*

Issued on December 2, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–27286 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1068; Project Identifier MCAI–2021–00383–T]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all

De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. This proposed AD was prompted by reports of bleed air leaks in the wing box area and failure of the leak detection shroud. This proposed AD would require removing and inspecting the affected V-band coupling and check valve seals, doing corrective actions if necessary, and replacing the coupling and seals with a redesigned assembly. 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 31, 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 De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.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.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1068; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Elizabeth Dowling, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@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–2021–1068; Project Identifier MCAI–2021–00383–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this 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 Elizabeth Dowling, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2021–11, dated March 29, 2021 (TCCA AD CF–2021–11) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1068.

This proposed AD was prompted by multiple in-service reports of bleed air leaks in the wing box area occurring as a result of damaged check valve seals in the wing bleed air check valve installation, and of a failure of the nearby leak detection shroud. The FAA is proposing this AD to address the possibility of undetected hot engine bleed air being directed onto aircraft structure, the main landing gear (MLG) emergency release cable, and the static air temperature (SAT) sensor, which could cause the main landing gear emergency release cable to malfunction. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

De Havilland Aircraft of Canada Limited has issued Service Bulletin 84–36–06, dated December 15, 2020. This service information describes procedures for removing the affected V-band coupling and check valve seals, doing a visual inspection of the coupling covers and surrounding area for damage due to bleed air leakage, and replacing the coupling and seals with a redesigned assembly.

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.

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 the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 82 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$75	$415	$34,030

The FAA estimates the following costs to do any necessary coupling cover replacement that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$5	$90

The FAA has received no definitive data on which to base the cost estimates for correcting damage in the area surrounding the coupling covers.

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) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2021–1068; Project Identifier MCAI–2021–00383–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 31, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC–8–401 and –402 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 36, Pneumatic.

(e) Unsafe Condition

This AD was prompted by reports of bleed air leaks in the wing box area and failure of the leak detection shroud. The FAA is issuing this AD to address the possibility of undetected hot engine bleed air being directed onto aircraft structure, the main landing gear (MLG) emergency release cable, and the static air temperature (SAT) sensor, which could cause the main landing gear emergency release cable to malfunction.

(f) Compliance

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

(g) Required Actions

Within 48 months or 8,000 flight hours, whichever occurs first, from the effective date of this AD: Remove the affected V-band coupling and check valve seals, do a visual inspection for damage to the coupling covers and surrounding area, and replace the coupling and seals with a redesigned assembly, in accordance with the Accomplishment Instructions, paragraph 3.B., of de Havilland Service Bulletin 84–36–06, dated December 15, 2020.

(1) If any damage to a coupling cover is found, replace the coupling cover before further flight in accordance with the Accomplishment Instructions of de

Havilland Service Bulletin 84–36–06, dated December 15, 2020.

(2) If any damage to the surrounding area is found, before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (i)(2) of this AD.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install a V-band coupling, part number (P/N) DSC361–250, or check valve seal, P/N MS35769–71, in the center wing front spar area of any airplane.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2021–11, dated March 29, 2021, 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–2021–1068.

(2) For more information about this AD, contact Elizabeth Dowling, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.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.

Issued on December 6, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–27295 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0941; Airspace Docket No. 21–ASO–31]

RIN 2120–AA66

Proposed Amendment of Class D, Class E, and Establishment of Class E Airspace; Atlanta, GA Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, Class E surface airspace, Class E airspace extending upward from 700 feet above the surface, and establish Class E Airspace Designated as an Extension to a Class D Surface Area in the Atlanta, GA area. This action would replace the Atlanta VORTAC (Very High Frequency Omnidirectional Range Collocated Tactical Air Navigation) with the term Point of Origin. This action would update several airport names and geographic coordinates. This action would also make an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class D and E airspace. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before January 31, 2022.

ADDRESSES: Send comments on this proposal to: The U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0941; Airspace Docket No. 21–ASO–31 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: John Goodson, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–5966.

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 would amend airspace in the Atlanta, GA area to support IFR operations in the area.

Comments Invited

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

Communications should identify both docket numbers (Docket No. FAA–2021–0941 and Airspace Docket No. 21–ASO–31) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments

on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0941; Airspace Docket No. 21–ASO–31.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface, and establish Class E Airspace Designated as an Extension to Class D airspace at the following airports:

The Dekalb-Peachtree Airport Class D airspace would be amended by removing unnecessary verbiage from the descriptor header, updating the geographical coordinates of the airport to coincide with the FAA's database, and replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description;

The Fulton County Executive Airport/Charlie Brown Field (formerly Atlanta, Fulton County Airport-Brown Field) Class D airspace would be amended by removing unnecessary verbiage from the descriptor header and updating the airport's name. Dobbins ARB Class D airspace would be amended by updating the geographical coordinates of the ARB to coincide with the FAA's database;

The Cobb County International Airport-McCollum Field (formerly Cobb County-McCollum Field) Class D airspace would be amended by removing unnecessary verbiage from the descriptor header, updating the airport's name, and updating the geographical coordinates of the airport to coincide with the FAA's database. Dobbins ARB (formerly Dobbins ARB/NAS Atlanta) Class D airspace would be amended by updating the ARB's name and updating the geographical coordinates of the ARB to coincide with the FAA's database. This action would also replace the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description;

The Dobbins ARB (formerly Dobbins ARB/NAS Atlanta) Class D airspace would be amended by removing unnecessary verbiage from the descriptor header, updating the ARB's name, and updating the geographical coordinates of the ARB to coincide with the FAA's database. Cobb County International Airport-McCollum Field (formerly Cobb County-McCollum Field) Class D airspace would be amended by updating the airport's name and updating the geographical coordinates of the airport to coincide with the FAA's database. Fulton County Executive Airport/Charlie Brown Field (formerly Atlanta, Fulton County Airport-Brown Field) Class D airspace would be amended by updating the airport's name. This action would also replace the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description;

The Dekalb-Peachtree Airport Class E surface airspace would be amended by removing unnecessary verbiage from the descriptor header, updating the geographical coordinates of the airport to coincide with the FAA's database, and removing unnecessary verbiage in the description;

The Dekalb-Peachtree Airport Class E Airspace Designated as an Extension to a Class D Surface Area would be established by adding that airspace extending upward from the surface within 1 mile each side of the Dekalb-Peachtree Airport 206° and 021° bearings from the airport, extending from the 4-mile radius of Dekalb-Peachtree Airport to 7.7 miles southwest and northeast of the airport;

The Fulton County Executive Airport/Charlie Brown Field Class E Airspace Designated as an Extension to a Class D Surface Area would be established by adding that airspace extending upward from the surface within 1 mile each side of the Fulton County Executive Airport/Charlie Brown Field 260° and 080° bearings from the airport, extending from the 4-mile radius of Fulton County Executive Airport/Charlie Brown Field to 7.2 miles west and east of the airport.

The Cobb County International Airport-McCollum Field Class E Airspace Designated as an Extension to a Class D Surface Area would be established by adding that airspace extending upward from the surface from the 4-mile radius of the Cobb County International Airport-McCollum Field to the 8.4-mile radius of the airport; clockwise from the 255° bearing to the 303° bearing from the airport and within 1 mile each side of the Cobb County International Airport-McCollum Field 089° bearing extending from the 4-mile radius to 8.4 miles east of the airport excluding that portion within the Dobbins ARB, Class D airspace area.

The Atlanta, GA Class E airspace extending upward from 700 feet above the surface would be amended by updating the name of Hartsfield-Jackson Atlanta International Airport (formerly Atlanta, The William B. Hartsfield Atlanta International Airport) and updating the geographical coordinates of the airport to coincide with the FAA's database. Dobbins ARB Class E airspace extending upward from 700 feet above the surface would be amended by updating the ARB's name (formerly Dobbins AFB) and updating the geographical coordinates of the airport to coincide with the FAA's database. Fulton County Executive Airport/Charlie Brown Field Class E airspace extending upward from 700 feet above the surface would be amended by updating the airport's name (formerly Fulton County Airport-Brown Field) and increasing the radius to 9.7 miles (formerly 5 miles). Cobb County International Airport-McCollum Field

Class E airspace extending upward from 700 feet above the surface would be amended by updating the airport's name (formerly Cobb Co-McCollum Field), updating the geographical coordinates of the airport to coincide with the FAA's database, and increasing the radius to 10.9 miles (formerly 7 miles). Dekalb-Peachtree Airport Class E airspace extending upward from 700 feet above the surface would be amended by updating the geographical coordinates of the airport to coincide with the FAA's database and increasing the radius to 10.2 miles (formerly 7 miles). The Atlanta VORTAC would be replaced by the term Point of Origin and the geographical coordinates would be updated to coincide with the FAA's database.

Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Class D and Class E airspace designations are published in Paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document would be published subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO GA D Atlanta, GA [Amended]

DeKalb-Peachtree Airport, GA
(Lat. 33°52′34″ N, long. 84°18′07″ W)

That airspace extending upward from the surface to and including 3,500 feet MSL within a 4-mile radius of DeKalb-Peachtree Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

ASO GA D Atlanta, GA [Amended]

Fulton County Executive Airport/Charlie Brown Field, GA
(Lat. 33°46′45″ N, long. 84°31′17″ W)
Dobbins ARB
(Lat. 33°54′52″ N, long. 84°30′51″ W)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4-mile radius of Fulton County Executive Airport/Charlie Brown Field; excluding the portion north of a line connecting the 2 points of intersection with a 5.5-mile radius circle centered on Dobbins ARB.

ASO GA D Marietta, GA [Amended]

Cobb County International Airport-McCollum Field, GA
(Lat. 34°00′47″ N, long. 84°35′49″ W)
Dobbins ARB
(Lat. 33°54′52″ N, long. 84°30′51″ W)

That airspace extending upward from the surface to and including 3,500 feet MSL within a 4-mile radius of Cobb County International Airport-McCollum Field, GA, excluding that airspace southeast of a line connecting the 2 points of intersection with a 5.5-mile radius centered on Dobbins ARB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

ASO GA D Marietta, GA [Amended]

Dobbins ARB, GA
(Lat. 33°54′52″ N, long. 84°30′51″ W)
Cobb County International Airport-McCollum Field
(Lat. 34°00′47″ N, long. 84°35′49″ W)
Fulton County Executive Airport/Charlie Brown Field
(Lat. 33°46′45″ N, long. 84°31′17″ W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 5.5-mile radius of Dobbins ARB and within 1.7 miles each side of the 289° bearing and the 109° bearing from the Dobbins ARB, extending from the 5.5-mile radius to 6.9 miles east and west of the airport; excluding that airspace northwest of a line connecting the 2 points of intersection with a 4-mile radius centered on Cobb County International Airport-McCollum Field, and the 5.5-mile radius of Dobbins ARB, and also excluding that airspace south of a line connecting the 2 points of intersection with the 4-mile radius centered on Fulton County Executive Airport/Charlie Brown Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Airspace.

* * * * *

ASO GA E2 Atlanta [Amended]

Dekalb-Peachtree Airport, GA
(Lat. 33°52′34″ N, long. 84°18′07″ W)

That airspace within a 4-mile radius of the Dekalb-Peachtree Airport.

Paragraph 6004 Class E Airspace Designated as an Extension to Class D.

* * * * *

ASO GA E4 Atlanta [New]

Dekalb-Peachtree Airport, GA
(Lat. 33°52′34″ N, long. 84°18′07″ W)

That airspace extending upward from the surface within 1 mile each side of the Dekalb-Peachtree Airport 206° and 021° bearings from the airport, extending from the 4-mile radius of Dekalb-Peachtree Airport to 7.7 miles southwest and northeast of the airport.

ASO GA E4 Atlanta, GA [New]

Fulton County Executive Airport/Charlie Brown Field, GA
(Lat. 33°46′45″ N, long. 84°31′17″ W)

That airspace extending upward from the surface within 1 mile each side of the Fulton County Executive Airport/Charlie Brown Field 260° and 080° bearings from the airport, extending from the 4-mile radius of Fulton County Executive Airport/Charlie Brown Field to 7.2 miles west and east of the airport.

ASO GA E4 Marietta, GA [New]

Cobb County International Airport-McCollum Field, GA
(Lat. 34°00′47″ N, long. 84°35′49″ W)

That airspace extending upward from the surface from the 4-mile radius of the Cobb County International Airport-McCollum Field to the 8.4-mile radius of the airport; clockwise from the 255° bearing to the 303° bearing from the airport and within 1 mile each side of the Cobb County International Airport-McCollum Field 089° bearing extending from the 4-mile radius to 8.4 miles east of the airport excluding that portion within the Dobbins ARB, GA Class D airspace area.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 Atlanta, GA [Amended]

Hartsfield-Jackson Atlanta International Airport, GA
(Lat. 33°38′12″ N, long. 84°25′40″ W)
Dobbins ARB
(Lat. 33°54′52″ N, long. 84°30′51″ W)
Fulton County Executive Airport/Charlie Brown Field
(Lat. 33°46′45″ N, long. 84°31′17″ W)
Cobb County International Airport-McCollum Field
(Lat. 34°00′47″ N, long. 84°35′49″ W)
Dekalb-Peachtree Airport
(Lat. 33°52′34″ N, long. 84°18′07″ W)
Point of Origin
(Lat. 33°37′45″ N, long. 84°26′06″ W)

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Point of Origin and within a 9.7-mile radius of Fulton County Executive Airport/Charlie Brown Field and within an 8-mile radius of Dobbins ARB and within a 10.9-mile radius of Cobb County International Airport-McCollum Field, and within a 10.2-mile radius of Dekalb-Peachtree Airport.

Issued in College Park, Georgia, on December 10, 2021.

Andreese C. Davis,

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

[FR Doc. 2021–27210 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1135; Airspace Docket No. 21–ASW–26]

RIN 2120–AA66

Proposed Amendment of the Class E Airspace; Olney, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Olney, TX. The FAA is proposing this action as the result of an airspace review due to the decommissioning of the Olney non-directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before January 31, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–1135/Airspace Docket No. 21–ASW–26, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: *fr.inspection@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

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 would amend the Class E airspace extending upward from 700 feet above the surface at Olney Municipal Airport, Olney, TX, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–1135/Airspace Docket No. 21–ASW–26.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal

docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile radius of Olney Municipal Airport, Olney, TX; removing the Olney NDB and associated extensions from the airspace legal description; removing the city associated with the airport in the header of the airspace legal description to comply with changes to FAA Order JO 7400.2N, Procedures for Handling Airspace Matters.

This action is the result of an airspace review due to the decommissioning of the Olney NDB which provided guidance to instrument procedures at this airport.

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.

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

Environmental Review

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

List of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR 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.

* * * * *

ASW TX E5 Olney, TX [Amended]

Olney Municipal Airport, TX
(Lat. 33°21′03″ N, long. 98°49′09″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Olney Municipal Airport.

Issued in Fort Worth, Texas, on December 10, 2021.

Steven Phillips,

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

[FR Doc. 2021–27194 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0988; Airspace Docket No. 21–ANE–8]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Falmouth, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface for Falmouth Airpark, Falmouth, MA, to accommodate area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before January 31, 2022.

ADDRESSES: Send comments on this proposal to: The United States Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0988; Airspace Docket No. 21–ANE–8, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace for Falmouth Airpark, Falmouth, MA.

Comments Invited

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

Communications should identify both docket numbers (Docket No. FAA–2021–0988 and Airspace Docket No. 21–ANE–8) and be submitted in triplicate to DOT Docket Operations (see ''**ADDRESSES**'' section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0988; Airspace Docket No. 21–ANE–8.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to establish Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Falmouth Airpark, Falmouth, MA, providing the controlled airspace required to support RNAV (GPS) standard instrument approach procedures for IFR operations at this airport.

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 the FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 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.

* * * * *

ANE MA E5 Falmouth, MA [Established]

Falmouth Airpark, MA
(Lat. 41°35′08″ N, long. 70°32′25″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Falmouth Airpark.

Issued in College Park, Georgia, on December 13, 2021.

Andreese C. Davis,

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

[FR Doc. 2021–27238 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60

[EPA–HQ–OAR–2021–0317; FRL–8510–04–OAR]

RIN 2060–AV16

Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking; extension of public comment period.

SUMMARY: On November 15, 2021, the U.S. Environmental Protection Agency (EPA) published a proposed rule which included new source performance standards (NSPS) and emissions guidelines (EG) for the Crude Oil and Natural Gas source category under the CAA to respond to the President's January 20, 2021, Executive order (E.O.) titled ''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.'' In this proposal, the EPA also requested comments on regulating other types of potential emissions sources and numerous topics associated with the proposed NSPS and EG. EPA has received numerous requests to extend the comment period given the complexity and length of the proposed rulemaking, which is currently January 14, 2022. Accordingly, the EPA is extending the deadline of the comment period to January 31, 2022.

DATES: The public comment period for the proposal published in the **Federal Register** on November 15, 2021 (86 FR 63110) is extended from January 14, 2022 to January 31, 2022.Written comments must be received on or before January 31, 2022.

ADDRESSES: *Comments.* You may send comments, identified by Docket ID No. EPA–HQ–OAR–2021–0317, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2021–0317 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2021–0317.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2021–0317, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal holidays).

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2021–0317. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov/,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit electronically any information that you consider to be CBI or other information whose disclosure is restricted by statute. This type of information should be submitted by mail as discussed below.

Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov/* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov/,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and should be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Out of an abundance of caution for members of the public and EPA staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. The EPA's Docket Center staff will continue to provide remote customer service via email, phone, and webform. The Agency encourages 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, please visit us online at *https://www.epa.gov/dockets.* The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention, local area health departments, and our Federal partners so that the Agency can respond rapidly as conditions change regarding COVID–19.

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov/* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the

EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2021–0317. Note that written comments containing CBI and submitted by mail may be delayed and no hand deliveries will be accepted.

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact Ms. Karen Marsh, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1065; fax number: (919) 541–0516; and email address: *marsh.karen@epa.gov* or Ms. Amy Hambrick, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–0964; facsimile number: (919) 541–3470; email address: *hambrick.amy@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 15, 2021,[1] the U.S. Environmental Protection Agency (EPA) published a proposed rule that included distinct groups of actions. First, the EPA proposed to revise the new source performance standards (NSPS) for GHGs and volatile organic compounds (VOCs) for the Crude Oil and Natural Gas source category under the Clean Air Act (CAA) to reflect the Agency's most recent review of the feasibility and cost of reducing emissions from these sources. Second, the EPA proposed emissions guidelines (EG) under the CAA, for states to follow in developing, submitting, and implementing state plans to establish performance standards to limit GHGs from existing sources (designated facilities) in the Crude Oil and Natural Gas source category. Third, the proposal included several related actions stemming from the joint resolution of Congress, adopted on June 30, 2021 under the Congressional Review Act (CRA), disapproving the EPA's final rule titled, ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review.'' 85 FR 57018 (September 14, 2020). Finally, in the proposal, the EPA requested comments on potentially regulating other types of emission sources and numerous topics associated with the proposed NSPS and EG. Since publication of the proposal, which specifies that the comment period closes on January 14, 2022 the EPA has received numerous requests from industry and states to extend the comment period due to the lengthy and complex nature of the action. After considering these requests to extend the public comment period, the EPA has decided to extend the public comment period until January 31, 2022. This extension will provide additional time requested by the public to review the proposal and gather and provide information to the Agency.

Penny Lassiter,

Director, Sector Policy and Programs Division.

[FR Doc. 2021–27312 Filed 12–16–21; 8:45 am]

BILLING CODE 6560–50–P

[1] 86 FR 63110.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–73

[FMR Case 2021–102–1; Docket No. GSA–FMR–2021–0020; Sequence No. 1]

RIN 3090–AK42

Federal Management Regulation; Real Estate Acquisition

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration is amending the FMR part regarding real property acquisition to reflect current laws and regulatory policies and to clarify the policies for entering into leasing agreements for high security space in accordance with the Secure Federal LEASEs Act.

DATES: Interested parties should submit written comments at the address shown below on or before February 15, 2022 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FMR case 2021–102–1 to: *Regulations.gov: https://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FMR Case 2021–102–1''. Select the link ''Comment Now'' that corresponds with FMR Case 2021–102–1. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FMR Case 2021–102–1'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite FMR Case 2021–102–1, in all correspondence related to this case. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Chris Coneeney, Director, Real Property Policy Division, Office of Government-wide Policy, at 202–208–2956 or *chris.coneeney@gsa.gov.* For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FMR Case 2021–102–1.

SUPPLEMENTARY INFORMATION:

I. Background

The Secure Federal Leases from Espionage And Suspicious Entanglements Act, or the Secure Federal LEASEs Act, Public Law 116–276, 134 Stat. 3362 (2020) (the ''Act''), provides for the disclosure of ownership information to Federal lessees leasing high-security space that would allow the lessee to mitigate potential national security risks. The Act was signed into law on December 31, 2020 (available at *https://www.congress.gov/116/plaws/publ276/PLAW-116publ276.pdf*). The Act imposes disclosure requirements regarding the foreign ownership, particularly ''immediate owner'', ''highest level owner'' and ''beneficial ownership,'' of prospective lessors of ''high-security leased space'' (*i.e.,* property leased to the Federal government having a security level of III or higher). GSA implemented Section 3 and Section 5 of the Act through the interim rule General Services Administration Acquisition Regulation (GSAR) Case 2021–G527 (86 FR 34966) (available at *https://www.federalregister.gov/documents/2021/07/01/2021-14161/general-services-administration-acquisition-regulation-immediate-and-highest-level-owner-for*).

The requirements of the statute are applicable to Federal lessees, defined by the Act as leases by the U.S. General Services Administration (GSA), the Architect of the Capitol, ''or the head of any Federal agency, other than the

Department of Defense (DOD), that has independent statutory leasing authority''. The Act is not applicable to DOD or to the intelligence community. Section 2876 of the FY 2018 National Defense Authorization Act (Pub. L. 115–91) already provides DOD similar authority to obtain ownership information with respect to its high-security leased space.

The Act addresses national security risks identified in the Government Accountability Office (GAO) report, GSA Should Inform Tenant Agencies When Leasing High-Security Space from Foreign Owners, dated January 2017 (GAO–17–195) (available at *https://www.gao.gov/assets/gao-17-195.pdf*). This report found certain high-security Federal agencies were in buildings owned or controlled by foreign entities. According to the report, most Federal tenants were unaware the spaces GAO identified were subject to foreign ownership or control, exposing these agencies to the heightened risk of surreptitious physical or cyber espionage by foreign actors. The report also noted GAO could not identify the owners of approximately one-third of the Federal government's high-security leases because such ownership information was unavailable for those buildings.

Section 4 of the Act adds the requirement for identification of beneficial ownership information, and requires GSA to develop a government-wide plan for identifying all immediate, highest-level, and beneficial owners of high-security leased space. Section 4 of the Act further requires GSA to submit a corresponding report. This proposed rule addresses the annual collection of ownership disclosures from GSA, delegated lease authority agencies, and independent leasing agencies to GSA.

What is a ''beneficial owner''?

Unlike the direct control–based immediate owner and highest-level owner, the Act defines the term ''beneficial owner'' to include any person that—through a contract, arrangement, understanding, relationship, or otherwise—exercises control over the covered entity or has a substantial interest in or receives substantial economic benefits from the assets of the covered entity, with some exceptions.

The Act is one of several recent examples of congressional concern about foreign ownership and control and congressional action in the world of government contracting to help address potential national security concerns. See, *e.g.,* FY 2021 National Defense Authorization Act (NDAA) (Pub. L. 116–283), § 819, Modifications to Mitigating Risks Related to Foreign Ownership, Control, or Influence of DOD Contractors and Subcontractors; § 885, Disclosure of Beneficial Owners in Database for Federal Agency Contract and Grant Officers; § 6403, Beneficial Ownership Information Reporting Requirements, and, as of June 30, 2021, GSAR 2021–G527, Immediate and Highest-Level Owner for High-Security Leased Space.

Because of the related rulemaking, there are several definitions of ''beneficial owner'' (or ''beneficial ownership'').

The United States Securities and Exchange Commission (SEC) Definition

§ 885 (Disclosure of beneficial owners in database for Federal agency contract and grant officers) of the FY 2021 NDAA (Pub. L. 116–283) [1] states that beneficial ownership has the meaning given under § 847 (Mitigating risks related to foreign ownership, control, or influence of Department of Defense contractors or subcontractors) of the FY 2020 NDAA (Pub. L. 116–92).[2] § 847 does not specifically define beneficial ownership but requires ''beneficial ownership'' to ''be determined in a manner that is not less stringent than the manner set forth in section 240.13d–3 of title 17, Code of Federal Regulations.'' This Code of Federal Regulations reference is the SEC definition.[3] The SEC definition mainly concerns the beneficial owner of a security (*e.g.* stock/bond/option for a corporation), not the corporation or company-at-large.

Corporate Transparency Act Definition

The Corporate Transparency Act (CTA) definition can be found at § 6403 of the FY 2021 NDAA. This section defines ''beneficial ownership'' as, with respect to an entity, an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise (i) exercises substantial control over the entity; or (ii) owns or controls not less than 25 percent of the ownership interests of the entity.

Secure Federal LEASEs Act Definition

A ''beneficial owner'' is ''with respect to a covered entity, each natural person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—(i) exercises control over the covered entity; or (ii) has a substantial interest in or receives substantial economic benefits from the assets of the covered entity.''

GSA's Interpretation

GSA interprets that the SEC definition is too limiting for use in the representation clause because it's concerned with the beneficial owner of a security rather than a company or corporation. The Secure Federal LEASEs Act and the CTA definitions are similar. Both definitions similarly characterize a beneficial owner as someone who (i) controls a covered entity, or (ii) has a substantial interest. The primary difference between the two is related to ''substantial interest.'' The Secure Federal LEASEs Act states that a beneficial owner is someone who ''. . . has a substantial interest in or receives substantial economic benefits from the assets of the covered entity'' while the CTA definition says a beneficial owner ''owns or controls not less than 25 percent of the ownership interests of the entity.'' GSA interprets that the CTA definition meets the intent of the SFLA definition. As such, GSA intends to use the CTA definition (and therefore incorporates it into the GSAR representation clause at 552.270–33) because it's more specific (''not less than 25 percent'' as opposed to having to define ''substantial interest'' or ''substantial economic benefits'') and because it would allow GSA to leverage Treasury's Financial Crimes Enforcement Network's (FinCEN) efforts to collect beneficial owner information for all corporations. GSA does not believe this definition to be ''not less stringent'' than the SEC definition.

Covered entities already provide certain information on immediate and highest-level ownership, per OMB Control Numbers 9000–0097, 9000–0185, and 3090–0324. However, covered entities will need to provide additional disclosure of creditors who may be deemed beneficial owners if they either exercise substantial control over the covered entity or owns or controls not less than 25 percent of the ownership interests of the covered entity. Therefore, property owners will need to take this provision into account when considering financing options for leasing high-security space to the Federal government.

II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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,

[1] *https://www.congress.gov/bill/116th-congress/house-bill/6395/text.*

[2] *https://www.congress.gov/bill/116th-congress/senate-bill/1790/text.*

[3] *https://www.ecfr.gov/current/title-17/chapter-II/part-240/section-240.13d-3#p-240.13d-3(a).*

environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is anticipated to be a significant regulatory action and, therefore, was subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

III. Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2). Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (codified at 5 U.S.C. 801–808), also known as the Congressional Review Act or CRA, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. A major rule under the CRA cannot take effect until 60 days after it is published in the **Federal Register**. OIRA anticipates that this rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

IV. Regulatory Flexibility Act

GSA certifies this rule will not have a significant economic impact on a substantial number of small entities because it applies only to Federal agencies and employees.

V. Paperwork Reduction Act

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

VI. Regulatory Impact Analysis

The cost and benefit impacts of amending FMR part 102–73 regarding real property acquisition to reflect current laws and regulatory policies to implement the Section 4 requirements outlined in the Secure Federal Leases Act (SFLA) (Pub. L. 116–276) are discussed in the analysis below. This analysis was developed by GSA in consultation with agency procurement officials and the GSA Office of Leasing. Section VI.(h) of this rule is requesting specific feedback regarding the impact of this rule, as well as other pertinent policy questions of interest, in order to inform finalization of this and potential future subsequent rulemakings.

(1) Federal Leasing—Current Processes

Potential offerors are required to report certain ownership information to the System for Acquisition Management (SAM), including immediate or highest-level owners.

(2) Federal Government Leasing—General Security Framework

As outlined within the Interagency Security Committee (ISC) Standard and the GSA Leasing Desk Guide, the facility security level (FSL) [4] is set by the Department of Homeland Security—Federal Protective Service (FPS) and the client agency, in consultation with the GSA as part of the requirements development phase of a lease acquisition. If the client agency and FPS have not already conferred, the Federal lessee and GSA must coordinate with the necessary parties to set the appropriate level of security before the solicitation is drafted. This level of security will be memorialized by the Security Organization as a preliminary FSL, which serves as a precursor to the final FSL generally made with the tenants' post award. *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* [5] outlines the policies required for federal tenants in consultation with the responsible Security Organization to determine, set, and modify levels of security. The ownership information collected via this rule will not affect the FSL designation.

(3) Federal Government Leasing—Determining Countermeasures

Federal lessees follow the ISC Standard for physical security criteria (PSC) for Federal Facilities. The standard establishes baseline physical security countermeasures for each FSL. The standard defines the process for determining the appropriate security measures through the ISC Risk Management Process; it also covers any uncommon measures required to address the unique risks at a particular facility. The GSA Public Buildings Service Leasing Desk Guide currently uses the PSC to prescribe the process for determining appropriate countermeasures for a facility. Therefore, GSA assumes other federal agency lessees adhere to ISC standards as well within their leasing guides and use the criteria provided by ISC to calculate the level of security required for the tenants.

(c) Compliance Plan Estimated Due to Proposed Rule

GSA assumes the following steps would most likely be part of an agency's plan to collect and report owner disclosures using GSA's government-wide plan and GSAR 552.270–33 and 552.270–34:

1. Government-Wide Plan and Regulatory Familiarization.

The agency reads and understands the government-wide plan and potentially uses GSAR 552.270–33 and 552.270–34 for collection actions.

2. Workforce Training.

The agency must educate its purchasing/procurement professionals [6] to heighten their familiarization with GSA's government-wide plan's disclosure requirements (as applicable).

3. Compliance with the Revised Representation Clause.

The agency must identify and disclose whether entities do or do not have a foreign beneficial owner of leased space. If an affirmative disclosure is made for leases involving high-security space, GSA shall be notified of the disclosure made in the representation per the schedule set forth within the GSA government-wide plan.

(d) Benefits

This Act requires the disclosure of the identification of all individuals who own or benefit from partial ownership of a property that will be leased by the federal government for high-security use. The statute is in response to a 2017 Government Accountability Office (GAO) report which indicated that Federal agencies were vulnerable to espionage and other intrusions because foreign actors could gain unauthorized access to spaces used for classified operations or to store sensitive data. Agencies store law enforcement evidence and other sensitive data and are often unaware of foreign ownership of their office spaces. While many of the foreign owners identified in the 2017 GAO report were companies based in allied countries such as Canada, Norway, Japan, or South Korea, other properties were owned and managed by entities based in more adversarial nations. The report noted Chinese-owned properties, in particular, presented security challenges because of the country's proclivity for cyberespionage and the close ties between private sector companies and

[4] A categorization based on the analysis of several security-related facility factors, which serves as the basis for the implementation of countermeasures specified in ISC standards. (*ISC Standard, March 2021*).

[5] *https://www.cisa.gov/sites/default/files/publications/The%20Risk%20Management%20Process%20-%202021%20Edition_1.pdf.*

[6] GSA estimates that the purchasing/procurement professional requiring training as a result of this rule on average would be equal to a mid-career professional. The equivalent labor category used to capture cost estimates therefore is a GS–12 Step 5, or Journeyman Level 1.

the Chinese government. The GAO report highlighted the dangers posed by these properties, indicating that ''leasing space in foreign-owned buildings could present security risks such as espionage, unauthorized cyber and physical access to the facilities, and sabotage.''

The United States faces an expanding array of foreign intelligence threats by adversaries who are using increasingly sophisticated methods to harm the Nation.[7] Threats to the United States posed by foreign intelligence entities are becoming more complex and harmful to U.S. interests.[8] Foreign intelligence actors are employing innovative combinations of traditional spying, economic espionage, and supply chain and cyber operations to gain access to critical infrastructure and steal sensitive information and industrial secrets.[9] The exploitation of key supply chains by foreign adversaries represents a complex and growing threat to strategically important U.S. economic sectors and critical infrastructure.[10]

Additionally, by requiring ''Beneficial Owner'' information in the representation clause, Federal lessees will benefit by better understanding how an individual's ownership position can provide them access that could prove problematic for certain agencies. Congress underscored that ''money launderers and others involved in commercial activity intentionally conduct transactions through corporate structures in order to evade detection, and may layer such structures . . . across various secretive jurisdictions such that each time an investigator obtains ownership records for a domestic or foreign entity, the newly identified entity is yet another corporate entity, necessitating a repeat of the same process.'' [11] The ability to engage in activity and obtain financial services in the name of a legal entity without disclosing the identities of the natural persons who own or control the entity—the natural persons whose interests the legal entity most directly serves—enables those natural persons to conceal their interests. And as the Treasury's Financial Crimes Enforcement Network (FinCEN) has noted previously, such concealment ''facilitates crime, threatens national security, and jeopardizes the integrity of the financial system.'' [12] The goal of the Act is to close security loopholes by directing Federal agencies to notify GSA whether foreign owners have a stake in high-security buildings leased by Federal agencies, either through foreign-incorporated legal entities or through ownership in United States-incorporated legal entities, even when the leased space is used for classified operations or to store sensitive data. While GSA and other Federal agencies have made positive changes in response to GAO's 2017 report, this rule will help support current best practices being followed more uniformly throughout the Federal government.

Finally, this rule ensures that Federal lessees will have the ability to obtain information on foreign ownership and provide it to relevant Federal tenants.

(e) Public Costs

A. To estimate the aggregate burden to agencies of complying with the Act, the number of disclosures to obtain was calculated using numbers pulled from GSA's records and databases.[13] As of August 2021, GSA has approximately 7,860 leases. Of the 7,860, approximately 1,263 [14] (or 16 percent) of the leases are for high-security lease space (lease space in a facility with a security level of III, IV, or V).

B. GSA also delegates leasing authority to several agencies, which are required to follow GSA's policies. GSA estimates there are 5,000 leases represented by these agencies with the Delegated Leasing Authority from GSA.[15] GSA does not have data available that identifies which of these are for high-security lease space. GSA assumes that these delegated agencies have a similar profile to GSA's for high-security leased space to total portfolio space, *i.e.,* 16 percent. This would bring the total number of high-security lease space for delegated agencies to 800 (5,000 × 16 percent).

C. Agencies possessing independent leasing authority are not required to follow GSA's policies. GSA indicates that there are 41 agencies with independent statutory authority.[16] Further, GSA estimates there are 25,995 leases represented by these agencies.[17] GSA does not have data available to identify which of these are for high-security lease space. GSA assumes these agencies have a similar profile to GSA's for high-security leased space to total portfolio space, *i.e.,* 16 percent. This would bring the total number of high-security lease space for independent agencies to 4,159 (25,995 × 16 percent).

D. Based on historical data maintained by GSA's Office of Leasing, GSA estimates that 6 percent of its high-security leased space will be solicited for a new contract each year (6 percent of 1,263 = 76 leases). These solicitations result from a mix of expiring high-security leases or new requirements for high-security facilities. GSA assumes these trends will continue for the time horizon outlined by this regulatory impact. Based on historic bid rates and high current vacancy levels, GSA further estimates that 3 lessors will make offers for each of these high-security lease procurement for a total of 228 offers (76 high-security leases awarded × 3 lessors competing for each solicitation; 76 × 3 = 228). GSA assumes the same profile for delegated facilities and independent agencies.

E. Since 2014, GSA has averaged approximately 31 renewal options per year for high-security leases (equal to approximately 17 percent of all renewals options during the same period) and averaged approximately 106 extensions for existing high-security leases (also equal to approximately 17 percent of all extensions during the same period). GSA assumes the same trend will continue in subsequent years. GSA assumes the same profile for delegated facilities and independent agencies.

F. GSA processed 380 novations from May 1, 2020 to April 30, 2021 [18] (therefore approximately 5 percent of leases resulted in a novation (380/7,860)). GSA does not have data on how many of those were related to FSL III, IV, or V. GSA will assume 16 percent of those novations were for FSL III, IV, or V leases. Therefore, it is assumed 61 novations were processed for high-security leases in the last year. GSA

[7] *National Counterintelligence Strategy of the United States of America 2020–2022.*

[8] *National Counterintelligence Strategy of the United States of America 2020–2022.*

[9] *National Counterintelligence Strategy of the United States of America 2020–2022.*

[10] *National Counterintelligence Strategy of the United States of America 2020–2022.*

[11] Corporate Transparency Act Section 6402(4).

[12] *Notice of Proposed Rulemaking: Customer Due Diligence Requirements for Financial Institutions, 79 FR 45151, 45153 (August 4, 2014).*

[13] If not otherwise stated, numbers related to leases are provided by the GSA Office of Leasing through surveying their internal databases.

[14] The GSA Office of Leasing provided this number by surveying their internal database.

[15] This information is based on internal inventory data sources provided by the GSA Office of Leasing.

[16] The GSA Office of Government-wide Policy used the Federal Real Property Profile Management System to determine the number of agencies with a lease authority indicator of independent statutory authority.

[17] This information is based on publicly available data sources provided by the GSA Office of Government-wide Policy Real Property Policy Division. *https://www.gsa.gov/policy-regulations/policy/real-property-policy/asset-management/federal-real-property-profile-frpp/federal-real-property-public-data-set.*

[18] This information is based on internal inventory data sources provided by the GSA Office of Leasing. GSA does not have data on how many novations other agencies with Delegated Leasing Authority processed.

assumes the same profile for delegated facilities and independent agencies.

A breakdown is provided in the table below.

Part above		GSA	Delegated authority agencies	Independent lease authority agencies
A, B	Leased Space	7,860	5,000	25,995
	High Security (HS) Lease Space	1,263	800	4,159
C	New Procurements	76	48	250
	New Offers	228	144	749
D	Renewals	31	16	83
E	Extensions	106	64	333
F	Novations	380	250	1,300
	HS Novations	61	40	208
	HS Lease Baseline	6,222		
	Combined New HS Lease Baseline	2,063		

1. Public Total Costs

GSA notes that amendment to FMR 102.73—Real Estate Acquisition regarding real property acquisition to reflect current laws and regulatory policies carries no direct cost to the public. Section 4 of the Secure Federal Lease Act focuses solely on the government's required activities for the planning, disclosures and notifications, reporting and implementation of the Act by GSA and Federal agencies to Congress.

(f) Government Cost Analysis

During the first and subsequent years after publication of the rule, leasing acquisition members (which include a combination of Leasing Contracting Officers, Lease Administration Managers, Realty Specialists, and General Counsel) will need to learn about GSA's government-wide plan and disclosure requirements. GSA estimates this cost by multiplying the time required to review the regulations and guidance implementing the rule by the estimated compensation, on average, of a GS–12 leasing acquisition member unless specified. GSA assumes that leasing acquisition members will, on average, stay consistent in subsequent years. Numbers and assumptions apply to delegated and independent leasing agencies as well.

For consistency, the number of leases to be reviewed match the numbers in the ''Existing HS Lease Baseline'' row (6,222 combined) and ''New annual Lease Baseline'' row (2,063 combined) found in table in Section VI.(f).

Below is a list of compliance activities related to regulatory familiarization that GSA anticipates will occur:

1. Government Compliance With Public Law 116–276. Section 4(a) Development of a Government-Wide Plan

The Government must educate its leasing acquisition members via a government-wide plan to heighten their familiarity with the collection and reporting of the beneficial owners of high security leased space.

a. GSA calculates it will take 160 hours in the second year to create the plan. GSA estimates this cost by multiplying the time required to develop and approve the plan by the estimated compensation, on average, of a GS–12. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$13,466 (= 160 hours × $84.16 × 1).*

GSA estimates that it will take 5 hours in outyears to update the plan on a yearly basis. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$421 (= 5 hours × $84.16 × 1).*

b. GSA calculates it will take 80 hours in the second year to submit the plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. GSA estimates this cost by multiplying the time required to submit the plan by the estimated compensation, on average, of a GS–12. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$6,733 (= 80 hours × $84.16 × 1).*

c. GSA estimates that it will take approximately 2,178 leasing acquisition members 30 minutes (0.5 hour[19]) to complete training related to the plan.[20] Therefore, GSA calculated the total estimated cost for this part of the rule to be *$91,650 (= 0.5 hours × $84.16 × 2,178).*[21]

After the initial training, GSA estimates it will take 15 minutes (0.25 hours[22]) to maintain training related to the plan. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$45,825 (= 0.25 hours × $84.16 × 2,178).*

d. GSA estimates the 41 agencies with independent lease authority may review GSAR 522.270–33 and 522.270–34 in a limited capacity to mirror GSA's policies. Therefore, GSA estimates those agencies may spend less time than GSA reviewing the GSARs as they may write, review, and become familiar with their own internal policies. GSA estimated on average, a GS–12 would spend 1 hour per year becoming familiar with GSAR 522.270–33 and GSAR 552.270–34 therefore, it would take independent leasing agencies 30 minutes (0.5 hours[23]) to review the GSAR. This would only occur for those agencies in the first year of collection and reporting. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$1,725 (= 0.5 hours × $84.16 × 41).*

e. GSA calculates it will take 60 hours in the first year of collection and

[19] The hours estimated are an assumption based on historical familiarization hours and subject matter expert judgement. Subject matter experts include representatives from GSA's Office of Leasing, including Realty Specialists and Leasing Contracting Officers.

[20] Combined number of GSA/Delegate lease members and independent authority lease members.

[21] All totals in the Government Cost Analysis section are rounded.

[22] The hours estimated are an assumption based on historical familiarization hours and subject matter expert judgement. Subject matter experts include representatives from GSA's Office of Leasing, including Realty Specialists and Leasing Contracting Officers.

[23] The hours estimated are an assumption based on historical familiarization hours and subject matter expert judgement. Subject matter experts include representatives from GSA's Office of Leasing, including Realty Specialists and Leasing Contracting Officers.

reporting for independent leasing agencies to create their own policy in response to GSA's plan. GSA estimates this cost by multiplying the time required to develop the policy by the estimated compensation, on average, of a GS–12. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$207,034 (= 60 hours × $84.16 × 41).* GSA calculates it will take 2.5 hours in outyears to review the policy and possibly revise the policy. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$8,626 (= 2.5 hours × $84.16 × 41).*

f. GSA estimates independent leasing agencies would spend 30 minutes (0.5 hours [24]) training their workforce on their new policy. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$61,268 (= 0.5 hours × $84.16 × 1,456).*

GSA estimates independent leasing agencies would spend 15 (0.25 hours [25]) minutes training their workforce on their policy in subsequent years. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$30,634 (= 0.25 hours × $84.16 × 1,456).*

2. Government Compliance With Public Law 116–276. Section 4(b), Disclosures and Notifications

a. GSA estimates that of the baseline high-security lessors for GSA and delegated authority leases each year, 10 percent [26] (or 206 lessors) will respond affirmatively that the offeror ''does'' have an ''immediate owner'', and/or ''is'' owned or controlled by another entity (or ''highest owner''), and/or ''does'' involve a ''foreign entity'' and it will take leasing acquisition members approximately 5 hours to collect this information. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$86,684 (= 5 hours × $84.16 × 206).*

GSA estimates it will take approximately 5 hours to collect the information submitted by GSA lease contracting officers and delegated authority leases. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$86,684 (= 5 hours × $84.16 × 206).*

b. GSA estimates that of the new high-security lessors for GSA and delegated authority leases each year, 10 percent [27] (or 69 lessors) will respond affirmatively that the offeror ''does'' have an ''immediate owner'', and/or ''is'' owned or controlled by another entity (or ''highest owner''), and/or ''does'' involve a ''foreign entity'' and it will take leasing acquisition members approximately 1 hour to submit this information to GSA. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$5,807 (= 1 hours × $84.16 × 69).*

c. GSA estimates it will take approximately 5 hours to collect the information submitted by GSA and delegated authority leases. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$5,807 (= 1 hours × $84.16 × 69).*

d. GSA estimates that of the baseline high-security lessors for independent authority leases each year, 10 percent (or 416 lessors) will respond affirmatively that the offeror ''does'' have an ''immediate owner'', and/or ''is'' owned or controlled by another entity (or ''highest owner''), and/or ''does'' involve a ''foreign entity'' and it will take leasing acquisition members approximately 5 hours to collect this information. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$175,053 (= 5 hours × $84.16 × 416).*

GSA estimates it will take approximately 5 hours to collect the information submitted by independent authority leases. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$175,053 (= 5 hours × $84.16 × 416).*

e. GSA estimates that of the new high-security lessors for independent authority leases each year, 10 percent (or 137 lessors) will respond affirmatively that the offeror ''does'' have an ''immediate owner'', and/or ''is'' owned or controlled by another entity (or ''highest owner''), and/or ''does'' involve a ''foreign entity'' and it will take leasing acquisition members approximately 1 hour to collect this information. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$11,530 (= 1 hours × $84.16 × 137).*

GSA estimates it will take approximately 1 hour to collect the information submitted by independent authority leases. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$11,530 (= 1 hours × $84.16 × 137).*

3. Government Compliance With Public Law 116–276. Section 4(c), Report and Implementation

a. GSA estimates it will take 8 hours beginning in year 3 to submit an annual report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of representatives. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$673 (= 8 hours × $84.16 × 1).*

4. Government Compliance With Public Law 116–276; Section 4(c)(3), Secure Federal Lease Act Consideration of Implementation Improvements

a. GSA estimates it will take a total of 40 hours in years 3 and 4 to review and consider commercial technology offerings to improve data collection. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$3,366 (= 40 hours × $84.16 × 1).*

b. GSA estimates it will take a total of 8 hours in years 5–10 to review and consider commercial new technology offerings to improve data collection. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$673 (= 8 hours × $84.16 × 1).*

5. Government Total Costs

The total cost of the above Cost Estimate is *$848,376* in the first year after publication.[28] The total cost of the above Cost Estimate in subsequent years is *$127,738* annually.[29]

The following is a summary of the estimated costs calculated for a 10-year time horizon at a 3- and 7-percent discount rate:

Summary	Total costs
Present Value (3 percent)	$1,649,361
Annualized Costs (3 percent) ...	161,932
Present Value (7 percent)	1,415,574
Annualized Costs (7 percent) ...	134,298

6. Overall Total Costs

The overall total cost is equal to Section VI.(f) Government Total Costs above as there is no direct cost to the public based on the amendment to FMR 102.73 as noted in Section VI.(e).

(g) Analysis of Alternatives

The preferred alternative is the process laid out in the Act whereby GSA annually collects disclosures from Federal lessees and then reports that information to Congress.

Alternative 1: GSA could take no regulatory action to implement this

[24] The hours estimated are an assumption based on historical familiarization hours and subject matter expert judgement. Subject matter experts include representatives from GSA's Office of Leasing, including Realty Specialists and Leasing Contracting Officers.

[25] The hours estimated are an assumption based on historical familiarization hours and subject matter expert judgement. Subject matter experts include representatives from GSA's Office of Leasing, including Realty Specialists and Leasing Contracting Officers.

[26] GSAR Case 2021–G527.

[27] GSAR Case 2021–G527.

[28] Total costs calculated by GSA.

[29] Total costs calculated by GSA.

statute. However, this alternative would not provide any implementation and enforcement of the important national security measures imposed by the law. Moreover, the general public would not experience the benefits of improved national security resulting from the rule as detailed above in Section VI.(d). As a result, we reject this alternative.

Alternative 2: Federal lessees could send information on their activity directly to Congress, rather than in a centralized approach through the GSA. However, GSA rejects this approach given the likelihood of inconsistent collection and reporting of data along with potential additional costs and burden to government agencies.

Alternative 3: GSA could follow the implementation approach based Section 4 of the Act directing GSA to aggregate disclosures from each Federal lessee one year after the implementation of the plan described in subsection (a) of the Act, and each year thereafter for 9 years, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the implementation of the plan, including the number of disclosures. This is the preferred method, which will allow GSA to help close security loopholes by designing a verification system that identifies a property's owners if the space would be used for high-security purposes. In addition, this rule will help support current best practices being followed more uniformly throughout the Federal government. Finally, this rule ensures that Federal lessees will have the ability to obtain information on foreign ownership and provide it to relevant Federal tenants.

(h) Specific Questions for Comment

To understand the exact scope of the impact of this rule and how this impact could be affected, GSA welcomes input on the following assumptions and questions regarding anticipated impact on affected parties.

Assumption 1: GSA estimates that this rule will impact mainly Federal agencies.

Question 1: If this assumption is not valid, are there industry(s) to which this rule will cause significant impact or disruption?

Assumption 2: The impact of this rule will not significantly change the way current Federal lessors interact with GSA.

Question 2: If this assumption is not valid, to what extent will this rule, specifically the revised elements of FMR 102.73, change how you interact with GSA?

List of Subjects in 41 CFR Part 102–73

Administrative practice and procedure, Federal buildings and facilities, Rates and fares.

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy.

Therefore, GSA proposes amending 41 CFR part 102–73 as set forth below:

PART 102–73—REAL ESTATE ACQUISITION

■ 1. The authority citation for 41 CFR part 102–73 is revised to read as follows:

Authority: 40 U.S.C. 121(c); Sec. 3(c), Reorganization Plan No. 18 of 1950 (40 U.S.C. 301 note); Sec. 1–201(b), E.O. 12072, as amended by E.O. 13946, 85 FR 52879, Aug 27, 2020; Subpart D Authority Pub. L. 116–276, 134 Stat. 3362.

■ 2. Revise 102–73.5 to read as follows:

§ 102–73.5 What is the scope of this part?

The real property policies contained in this part apply to Federal agencies, including GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services; except for subpart D, which applies to Federal agencies exercising independent lease authority in addition to those operating under or subject to the authorities of the Administrator of General Services.

■ 3. Add subpart D to part 102–73 to read as follows:

Subpart D—Secure Federal Leases From Espionage and Suspicious Entanglements Act, Public Law 116–276

Authority

Definitions

Applicability

Information Collection

Subpart D—Secure Federal Leases From Espionage and Suspicious Entanglements Act, Public Law 116–276

Authority

§ 102–73.310 What are the governing authorities for this subpart?

The governing authorities are the Secure Federal Leases from Espionage And Suspicious Entanglements Act, Public Law 116–276, 134 Stat. 3362 (2020) (the ''Secure Federal LEASEs Act'') and 40 U.S.C. 121(c).

Definitions

§ 102–73.315 What definitions apply to this subpart?

Federal lessee, as defined by the Secure Federal LEASEs Act, means:

(a) The Administrator of General Services, the Architect of the Capitol, or the head of any Federal agency, other than the Department of Defense, that has independent statutory leasing authority; and

(b) Does not include the head of an element of the intelligence community.

Covered entity, as defined by the Secure Federal LEASEs Act, means:

(a) A person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group; or

(b) Any governmental entity or instrumentality of a government.

Beneficial owner means, with respect to a covered entity, an individual who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

(a) Exercises substantial control over the covered entity; or

(b) Owns or controls not less than 25 percent of the ownership interests of the covered entity.

Control means, with respect to a covered entity:

(a) Having the authority or ability to determine how a covered entity is utilized; or

(b) Having some decision-making power for the use of a covered entity.

Highest-level owner means the entity that owns or controls an immediate owner of the offeror or Lessor, or that owns or controls one or more entities that control an immediate owner of the offeror or Lessor. No entity owns or exercises control of the highest-level owner.

Immediate owner means an entity, other than the offeror or Lessor, that has direct control of the offeror or Lessor. Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management,

identity of interests among family members, shared facilities and equipment, and the common use of employees.

Applicability

§ 102–73.320 Who must comply with these provisions?

Each Federal lessee and covered entity must cooperate and comply with these provisions.

Information Collection

§ 102–73.325 What information must a covered entity provide to a Federal lessee?

Sections 3 and 4 of the Secure Federal LEASEs Act require that, before the Government may enter into a lease agreement or novation with an entity for high-security leased space (defined as Facility Security Level III, IV or V), offerors must disclose whether the immediate owner, highest-level owner, or beneficial owner of the leased space, including an entity involved in the financing thereof, is a foreign person or entity, including the country associated with the ownership entity. Other agencies may replicate GSA's approach to this requirement, by referring to the interim rule General Services Administration Acquisition Regulation Case 2021–G527 (86 FR 34966).

§ 102–73.330 What information must a Federal lessee provide to GSA?

Federal lessees must provide the following information when sharing their Secure Federal LEASEs Act disclosures with GSA:

(a) Name of the agency conducting the procurement

(b) Date of disclosure

(c) Solicitation number or Contract number (for novations)

(d) Type of Action (prior to entering a lease or prior to a novation agreement)

(e) Total number of affirmative disclosures made (note—in some instances, there may be more than one owner-of-a-type. If more than one affirmative disclosure is made, include all disclosures)

(f) As part of the total number of disclosures made, was one of the disclosures an affirmative immediate owner disclosure? If so, how many?

(g) As part of the total number of disclosures made, was one of the disclosures an affirmative highest-level owner disclosure? If so, how many?

(h) As part of the total number of disclosures made, was one of the disclosures an affirmative beneficial owner disclosure? If so, how many?

§ 102–73.335 When will Federal lessees provide information to GSA?

Federal lessees will submit the required information on an annual basis.

§ 102–73.340 How will Federal lessees provide information to GSA?

Federal lessees will submit the required information to GSA via email at *SFLA@gsa.gov.*

[FR Doc. 2021–27333 Filed 12–16–21; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1001

Solicitation of New Safe Harbors and Special Fraud Alerts

AGENCY: Office of Inspector General (OIG), Department of Health and Human Services (HHS or the Department).

ACTION: Notification of intent to develop regulations.

SUMMARY: In accordance with section 205 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), this annual notification solicits proposals and recommendations for developing new, or modifying existing, safe harbor provisions under section 1128B(b) of the Social Security Act (the Act), the Federal anti-kickback statute), as well as developing new OIG Special Fraud Alerts.

DATES: To ensure consideration, public comments must be received no later than 5 p.m. on February 15, 2022.

ADDRESSES: In commenting, please refer to file code OIG–1121–N. Because of staff and resource limitations, we cannot accept comments by fax transmission. You may submit comments in one of two ways (no duplicates, please):

1. *Electronically.* You may submit comments electronically at *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions and refer to file code OIG–1121–N.

2. *By regular, express, or overnight mail.* You may send written comments to the following address: OIG, Regulatory Affairs, HHS, Attention: OIG–1121–N, Room 5527, Cohen Building, 330 Independence Avenue SW, Washington, DC 20201. Please allow sufficient time for mailed comments to be received before the close of the comment period.

For information on viewing public comments, please see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Samantha Flanzer, Office of Inspector General, (202) 619–0335.

SUPPLEMENTARY INFORMATION: Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *https://www.regulations.gov.* Follow the search instructions on that website to view public comments.

I. Background

A. OIG Safe Harbor Provisions

Section 1128B(b) of the Act (42 U.S.C. 1320a–7b(b)), the Federal anti-kickback statute, provides for criminal penalties for whoever knowingly and willfully offers, pays, solicits, or receives remuneration to induce or reward, among other things, the referral for or purchase of items or services reimbursable under any of the Federal health care programs, as defined in section 1128B(f) of the Act (42 U.S.C. 1320a–7b(f)). The offense is classified as a felony and is punishable by fines of up to $100,000 and imprisonment for up to 10 years. Violations of the Federal anti-kickback statute also may result in the imposition of civil monetary penalties under section 1128A(a)(7) of the Act (42 U.S.C. 1320a–7a(a)(7)), program exclusion under section 1128(b)(7) of the Act (42 U.S.C. 1320a–7(b)(7)), and liability under the False Claims Act (31 U.S.C. 3729–33).

Because of the broad reach of the statute, stakeholders expressed concern that some relatively innocuous business arrangements were covered by the statute and, therefore, potentially subject to criminal prosecution. In response, Congress enacted section 14 of the Medicare and Medicaid Patient and Program Protection Act of 1987, Public Law 100–93 (note to section 1128B of the Act; 42 U.S.C. 1320a–7b), which requires the development and promulgation of regulations, the so-called safe harbor provisions, that would specify various payment and business practices that would not be subject to sanctions under the Federal anti-kickback statute, even though they potentially may be capable of inducing referrals of business for which payment may be made under a Federal health care program. Since July 29, 1991, there has been a series of final regulations published in the **Federal Register**

establishing safe harbors protecting various payment and business practices.[1] These safe harbor provisions have been developed ''to limit the reach of the statute somewhat by permitting certain non-abusive arrangements, while encouraging beneficial and innocuous arrangements.'' [2] Health care providers and others may voluntarily seek to comply with the conditions of an applicable safe harbor so that they have the assurance that their payment or business practice will not be subject to sanctions under the Federal anti-kickback statute. The safe harbor regulations promulgated by OIG are found at 42 CFR part 1001.

B. OIG Special Fraud Alerts

OIG periodically issues Special Fraud Alerts to give continuing guidance to health care industry stakeholders regarding practices OIG considers to be suspect or of particular concern.[3] Special Fraud Alerts encourage industry compliance by giving stakeholders guidance that can be applied to their own practices. OIG Special Fraud Alerts are published in the **Federal Register**, on OIG's website, or both, and are intended for extensive distribution.

In developing Special Fraud Alerts, OIG relies on several sources and consults directly with experts in the subject field including those within OIG, other agencies of HHS, other Federal and State agencies, and those in the health care industry.

C. Section 205 of the Health Insurance Portability and Accountability Act of 1996

Section 205 of HIPAA, Public Law 104–191, and section 1128D of the Act (42 U.S.C. 1320a-7d), requires the Department to develop and publish an annual notification in the **Federal Register** formally soliciting proposals for developing additional or modifying existing safe harbors to the Federal anti-kickback statute and Special Fraud Alerts.

In developing or modifying safe harbors under the Federal anti-kickback statute, and in consultation with the Department of Justice, OIG thoroughly reviews the range of factual circumstances that may receive protection by the proposed or modified safe harbor. In doing so, OIG seeks to identify and develop safe harbors that protect beneficial and innocuous arrangements and safeguard Federal health care programs and their beneficiaries from the harms caused by fraud and abuse.

II. Solicitation of Additional New Recommendations and Proposals

OIG seeks recommendations regarding the development of additional or modified safe harbor regulations and new Special Fraud Alerts. A detailed explanation of justifications for, or empirical data supporting, a suggestion for a new or modified safe harbor or Special Fraud Alert would be helpful and should, if possible, be included in any response to this solicitation. While OIG welcomes all relevant comments, this solicitation is separate and distinct from the Request for Information entitled ''OIG Modernization Initiative To Improve Its Publicly Available Resources,'' published in the **Federal Register** on September 24, 2021 (RFI).[4] Commenters need not duplicate comments submitted in response to OIG's RFI.

A. Criteria for Modifying and Establishing Safe Harbor Provisions

In accordance with section 205 of HIPAA, we will consider a number of factors in reviewing proposals for additional or modified safe harbor provisions, such as the extent to which the proposals would affect an increase or decrease in:

- Access to health care services,
- the quality of health care services,
- patient freedom of choice among health care providers,
- competition among health care providers,
- the cost to Federal health care programs,
- the potential overutilization of health care services, and
- the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

In addition, we will consider other factors including, for example, the existence (or nonexistence) of any potential financial benefit to health care professionals or providers that may influence their decision whether to: (1) Order a health care item or service or (2) arrange for a referral of health care items or services to a particular practitioner or provider.

B. Criteria for Developing Special Fraud Alerts

In determining whether to issue additional Special Fraud Alerts, we will consider whether and to what extent the practices that would be identified in a new Special Fraud Alert may result in any of the consequences set forth above, as well as the volume and frequency of the conduct that would be identified in the Special Fraud Alert.

Dated: December 2, 2021.

Christi A. Grimm,

Principal Deputy Performing Duties of the Inspector General.

[FR Doc. 2021–27314 Filed 12–16–21; 8:45 am]

BILLING CODE 4152–01–P

[1] *See e.g.,* Medicare and State Health Care Programs: Fraud and Abuse; Revisions to the Safe Harbors Under the Anti-Kickback Statute and Civil Monetary Penalty Rules Regarding Beneficiary Inducements, 81 FR 88368 (Dec. 7, 2016).

[2] Medicare and State Health Care Programs: Fraud and Abuse; OIG Anti-Kickback Provisions, 56 FR 35952, 35958 (July 29, 1991).

[3] *See e.g.,* Special Fraud Alert: Speaker Programs (Nov. 16, 2020), *available at https://oig.hhs.gov/fraud/docs/alertsandbulletins/2020/SpecialFraudAlertSpeakerPrograms.pdf.*

[4] OIG, OIG Modernization Initiative To Improve Its Publicly Available Resources—Request for Information, 86 FR 53072 (Sept. 24, 2021).

Notices

Federal Register
Vol. 86, No. 240
Friday, December 17, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Washington Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Washington Advisory Committee (Committee) will hold a meeting via web teleconference on Wednesday, January 19, 2022, from 2:00 p.m. to 3:00 p.m. Pacific, for the purpose of discussing post-report Committee activities.

DATES: The meeting will be held on:

- Wednesday, January 19, 2022, from 2:00 p.m.–3:00 p.m. PT.

ADDRESSES: *Public Webex Registertion Link: https://tinyurl.com/yckcca4u.*

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO), at *bpeery@usccr.gov* or by phone at (202) 701–1376.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the public WebEx registration link listed above. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Brooke Peery at *bpeery@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit Office/Advisory Committee Management Unit at (202) 701–1376.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkZAAQ.*

Please click on the ''Meeting Details'' and ''Documents'' links. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email address.

Agenda

I. Welcome & Roll Call
II. Approval of Minutes
III. Discussion of Post-Report
IV. Public Comment
V. Adjournment

Dated: December 13, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–27321 Filed 12–16–21; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2122]

Reorganization of Foreign-Trade Zone 145 Under Alternative Site Framework, Shreveport, Louisiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Caddo-Bossier Parishes Port Commission, grantee of Foreign-Trade Zone 145, submitted an application to the Board (FTZ Docket B–48–2021, docketed June 22, 2021) for authority to reorganize under the ASF with a service area of Caddo and Bossier Parishes, Louisiana, in and adjacent to the Shreveport Customs and Border Protection port of entry, and FTZ 145's existing Sites 1 and 2 would be categorized as magnet sites;

Whereas, notice inviting public comment was given in the **Federal Register** (86 FR 33979–33980, June 28, 2021) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 145 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Site 1 if not activated within five years from the month of approval.

Dated: December 13, 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, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2021–27325 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2121]

Reorganization of Foreign-Trade Zone 252 Under Alternative Site Framework, Amarillo, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the City of Amarillo, grantee of Foreign-Trade Zone 252, submitted an application to the Board (FTZ Docket B–47–2021, docketed June 22, 2021) for authority to reorganize under the ASF with a service area of Armstrong, Oldham, Potter and Randall Counties, Texas, in and adjacent to the Amarillo U.S. Customs and Border Protection port of entry, and FTZ 252's existing Sites 1 through 10 would be categorized as magnet sites;

Whereas, notice inviting public comment was given in the **Federal Register** (86 FR 34200–34201, June 29, 2021) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 252 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Sites 2 through 10 if not activated within five years from the month of approval.

Dated: December 13, 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, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2021–27327 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–857]

Raw Honey From Brazil: Amended Preliminary Determination of Sales at Less Than Fair Value

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

SUMMARY: On November 23, 2021, the Department of Commerce (Commerce) published its preliminary determination in the less-than-fair-value (LTFV) investigation of raw honey from Brazil in the **Federal Register**. Commerce is amending this preliminary determination to correct a significant ministerial error.

DATES: Applicable December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Justin M. Neuman or Genevieve Coen, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0486 or (202) 482–3251, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 23, 2021, Commerce published in the **Federal Register** the preliminary determination in the LTFV investigation of raw honey from Brazil.[1] Also on this same date, one of the mandatory respondents in the case, Supermel,[2] filed a timely ministerial error allegation concerning the *Preliminary Determination*.[3]

Period of Investigation

The period of investigation is April 1, 2020, through March 31, 2021.

Scope of the Investigation

The product covered by this investigation is raw honey from Brazil. For a complete description of the scope of this investigation, *see* the appendix.

Significant Ministerial Error

In accordance with 19 CFR 351.224(e), Commerce ''will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination. . .'' A ministerial error is defined in 19 CFR 351.224(f) as ''an error in addition, subtraction, or other arithmetic function clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.'' A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa.[4]

Ministerial Error Allegations

Supermel timely alleged that Commerce made a ministerial error involving the calculation of Supermel's general and administrative (G&A) expenses and interest expenses. Supermel alleged that Commerce, in calculating these expenses, treated the company's reported per-kilogram figures as expense ratios, rather than as absolute amounts, and then it used the resulting expenses in its sales-below-cost test and constructed value calculations; Supermel alleges that this inflated the preliminary weighted-average dumping margin calculation for Supermel.[5] After analyzing this allegation, we determine that we made a significant ministerial error in the *Preliminary Determination* with respect

[1] *See Raw Honey from Brazil: Preliminary Affirmative Determination of Sales at Less-Than-Fair-Value Investigation, Postponement of Final Determination, and Extension of Provisional Measures,* 86 FR 66533 (November 23, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] Supermel is comprised of two entities: Apiário Diamante Comercial Exportadora Ltda and Apiário Diamante Produção e Comercial de Mel Ltda. *See* Memorandum, ''Less-Than-Fair-Value Investigation of Raw Honey from Brazil: Preliminary Affiliation and Single Entity Memorandum for Apiário Diamante Comercial Exportadora Ltda and Apiário Diamante Produção e Comercial de Mel Ltda,'' (Single Entity Memorandum) dated November 17, 2021.

[3] *See* Supermel's Letter, ''Anti-Dumping Duty Investigation of Raw Honey from Brazil: Supermel's Ministerial Error Comments,'' dated November 23, 2021 (Supermel's Ministerial Error Allegations).

[4] *See* 19 CFR 351.224(g)(1) and (2).

[5] *See* Supermel's Ministerial Error Allegations at 2–3.

to the application of Supermel's G&A and interest expenses.[6] For a detailed discussion of the aforementioned ministerial error allegation, as well as Commerce's analysis of Supermel's comments, see the Ministerial Error Memorandum.

Pursuant to 19 CFR 351.224(g)(1), Commerce's failure to apply Supermel's G&A and interest expenses is significant because its correction results in a change of at least five absolute percentage points in, but not less than 25 percent of, the estimated weighted-average dumping margin calculated in the *Preliminary Determination* (*i.e.,* a change from an estimated weighted-average dumping margin of 29.61 percent to 10.52 percent). Therefore, we are correcting the ministerial error and amending our *Preliminary Determination* accordingly.[7]

Amended Preliminary Determination

We are amending the *Preliminary Determination* to reflect the correction of a significant ministerial error made in the margin calculation for Supermel in accordance with 19 CFR 351.224(e). In addition, because the preliminary all-others rate was based, in part, on the estimated weighted-average dumping margin calculated for Supermel, we are also amending the all-others rate.[8] As a result of the correction of the ministerial error, the revised estimated weighted-average dumping margin for Supermel and the revised all-others rate are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Apiário Diamante Comercial Exportadora Ltda/Apiário Diamante Produção e Comercial de Mel Ltda[9]	10.52
All Others	9.38

[6] *See* Memorandum, ''Antidumping Duty Investigation of Raw Honey from Brazil: Allegation of a Ministerial Error in the Preliminary Determination,'' dated concurrently with this notice (Ministerial Error Memorandum).

[7] *Id.*

[8] In the *Preliminary Determination,* the rate calculated for the other mandatory respondent, Melbras Importadora E Exportadora Agroindustrial Ltda., was 7.89 percent. This rate was used along with Supermel's amended preliminary rate to establish the amended all-others rate, 9.38 percent. *See* Memorandum, ''Less-Than-Fair-Value Investigation of Raw Honey from Brazil: Amended Calculation of All-Others Rate,'' dated concurrently with this notice.

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates established in this amended preliminary determination, in accordance with section 733(d) of the Tariff Act of 1930, as amended (the Act). Because these amended rates result in reduced cash deposit rates, they will be effective retroactively to November 23, 2021, the date of publication of the *Preliminary Determination.*

International Trade Commission Notification

In accordance with section 733(f) of the Act, we intend to notify the International Trade Commission of our amended preliminary determination.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the amended preliminary determination, in accordance with 19 CFR 351.224.

Notification to Interested Parties

This amended preliminary determination is issued and published in accordance with sections 733(f) and 777(i) of the Act, and 19 CFR 351.224(e).

Dated: December 10, 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 Investigation

The merchandise covered by this investigation is raw honey. Raw honey is honey as it exists in the beehive or as obtained by extraction, settling and skimming, or coarse straining. Raw honey has not been filtered to a level that results in the removal of most or all of the pollen, *e.g.,* a level that removes pollen to below 25 microns. The subject products include all grades, floral sources and colors of raw honey and also include organic raw honey.

Excluded from the scope is any honey that is packaged for retail sale (*e.g.,* in bottles or other retail containers of five (5) lbs. or less).

The merchandise subject to this investigation is currently classifiable under statistical subheading 0409.00.0005, 0409.00.0035, 0409.00.0045, 0409.00.0056, and 0409.00.0065 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[9] As discussed in the *Preliminary Determination* and the Single Entity Memorandum, we have determined that Apiário Diamante Comercial Exportadora Ltda and Apiário Diamante Produção e Comercial de Mel Ltda are affiliated and should be treated as a single entity.

[FR Doc. 2021–27375 Filed 12–16–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979, C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Changed Circumstances Reviews, and Revocation of the Antidumping and Countervailing Duty Orders, in Part

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

SUMMARY: The Department of Commerce (Commerce) is revoking, in part, the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) with respect to certain off-grid small portable crystalline silicon photovoltaic (CSPV) panels.

DATES: Applicable December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Hanna, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0835.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published the AD and CVD orders on solar cells from China.[1] On December 4, 2020, SOURCE Global, PBC (SOURCE Global), a U.S. importer of subject merchandise, requested, through changed circumstances reviews (CCRs), revocation of the *Orders* with respect to certain off-grid small portable CSPV panels, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).[2]

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012) (*AD Order*); *see also Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012) (*CVD Order*) (collectively, *Orders*).

[2] *See* SOURCE Global's Letter, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's

Continued

On March 15, 2021, Commerce initiated the requested CCRs.[3] In the *Initiation Notice,* we invited interested parties to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language. We received no comments or factual information. On June 23, 2021, Commerce published notice of the preliminary results of these CCRs of the *Orders* and its intent to revoke the *Orders,* pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(b), with respect to certain off-grid small portable CSPV panels.[4] We invited interested parties to comment on the *Preliminary Results.* On July 12, 2021, Commerce received comments from SOURCE Global.[5]

Final Results of Changed Circumstances Reviews and Revocation of the Orders, in Part

In its comments, SOURCE Global agreed with, and supported, Commerce's *Preliminary Results* and requested that Commerce apply the revocation to the earliest possible date.[6] Because no party submitted comments opposing the preliminary results of these CCRs, and the record contains no other information or evidence that calls into question the *Preliminary Results,* Commerce determines, pursuant to sections 751(d)(1) and 782(h) of the Act, and 19 CFR 351.222(g), that there are changed circumstances that warrant revocation of the *Orders,* in part. Specifically, because the producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain have not expressed interest in maintaining the relief provided by the *Orders* with respect to the off-grid small portable CSPV panels, as described below, Commerce is revoking the *Orders,* in part, with respect to the following off-grid small portable CSPV panels:

Off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics, whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

(A) A total power output of no more than 80 watts per panel;

(B) A surface area of less than 5,000 square centimeters (cm^2) per panel;

(C) Do not include a built-in inverter;

(D) Do not have a frame around the edges of the panel;

(E) Include a clear glass back panel; and

(F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

The scope description will henceforth include the exclusion language articulated above.

Scope of the Orders

The merchandise covered by the *Orders* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

The *Orders* cover crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the *Orders.*

Excluded from the scope of the *Orders* are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of the *Orders* are crystalline silicon photovoltaic cells, not exceeding 10,000 mm^2 in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the *Orders* are panels with surface area from 3,450 mm^2 to 33,782 mm^2 with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Also excluded from the scope of the *Orders* are:

1. Off grid CSPV panels in rigid form with a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm^2 per panel;

(C) do not include a built-in inverter;

(D) must include a permanently connected wire that terminates in either an 8mm male barrel connector, or a two-port rectangular connector with two pins in square housings of different colors;

(E) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and

2. Off grid CSPV panels without a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm^2 per panel;

(C) do not include a built-in inverter;

(D) must include visible parallel grid collector metallic wire lines every 1–4 millimeters across each solar cell; and

(E) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics: (i) The panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB–A connector.

In addition, the following CSPV panels are excluded from the scope of the *Orders:*

Off-grid CSPV panels in rigid form with a glass cover, with each of the following physical characteristics,

Republic of China; Request for Changed Circumstances Review on Certain Off-Grid Portable Small Panels and Consumer Products Containing Such Panels,'' dated December 4, 2020.

[3] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part,* 86 FR 16585 (March 30, 2021) (*Initiation Notice*).

[4] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke the Antidumping and Countervailing Duty Orders, in Part,* 86 FR 33982 (June 28, 2021) (*Preliminary Results*).

[5] *See* SOURCE Global's Letter, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China; SOURCE Global, PBC Changed Circumstances Review Request; SOURCE Global, PBC Comments on Preliminary Results of Reviews,'' dated July 12, 2021 (SOURCE Global's Comments).

[6] *Id.* at 4.

whether or not assembled into a fully completed off-grid hydropanel whose function is conversion of water vapor into liquid water:

(A) A total power output of no more than 80 watts per panel;

(B) A surface area of less than 5,000 square centimeters (cm^2) per panel;

(C) Do not include a built-in inverter;

(D) Do not have a frame around the edges of the panel;

(E) Include a clear glass back panel; and

(F) Must include a permanently connected wire that terminates in a two-port rectangular connector.

Modules, laminates, and panels produced in a third-country from cells produced in China are covered by the *Orders;* however, modules, laminates, and panels produced in China from cells produced in a third-country are not covered by the *Orders.*

Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* is dispositive.[7]

Application of the Final Results of Reviews

SOURCE Global requested that Commerce apply the final results of these reviews to ''all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or automatic liquidation instruction.'' [8] Section 751(d)(3) of the Act provides that ''{a} determination under this section to revoke an order . . . shall apply with respect to unliquidated entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date determined by the administering authority.'' Commerce's general practice is to instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to antidumping and countervailing duties, and to refund any estimated antidumping and countervailing duties on, all unliquidated entries of the merchandise covered by a revocation that are not covered by the final results of an administrative review or automatic liquidation.[9]

Consistent with this practice, we are applying the final results of these CCRs to all unliquidated entries of the merchandise covered by the revocations which have been entered, or withdrawn from warehouse, for consumption on or after December 1, 2020, for the *AD Order,* and January 1, 2020, for the *CVD Order.* These are the beginning dates of the earliest periods of review not covered by the final results of an administrative review or automatic liquidation instructions (*i.e.,* December 1, 2020 through November 30, 2021 for the *AD Order* and January 1, 2020 through December 31, 2020 for the *CVD Order*).

Instructions to CBP

Because we determine that there are changed circumstances that warrant the revocation of the *Orders,* in part, we will instruct CBP to liquidate without regard to antidumping and countervailing duties, and to refund any estimated antidumping and countervailing duties on, all unliquidated entries of the merchandise covered by this partial revocation on or after December 1, 2020, for purposes of the *AD Order* and January 1, 2020, for purposes of the *CVD Order.*

Commerce intends to issue instructions to CBP no earlier than 35 days after the date of publication of these final results of CCRs in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the 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).

Notification to Interested Parties

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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 sanctionable violation.

We are issuing and publishing these final results of CCRs in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: December 10, 2021.

Ryan Majerus,

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

[FR Doc. 2021–27326 Filed 12–16–21; 8:45 am]

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[7] *See Solar Cells Orders.*

[8] *See* SOURCE Global's Comments at 5.

[9] *See, e.g., Certain Pasta from Italy: Final Results of Countervailing Duty Changed Circumstances Review and Revocation, In Part,* 76 FR 27634 (May 12, 2011); *Stainless Steel Bar from the United Kingdom: Notice of Final Results of Changed Circumstances Review and Revocation of Order, in Part,* 72 FR 65706 (November 23, 2007); *Notice of Final Results of Antidumping Duty Changed Circumstances Review and Revocation of Order In Part: Certain Corrosion-Resistant Carbon Steel Flat Products from Germany,* 71 FR 66163 (November 13, 2006); *Notice of Final Results of Antidumping Duty Changed Circumstances Reviews and Revocation of Orders in Part: Certain Corrosion-Resistant Carbon Steel Flat Products from Canada and Germany,* 71 FR 14498 (March 22, 2006); and *Notice of Final Results of Antidumping Duty Changed Circumstances Review, and Determination to Revoke Order in Part: Certain Cased Pencils from the People's Republic of China,* 68 FR 62428 (November 4, 2003).

DEPARTMENT OF COMMERCE

International Trade Administration

Limitation of Duty-Free Imports of Apparel Articles Assembled in Haiti Under the Caribbean Basin Economic Recovery Act (CBERA), as Amended by the Haitian Hemispheric Opportunity Through Partnership Encouragement Act (HOPE)

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notification of annual quantitative limit on imports of certain apparel from Haiti.

SUMMARY: CBERA, as amended, provides duty-free treatment for certain apparel articles imported directly from Haiti. One of the preferences is known as the ''value-added'' provision, which requires that apparel meet a minimum threshold percentage of value added in Haiti, the United States, and/or certain beneficiary countries. The provision is subject to a quantitative limitation, which is calculated as a percentage of total apparel imports into the United States for each 12-month period. For the period from December 20, 2021 through December 19, 2022, the quantity of imports eligible for preferential treatment under the value-added provision is 367,770,223 square meters equivalent.

DATES: The new limitations become effective December 20, 2021.

FOR FURTHER INFORMATION CONTACT: Laurie Mease, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2043.

SUPPLEMENTARY INFORMATION:

Authority: Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) (''CBERA''), as amended; and as implemented by

Presidential Proc. No. 8114, 72 FR 13655 (March 22, 2007), and No. 8596, 75 FR 68153 (November 4, 2010).

Background: Section 213A(b)(1)(B) of CBERA, as amended (19 U.S.C. 2703a(b)(1)(B)), outlines the requirements for certain apparel articles imported directly from Haiti to qualify for duty-free treatment under a ''value-added'' provision. In order to qualify for duty-free treatment, apparel articles must be wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns, as long as the sum of the cost or value of materials produced in Haiti or one or more beneficiary countries, as described in CBERA, as amended, or any combination thereof, plus the direct costs of processing operations performed in Haiti or one or more beneficiary countries, as described in CBERA, as amended, or any combination thereof, is not less than an applicable percentage of the declared customs value of such apparel articles. Pursuant to CBERA, as amended, the applicable percentage for the period December 20, 2021 through December 19, 2022 is 60 percent.

For every twelve-month period following the effective date of CBERA, as amended, duty-free treatment under the value-added provision is subject to a quantitative limitation. CBERA, as amended, provides that the quantitative limitation will be recalculated for each subsequent 12-month period. Section 213A(b)(1)(C) of CBERA, as amended (19 U.S.C. 2703a(b)(1)(C)), requires that, for the twelve-month period beginning on December 20, 2021, the quantitative limitation for qualifying apparel imported from Haiti under the value-added provision will be an amount equivalent to 1.25 percent of the aggregate square meter equivalent of all apparel articles imported into the United States in the most recent 12-month period for which data are available. The aggregate square meters equivalent of all apparel articles imported into the United States is derived from the set of Harmonized System lines listed in the Annex to the World Trade Organization Agreement on Textiles and Clothing (''ATC''), and the conversion factors for units of measure into square meter equivalents used by the United States in implementing the ATC.

For purposes of this notice, the most recent 12-month period for which data are available as of December 20, 2021 is the 12-month period ending on October 31, 2021.

Therefore, for the one-year period beginning on December 20, 2021 and extending through December 19, 2022, the quantity of imports eligible for preferential treatment under the value-added provision is 367,770,223 square meters equivalent. Apparel articles entered in excess of these quantities will be subject to otherwise applicable tariffs.

Paul E. Morris,

Acting Deputy Assistant Secretary for Textiles, Consumer Goods, and Materials.

[FR Doc. 2021–27311 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Cybersecurity Center of Excellence (NCCoE) Participant Letter(s) of Interest (LoI)

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the 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. Public comments were previously requested via the **Federal Register** on September 30, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: National Cybersecurity Center of Excellence (NCCoE) Participant Letter(s) of Interest (LoI).

OMB Control Number 0693–0075.

Form Number(s): None.

Type of Request: Regular, revision of a currently approved information collection.

Number of Respondents: 120.

Average Hours per Response: 2 hours per response.

Burden Hours: 240 Hours.

Needs and Uses: New collaborative projects to address specific cybersecurity challenges. Technology providers having an interest in participating in an announced project are invited to submit Letters of Interest (LoI) in participation. NIST provides a LoI template to technology providers that express a desire to participate in a project.

Affected Public: Business or other for profit.

Frequency: Once per announcement.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0693–0075.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–27383 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Voluntary Laboratory Accreditation Program Information Collection System

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on September 30, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: National Voluntary Laboratory Accreditation Program (NVLAP) Information Collection System.

OMB Control Number 0693–0003.

Form Number(s): None.

Type of Request: Regular, revision of a currently approved information collection.

Number of Respondents: 650.

Average Hours per Response: 3 hours.

Burden Hours: 1,950.

Needs and Uses: This information is collected from all testing and calibration laboratories that apply for National Voluntary Laboratory Accreditation Program (NVLAP) accreditation. It is used by NVLAP to assess laboratory conformance with applicable criteria as defined in 15 CFR part 285, Section 285.14. The information provides a service to customers in business and industry, including regulatory agencies and purchasing authorities that are seeking competent laboratories to perform testing and calibration services. An accredited laboratory's contact information and scope of accreditation are provided on NVLAP's website (*http://www.nist.gov/nvlap*).

Affected Public: Business or other for-profit organizations; not-for-profit institutions; and Federal, State or local government.

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0693–0003.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–27386 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–13–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; Emergency Beacon Registrations

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 15, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0295 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to: LT Marisa Gedney, SARSAT Operations Support Officer, NOAA/NESDIS/SARSAT, NSOF. E/SPO53 4231 Suitland Rd, Suitland, MD 20746, (202) 709–3202, *OPS.SARSAT@NOAA.GOV.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States, Canada, France, and Russia operate the Search and Rescue Satellite-Aided Tracking (COSPAS/SARSAT), a satellite system with equipment that can detect and locate ships, aircraft and individuals in distress if an emergency radio beacon is being carried. This system is used to detect digitally encoded signals in the 406.000–406.100 MHz range, coming from these emergency beacons. The 406.000–406.100 MHz beacons transmit a unique identifier, making possible the ability to combine previously collected data associated with that beacon and transmit this vital data along with the beacon's position to the appropriate rescue coordination center.

Persons buying 406.000–406.100 MHz emergency radio beacons are required to register them with NOAA prior to installation. These requirements are contained in Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402.

The registration data is used to facilitate a rescue and to suppress the costly consequences of false alarms, which if unsuppressed would initiate the launch of a rescue mission and thereby deplete limited resources and possibly result in the loss of lives. This is accomplished through the use of the data provided to the rescue forces from the beacon registration database maintained by the NOAA's United States Mission Control Center (USMCC) for Search and Rescue, to contact the distressed person(s) or alternate party via a phone call or radio broadcast. Other data provides rescuers with descriptive material of the element in distress. The registration information must be kept up-to-date.

Four registration forms are used. The EPIRB (Emergency Position Indicating Radio Beacon) form is used for nautical beacons. The ELT (Emergency Locator Transmitter) form is used for aircraft beacons. The PLB (Personal Locator Beacon) is used to register portable beacons carried by individuals. Ship Security Alerting System (SSAS) beacons are carried aboard ships, are similar to EPIRBs and are used in the event of an emergency situation such as piracy or terrorism.

These forms are being updated in response to the development of 406MHz second generation beacons (SGBs), which are in development and are projected to be available to the public in 2023. Changes to the forms are as follows:

23-Hex Beacon ID line: SGBs have 23-character hexadecimal unique identifiers. NOAA's 406 MHz Beacon Registration Database (RGDB) currently allows registrations for first generation beacons (FGBs) that contain 15-character hexadecimal identifiers. Once SGBs are on the market, beacon owners will have the capability to register either FGBs or SGBs in the RGDB. Even though each registration will be for only one beacon ID, the hardcopy registration form must contain separate lines for FGBs and SGBs due to the differing number of characters and their presentation on manufacture labels and packaging—FGB IDs are presented in

groups of 5–5–5 and SGB IDs will be 6–6–6–5.

Old 23-Hex ID: This field was added to enable registration of a replacement SGB beacon. The RGDB will continue to capture data for both FGB and SBG replacements.

Beacon Serial No.: This field was added to capture the beacon's serial number, which appears on the manufacturer-supplied label and/or on the beacon or its packaging. The serial number provides additional verification of the beacon ID and can be used by RGDB staff to resolve cases of incorrect or duplicate beacon IDs.

Other: An Automatic Identification System (AIS) Maritime Mobile Service Identity (MMSI) number was added to the EPIRB form. The following fields were added to the PLB form to provide additional pertinent information to search and rescue (SAR) forces: Radio Call Sign (on EPIRB form), Vessel MMSI # (on EPIRB form), AIS MMSI # (just added to EPIRB form), and Aircraft Registration (Tail) No. (on ELT form).

II. Method of Collection

Respondents may either: (1) Obtain the forms electronically via the internet at *https://beaconregistration.noaa.gov,* download, complete, sign and mail or fax or (2) register directly on the website, in which case the signature requirement is waived.

III. Data

OMB Control Number: 0648–0295.

Form Number(s): None.

Type of Review: Regular submission: Revision.

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents: 337,241.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 84,311.

Estimated Total Annual Cost to Public: $2,282,298.77.

Respondent's Obligation: Mandatory.

Legal Authority: Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402.

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. 2021–27399 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Availability of a Draft Management Plan and Draft Environmental Assessment for the Channel Islands National Marine Sanctuary; Announcement of Public Meetings

AGENCY: Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of availability and public meetings.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) has prepared a draft management plan (DMP) as part of the Channel Islands National Marine Sanctuary (CINMS or sanctuary) management plan review. The DMP, which replaces a 2009 sanctuary management plan, addresses current and emerging threats in CINMS and reflects changes in new science and technologies, how people use the sanctuary, and community needs. The DMP supports continued protection of sanctuary resources through enforcement of existing sanctuary regulations, education and outreach strategies that promote ocean stewardship, and community-inclusive involvement. Consistent with the information provided in the 2019 Notice of Intent, NOAA is not proposing modifications to the sanctuary regulations at this time, but may consider regulatory changes in the future. NOAA also prepared a draft environmental assessment (DEA), which evaluates the environmental impacts of implementing the DMP, ongoing field activities, and the existing sanctuary regulations. NOAA is soliciting public comments on the DMP and DEA at this time.

DATES: Comments are due by February 24, 2022. NOAA will host virtual public scoping meetings at the following dates and times:

- Tuesday, January 18, 2022, 6 p.m.–8 p.m. Pacific Time
- Thursday, January 27, 2022, 6 p.m.–8 p.m. Pacific Time

NOAA may end a meeting before the time noted above if all those participating have completed their oral comments.

ADDRESSES: You may submit comments on the DMP and DEA by the following methods:

- *Electronic Submission: Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and enter ''NOAA–NOS–2019–0110'' in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Written comments may also be mailed to NOAA/CINMS, UCSB Ocean Science Education, Building 514/MC 6155, Santa Barbara, California 93106, Attn: Chris Mobley, Superintendent.
- *Public Scoping Meetings:* Provide oral comments during virtual public scoping meetings, as described under **DATES**. Webinar registration details and additional information about how to participate in these public scoping meetings is available at *https://channelislands.noaa.gov/manage/plan/revision.html.*

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personally identifiable information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive

information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Michael Murray, Deputy Superintendent for Programs, Channel Islands National Marine Sanctuary, 805–893–6418, *cinmsmanagementplan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Channel Islands National Marine Sanctuary (CINMS or sanctuary) surrounds five of the eight Channel Islands: San Miguel, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara off the coast of California. The sanctuary encompasses 1,470 square miles (3,807 square kilometers) of ocean extending an average distance of 6 nautical miles (11.1 kilometers) from island shorelines, and at its deepest point, reaches 5,597 feet (1,706 meters). The sanctuary is home to numerous species of marine mammals, seabirds, fishes, invertebrates, and algae in a remarkably productive coastal environment. Within its boundary is a rich array of habitats, from rugged rocky shores and lush kelp forests to deep canyons and seagrass beds. These habitats abound with life, from tiny microscopic plants to enormous blue whales. The islands and surrounding sanctuary waters have been, and remain, sacred to Indigenous Chumash people. In addition, while the offshore location of the sanctuary limits human presence, the area supports a variety of human uses, such as recreation, tourism, commercial fishing, research, and education.

II. Management Plan Review

The purpose of this management plan review is to fulfill the purposes and policies outlined in Section 301(b) of the National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431(b)) in order to protect and manage the resources of the sanctuary. As required by Section 304(e) of the NMSA (16 U.S.C. 1434(e)), a management plan review enables NOAA to evaluate the substantive progress toward implementing the sanctuary's existing management plan and the goals for the sanctuary and to revise the sanctuary's management plan and regulations as necessary to fulfill the purposes and policies of the NMSA. A revised sanctuary management plan enables NOAA's Office of National Marine Sanctuaries (ONMS) to adjust the allocation of time and resources to focus on new priority issues, partnerships, technologies and opportunities that have emerged since the existing sanctuary management was published. A revised management plan also prioritizes use of collaborative and community-based approaches to pursuing sanctuary goals, supported by a variety of partnerships with government agencies, scientific entities, Tribal communities, non-governmental organizations (NGOs), and sanctuary volunteers and advisory council members.

Proposed updates to the CINMS management plan are based on ONMS evaluation and advisory council input on the current management plan, analysis of comments received during public scoping, and findings from the latest CINMS condition report. While the condition report, using quantitative data gathered through 2016, found overall that sanctuary resources were doing well in comparison to many other ocean areas, it also highlighted several pressures and activities causing impacts, such as vessel traffic, introduction of non-native species, ocean noise, marine debris, harmful algal blooms, and climate-driven changes to ocean conditions. The condition report's ecosystem services assessment also provided an important reminder about the unique and profound value of the sanctuary environment to the Chumash people.

III. Action Plans

The DMP includes ten action plans covering issue- and program-based themes that would guide sanctuary staff over the coming five to ten years. Across these action plans, ONMS also emphasizes four important cross-cutting themes and approaches: Addressing climate change, fostering diversity and inclusion, relying on partnerships and collaborations, and supporting community-based engagement.

1. *Climate Change:* Sanctuary waters, as well as surrounding coastal areas and communities, are experiencing climate-related stressors (*e.g.,* ocean acidification, thermal stress, and hypoxia) that will increase in frequency and intensity over the coming decades. This action plan outlines strategies to better understand and mitigate the effects of climate change on sanctuary resources through capacity building and collaborative partnerships.

2. *Marine Debris:* This action plan prioritizes the assessment of marine debris within CINMS and development of a better understanding of how marine debris affects sanctuary resources. Strategies include sustaining and expanding island shoreline cleanup efforts, pursuing collaborative efforts with the local fishing community, and implementing education and outreach initiatives with partners.

3. *Vessel Traffic:* A wide array of public and private vessels carry visitors and cargo while transiting through the sanctuary year-round. This action plan outlines strategies to facilitate vessel activity while protecting sanctuary resources. Some strategies include engaging boaters and the shipping industry, tracking and monitoring vessel traffic, and enacting policies to foster safe navigation and protect sanctuary resources in coordination with other agencies and partners.

4. *Zone Management:* This action plan focuses on implementing effective management and enforcement strategies of existing protective zones established within the sanctuary, including but not limited to the Channel Islands network of marine reserves and conservation areas designated by NOAA and the State of California.

5. *Introduced Species:* Introduced species are an increasingly common global threat, and the rate of invasion of introduced species continues to accelerate. The strategies in this action plan outline efforts to reduce the introduction, spread, and establishment of introduced species, and to track, study and, where possible, control populations of introduced species already introduced or established in the sanctuary.

6. *Education and Outreach:* This action plan seeks to increase appreciation and stewardship of sanctuary resources by building greater public understanding, engagement, and awareness throughout diverse coastal communities adjacent to the sanctuary. This action plan also focuses on support for sanctuary recreational activities and tourism.

7. *Research and Monitoring:* To expand our understanding of the sanctuary ecosystems, this action plan outlines five strategies for research and monitoring that are responsive to existing resource protection and management concerns, yet are also forward-looking to support ecosystem-based management decision making, resource protection initiatives, and education and outreach programs.

8. *Resource Protection:* This action plan identifies five strategies to reduce human impacts to marine wildlife and other sanctuary resources. Through collaborative management with local stakeholders and in partnership and consultation with relevant local, State and Federal government agencies, this action plan seeks to protect the biological, historical and cultural

resources in the sanctuary from known, emerging, and future unknown threats.

9. *Cultural Resources and Maritime Heritage:* To identify, protect, and raise awareness of the maritime cultural, historical, and archeological resources within the sanctuary, this action plan proposes to improve the sanctuary's collaborative partnership with members of the Chumash community, as well as inventory and monitor historic shipwreck and aircraft wreck sites.

10. *Operations and Administration:* This action plan addresses the necessary operational and administrative activities required for implementing an effective program, including staffing, infrastructure needs, and operational improvements.

IV. National Environmental Policy Act (NEPA) Compliance

As required under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), NOAA has prepared a DEA to evaluate the potential impacts on the human environment of implementing NOAA's proposed action. The proposed action is to update NOAA's management activities conducted within CINMS that relate to research, monitoring, education, outreach, community engagement, and resource protection. The proposed management activities include revising the sanctuary management plan and implementing routine field activities and existing sanctuary regulations. No significant impacts to resources and the human environment are expected to result from this proposed action. Accordingly, under NEPA, an Environmental Assessment is the appropriate document to analyze the potential impacts of this action. Following the close of the public comment period and the satisfaction of consultation requirements under any applicable natural and cultural resource statutes, NOAA will finalize its NEPA analysis and prepare a final NEPA document and decision document.

NOAA is seeking public comment on the DMP and DEA, which are available at *https://channelislands.noaa.gov/manage/plan/revision.html* or may be obtained by contacting the individual listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–27315 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–NK–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; Submission of Conservation Efforts To Make Listings Unnecessary Under the Endangered Species Act

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on September 22, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Marine Fisheries Service (NMFS).

Title: Submission of Conservation Efforts To Make Listings Unnecessary Under the Endangered Species Act.

OMB Control Number: 0648–0466.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 1.

Average Hours per Response: 2,500 hours to complete each agreement or plan that has the intention of making listing unnecessary; 320 hours to conduct monitoring for successful agreements; and 80 hours to prepare a report for successful agreements.

Total Annual Burden Hours: 2,900.

Needs and Uses: Submissions of information under this collection pertain to the Policy for Policy for Evaluation of Conservation Efforts When Making Listing Decisions (see 68 FR 15100, March 28, 2003). Information is used by NMFS when determining whether species warrant listing under the Endangered Species Act (ESA), or may warrant listing as threatened or endangered. Information is also used to evaluate the implementation and effectiveness of conservation efforts.

Affected Public: Business or other for-profit organizations; State, local or tribal Governments.

Frequency: 1 per year.

Respondent's Obligation: Voluntary.

Legal Authority: ESA (16 U.S.C. 1533).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0466.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–27387 Filed 12–16–21; 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; Annual Economic Survey of Federal Gulf and South Atlantic Shrimp Permit Holders

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 15, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0591 in the subject line of your

comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Christopher Liese, Industry Economist, SEFSC, NMFS, 75 Virginia Beach Drive, Miami FL 33149, (305) 365–4109, *christopher.liese@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA Fisheries, Southeast Fisheries Science Center, annually collects socioeconomic data from commercial fishermen in the Gulf of Mexico and South Atlantic shrimp fisheries who hold one or more permits for harvesting shrimp from federal waters (U.S. Exclusive Economic Zone). A collection of economic information from fishers affected by the management of federal commercial fisheries is needed to ensure that national goals, objectives, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MFCMA) and other laws are met. The data is needed to conduct socioeconomic analyses in support of management of the shrimp fishery and to satisfy legal requirements. Information about revenues, variable and fixed costs, capital investment and other socioeconomic information is collected from a random sample of permit holders. The data will be used to assess how fishermen will be impacted by and respond to federal regulation likely to be considered by fishery managers. No changes are requested with this renewal request.

II. Method of Collection

The information will be collected on paper using a mail survey.

III. Data

OMB Control Number: 0648–0591.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 650 permit holders.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 488 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: 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. 2021–27401 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Meeting of the National Sea Grant Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board), a Federal Advisory Committee. Board members will discuss and provide advice on the National Sea Grant College Program (Sea Grant) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website. For more information on this Federal Advisory Committee please visit the Federal Advisory Committee database: *https://www.facadatabase.gov/FACA/FACAPublicPage.*

DATES: The announced meeting is scheduled for Thursday, January 6, 2022 from 3:00 p.m.–4:30 p.m. (EST).

ADDRESSES: The meeting will be held virtually only. For more information and for virtual access see below in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: For any questions concerning the meeting, please contact Ms. Donna Brown, National Sea Grant College Program. Email: *oar.sg-feedback@noaa.gov* Phone Number 301–734–1088. To attend via webinar, please R.S.V.P. to Donna Brown (contact information above) by Wednesday, January 5, 2022.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be open to public participation with a public comment period on Thursday, January 6 at 4:25 p.m. (EST). (Check agenda using the link in the Matters to be Considered section to confirm time.) The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by Ms. Donna Brown by Monday, December 31, 2021 to provide sufficient time for Board review. Written comments received after the deadline will be distributed to the Board, but may not be reviewed prior to the meeting date.

Special Accommodations: The Board meeting is virtually accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Donna Brown by Friday, December 31, 2021.

The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations

under the Act, and such other matters as the Secretary refers to them for review and advice.

Matters To Be Considered: Board members will discuss and vote on Guam Sea Grant's Institutional Status. *https://seagrant.noaa.gov/About/Advisory-Board.*

Eric Locklear,

Acting Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–27318 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB629]

Marine Mammals; File No. 25498

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Titan Productions, Limited, 51–55 Whiteladies Road Bristol, BS8 2LY, United Kingdom (Responsible Party: Lucy Meadows), has applied for an amendment to Commercial and Educational Photography Permit No. 25498.

DATES: Written, telefaxed, or email comments must be received on or before January 18, 2022.

ADDRESSES: The application and related documents are available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 25498–01 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 25498 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 25498, issued on April 13, 2021 (86 FR 26014), authorizes the permit holder to film the natural behaviors of California sea lions (*Zalophus californianus*), gray whales (*Eschrichtius robustus*), and killer whales (*Orcinus orca*) as part of a wildlife documentary about the marine life along the Pacific Coast. Filming may occur topside from the vessel, underwater, and via an unmanned aircraft system in the waters of California and Alaska. The permit holder is requesting the permit be amended to authorize (1) a new filming area in Southern California waters; (2) an increase in the number of gray whales targeted for filming from 352 to 428 whales annually and California sea lions that may be opportunistically filmed from 70 to 105 sea lions annually for the new filming area; (3) the use of divers when filming gray whales underwater; and (4) the use of a towed camera when filming killer whales underwater. The permit would remain valid through December 31, 2022.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 7, 2021.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–27393 Filed 12–16–21; 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; Northeast Multispecies Amendment 16

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 15, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0605 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Claire Fitz-Gerald, Fishery Policy Analyst, Greater Atlantic Regional Fisheries Office, (978) 281–9255, and *Claire.Fitz-Gerald@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the revision and extension of a current information collection. Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Secretary of Commerce has the responsibility for the conservation and management of marine fishery resources. We, National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), and the Regional Fishery Management Councils are delegated the majority of this responsibility. The New England Fishery Management Council (Council) develops management plans for fishery resources in New England.

In 2010, we implemented a new suite of regulations for the Northeast (NE) multispecies fishery through Amendment 16 to the NE Multispecies Fishery Management Plan (FMP). This action updated status determination criteria for all regulated NE multispecies or ocean pout stocks; adopted rebuilding programs for NE multispecies (groundfish) stocks newly classified as being overfished and subject to overfishing; revised management measures, including significant revisions to the sector management

measures (established under Amendment 13) necessary to end overfishing, rebuild overfished regulated NE multispecies and ocean pout stocks, and mitigate the adverse economic impacts of increased effort controls. It also implemented new requirements under Amendment 16 for establishing acceptable biological catch, annual catch limits (ACLs), and accountability measures for each stock managed under the FMP, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Sectors are a management tool in the NE groundfish fishery. A sector consists of three or more limited access NE multispecies vessel permits, with distinct ownership, who voluntarily enter into a contract to manage their fishing operations and to share liability. A sector is granted an annual allocation of most stocks of fish managed by the NE Multispecies FMP. In return for increased operational flexibility, such as exemptions from certain effort controls and the ability to pool and trade quota, sectors have additional reporting and monitoring requirements. The sector reporting and monitoring requirements, as established by Amendment 16 and revised by subsequent framework adjustments to the NE Multispecies FMP, are contained within this information collection.

This revision incorporates a number of recent changes. Amendment 16 required sectors to develop and fund an independent third-party at-sea monitoring (ASM) program. Amendment 16 allowed sectors to use electronic monitoring (EM) instead of human monitors to meet ASM requirements, provided that the Greater Atlantic Regional Administrator deemed it sufficient. Using the authority and process granted to the agency in Amendment 16, NMFS announced its determination that sectors may use EM to meet monitoring requirements (86 FR 16686; March 31, 2021). To implement this change, we are proposing to collect additional data elements necessary to support an electronic monitoring program. Specifically, we propose to require the development and submission of vessel monitoring plans and trip-level feedback reports, both of which are critical for accurate catch data and management of ACLs. We also propose to require the collection of information related to the purchase and installation of EM equipment. This is necessary for NMFS to reimburse industry's ASM costs as directed and funded by Congressional appropriations.

In 2020, the Northwest Atlantic Fisheries Organization (NAFO) established a new requirement that vessels fishing in the NAFO Regulatory Area must submit daily catch reports via a vessel monitoring system (VMS) and NMFS implemented this requirement to ensure compliance with NAFO reporting requirements. Daily VMS catch reports allow for near real-time quota monitoring and are necessary for the management of ACLs.

II. Method of Collection

Respondents must submit either paper forms via postal service, or electronic forms submitted via the internet or a vessels' VMS.

III. Data

OMB Control Number: 0648–0605.

Form Number(s): None.

Type of Review: Regular submission (revision and extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,309.

Estimated Time per Response: Sector operations plan and membership list updates, 110 hours; Monitoring service provider initial application, 10 hours; Monitoring service provider response to application disapproval, 10 hours; Data entry for sector discard monitoring system, 3 minutes; Sector weekly catch report, 4 hours; Sector annual report, 10 hours; Notification of expulsion from a sector, 30 minutes; Request to transfer Annual Catch Entitlement (ACE), 5 minutes; Request to lease days-at-sea (DAS), 5 minutes; request to downgrade DAS baseline, 5 minutes; VMS area and DAS declaration, 5 minutes; VMS trip-level catch report; VMS daily catch reports when fishing in multiple broad stock areas, 15 minutes; Daily VMS catch reports when fishing in the U.S./Canada Management Area and Closed Area II Special Access Programs (SAP), 15 minutes; Daily VMS catch reports when fishing in the Regular B DAS Program, 15 minutes; Pre-trip hail report, 2 minutes; Trip-end hail report, 15 minutes; Pre-Trip Notification System notification, 2 minutes; Vessel notification of selection for ASM coverage, 5 minutes; at-sea monitor deployment report, 10 minutes; ASM and EM service provider catch report to NMFS upon request, 5 minutes; at-sea monitor or electronic monitoring staff report of harassment, safety concerns, and other issues, 30 minutes; at-sea and EM service provider contracts upon request, 30 minutes; ASM and EM service provider information materials upon request, 30 minutes; EM vessel monitoring plan development and submission, 2 hours; EM vessel feedback letters, 30 minutes; EM equipment installation, 16 hours; EM equipment purchase and installation reimbursement form, 30 minutes; Office of Law Enforcement debriefing of at-sea monitors and electronic monitoring staff, 2 hours; ASM Database and Data Entry Requirements, 0 minutes; DAS Transfer Program, 5minutes; Submission of Proposed SAPs, 20 hours; NAFO Reporting Requirements, 23 hours.

Estimated Total Annual Burden Hours: 73,198.

Estimated Total Annual Cost to Public: $10,632,454 in recordkeeping and reporting costs.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

IV. Request for Comments

We are soliciting public comments to permit the NMFS 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. 2021–27398 Filed 12–16–21; 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; West Coast Region Permit Family of Forms

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on October 15, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: West Coast Region Permit Family of Forms.

OMB Control Number: 0648–0204.

Form Number(s): None.

Type of Request: Regular submission (Revision and extension of a current information collection).

Number of Respondents: 1,459.

Average Hours per Response: Highly Migratory Species (Paper), New—20 minutes; Highly Migratory Species (Online), New—15 minutes; HMS Paper; Renew—10 minutes; HMS Online, Renew—5 minutes; CPS Renewal—10 minutes; CPS Transfer—30 minutes; LE DGN Renew—10 minutes; LE DGN Transfer—30 minutes; LE DGN Designation Request—30 minutes; LE DGN Exemption Request—30 minutes; Appeals—240 minutes; exempted fishing permit requests; 60 minutes; letters of acknowledgement—420 minutes; exempted educational activity authorization—420 minutes.

Total Annual Burden Hours: 198 hours.

Needs and Uses: This is a request for a revision and extension to the existing reporting requirements of the collection of information West Coast Region Family of Forms (0648–0204). In addition to the extension of West Coast Region Family of Forms (0648–0204) this request includes a revision to this collection. The revision will include the addition of Letters of Authorization (LOA) and Exempted Educational Activity Authorizations (EEAA). Currently, LOAs and EEAAs are part of ICR Scientific Research, Exempted Fishing, and Exempted Educational Activity Submissions (0648–0309).

Originally this information was collected under information collection 0648–0309 which included all the Exempted Fishing Permit's (EFPs), EEAAs, and LOAs for all NOAA regions. Beginning in November 2021, these collections will be maintained by each regional office. Therefore, this notice proposes to combine the relevant collection information from 0648–0309 with the West Coast Region's (WCR) information collection 0648–0204.

The WCR Permits Office administers permits required for persons participating in Federally-managed fisheries off the West Coast under the Magnuson-Stevens Fishery Conservation and Management act, 16 U.S.C. 1801 *et seq.* Section 303(b)(1) of the Magnuson-Stevens Act specifically authorizes the establishment of permit requirements. Almost all international, federal, state, and local fishery management authorities use permits as part of their management systems.

The Magnuson-Stevens Act (MSA) established regional fishery management councils, including the Pacific Fishery Management Council (Pacific Council), to develop fishery management plans (FMP) for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. FMPs are intended to regulate fishing for stocks to prevent overfishing and achieve the optimum yield from the fisheries for the benefit of the U.S. The Pacific Council has prepared FMPs for the coastal pelagic species (CPS) fishery and Pacific Highly Migratory Species (HMS) off the U.S. West Coast. Each of these FMPs created permit programs which are administered by the WCR, NMFS.

There are two types of regulatory permits: Open access fishery permits and limited entry permits for selected fisheries. Open access permits are used in all fisheries where there are no specific limitations or eligibility criteria for entry to the fishery. Limited entry permits are used to prevent overcapitalization or address other management goals in the fishery and are issued to applicants for fishing activities that would otherwise be prohibited under a fisheries management plan. Applicants for both open access and limited entry permits are required to submit applications to obtain these permits but are not required to submit reports on their fishing activities under these permits.

Applicants for an EFP must submit written information that allows NOAA Fisheries and the Pacific Council to evaluate the proposed exempted fishing project activities and weigh the benefits and costs of the proposed activities. The Pacific Council makes a recommendation on each EFP application and for successful applicants, NOAA Fisheries issues the EFP which contains terms and conditions for the project including various reporting requirements. The information included in an application is specified at 50 CFR 600.745(b)(2) and the Pacific Council Operating Procedure #19. Permit holders are required to file preseason harvest plans, interim and/or final summary reports on the results of the project, and in some cases individual vessels and other permit holders are required to provide data reports (*i.e.,* logbooks and/or catch reports). The results of EFPs are commonly used to explore ways to reduce effort on depressed stocks, encourage innovation and efficiency in the fishery, and provide access to constrained stocks by directly measuring the bycatch associated with current and proposed management measures. LOAs and EEAAs were historically collected under OMB control number 0648–0309. To reduce burden estimates, NMFS Headquarters proposes to move LOAs and EEAAs to their respective region's permit family-of-forms collections. NMFS may grant exemptions from fishery regulations for educational or other activities (*e.g.,* using nonregulation gear). An EEAA is a permit issued by the Regional Office to accredited educational institutions that authorize, for educational purposes, the target or incidental harvest of species managed under a fisheries management plan or fishery regulations that would otherwise be prohibited. EEAAs are generally of limited scope and duration and authorize the take of the amount of fish necessary to demonstrate the lesson. Researchers are requested to submit reports of their scientific research activity after its completion. LOAs are required under Section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA) of 1972 for the incidental take of marine mammals during fisheries surveys and related research activities conducted by the Northwest Fisheries Science Center

(NWFSC), NMFS. Management of certain marine mammals falls under the jurisdiction of the NMFS under the MMPA and Endangered Species Act (ESA) and mechanisms exist under both the MMPA and ESA to assess the effect of incidental takings and to authorize appropriate levels of take.

Affected Public: Business or other for-profit organizations.

Frequency: HMS permits—biennial; CPS—biennial; DGN LE—annual; EFP—biennial; DGN LE Designation Request—annual; DGN LE Exemption Request—annual; Appeals—annual; LOA—annual; EEAA—annual.

Respondent's Obligation: Required to obtain a permit. Keep a valid vessel permit while fishing and provide accurate data on forms.

Legal Authority: MSA, MMPA, ESA.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0204.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–27381 Filed 12–16–21; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes service(s) previously furnished by such agencies.

DATES: *Comments must be received on or before:* January 16, 2022.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) and service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) and service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
MR 10808—Ice Cream Bowl, Includes Shipper 20808
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency
Mandatory for: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4
Distribution: C-List

Service(s)

Service Type: Logistics Support Service
Mandatory for: U.S. Coast Guard, Surface Forces Logistics Center, Baltimore, MD
Designated Source of Supply: Chimes District of Columbia, Baltimore, MD
Contracting Activity: U.S. COAST GUARD, SFLC PROCUREMENT BRANCH 3(00040)
Service Type: Custodial Service
Mandatory for: USDA Forest Service, Pacific Northwest Juneau Forestry Sciences Lab, Juneau, AK
Designated Source of Supply: REACH, Inc., Juneau, AK
Contracting Activity: FOREST SERVICE, USDA–FS, CSA NORTHWEST 4
Service Type: Storage, Management and Fulfillment of Personal Protective Equipment Safety Stock
Mandatory for: Department of Homeland Security, Washington, DC
Designated Source of Supply: LC Industries, Inc. in Durham, NC
Contracting Activity: Department of Homeland Security, Departmental Operations Acquisitions Division, Washington, DC.

Note: The proposed service listed immediately above originally appeared on December 10, 2021 but contains a correction to note the Designated Source of Supply. The due date for comments remains on or before January 8, 2022.

Deletions

The following service(s) are proposed for deletion from the Procurement List:

Service(s)

Service Type: Administrative Services
Mandatory for: Internal Revenue Service Mailroom: 1100 Commerce Street, Dallas, TX
Designated Source of Supply: Dallas Lighthouse for the Blind, Inc., Dallas, TX
Contracting Activity: TREASURY, DEPARTMENT OF THE, DEPT OF TREAS/
Service Type: Administrative Services
Mandatory for: Internal Revenue Service Collections Department: 1100 Commerce Street, Dallas, TX
Designated Source of Supply: Dallas Lighthouse for the Blind, Inc., Dallas, TX
Contracting Activity: TREASURY, DEPARTMENT OF THE, DEPT OF TREAS/

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2021–27353 Filed 12–16–21; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Defense Human Resources Activity, Department of Defense (DoD).

ACTION: Notice of revised per diem rates in non-foreign areas outside the continental U.S.

SUMMARY: Defense Human Resources Activity (DHRA) publishes this Civilian Personnel Per Diem Bulletin Number 319. Bulletin Number 319 lists current per diem rates prescribed for reimbursement of subsistence expenses while on official Government travel to Alaska, Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States. The Fiscal Year (FY) 2022 lodging rate review resulted in a seasonal rate change for the Isle of Oahu, Hawaii. All other rates remain the same.

DATES: The updated rates take effect December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Shelly Greendyk, 571–372–1249, *shelly.l.greendyk.civ@mail.mil.*

SUPPLEMENTARY INFORMATION: This document notifies the public of

revisions in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for travel to non-foreign areas outside the continental United States. The Fiscal Year 2022 lodging rate review resulted in a seasonal rate change for the Isle of Oahu, Hawaii. All other rates remain the same. Bulletin Number 319 is published in the **Federal Register** to ensure that Government travelers outside the Department of Defense are notified of revisions to the current reimbursement rates.

If you believe the lodging, meal or incidental allowance rate for a locality listed in the following table is insufficient, you may request a rate review for that location. For more information about how to request a review, please see the Defense Travel Management Office's Per Diem Rate Review Frequently Asked Questions (FAQ) page at *https://www.defensetravel.dod.mil/site/faqraterev.cfm.*

Dated: December 13, 2021.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	[OTHER]	01/01	12/31	171	113	284	10/01/2021
ALASKA	ADAK	01/01	12/31	171	113	284	10/01/2021
ALASKA	ANCHORAGE	01/01	12/31	229	125	354	10/01/2021
ALASKA	BARROW	06/01	08/31	326	129	455	10/01/2021
ALASKA	BARROW	09/01	05/31	252	129	381	10/01/2021
ALASKA	BARTER ISLAND LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	BETHEL	01/01	12/31	219	101	320	10/01/2021
ALASKA	BETTLES	01/01	12/31	171	113	*284	10/01/2021
ALASKA	CAPE LISBURNE LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	CAPE NEWENHAM LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	CAPE ROMANZOF LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	CLEAR AB	01/01	12/31	171	113	284	10/01/2021
ALASKA	COLD BAY	01/01	12/31	171	113	284	10/01/2021
ALASKA	COLD BAY LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	COLDFOOT	01/01	12/31	219	93	312	10/01/2021
ALASKA	COPPER CENTER	01/01	12/31	171	115	286	10/01/2021
ALASKA	CORDOVA	03/01	10/31	174	106	280	10/01/2021
ALASKA	CORDOVA	11/01	02/28	150	106	256	10/01/2021
ALASKA	CRAIG	05/01	09/30	139	94	233	10/01/2021
ALASKA	CRAIG	10/01	04/30	109	94	203	10/01/2021
ALASKA	DEADHORSE	01/01	12/31	171	113	*284	10/01/2021
ALASKA	DELTA JUNCTION	01/01	12/31	171	101	272	10/01/2021
ALASKA	DENALI NATIONAL PARK	05/01	10/14	164	98	262	10/01/2021
ALASKA	DENALI NATIONAL PARK	10/15	04/30	99	98	197	10/01/2021
ALASKA	DILLINGHAM	05/01	09/30	320	113	433	10/01/2021
ALASKA	DILLINGHAM	10/01	04/30	298	113	411	10/01/2021
ALASKA	DUTCH HARBOR-UNALASKA	01/01	12/31	171	129	300	10/01/2021
ALASKA	EARECKSON AIR STATION	01/01	12/31	146	74	220	10/01/2021
ALASKA	EIELSON AFB	05/16	09/30	154	100	254	10/01/2021
ALASKA	EIELSON AFB	10/01	05/15	79	100	179	10/01/2021
ALASKA	ELFIN COVE	01/01	12/31	171	113	284	10/01/2021
ALASKA	ELMENDORF AFB	01/01	12/31	229	125	354	10/01/2021
ALASKA	FAIRBANKS	05/16	09/30	154	100	254	10/01/2021
ALASKA	FAIRBANKS	10/01	05/15	79	100	179	10/01/2021
ALASKA	FORT YUKON LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	FT. GREELY	01/01	12/31	171	101	272	10/01/2021
ALASKA	FT. RICHARDSON	01/01	12/31	229	125	354	10/01/2021
ALASKA	FT. WAINWRIGHT	05/16	09/30	154	100	254	10/01/2021
ALASKA	FT. WAINWRIGHT	10/01	05/15	79	100	179	10/01/2021
ALASKA	GAMBELL	01/01	12/31	171	113	284	10/01/2021
ALASKA	GLENNALLEN	01/01	12/31	171	113	284	10/01/2021
ALASKA	HAINES	01/01	12/31	159	113	272	10/01/2021
ALASKA	HEALY	05/01	10/14	164	98	262	10/01/2021
ALASKA	HEALY	10/15	04/30	99	98	197	10/01/2021
ALASKA	HOMER	05/01	09/30	189	124	313	10/01/2021
ALASKA	HOMER	10/01	04/30	129	124	253	10/01/2021
ALASKA	JB ELMENDORF-RICHARDSON	01/01	12/31	229	125	354	10/01/2021
ALASKA	JUNEAU	02/01	09/30	249	118	367	10/01/2021
ALASKA	JUNEAU	10/01	01/31	189	118	307	10/01/2021
ALASKA	KAKTOVIK	01/01	12/31	171	113	*284	10/01/2021
ALASKA	KAVIK CAMP	01/01	12/31	171	113	*284	10/01/2021
ALASKA	KENAI-SOLDOTNA	05/01	09/30	151	113	264	10/01/2021
ALASKA	KENAI-SOLDOTNA	10/01	04/30	104	113	217	10/01/2021
ALASKA	KENNICOTT	01/01	12/31	171	85	256	10/01/2021
ALASKA	KETCHIKAN	05/01	10/31	250	118	368	10/01/2021
ALASKA	KETCHIKAN	11/01	04/30	140	118	258	10/01/2021
ALASKA	KING SALMON	01/01	12/31	171	89	264	10/01/2021
ALASKA	KING SALMON LRRS	01/01	12/31	171	113	288	10/01/2021
ALASKA	KLAWOCK	05/01	09/30	139	94	233	10/01/2021
ALASKA	KLAWOCK	10/01	04/30	109	94	203	10/01/2021
ALASKA	KODIAK	05/01	09/30	207	109	316	10/01/2021
ALASKA	KODIAK	10/01	04/30	123	109	232	10/01/2021
ALASKA	KOTZEBUE	01/01	12/31	171	121	296	10/01/2021
ALASKA	KULIS AGS	01/01	12/31	229	125	354	10/01/2021
ALASKA	MCCARTHY	01/01	12/31	171	85	256	10/01/2021
ALASKA	MCGRATH	01/01	12/31	171	113	*284	10/01/2021
ALASKA	MURPHY DOME	05/16	09/30	154	100	254	10/01/2021
ALASKA	MURPHY DOME	10/01	05/15	79	100	179	10/01/2021
ALASKA	NOME	01/01	12/31	200	118	318	10/01/2021

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
ALASKA	NOSC ANCHORAGE	01/01	12/31	229	125	354	10/01/2021
ALASKA	NUIQSUT	01/01	12/31	171	113	*284	10/01/2021
ALASKA	OLIKTOK LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	PALMER	01/01	12/31	171	117	288	10/01/2021
ALASKA	PETERSBURG	01/01	12/31	130	108	238	10/01/2021
ALASKA	POINT BARROW LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	POINT HOPE	01/01	12/31	171	113	*284	10/01/2021
ALASKA	POINT LONELY LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	PORT ALEXANDER	01/01	12/31	171	113	*284	10/01/2021
ALASKA	PORT ALSWORTH	01/01	12/31	171	113	284	10/01/2021
ALASKA	PRUDHOE BAY	01/01	12/31	171	113	*284	10/01/2021
ALASKA	SELDOVIA	05/01	09/30	189	124	313	10/01/2021
ALASKA	SELDOVIA	10/01	04/30	129	124	253	10/01/2021
ALASKA	SEWARD	04/01	09/30	299	146	445	10/01/2021
ALASKA	SEWARD	10/01	03/31	104	146	250	10/01/2021
ALASKA	SITKA-MT. EDGECUMBE	04/01	09/30	220	116	336	10/01/2021
ALASKA	SITKA-MT. EDGECUMBE	10/01	03/31	189	116	305	10/01/2021
ALASKA	SKAGWAY	05/01	10/31	250	118	368	10/01/2021
ALASKA	SKAGWAY	11/01	04/30	140	118	258	10/01/2021
ALASKA	SLANA	01/01	12/31	171	113	284	10/01/2021
ALASKA	SPARREVOHN LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	SPRUCE CAPE	05/01	09/30	207	109	316	10/01/2021
ALASKA	SPRUCE CAPE	10/01	04/30	123	109	232	10/01/2021
ALASKA	ST. GEORGE	01/01	12/31	171	113	284	10/01/2021
ALASKA	TALKEETNA	01/01	12/31	171	120	291	10/01/2021
ALASKA	TANANA	01/01	12/31	200	118	318	10/01/2021
ALASKA	TATALINA LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	TIN CITY LRRS	01/01	12/31	171	113	284	10/01/2021
ALASKA	TOK	01/01	12/31	105	113	218	10/01/2021
ALASKA	VALDEZ	05/01	09/15	212	110	322	10/01/2021
ALASKA	VALDEZ	09/16	04/30	129	110	239	10/01/2021
ALASKA	WAINWRIGHT	01/01	12/31	275	77	352	10/01/2021
ALASKA	WASILLA	06/01	10/31	171	94	265	10/01/2021
ALASKA	WASILLA	11/01	05/31	90	94	184	10/01/2021
ALASKA	WRANGELL	05/01	10/31	250	118	368	10/01/2021
ALASKA	WRANGELL	11/01	04/30	140	118	258	10/01/2021
ALASKA	YAKUTAT	06/01	10/15	350	111	461	10/01/2021
ALASKA	YAKUTAT	10/16	05/31	150	111	261	10/01/2021
AMERICAN SAMOA	AMERICAN SAMOA	01/01	12/31	139	86	225	07/01/2019
AMERICAN SAMOA	PAGO PAGO	01/01	12/31	139	86	225	07/01/2019
GUAM	GUAM (INCL ALL MIL INSTAL)	01/01	12/31	159	96	255	04/01/2021
GUAM	JOINT REGION MARIANAS (ANDERSEN)	01/01	12/31	159	96	255	04/01/2021
GUAM	JOINT REGION MARIANAS (NAVAL BASE)	01/01	12/31	159	96	255	04/01/2021
GUAM	TAMUNING	01/01	12/31	159	96	255	04/01/2021
HAWAII	[OTHER]	01/01	12/31	218	149	367	01/01/2021
HAWAII	CAMP H M SMITH	01/06	12/16	177	149	326	12/17/2021
HAWAII	CAMP H M SMITH	12/17	01/05	312	149	461	12/17/2021
HAWAII	CNI NAVMAG PEARL HARBOR- HICKAM	01/06	12/16	177	149	326	12/17/2021
HAWAII	CNI NAVMAG PEARL HARBOR- HICKAM	12/17	01/05	312	149	461	12/17/2021
HAWAII	FT. DERUSSEY	01/06	12/16	177	149	326	12/17/2021
HAWAII	FT. DERUSSEY	12/17	01/05	312	149	461	12/17/2021
HAWAII	FT. SHAFTER	01/06	12/16	177	149	326	12/17/2021
HAWAII	FT. SHAFTER	12/17	01/05	312	149	461	12/17/2021
HAWAII	HICKAM AFB	01/06	12/16	177	149	326	12/17/2021
HAWAII	HICKAM AFB	12/17	01/05	312	149	461	12/17/2021
HAWAII	HONOLULU	01/06	12/16	177	149	326	12/17/2021
HAWAII	HONOLULU	12/17	01/05	312	149	461	12/17/2021
HAWAII	ISLE OF HAWAII: HILO	01/01	12/31	199	120	319	01/01/2021
HAWAII	ISLE OF HAWAII: LOCATIONS OTHER THAN HILO.	01/01	12/31	218	156	374	01/01/2021
HAWAII	ISLE OF KAUAI	01/01	12/31	325	141	466	01/01/2021
HAWAII	ISLE OF LANAI	01/01	12/31	218	134	352	01/01/2021
HAWAII	ISLE OF MAUI	01/01	12/31	304	150	454	01/01/2021
HAWAII	ISLE OF MOLOKAI	01/01	12/31	218	106	324	01/01/2021
HAWAII	ISLE OF OAHU	01/06	12/16	177	149	326	12/17/2021
HAWAII	ISLE OF OAHU	12/17	01/05	312	149	461	12/17/2021
HAWAII	JB PEARL HARBOR-HICKAM	01/06	12/16	177	149	326	12/17/2021
HAWAII	JB PEARL HARBOR-HICKAM	12/17	01/05	312	149	461	12/17/2021
HAWAII	KAPOLEI	01/06	12/16	177	149	326	12/17/2021
HAWAII	KAPOLEI	12/17	01/05	312	149	461	12/17/2021
HAWAII	KEKAHA PACIFIC MISSILE RANGE FAC	01/01	12/31	325	141	466	01/01/2021
HAWAII	KILAUEA MILITARY CAMP	01/01	12/31	199	120	319	01/01/2021
HAWAII	LIHUE	01/01	12/31	325	141	466	01/01/2021
HAWAII	MCB HAWAII	01/06	12/16	177	149	326	12/17/2021
HAWAII	MCB HAWAII	12/17	01/05	312	149	461	12/17/2021
HAWAII	NCTAMS PAC WAHIAWA	01/06	12/16	177	149	326	12/17/2021
HAWAII	NCTAMS PAC WAHIAWA	12/17	01/05	312	149	461	12/17/2021
HAWAII	NOSC PEARL HARBOR	01/06	12/16	177	149	326	12/17/2021
HAWAII	NOSC PEARL HARBOR	12/17	01/05	312	149	461	12/17/2021
HAWAII	PEARL HARBOR	01/06	12/16	177	149	326	12/17/2021
HAWAII	PEARL HARBOR	12/17	01/05	312	149	461	12/17/2021
HAWAII	PMRF BARKING SANDS	01/01	12/31	325	141	466	01/01/2021
HAWAII	SCHOFIELD BARRACKS	01/06	12/16	177	149	326	12/17/2021

State or territory	Locality	Season start	Season end	Lodging	M&IE	Total per diem	Effective date
HAWAII	SCHOFIELD BARRACKS	12/17	01/05	312	149	461	12/17/2021
HAWAII	TRIPLER ARMY MEDICAL CENTER	01/06	12/16	177	149	326	12/17/2021
HAWAII	TRIPLER ARMY MEDICAL CENTER	12/17	01/05	312	149	461	12/17/2021
HAWAII	WHEELER ARMY AIRFIELD	01/01	12/31	177	149	326	01/01/2021
HAWAII	WHEELER ARMY AIRFIELD	12/17	01/05	312	149	461	12/17/2021
MIDWAY ISLANDS	MIDWAY ISLANDS	01/01	12/31	125	81	206	01/01/2021
NORTHERN MARIANA ISLANDS.	[OTHER]	01/01	12/31	80	113	182	04/01/2021
NORTHERN MARIANA ISLANDS.	ROTA	01/01	12/31	130	114	244	04/01/2021
NORTHERN MARIANA ISLANDS.	SAIPAN	01/01	12/31	161	113	274	04/01/2021
NORTHERN MARIANA ISLANDS.	TINIAN	01/01	12/31	80	93	162	04/01/2021
PUERTO RICO	[OTHER]	01/01	12/31	159	100	259	05/01/2021
PUERTO RICO	AGUADILLA	01/01	12/31	149	90	239	05/01/2021
PUERTO RICO	BAYAMON	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	BAYAMON	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	CAROLINA	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	CAROLINA	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	CEIBA	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	CULEBRA	01/01	12/31	159	105	264	05/01/2021
PUERTO RICO	FAJARDO [INCL ROOSEVELT RDS NAVSTAT]	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO].	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	HUMACAO	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	LUIS MUNOZ MARIN IAP AGS	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	LUQUILLO	01/01	12/31	159	110	269	05/01/2021
PUERTO RICO	MAYAGUEZ	01/01	12/31	109	94	203	05/01/2021
PUERTO RICO	PONCE	01/01	12/31	149	130	279	05/01/2021
PUERTO RICO	RIO GRANDE	01/01	12/31	169	85	254	05/01/2021
PUERTO RICO	SABANA SECA [INCL ALL MILITARY]	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	SABANA SECA [INCL ALL MILITARY]	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	SAN JUAN & NAV RES STA	12/01	05/31	195	115	310	05/01/2021
PUERTO RICO	SAN JUAN & NAV RES STA	06/01	11/30	167	115	282	05/01/2021
PUERTO RICO	VIEQUES	01/01	12/31	159	94	253	05/01/2021
VIRGIN ISLANDS (U.S.)	ST. CROIX	12/15	04/14	299	120	419	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. CROIX	04/15	12/14	247	120	367	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. JOHN	12/04	04/30	230	123	353	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. JOHN	05/01	12/03	170	123	293	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. THOMAS	04/15	12/15	249	118	367	04/01/2021
VIRGIN ISLANDS (U.S.)	ST. THOMAS	12/16	04/14	339	118	457	04/01/2021
WAKE ISLAND	WAKE ISLAND	01/01	12/31	129	70	199	01/01/2021

* Where meals are included in the lodging rate, a traveler is only allowed a meal rate on the first and last day of travel.

[FR Doc. 2021–27305 Filed 12–16–21; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Corps of Engineers

Notice of Availability of the Record of Decision for the Final Environmental Impact Statement for Implementing Test Releases From Fort Peck Dam, Montana

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers (USACE) announces the availability of the Record of Decision (ROD) for the Final Environmental Impact Statement (EIS) for Implementing Test Releases from Fort Peck Dam, Montana. The Final EIS was published in the **Federal Register** on Friday, September 24, 2021. The USACE Northwestern Division Commander signed the ROD on November 12, 2021.

ADDRESSES: U.S. Army Corps of Engineers, Omaha District, Planning Branch, 1616 Capitol Avenue, Omaha, Nebraska 68102, The ROD is available for viewing on the USACE Omaha District planning website at: *https://go.usa.gov/xe58t.*

FOR FURTHER INFORMATION CONTACT: Aaron Quinn, U.S. Army Corps of Engineers at (402) 995–2669 or by email at *aaron.t.quinn@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The EIS was prepared for this project under the authority of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*). The EIS assesses the ability of test flows out of Fort Peck Dam, Montana to potentially benefit the Federally endangered pallid sturgeon.

The USACE prepared the EIS as part of its commitment in the January 2018 amendment to its October 2017 Biological Assessment for the Operation of the Missouri River Mainstem Reservoir System, the Operation and Maintenance of the Bank Stabilization and Navigation Project, the Operation of the Kansas River Reservoir System, and the implementation of the Missouri River Recovery Management Plan. This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*).

Geoffrey R. Van Epps,

Colonel, Corps of Engineers, Division Commander.

[FR Doc. 2021–27292 Filed 12–16–21; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and in accordance with Title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Biological and Environmental Research Advisory Committee's (BERAC) charter will be renewed for a two-year period beginning December 10, 2021.

FOR FURTHER INFORMATION CONTACT: Dr. Tristram West at (301) 903–5155 or email: *Tristram.west@science.doe.gov.*

SUPPLEMENTARY INFORMATION: The Committee provides advice and recommendations to the Director, Office of Science on the biological and environmental research programs.

Additionally, the renewal of BERAC has been determined to be essential to conduct business of the Department of Energy's mission and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law and agreement. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act, and rules and regulations issued in implementation of that Act.

Signing Authority

This document of the Department of Energy was signed on December 10, 2021, by Miles Fernandez, Acting Committee Management Officer, 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 14, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–27338 Filed 12–16–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Nuclear Energy Advisory Committee

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Nuclear Energy Advisory Committee's charter has been renewed for a two-year period.

FOR FURTHER INFORMATION CONTACT: Teddy Echeverria, Designated Federal Officer at (240) 313–8669; email: *teddy.echeverria@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The Committee will provide advice and recommendations to the Assistant Secretary for Nuclear Energy and advise on national policy and scientific aspects of nuclear issues of concern to the Department of Energy (DOE); provide periodic reviews of the various program elements within DOE's nuclear programs and recommendations based thereon; ascertain the needs, views, and priorities of DOE's nuclear programs, and advise on long-range plans, priorities, and strategies to address more effectively the technical, financial, and policy aspects of such programs; and advise on appropriate levels of resources to develop those plans, priorities, and strategies.

Additionally, the renewal of the Nuclear Energy Advisory Council has been determined to be essential to conduct business of the Department of Energy's and to be the in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the rules and regulations in implementation of that Act.

Signing Authority

This document of the Department of Energy was signed on December 10, 2021, by Miles Fernandez, Acting Committee Management Officer, 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 14, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–27343 Filed 12–16–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–24–000]

Equitrans, L.P.; Notice of Application and Establishing Intervention Deadline

Take notice that on December 2, 2021, Equitran, L.P. (Equitrans), 2200 Energy Drive, Canonsburg, Pennsylvania 15317, filed an application under sections 7(c) and 7(b) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to convert two observation wells to injection/withdrawal wells in the existing Truittsburg Storage Field in Clarion County, Pennsylvania and sell the excess cushion gas resulting from the conversion. Specifically, Equitrans proposes to add approximately 1,119 feet of 4-inch diameter well lines to convert Truittsburg wells 2483 and 2484 from observation wells to injection/withdrawal wells. The conversion of the wells is intended to increase the maximum inventory at the Truittsburg Storage Field from 2,781 million cubic feet (MMcf) to 2,869 MMcf; increase working gas capacity from 1,634 MMcf to 1,829; and the cushion gas will decrease from 1,147 MMcf to 1,040 MMcf. Equitrans estimates the cost of the project to be $739,000, 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 Matthew Eggerding, Assistant General Counsel, Equitrans, L.P., 2200 Energy Drive, Canonsburg, Pennsylvania 15317, by telephone at (412) 553–5786, or by email at *meggerding@equitransmidstream.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 January 5, 2022.

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 January 5, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–24–000 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 can 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 (CP22–24–000).

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 January 5, 2022. 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 CP22–24–000 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 intervene must reference the Project docket number CP22–24–000.

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.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Matthew Eggerding,

[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.

Assistant General Counsel, Equitrans, L.P., 2200 Energy Drive, Canonsburg, Pennsylvania 15317, by telephone at (412) 553–5786, or by email at *meggerding@equitransmidstream.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.

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 January 5, 2022.

Dated: December 13, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–27366 Filed 12–16–21; 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

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL22–20–000.
Applicants: Kansas Electric Power Cooperative, Inc. v. Evergy Kansas Central, Inc.
Description: Complaint of Kansas Electric Power Cooperative, Inc. v. Evergy Kansas Central, Inc.
Filed Date: 12/10/21.
Accession Number:. 20211210–5180.
Comment Date: 5 p.m. ET 1/10/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–2025–002; ER15–2376–003.
Applicants: Energy Power Investment Company, LLC, Talen Renewable Energy, LLC.
Description: Supplement to July 12, 2021 Notice of Change in Status of Energy Power Investment Company, LLC, et al.
Filed Date: 12/10/21.
Accession Number: 20211210–5230.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER21–2337–002.
Applicants: ISO New England Inc., Eversource Energy Service Company (as agent).
Description: Tariff Amendment: ISO New England Inc. submits tariff filing per 35.17(b): PTO AC and ISO–NE; Docket No. ER21–2337–000; Deficiency Response to be effective 9/1/2021.
Filed Date: 12/13/21.
Accession Number: 20211213–5097.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER21–2988–001.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: PNM Response to Deficiency Letter to be effective 3/31/2021.
Filed Date: 12/13/21.
Accession Number: 20211213–5070.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–614–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6268; Queue No. AG2–391 to be effective 11/11/2021.
Filed Date: 12/13/21.
Accession Number: 20211213–5011.
Comment Date: 5 p.m. ET 1/3/22

Docket Numbers: ER22–615–000.
Applicants: Prairie State Solar, LLC.
Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 1/31/2022.
Filed Date: 12/13/21.
Accession Number: 20211213–5036.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–616–000.
Applicants: Dressor Plains Solar, LLC.
Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 1/31/2022.
Filed Date: 12/13/21.
Accession Number: 20211213–5038.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–617–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6239; Queue No. AE2–343 to be effective 11/11/2021.
Filed Date: 12/13/21.
Accession Number: 20211213–5045.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–618–000.
Applicants: Rock River I, LLC.
Description: Tariff Amendment: Notice of Cancellation and Requests for Waiver and Expedited Action to be effective 12/14/2021.
Filed Date: 12/13/21.
Accession Number: 20211213–5077.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–619–000.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Amendment: CCSF Appendix E Termination (SA 275) to be effective 1/31/2022.
Filed Date: 12/13/21.
Accession Number: 20211213–5102.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–620–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: CCSF Revision to add Appendix G (SA 275) to be effective 2/1/2022.
Filed Date: 12/13/21.
Accession Number: 20211213–5111.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–621–000.
Applicants: Talen Energy Marketing, LLC.
Description: Request for Limited Waiver of Talen Energy Marketing LLC.
Filed Date: 12/10/21.
Accession Number: 20211210–5231.
Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–622–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: UFA Bonanza Solar TOT931 SA No 277 to be effective 12/14/2021.
Filed Date: 12/13/21.
Accession Number: 20211213–5126.

Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–623–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: CPV Stagecoach Solar LGIA Filing to be effective 11/29/2021.

Filed Date: 12/13/21.

Accession Number: 20211213–5152.

Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–624–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: CPV Five Bridges Solar LGIA Filing to be effective 11/29/2021.

Filed Date: 12/13/21.

Accession Number: 20211213–5154.

Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–625–000.

Applicants: Delmarva Power & Light Company.

Description: Tariff Amendment: Cancellation of Construction Agreement with DEMEC to be effective 12/14/2021.

Filed Date: 12/13/21.

Accession Number: 20211213–5182.

Comment Date: 5 p.m. ET 1/3/22.

Docket Numbers: ER22–626–000.

Applicants: Delmarva Power & Light Company.

Description: § 205(d) Rate Filing: Filing of 138 kV Construction Agreement with DEMEC to be effective 12/14/2021.

Filed Date: 12/13/21.

Accession Number: 20211213–5205.

Comment Date: 5 p.m. ET 1/3/22

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: December 13, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–27369 Filed 12–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2716–050]

Virginia Electric and Power Company d/b/a Dominion Energy Virginia, Allegheny Generating Company, and Bath County Energy, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping, Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2716–050.

c. *Dated Filed:* October 19, 2021.

d. *Submitted By:* Virginia Electric and Power Company d/b/a Dominion Energy Virginia, Allegheny Generating Company, and Bath County Energy, LLC (Dominion).

e. *Name of Project:* Bath County Pumped Storage Project (Bath County Project).

f. *Location:* The project is located on Back Creek and Little Back Creek in Bath, Highland, Augusta, and Rockbridge counties, Virginia. The current project boundary encompasses 3,436 acres of land, including 712 acres of federal land in George Washington National Forest administered by the U.S. Forest Service.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Mr. Corwin D. Chamberlain, Relicensing Project Manager, Dominion Energy, 600 Canal Place, Richmond, VA 23219–3852; (804) 273–2948; *corwin.d.chamberlain@dominionenergy.com.*

i. *FERC Contact:* Andy Bernick at (202) 502–8660 or email at *andrew.bernick@ferc.gov. Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

j. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the implementing regulations at 50 CFR 600.920 and (b) the State Historic Preservation Office, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

k. With this notice, we are designating Dominion as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act.

l. Dominion filed with the Commission a Pre-Application Document (PAD, including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

m. 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 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 FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/*

docs-filing/efiling.asp. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2716–050.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by February 16, 2022.

p. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Meetings

Due to on-going concerns with large gatherings related to COVID–19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, Commission staff will hold virtual public scoping meetings using a telephone conference line. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document.

The dates and times of these meetings are as follows:

Virtual Environmental Site Reviews for all stakeholders:
Wednesday, January 12, 2022.
10 a.m. EST and 6 p.m. EST.
WebEx meeting details provided by Kleinschmidt Associates on behalf of Dominion
Meeting for resource agencies, Tribes, and NGOs:
Thursday, January 13, 2022.
10 a.m.–12 p.m. EST.
Call in number: 888–604–9359.
Participant passcode: 8998724.
Meeting for the general public:
Thursday, January 13, 2022.
6:30 p.m.–8:30 p.m. EST.
Call in number: 888–604–9359.
Participant passcode: 8998724.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and Dominion's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Reviews

Dominion and Commission staff will hold two virtual Environmental Site Reviews of the Bath County Project on January 12, 2022, starting at 10 a.m. eastern standard time (EST) and 6 p.m. EST, respectively. Please contact Alison Jakupca of Kleinschmidt Associates at (803) 462–5628 or *Alison.Jakupca@Kleinschmidtgroup.com*, by January 5, 2022, if you plan to attend. WebEx meeting details will be provided by Kleinschmidt Associates once attendance is confirmed.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

Meeting Procedures

The daytime and evening scoping meetings will be recorded by a stenographer and will be placed in the public record of the project; the virtual Environmental Site Reviews will not be recorded by a court reporter and public comments will not be accepted during that time. Please note, that if no participants join the meetings within 30 minutes after the start time, staff will end the meeting and conference call. The meetings will end after participants have presented their oral comments or at the specified end time, whichever occurs first.

Dated: December 13, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–27367 Filed 12–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC22–14–000]

Empire Pipeline, Inc.; Notice of Filing

Take notice that on November 12, 2021, Empire Pipeline, Inc. submitted a request for waiver of the Federal Energy Regulatory Commission's (Commission) requirement to provide its certified public accountant (CPA) certification statement for the 2021 FERC Form No. 2 on the basis of the calendar year ending December 31.

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 January 12, 2022.

Dated: December 13, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–27368 Filed 12–16–21; 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: PR22–10–000.

Applicants: Permian Highway Pipeline LLC.

Description: Submits tariff filing per 284.123(b),(e)/: 2021 PHP Fuel Filing to be effective 10/1/2021.

Filed Date: 12/9/2021.

Accession Number: 20211209–5000.

Comments/Protests Due: 5 p.m. ET 12/30/21.

Docket Numbers: RP22–405–000.

Applicants: Ozark Gas Transmission, L.L.C.

Description: Compliance filing: Ozark Gas Transmission NAESB Compliance Filing to be effective 6/1/2022.

Filed Date: 12/10/21.

Accession Number: 20211210–5081.

Comment Date: 5 p.m. ET 12/22/21.

Docket Numbers: RP22–406–000.

Applicants: ANR Pipeline Company.

Description: § 4(d) Rate Filing: ANR Creditworthiness to be effective 1/10/2022.

Filed Date: 12/10/21.

Accession Number: 20211210–5123.

Comment Date: 5 p.m. ET 12/22/21.

Docket Numbers: RP22–407–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2021–12–10 Negotiated Rate Agreement to be effective 12/11/2021.

Filed Date: 12/10/21.

Accession Number: 20211210–5131.

Comment Date: 5 p.m. ET 12/22/21.

Docket Numbers: RP22–408–000.

Applicants: Freebird Gas Storage, L.L.C.

Description: § 4(d) Rate Filing: Updates to Freebird Gas Storage LLC FERC Gas Tariff to be effective 1/9/2022.

Filed Date: 12/10/21.

Accession Number: 20211210–5160.

Comment Date: 5 p.m. ET 12/22/21.

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.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: December 13, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–27370 Filed 12–16–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0083; FRL–8793–06–OSCPP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients—December 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before January 18, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *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/about-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

A. Notice of Receipt—New Active Ingredients

1. *File Symbols:* 52991–GL and 51934–ET. *Docket ID number:* EPA–HQ–OPP–2021–0651. *Applicant:* Spring Regulatory Sciences on behalf of Bedoukian Research, Inc., 21 Finance Drive, Danbury, CT 06810–4192. *Product name:* Bedoukian Serricornin Technical Pheromone and Cidetrak CB. *Active ingredient:* Mating disruptant, rac–4S,6S,7S–serricornin at 63.0% and 5.0% by weight, respectively. *Proposed classification/Use:* Mating disruption for cigarette beetle, lasioderma serricorne. *Contact:* BPPD.

2. *File Symbol:* 91283–RE. *Docket ID number:* EPA–HQ–OPP–2021–0786. *Applicant:* Amoéba SA 38 Avenue des Frères Montgolfier, F–69680 Chassieu, France (c/o SciReg, Inc. 12733 Director's Loop, Woodbridge, VA 22192). *Product name:* Amoéba EP #2. *Active ingredient:* Antimicrobial—*Willaertia Magna C2c.Maky* at 1%. *Proposed use:* For control of microbial slime (bioslime), microbially induced non-public health corrosion and non-public health general microbial flora in cooling towers waters. *Contact:* BPPD.

3. *File Symbol:* 91283–RG. *Docket ID number:* EPA–HQ–OPP–2021–0786. *Applicant:* Amoéba SA 38 Avenue des Frères Montgolfier, F–69680 Chassieu, France (c/o SciReg, Inc. 12733 Director's Loop, Woodbridge, VA 22192). *Product name:* Amoéba EP #1. *Active ingredient:* Antimicrobial—*Willaertia Magna C2c.Maky* at 1%. *Proposed use:* For control of microbial slime (bioslime), microbially induced non-public health corrosion and non-public health general microbial flora in cooling towers waters. *Contact:* BPPD.

4. *File Symbol:* 91283–RN. *Docket ID number:* EPA–HQ–OPP–2021–0786. *Applicant:* Amoéba SA 38 Avenue des Frères Montgolfier, F–69680 Chassieu, France (c/o SciReg, Inc. 12733 Director's Loop, Woodbridge, VA 22192). *Product name:* Amoéba TGAI. *Active ingredient:* Antimicrobial—*Willaertia Magna C2c.Maky* at 1%. *Proposed use:* For control of microbial slime (bioslime), microbially induced non-public health corrosion and non-public health general microbial flora in cooling towers waters. *Contact:* BPPD.

5. *File Symbol:* 91283–RR. *Docket ID number:* EPA–HQ–OPP–2021–0786. *Applicant:* Amoéba SA 38 Avenue des Frères Montgolfier, F–69680 Chassieu, France (c/o SciReg, Inc. 12733 Director's Loop, Woodbridge, VA 22192). *Product name:* Amoéba EP #3. *Active ingredient:* Antimicrobial—*Willaertia Magna C2c.Maky* at 1%. *Proposed use:* For control of microbial slime (bioslime), microbially induced non-public health corrosion and non-public health general microbial flora in cooling towers waters. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: December 7, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2021–27301 Filed 12–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9059–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed December 6, 2021 10 a.m. EST Through December 13, 2021 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20210184, Final, USFS, OR, Stella Landscape Restoration Project, *Review Period Ends:* 01/31/2022, *Contact:* Michelle Calvert 541–441–7059.

Dated: December 13, 2021.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2021–27336 Filed 12–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9328–01–ORD]

Human Studies Review Board (HSRB); Notification of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of the

2022 public meetings of the Human Studies Review Board (HSRB). The HSRB provides advice, information, and recommendations on issues related to scientific and ethical aspects of third-party human subjects' research that are submitted to the Office of Pesticide Programs (OPP) to be used for regulatory purposes.

DATES: Four three-day virtual public meetings will be held on:

1. January 25–27, 2022;
2. April 26–28, 2022;
3. July 19–21, 2022; and
4. October 25–27, 2022.

Meetings will be held each day from 1 p.m. to 5 p.m. Eastern Time. For each meeting, separate subsequent follow-up meetings are planned for the HSRB to finalize reports from the three-day meetings. These meetings will be held from 2 p.m. to 4 p.m. Eastern time on the following dates: March 17, 2022; June 16, 2022; September 14, 2022; and December 14, 2022.

ADDRESSES: These meetings are open to the public and will be conducted entirely virtually and by telephone. For detailed access information and meeting materials please visit the HSRB website: *https://www.epa.gov/osa/human-studies-review-board.*

FOR FURTHER INFORMATION CONTACT: Any member of the public who wished to receive further information should contact the HSRB Designated Federal Official (DFO), Tom Tracy, via phone/voicemail at: 919–541–4334; or via email at: *tracy.tom@epa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act 5 U.S.C. App.2 section 9. The HSRB provides advice, information, and recommendations on issues related to scientific and ethical aspects of third-party human subjects research that are submitted to the Office of Pesticide Programs (OPP) to be used for regulatory purposes.

Meeting access: These meetings will be open to the public. The full agenda with access information and meeting materials will be available seven calendar days prior to the start of each meeting at the HSRB website: *https://www.epa.gov/osa/human-studies-review-board.* For questions on document availability, or if you do not have access to the internet, consult with the DFO, Tom Tracy listed under **FOR FURTHER INFORMATION CONTACT**.

Special Accommodations. For information on access or services for individuals with disabilities, or to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to each meeting to give EPA as much time as possible to process your request.

How may I participate in this meeting?

The HSRB encourages the public's input. You may participate in these meetings by following the instructions in this section.

1. *Oral comments.* To pre-register to make oral comments, please contact the DFO, Tom Tracy, listed under **FOR FURTHER INFORMATION CONTACT**. Requests to present oral comments during the meetings will be accepted up to Noon Eastern Time, seven calendar days prior to each meeting date. To the extent that time permits, interested persons who have not pre-registered may be permitted by the HSRB Chair to present oral comments during the meetings at the designated time on the agenda. Oral comments before the HSRB are generally limited to five minutes per individual or organization. If additional time is available, further public comments may be possible.

2. *Written comments.* For the Board to have the best opportunity to review and consider your comments as it deliberates, you should submit your comments prior to the meetings via email by Noon Eastern Time, seven calendar days prior to each meeting date. If you submit comments after these dates, those comments will be provided to the HSRB members, but you should recognize that the HSRB members may not have adequate time to consider your comments prior to their discussion. You should submit your comments to the DFO, Tom Tracy listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

Topics for discussion. The agenda and meeting materials will be available seven calendar days in advance of each meeting at *https://www.epa.gov/osa/human-studies-review-board.*

Meeting minutes and final reports. Minutes of these meetings, summarizing the topics discussed and recommendations made by the HSRB, will be released within 90 calendar days of each meeting. These minutes will be available at *https://www.epa.gov/osa/human-studies-review-board.* In addition, information regarding the HSRB's Final Reports, will be found at *https://www.epa.gov/osa/human-studies-review-board* or can be requested from Tom Tracy listed under **FOR FURTHER INFORMATION CONTACT**.

Mary Ross,

Director, Office of Science Advisor, Policy and Engagement.

[FR Doc. 2021–27396 Filed 12–16–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Designated Reserve Ratio for 2022

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Designated Reserve Ratio for 2022.

SUMMARY: Pursuant to the Federal Deposit Insurance Act (FDI Act), the Board of Directors of the Federal Deposit Insurance Corporation designates that the Designated Reserve Ratio (DRR) for the Deposit Insurance Fund shall remain at 2 percent for 2022. The Board is publishing this notice as required by section 7(b)(3)(A)(i) the FDI Act (12 U.S.C. 1817(b)(3)(A)(i)).

FOR FURTHER INFORMATION CONTACT: Ashley Mihalik, Chief, Banking and Regulatory Policy Section, Division of Insurance and Research, (202) 898–3793, *amihalik@fdic.gov;* Daniel Hoople, Acting Chief, Fund Analysis and Pricing Section, Division of Insurance and Research, (202) 898–3835, *dhoople@fdic.gov;* or Nefretete Smith, Counsel, Legal Division, (202) 898–6851, *nefsmith@fdic.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the FDI Act, the Board designates that the DRR for the Deposit Insurance Fund shall remain at 2 percent for 2022. The Board is publishing this notice as required by section 7(b)(3)(A)(i) the FDI Act (12 U.S.C. 1817(b)(3)(A)(i)). There is no need to amend 12 CFR 327.4(g), the section of the FDIC's regulations which sets forth the DRR, because the DRR for 2022 is the same as the current DRR.

Dated at Washington, DC, on December 14, 2021.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–27382 Filed 12–16–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 21–11]

OJ Commerce, LLC, Complainant v. Hamburg Südamerikanische Dampfschifffahrts-Gesellschaft A/S & Co KG and Hamburg Sud North America, Inc., Respondents; Notice of Filing of Complaint and Assignment

Served: December 13, 2021.

Notice is given that a complaint has been filed with the Federal Maritime Commission (''Commission'') by OJ Commerce, LLC, hereinafter ''Complainant'', against Hamburg Südamerikanische Dampfschifffahrts-Gesellschaft A/S & Co KG (''Hamburg'') and Hamburg Sud North America, Inc (''Hamburg NA''), hereinafter ''Respondents.'' Complainant alleges that Respondent Hamburg is a German common carrier and that Respondent Hamburg NA is a Delaware corporation and a marine terminal operator.

Complainant alleges that Respondents violated 46 U.S.C. 41102(c) and 46 CFR 545.4 and 545.5 with regard to the movement of containers. The full text of the complaint can be found in the Commission's Electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/21-11/.*

This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding office in this proceeding shall be issued by December 13, 2022, and the final decision of the Commission shall be issued by June 27, 2023.

JoAnne O'Bryant,

Program Analyst.

[FR Doc. 2021–27332 Filed 12–16–21; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than January 18, 2022.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *United Community Bancshares, Inc., Morganfield, Kentucky;* to acquire Dixon Bank, Dixon, Kentucky.

Board of Governors of the Federal Reserve System, December 14, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–27352 Filed 12–16–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than January 3, 2022.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23219. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. *PL Capital, LLC, a limited liability company; Goodbody/PL Capital LLC, a limited liability company; Financial Edge Fund, L.P., a limited partnership; Financial Edge-Strategic Fund, L.P., a limited partnership; PL Capital/Focused Fund, L.P., a limited partnership; Goodbody/PL Capital, L.P., a limited partnership; PL Capital Advisors, LLC, a limited liability company; and Messrs. John William Palmer and Richard John Lashley, all of Naples, Florida;* to acquire voting shares of Old Point Financial Corporation, and thereby indirectly acquire voting shares of The Old Point National Bank of Phoebus, both of Hampton, Virginia.

Board of Governors of the Federal Reserve System, December 13, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–27297 Filed 12–16–21; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1764]

Regulation Q; Regulatory Capital Rules: Risk-Based Capital Surcharges for Global Systemically Important Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice.

SUMMARY: The Board is providing notice of the 2021 aggregate global indicator amounts, as required under the Board's rule regarding risk-based capital surcharges for global systemically important bank holding companies (GSIB surcharge rule).

DATES: The 2021 aggregate global indicator amounts are effective December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Juan Climent, Assistant Director (202) 872–7526, Naima Jefferson, Lead Financial Institution Policy Analyst, (202) 912–4613, Christopher Appel, Senior

Financial Institution Policy Analyst II, (202) 973–6862, or Jennifer McClean, Senior Financial Institution Policy Analyst II, (202) 785–6033, Division of Supervision and Regulation; or Mark Buresh, Senior Counsel, (202) 452–5270, or Jonah Kind, Counsel, (202) 452–2045, Legal Division. Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Board's GSIB surcharge rule establishes a methodology to identify global systemically important bank holding companies in the United States (GSIBs) based on indicators that are correlated with systemic importance.[1] Under the GSIB surcharge rule, a firm must calculate its GSIB score using a specific formula (Method 1). Method 1 uses five equally weighted categories that are correlated with systemic importance—size, interconnectedness, cross-jurisdictional activity, substitutability, and complexity—and subdivided into twelve systemic indicators. A firm divides its own measure of each systemic indicator by an aggregate global indicator amount. A firm's Method 1 score is the sum of its weighted systemic indicator scores expressed in basis points. The GSIB surcharge for a firm is the higher of the GSIB surcharge determined under Method 1 and a second method, Method 2, which weighs size, interconnectedness, cross-jurisdictional activity, complexity, and a measure of the firm's reliance on short-term wholesale funding.[2]

The aggregate global indicator amounts used in the score calculation under Method 1 are based on data collected by the Basel Committee on Banking Supervision (BCBS). The BCBS amounts are determined based on the sum of the systemic indicator amounts as reported by the 75 largest U.S. and foreign banking organizations as measured by the BCBS, and any other banking organization that the BCBS includes in its sample total for that year. The BCBS publicly releases these amounts, denominated in euros, each year.[3] Pursuant to the GSIB surcharge rule, the Board publishes the aggregate global indicator amounts each year as denominated in U.S. dollars using the euro-dollar exchange rate provided by the BCBS.[4] Specifically, to determine the 2021 aggregate global indicator amounts, the Board multiplied each of the euro-denominated indicator amounts made publicly available by the BCBS by 1.2271, which was the daily euro to U.S. dollar spot rate on December 31, 2020, as published by the European Central Bank.[5]

The aggregate global indicator amounts for purposes of the 2021 Method 1 score calculation under § 217.404(b)(1)(i)(B) of the GSIB surcharge rule are:

AGGREGATE GLOBAL INDICATOR AMOUNTS IN U.S. DOLLARS (USD) FOR 2021

Category	Systemic indicator	Aggregate global indicator amount (in USD)
Size	Total exposures	$104,442,849,410,183
Interconnectedness	Intra-financial system assets	9,525,381,095,179
	Intra-financial system liabilities	11,102,596,441,364
	Securities outstanding	16,369,523,590,059
Substitutability	Payments activity	3,056,139,808,380,645
	Assets under custody	211,665,077,772,201
	Underwritten transactions in debt and equity markets	10,045,419,091,782
Complexity	Notional amount of over-the-counter (OTC) derivatives	640,457,925,001,269
	Trading and available-for-sale (AFS) securities	4,158,476,687,737
	Level 3 assets	642,954,578,909
Cross-jurisdictional activity	Cross-jurisdictional claims	25,173,500,130,034
	Cross-jurisdictional liabilities	20,496,206,443,399

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p-l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

By order of the Board of Governors of the Federal Reserve System, acting through the Director of Supervision and Regulation under delegated authority, December 13, 2021.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2021–27294 Filed 12–16–21; 8:45 am]

BILLING CODE P

[1] *See* 12 CFR 217.402, 217.404.

[2] Method 2 uses similar inputs to those used in Method 1, but replaces the substitutability category with a measure of a firm's use of short-term wholesale funding. In addition, Method 2 is calibrated differently from Method 1.

[3] The data used by the Board are available on the BCBS website at *https://www.bis.org/bcbs/gsib/denominators.htm.*

[4] 12 CFR 217.404(b)(1)(i)(B); 80 FR 49082, 49086–87 (August 14, 2015). In addition, the Board maintains the GSIB Framework Denominators on its website, available at *https://www.federalreserve.gov/bankinforeg/basel/denominators.htm.*

[5] Foreign exchange rates provided by the BCBS are based on data published by the European Central Bank. Available at both *https://www.bis.org/bcbs/gsib/avexch_end20_gsib.xlsx* and *https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/index.en.html.*

GENERAL SERVICES ADMINISTRATION

[Notice MG–2021–04; Docket No. 2021–0002; Sequence No. 31]

Office of Federal High-Performance Green Buildings; Green Building Advisory Committee; Notification of Upcoming Web-Based Public Meetings

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Notice of public meetings.

SUMMARY: Notice of these web-based public meetings is being provided in accordance with GSA policy. This notice provides the schedule for a series of public meetings of the Green Building Advisory Committee's Federal Building Decarbonization Task Group, which are open for the public to observe. Interested individuals must register to attend as instructed below under **SUPPLEMENTARY INFORMATION**.

DATES: The Green Building Advisory Committee's (Committee's) Federal Building Decarbonization Task Group (Task Group) will hold recurring web-

based meetings on Mondays from January 10, 2022, through September 26, 2022, from 3:00 p.m. to 4:00 p.m., Eastern Time (ET).

The purpose of these web-based meetings is for the Task Group to develop consensus recommendations for submission to the full Committee. The Committee will, in turn, deliberate on the Task Group recommendations and decide whether to proceed with formal advice to GSA based upon these recommendations.

The next phase of the Federal Building Decarbonization Task Group will build on the findings of the first phase of this Task Group, as described by a Task Group presentation posted at *https://www.gsa.gov/cdnstatic/Federal_Building_Decarbonization_Task_Group_11-16-21.pdf.* The Task Group will discuss and work to develop recommendations to GSA to prioritize federal building decarbonization strategies and develop implementation plans and scenarios.

SUPPLEMENTARY INFORMATION:

Procedures for Attendance

Contact Dr. Ken Sandler, Designated Federal Officer, Green Building Advisory Committee, Office of Federal High-Performance Green Buildings, Office of Government-Wide Policy, General Services Administration, at *ken.sandler@gsa.gov* or 202–219–1121 to register to attend these public web-based meetings. Submit your full name, organization, email address and phone number. Requests to attend the web-based meetings must be received by 5:00 p.m. ET, on Thursday, January 6, 2022. Meeting call-in information will be provided to interested parties who register by the deadline. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the web-based meeting site before the meetings is recommended.)

Additional information about the Committee, including meeting materials and agendas, will be available on-line at *http://www.gsa.gov/gbac.*

Background

The Administrator of GSA established the Committee on June 20, 2011 (**Federal Register**/Vol. 76, No. 118) pursuant to Section 494 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17123). Under this authority, the Committee provides independent policy advice and recommendations to GSA to advance federal building innovations in planning, design, and operations to reduce costs, enable agency missions, enhance human health and performance, and minimize environmental impacts.

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2021–27322 Filed 12–16–21; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0067; Docket No. 2021–0053; Sequence No. 16]

Information Collection; Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision concerning certain Federal Acquisition Regulation (FAR) part 16 contract pricing requirements. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through February 28, 2022. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by February 15, 2022.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0067, Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Jennifer Hawes, Procurement Analyst, at telephone 202–969–7386, or *jennifer.hawes@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0067, Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements.

B. Need and Uses

DoD, GSA, and NASA are combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision of OMB Control No. 9000–0067 and combines it with the previously approved information collections under OMB Control Nos. 9000–0068 and 9000–0071, with the new title ''Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements''. Upon approval of this consolidated information collection, OMB Control Nos. 9000–0068 and 9000–0071 will be discontinued. The burden requirements previously approved under the discontinued numbers will be covered under OMB Control No. 9000–0067.

This clearance covers the information that contractors must submit to comply with the following FAR requirements:

• *FAR 52.216–2, Economic Price Adjustment-Standard Supplies; FAR 52.216–3, Economic Price Adjustment-Semistandard Supplies; and FAR 52.216–4, Economic Price Adjustment-Labor and Material.* These clauses require contractors on contracts that provide for economic price adjustments to promptly notify the contracting officer of any increases or decreases to established prices or labor rates (including fringe) because of certain contingencies, such as increases or decreases to established catalog or market prices or changes to cost indexes for labor or materials. The contracting officer uses the information provided by the contractor to negotiate price adjustments under the contract due to the contingency specified in the contract.

• *FAR 52.216–5, Price Redetermination-Prospective.* Paragraph (c) of this clause requires a contractor on a fixed-price contract with prospective price redetermination to submit to the Government (within an agreed upon timeframe) a statement of costs incurred for the most recent period of performance, the proposed prices for the upcoming contract period, and any supporting or relevant documentation. Per paragraph (h) of this clause, during periods where firm prices have not been established, the contractor must also submit quarterly statements that includes a breakdown of total contract prices, costs, and profit incurred and all invoices accepted for delivered items or services for which final prices have not been established. The contracting officer uses the information to negotiate/redetermine fair and reasonable prices for supplies and services that may be delivered or performed under the contract in the period following the effective date of price redetermination.

• *FAR 52.216–6, Price Redetermination-Retroactive.* Paragraph (c) of this clause requires a contractor on a fixed-ceiling-price contract with retroactive price redetermination to submit to the Government (within an agreed upon timeframe after completion of the contract) the proposed prices, all costs incurred in performing the contract, and any supporting or relevant documentation. Per paragraph (g) of this clause, until final price redetermination has been completed, the contractor must also submit a quarterly statement that includes a breakdown of total contract prices, costs, and interim profit incurred and all invoices accepted for delivered items. The contracting officer uses the information provided by the contractor to negotiate/redetermine fair and reasonable prices for supplies and services that have already been delivered or performed under the contract.

• *FAR 52.216–16, Incentive Price Revision–Firm Target; and FAR 52.216–17, Incentive Price Revision–Successive Targets.* These clauses require contractors on fixed price incentive (firm or successive target) contracts to submit to the Government on a quarterly basis a statement regarding total contract prices, costs, portions of interim profit, and amounts of invoices or vouchers for completed work that is cumulative from the beginning of the contract (see 52.216–16(g) and 52.216–17(i)). Upon final delivery of supplies or completion of services for covered line items, the contractor is required to submit a detailed statement of all costs incurred up to the end of that month in performing all work under the items; an estimate of costs of further performance, if any, that may be necessary to complete performance of all work under the items; a list of all residual inventory and an estimate of its value; and any other relevant data that the Contracting Officer may reasonably require (see 52.216–16(c) and 52.216–17(e)). Paragraph (c) of 52.216–17 also requires submission of data for establishing the firm fixed price or a final profit adjustment formula. The contracting officer uses the information provided by the contractor to evaluate the contractor's performance in meeting the incentive target and to negotiate the final prices of incentive-related items and services.

C. Annual Burden

Respondents: 9,162.

Total Annual Responses: 61,580.

Total Burden Hours: 114,743.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0067, Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–27246 Filed 12–16–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0133]

Advisory Committee on Immunization Practices (ACIP)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment. The meeting will be webcast live via the World Wide Web.

DATES: The meeting will be held on December 16, 2021, from 12 p.m. to 4 p.m., EST (times subject to change). Written comments are due December 23, 2021.

ADDRESSES: You may submit comments identified by Docket No. CDC–2021–0133 by any of the following methods:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–8, Atlanta, Georgia 30329–4027, Attn: ACIP Meeting.

Instructions: All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the *https://www.regulations.gov* suitability policy will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

Written public comments will be provided to ACIP members.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS H24–8, Atlanta, Georgia 30329–4027; Telephone: (404) 639–8367; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 41 CFR 102–3.150(b), less than 15 calendar days' notice is being given for this meeting due to the exceptional circumstances of the

COVID–19 pandemic and rapidly evolving COVID–19 vaccine development and regulatory processes. The Secretary of Health and Human Services has determined that COVID–19 is a Public Health Emergency. A notice of this ACIP meeting has also been posted on CDC's ACIP website at: *http://www.cdc.gov/vaccines/acip/index.html.* In addition, CDC has sent notice of this ACIP meeting by email to those who subscribe to receive email updates about the ACIP.

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the CDC Director and appear on CDC immunization schedules must be covered by applicable health plans.

Matters To Be Considered: The agenda will include discussions on Janssen (Johnson & Johnson) COVID–19 vaccine safety. A recommendation vote is scheduled. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html.*

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Written Public Comment: Written comments must be received on or before December 23, 2021.

Oral Public Comment: This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment at the December 16, 2021 ACIP meeting must submit a request at *http://www.cdc.gov/vaccines/acip/meetings/* no later than 8 a.m., EST, December 16, 2021, according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by December 16, 2021. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to 3 minutes, and each speaker may only speak once per meeting.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–27506 Filed 12–15–21; 4:15 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–3926]

Request for Nominations for Voting Members on Public Advisory Panels of the Medical Devices Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on the Medical Devices Advisory Committee (MDAC) device panels in the Center for Devices and Radiological Health. This annual notice is also in accordance with the 21st Century Cures Act, which requires the Secretary of Health and Human Services (the Secretary) to provide an annual opportunity for patients, representatives of patients, and sponsors of medical devices that may be specifically the subject of a review by a classification panel to provide recommendations for individuals with appropriate expertise to fill voting member positions on classification panels. FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees, and therefore, encourages nominations of appropriately qualified candidates from these groups.

DATES: Nominations received on or before February 15, 2022, will be given first consideration for membership on the Panels of the MDAC. Nominations received after February 15, 2022, will be considered for nomination to the committee as later vacancies occur.

ADDRESSES: All nominations for membership should be submitted electronically by logging into the FDA Advisory Nomination Portal at *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: *Regarding all nomination questions for membership, contact the following persons listed in table 1:*

TABLE 1—PRIMARY CONTACT AND COMMITTEE OR PANEL

Primary contact person	Committee or panel
Joannie Adams-White, Office of the Center Director, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5561, Silver Spring, MD 20993, 301–796–5421, *Joannie.Adams-White@fda.hhs.gov*.	Medical Devices Dispute Resolution Panel.
James P. Swink, Office of Management, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66 Rm. 5211, Silver Spring, MD 20993, 301–796–6313, *James.Swink@fda.hhs.gov*.	Circulatory System Devices Panel, Immunology Devices Panel, Microbiology Devices Panel,Ophthalmic Devices Panel.
Akinola Awojope, Office of Management, Center for Devices and Radiological Health, Food and Drug Administration,10903 New Hampshire Ave., Bldg. 66, Rm. 5216, Silver Spring, MD 20993, 301–636–0512, *Akinola.Awojope@fda.hhs.gov*.	Dental Products Panel, Neurological Devices Panel, Obstetrics and Gynecology Devices Panel Orthopaedic and Rehabilitation Devices Panel.
Jarrod Collier, Office of Management, Center for Devices and Radiological Health, Food and Drug Administration,10903 New Hampshire Ave., Bldg. 66, Rm. 5216, Silver Spring, MD 20993, 301–796–6875, *Jarrod.Collier@fda.hhs.gov*.	Ear, Nose and Throat Devices Panel, General Hospital and Personal Use Devices Panel, Hematology and Pathology Devices Panel, Molecular and Clinical Genetics Panel, Radiological Devices Panel.
Candace Nalls, Office of Management, Center for Devices and Radiological Health, Food and Drug Administration,10903 New Hampshire Ave., Bldg. 66, Rm. 5214, Silver Spring, MD 20993, 301–636–0510, *Candace.Nalls@fda.hhs.gov*.	Anesthesiology and Respiratory Therapy Devices Panel, Clinical Chemistry and Clinical Toxicology Devices Panel, General and Plastic Surgery Devices Panel.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting members for vacancies listed in table 2:

TABLE 2— EXPERTISE NEEDED, VACANCIES, AND APPROXIMATE DATE NEEDED

Expertise needed	Vacancies	Approximate date needed
Anesthesiology and Respiratory Therapy Devices Panel of the Medical Devices Advisory Committee—Anesthesiologists, pulmonary medicine specialists, or other experts who have specialized interests in ventilator support, sleep medicine, pharmacology, physiology, or the effects and complications of anesthesia. FDA is also seeking applicants with pediatric expertise in these areas.	3	Immediately.
Circulatory System Devices Panel of the Medical Devices Advisory Committee—Interventional cardiologists, electrophysiologists, invasive (vascular) radiologists, vascular and cardiothoracic surgeons, and cardiologists with special interest in congestive heart failure.	1 1	Immediately. July 1, 2022.
Clinical Chemistry and Clinical Toxicology Panel of the Medical Devices Advisory Committee—Doctors of medicine or philosophy with experience in clinical chemistry (*e.g.,* cardiac markers), clinical toxicology, clinical pathology, clinical laboratory medicine, and endocrinology.	1	March 1, 2022.
Dental Products Panel of the Medical Devices Advisory Committee—Dentists, engineers, and scientists who have expertise in the areas of dental implants, dental materials, oral and maxillofacial surgery, endodontics, periodontology, tissue engineering, snoring/sleep therapy, and dental anatomy.	3	Immediately.
Ear, Nose, and Throat Devices Panel of the Medical Devices Advisory Committee—Otologists, neurotologists, and audiologists.	4	Immediately.
General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee—Surgeons (general, plastic, reconstructive, pediatric, thoracic, abdominal, pelvic, and endoscopic); dermatologists; experts in biomaterials, lasers, wound healing, and quality of life; and biostatisticians.	4	Immediately.
General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee—Internists, pediatricians, neonatologists, endocrinologists, gerontologists, nurses, biomedical engineers, human factors experts, or microbiologists/infection control practitioners or experts.	2 1	Immediately. January 1, 2022.
Hematology and Pathology Devices Panel of the Medical Devices Advisory Committee—Hematologists (benign and/or malignant hematology), hematopathologists (general and special hematology, coagulation and hemostasis, and hematological oncology), gynecologists with special interests in gynecological oncology, cytopathologists, and molecular pathologists with special interests in development of predictive and prognostic biomarkers, molecular oncology, cancer screening, cancer risk, digital pathology, whole slide imaging; devices utilizing artificial intelligence/machine learning.	3 1	Immediately. March 1, 2022.
Immunology Devices Panel of the Medical Devices Advisory Committee—Persons with experience in medical, surgical, or clinical oncology, internal medicine, clinical immunology, allergy, molecular diagnostics, or clinical laboratory medicine.	7	Immediately.
Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee—Experts with cross-cutting scientific, clinical, analytical or mediation skills.	1	October 1, 2022.

TABLE 2— EXPERTISE NEEDED, VACANCIES, AND APPROXIMATE DATE NEEDED—Continued

Expertise needed	Vacancies	Approximate date needed
Microbiology Devices Panel of the Medical Devices Advisory Committee—Infectious disease clinicians (*e.g.,* pulmonary disease specialists, sexually transmitted disease specialists, pediatric ID specialists, tropical diseases specialists) and clinical microbiologists experienced in emerging infectious diseases; clinical microbiology laboratory directors; molecular biologists with experience in in vitro diagnostic device testing; virologists; hepatologists; or clinical oncologists experienced with tumor resistance and susceptibility.	5 2	Immediately. March 1, 2022.
Molecular and Clinical Genetics Panel of the Medical Devices Advisory Committee—Experts in human genetics, molecular diagnostics, and in the clinical management of patients with genetic disorders, and (*e.g.,* pediatricians, obstetricians, neonatologists). Individuals with training in inborn errors of metabolism, biochemical and/or molecular genetics, population genetics, epidemiology and related statistical training, bioinformatics, computational genetics/genomics, variant classification, cancer genetics/genomics, molecular oncology, radiation biology, and clinical molecular genetics testing, (*e.g.,* sequencing, whole exome sequencing, whole genome sequencing, non-invasive prenatal testing, cancer screening, circulating cell free/circulating tumor nucleic acid testing, digital PCR, genotyping, array CGH, etc.). Individuals with experience in genetics counseling, medical ethics are also desired, and individuals with experience in ancillary fields of study will be considered.	2 2	Immediately. June 1, 2022.
Neurological Devices Panel of the Medical Devices Advisory Committee—Neurosurgeons (cerebrovascular and pediatric), neurologists (stroke, pediatric, pain management, and movement disorders), interventional neuroradiologists, psychiatrists, and biostatisticians.	2	Immediately.
Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee—Experts in perinatology, embryology, reproductive endocrinology, pediatric gynecology, gynecological oncology, operative hysteroscopy, pelviscopy, electrosurgery, laser surgery, assisted reproductive technologies, contraception, postoperative adhesions, and cervical cancer and colposcopy; biostatisticians and engineers with experience in obstetrics/gynecology devices; urogynecologists; experts in breast care; experts in gynecology in the older patient; experts in diagnostic (optical) spectroscopy; experts in midwifery; labor and delivery nursing.	4 1	Immediately. February 1, 2022.
Ophthalmic Devices Panel of the Medical Devices Advisory Committee—Ophthalmologists specializing in cataract and refractive surgery and vitreo-retinal surgery, in addition to vision scientists, optometrists, and biostatisticians practiced in ophthalmic clinical trials.	4	Immediately.
Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee—Orthopaedic surgeons (joint, spine, trauma, reconstruction, sports medicine, hand, foot and ankle, and pediatric orthopaedic surgeons); rheumatologists; engineers (biomedical, biomaterials, and biomechanical); experts in rehabilitation medicine, and musculoskeletal engineering; radiologists specializing musculoskeletal imaging and analyses and biostatisticians.	2 2	Immediately. September 1, 2022.
Radiological Devices Panel of the Medical Devices Advisory Committee—Physicians with experience in general radiology, mammography, ultrasound, magnetic resonance, computed tomography, other radiological subspecialties and radiation oncology; scientists with experience in diagnostic devices, radiation physics, statistical analysis, digital imaging and image analysis.	3 4	Immediately. February 1, 2022.

I. General Description of the Committee Duties

The MDAC reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation. The panels engage in many activities to fulfill the functions the Federal Food, Drug, and Cosmetic Act (FD&C Act) envisions for device advisory panels. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, performs the following duties: (1) Advises the Commissioner regarding recommended classification or reclassification of devices into one of three regulatory categories, (2) advises on any possible risks to health associated with the use of devices, (3) advises on formulation of product development protocols, (4) reviews premarket approval applications for medical devices, (5) reviews guidelines and guidance documents, (6) recommends exemption of certain devices from the application of portions of the FD&C Act, (7) advises on the necessity to ban a device, and (8) responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Dental Products Panel also functions at times as a dental drug panel. The functions of the dental drug panel are to evaluate and recommend whether various prescription drug products should be changed to over-the-counter status and to evaluate data and make recommendations concerning the approval of new dental drug products for human use.

The Medical Devices Dispute Resolution Panel provides advice to the Commissioner on complex or contested scientific issues between FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and Agency guidance and policies. The panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to regular advisory panel proceedings or Agency decisions or actions.

II. Criteria for Voting Members

The MDAC with its 18 panels shall consist of a maximum of 159 standing members. Members are selected by the Commissioner or designee from among authorities in clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. Almost all non-Federal members of this committee serve as Special Government Employees. A maximum of 122 members shall be standing voting

members and 37 shall be nonvoting members who serve as representatives of consumer interests and of industry interests. FDA is publishing separate documents announcing the Request for Nominations Notification for Nonvoting Representatives on certain panels of the MDAC. Persons nominated for membership on the panels should have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The current needs for each panel are listed in table 2. Members will be invited to serve for terms of up to 4 years.

III. Nomination Procedures

Any interested person may nominate one or more qualified individuals for membership on one or more of the advisory panels. Self-nominations are also accepted. Nominations must include a current, complete résumé or curriculum vitae for each nominee, including current business address, telephone number, and email address if available and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Nomination Portal (see **ADDRESSES**). Nominations must also specify the advisory panel(s) for which the nominee is recommended. Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters related to financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: December 13, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–27376 Filed 12–16–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1425]

Agency Information Collection Activities; Proposed Collection; Comment Request; Mitigation Strategies To Protect Food Against Intentional Adulteration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on collections of information describing mitigation strategies to protect food against intentional adulteration.

DATES: Submit either electronic or written comments on the collection of information by February 15, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 15, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 15, 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–2013–N–1425 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Mitigation Strategies to Protect Food Against Intentional Adulteration.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly

available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–994–7399, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Mitigation Strategies To Protect Food Against Intentional Adulteration—21 CFR Part 121

OMB Control Number 0910–0812—Extension

This information collection supports FDA regulations. Under the Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the FDA Food Safety Modernization Act (FSMA), certain provisions have been established to protect against the intentional adulteration of food. Section 418 of the FD&C Act (21 U.S.C. 350g) addresses intentional adulteration in the context of facilities that manufacture, process, pack, or hold food and are required to register under section 415 of the FD&C Act (21 U.S.C. 350d). Section 419 of the FD&C Act (21 U.S.C. 350h) addresses intentional adulteration in the context of fruits and vegetables that are raw agricultural commodities. Section 420 of the FD&C Act (21 U.S.C. 350i) addresses intentional adulteration in the context of high-risk foods and exempts farms except for farms that produce milk. These provisions are codified at part 121 (21 CFR part 121) and include requirements that an owner, operator, or agent in charge of a facility must:

- Prepare and implement a written food defense plan that includes a vulnerability assessment to identify significant vulnerabilities and actionable process steps, mitigation strategies, and procedures for food defense monitoring, corrective actions, and verification (§ 121.126 (21 CFR 121.126));
- identify any significant vulnerabilities and actionable process steps by conducting a vulnerability assessment for each type of food manufactured, processed, packed, or held at the facility using appropriate methods to evaluate each point, step, or procedure in a food operation (§ 121.130 (21 CFR 121.130));
- identify and implement mitigation strategies at each actionable process step to provide assurances that the significant vulnerability at each step will be significantly minimized or prevented and the food manufactured, processed, packed, or held by the facility will not be adulterated. For each mitigation strategy implemented at each actionable process step, include a written explanation of how the mitigation strategy sufficiently minimizes or prevents the significant vulnerability associated with the actionable process step (§ 121.135 (21 CFR 121.135));
- establish and implement mitigation strategies management components, as appropriate to ensure the proper implementation of each such mitigation strategy, taking into account the nature of the mitigation strategy and its role in the facility's food defense system (21 CFR 121.138);
- establish and implement food defense monitoring procedures, for monitoring the mitigation strategies, as appropriate to the nature of the mitigation strategy and its role in the facility's food defense system (§ 121.140 (21 CFR 121.140));
- establish and implement food defense corrective action procedures that must be taken if mitigation strategies are not properly implemented, as appropriate to the nature of the actionable process step and the nature of the mitigation strategy (§ 121.145 (21 CFR 121.145));
- establish and implement specified food defense verification activities, as appropriate to the nature of the mitigation strategy and its role in the facility's food defense system (§ 121.150 (21 CFR 121.150));
- conduct a reanalysis of the food defense plan (21 CFR 121.157);
- ensure that all individuals who perform required food defense activities are qualified to perform their assigned duties (21 CFR 121.4); and
- establish and maintain certain records, including the written food defense plan (vulnerability assessment, mitigation strategies and procedures for food defense monitoring, corrective actions, and verification) and documentation related to training of personnel. All records are subject to certain general recordkeeping and record retention requirements (§§ 121.301 through 121.330 (21 CFR 121.301 through 121.330).

Under the regulations, an owner, operator, or agent in charge of a facility must prepare, or have prepared, and implement a written food defense plan, including written identification of actionable process steps, written mitigation strategies, written procedures for defense monitoring, written food defense corrective actions, and written food defense verification procedures.

The purpose of the information collection is to ensure compliance with the provisions under part 121 related to protecting food from intentional adulteration. The regulations are intended to address hazards that may be

intentionally introduced to foods, including by acts of terrorism, with the intent to cause widespread harm to public health. Under the regulations, domestic and foreign food facilities that are required to register under the FD&C Act are required to identify and implement mitigation strategies to significantly minimize or prevent significant vulnerabilities identified at actionable process steps in a food operation.

In an effort to reduce burden and assist respondents, FDA offers tools and educational materials related to protecting food from intentional adulteration, including the FDA Food Defense Plan Builder, a user-friendly tool designed to help owners and operators of food facilities develop a personalized food defense plan, and the Mitigation Strategies Database, a database for the food industry providing a range of preventative measures that firms may choose to implement. These and other informational resources are available at *https://www.fda.gov/food/food-defense/food-defense-tools-educational-materials.* FDA also offers a small entity compliance guide titled ''Mitigation Strategies to Protect Food Against Intentional Adulteration'' (August 2017) to inform domestic and foreign food facilities about compliance with regulations to protect against intentional adulteration. Further, FDA developed two draft guidance documents titled ''Mitigation Strategies to Protect Food Against Intentional Adulteration: Draft Guidance for Industry'' (March 2019) and ''Supplemental Draft Guidance for Industry: Mitigation Strategies to Protect Food Against Intentional Adulteration'' (February 2020). Once finalized, the draft guidance documents would assist the food industry in developing and implementing the elements of a food defense plan. These guidance documents are available at *https://www.fda.gov/food/food-defense.* All Agency guidance documents are issued in accordance with our good guidance practice regulations in 21 CFR 10.115, which provide for public comment at any time.

Description of Respondents: The respondents to this information collection are manufacturers, processors, packers, and holders of retail food products marketed in the United States.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Exemption for food from very small businesses; 21 CFR 121.5	18,080	1	18,080	0.5 (30 minutes)	9,040

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Certain facilities may qualify for an exemption under the regulations. Because these facilities must provide documentation upon request to verify their exempt status, we have characterized this as a reporting burden.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Food Defense Plan; § 121.126	3,247	1	3,247	23	74,681
Actionable Process Steps; § 121.130	9,759	1	9,759	20	195,180
Mitigation Strategies; § 121.135(b)	9,759	1	9,759	20	195,180
Monitoring Corrective Actions, Verification; §§ 121.140(a), 121.145(a)(1), and 121.150(c)	9,759	1	9,759	175	1,707,825
Training; § 121.160	367,203	1	367,203	0.67 (40 minutes)	246,026
Records; §§ 121.305 and 121.310	9,759	1	9,759	10	97,590
Total					2,516,482

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments other than to increase the burden estimate by 1,224 hours due to a corrected calculation for the estimate related to training (§ 121.160).

Dated: December 10, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–27285 Filed 12–16–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–0241]

Inspection of Injectable Products for Visible Particulates; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Inspection of Injectable Products for Visible Particulates.'' Visible particulates in injectable products can jeopardize patient safety. This draft guidance addresses the development and implementation of a holistic, risk-based approach to visible particulate control that incorporates product development, manufacturing controls, visual inspection techniques, particulate identification, investigation, and

corrective actions designed to assess, correct, and prevent the risk of visible particulate contamination. The draft guidance also clarifies that meeting an applicable U.S. Pharmacopeia (USP) compendial standard alone is not generally sufficient for meeting the current good manufacturing practice (CGMP) requirements for the manufacture of injectable products.

DATES: Submit either electronic or written comments on the draft guidance by February 15, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–D–0241 for ''Inspection of Injectable Products for Visible Particulates.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002; or the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Eric Dong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 6652, Silver Spring, MD 20993–0002, 240–402–4172; Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911; or Laura Huffman, Center for Veterinary Medicine (HFV–140), Food and Drug Administration, Metro Park North 2 (MPN2), Rm. Hotel CVM, 7500 Standish Pl., Rockville, MD 20855, 240–402–0664.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Inspection of Injectable Products for Visible Particulates.'' Visible particulates in injectable products can jeopardize patient safety. The draft guidance addresses a holistic approach to visible particulate control that incorporates risk assessment, prevention, inspection, identification, and remediation of visible particulates in injectable products.

Adherence to FDA's CGMP requirements. as set forth in section 501 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 351) and 21 CFR parts 210 and 211 for drug, animal drug, and biological products; 21 CFR 600.10 through 600.15 for biological products; and 21 CFR part 4 for combination products, is essential for the control of visible particulates in injectable products. Adherence to compendial standards can also assist manufacturers in complying with CGMP requirements. USP General Chapter <1> *Injections and Implanted Drug Products (Parenterals)—Product Quality Tests* states that ''[t]he inspection process should be designed and qualified to ensure that every lot of all parenteral preparations is essentially free from visible particulates'' as defined in USP General Chapter <790> *Visible Particulates in Injections.* Injectable

products with a USP monograph are required to meet the applicable criteria from these USP General Chapters (see section 501(b) of the FD&C Act). Noncompendial products should also be ''essentially free from visible particulates'' as defined in USP General Chapter <790>.

Applying acceptance criteria, such as the criterion outlined in USP General Chapter <790>, is an important component of the overall visible particulate control program, but meeting these acceptance criteria alone is not sufficient to ensure compliance with the applicable CGMP requirements identified above, which cover a broader array of manufacturing practices than product inspection. Full compliance with CGMP requirements is needed to ensure the continued supply of pure, safe, and effective injectable products.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Inspection of Injectable Products for Visible Particulates.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR parts 211, 314, and 601 have been approved under OMB control numbers 0910–0139, 0910–0001, and 0910–0308, respectively.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/animal-veterinary/guidance-regulations/guidance-industry, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: December 14, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–27351 Filed 12–16–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Brain Initiative RFAs (EB–19–002; EB–20–001) Review SEP.

Date: February 11, 2022.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Songtao Liu, MD, Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 920, Bethesda, MD 20892, (301) 827–3025, *songtao.liu@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: December 10, 2021.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–27340 Filed 12–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee CIDR Member Conflict Meeting.

Date: January 14, 2022.

Time: 12:00 p.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3100, Room 3184, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, Bldg. 6700B Rockledge Dr., Rm. 3184, 6700B Rockledge Dr., Bethesda, MD 20817, (301) 402–0838, *pozzattr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: December 13, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–27341 Filed 12–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; NIH Electronic Application System for NIH Certificates of Confidentiality

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide

opportunity for public comment on proposed data collection projects, the Office of Extramural Research (OER), in the Office of the Director, the National Institutes of Health (NIH) will publish periodic summaries of propose projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Pamela Reed Kearney, Division of Human Subjects Research, OER, NIH, 6705 Rockledge Dr., Building Rockledge 1, Room 812–C, Bethesda, MD 20817, or call non-toll-free number (301) 402–2512 or Email your request, including your address to: *NIH-CoC-Coordinator@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Electronic Application for NIH Certificates of Confidentiality (CoC E-application System), 0925–0689, REVISION, exp., date 02/28/2023. Office of Extramural Research (OER), National Institutes of Health (NIH).

Need and Use of Information Collection: The current CoC system sends system communications and the approved Certificate to the Principal Investigator and the Institutional Official. NIH is adding two optional data fields to the electronic system for the submission and processing of requests for NIH to issue Certificates of Confidentiality (CoCs). The optional data fields will allow the requester to identify another person that receives CoC system communications and the approved Certificate. This request system provides one electronic form to be used by all research organizations that request a Certificate of Confidentiality (CoC) from NIH. As described in the authorizing legislation (Section 301(d) of the Public Health Service Act, 42 U.S.C. 241(d)), CoCs are issued by the agencies of the U.S. Department of Health and Human Services (HHS), including NIH, to authorize researchers to protect the privacy of human research subjects by prohibiting them from releasing names and identifying characteristics of research participants to anyone not connected with the research, except in limited circumstances specified in the statute. At NIH, the issuance of CoCs has been delegated to the NIH Office of Extramural Research (OER) in the NIH Office of the Director. NIH received 795 requests for CoCs from January 2020 through December 2020 and expects to receive approximately the same number of requests in subsequent years. NIH has been using an online CoC system to review requests and issue CoCs since 2015. The current CoC request form includes six sections of information collected from research organizations. The information provided is used to determine eligibility for a CoC and to issue the CoC to the requesting organization. Eligible requesting organizations that provide legally binding affirmations that they will abide by the terms of the CoC are issued a Certificate of Confidentiality. This system has increased efficiency and reduced burden for both requesters and NIH staff who currently process these requests.

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1193.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
Life Scientists	795	1	90/60	1193
Total		795		1193

Dated: December 11, 2021.

Lawrence A. Tabak,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 2021–27298 Filed 12–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering

Special Emphasis Panel; Brain Initiative RFA (EB–20–002) Review SEP.

Date: January 14, 2022.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dennis Hlasta, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Bethesda, MD 20892 (301) 451–4794, *dennis.hlasta@nih.gov.*

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; P41 NCBIB Review C–SEP.

Date: March 2, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Plaza, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manana Sukhareva, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 959, Bethesda, MD 20892 (301) 451–3397, *sukharem@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: December 10, 2021.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–27339 Filed 12–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0025]

Report of Diversion

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection, the Department of Homeland Security, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than February 15, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0025 in the subject line and the agency name. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

Due to COVID–19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Report of Diversion.

OMB Number: 1651–0025.

Form Number: CBP Form 26.

Current Actions: Extension with change of an existing information collection.

Type of Review: Extension (with change).

Affected Public: Businesses.

Abstract: CBP Form 26, *Report of Diversion,* is used to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This form is initiated by the vessel owner or agent to notify and request approval by CBP for a vessel to divert while traveling coastwise from a U.S. port to another U.S. port, or a vessel traveling to a foreign port having to divert to a U.S. port when a change occurs in the vessel itinerary. CBP Form 26 collects information such as the name and nationality of the vessel, the expected port and date of arrival, and information about any related penalty cases, if applicable. This information collection is authorized by 46 U.S.C. 60105 and is provided for in 19 CFR 4.91. CBP Form 26 is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=26.*

Proposed Change: This form is anticipated to be submitted electronically as part of the maritime forms automation project through the Vessel Entrance and Clearance System (VECS), which will eliminate the need for any paper submission of any vessel entrance or clearance requirements under the above referenced statutes and regulations. VECS will still collect and maintain the same data, but will automate the capture of data to reduce or eliminate redundancy with other data collected by CBP.

Type of Information Collection: CBP Form 26.

Estimated Number of Respondents: 1,400.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 2,800.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 233.

Dated: December 14, 2021.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2021–27348 Filed 12–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[223D0102DM, DS6CS00000, DLSN00000.000000, DX.6CS25]

Notice of Senior Executive Service Performance Review Board Appointments

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of appointments.

SUMMARY: This notice provides the names of individuals appointed to serve on the Department of the Interior Senior Executive Service (SES) Performance Review Board.

DATES: These appointments take effect upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: To request additional information about this notice, contact Raymond Limon, Deputy Assistant Secretary—Human Capital and Diversity/Chief Human Capital Officer, by email at *Raymond_Limon@ios.doi.gov,* or by telephone at (202) 208–3100.

SUPPLEMENTARY INFORMATION: The individuals appointed to serve on the Department of the Interior SES Performance Review Board are as follows:

ANDERSON, JAMES
CONANT, ERNEST
MATRAGRANO, KAREN
MIRANDA–CASTRO, LEOPOLDO
OWENS, GLENDA
POITRA, TAMMIE
SHOLLY, CAMERON
SHOPE, THOMAS
SUAZO, RAYMOND
TUCKER, KAPRICE
TUPPER, MICHAEL
WEBER, WENDI

Authority: Title 5, U.S. Code, 4314.

Raymond Limon,

Deputy Assistant Secretary—Human Capital and Diversity Chief Human Capital Officer.

[FR Doc. 2021–27293 Filed 12–16–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033144; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Johnson-Humrickhouse Museum, Coshocton, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Johnson-Humrickhouse Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Johnson-Humrickhouse Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Johnson-Humrickhouse Museum at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Jennifer Bush, Director, Johnson-Humrickhouse Museum, 300 N. Whitewoman Street, Coshocton, OH 43812, telephone (740) 622–8710, email *jennbush@jhmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Johnson-Humrickhouse Museum, Coshocton, OH. The human remains and associated funerary objects were removed from Eshman Farm, Muskingum County, OH.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kent State University Anthropology Department and Johnson-Humrickhouse Museum professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; Seneca Nation of Indians [previously listed as Seneca Nation of New York]; and the Seneca-Caygua Nation [previously listed as Seneca-Cayuga Tribe of Oklahoma]. The Absentee-Shawnee Tribe of Indians of Oklahoma; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; and Stockbridge Munsee Community, Wisconsin were invited to consult but did not participate. Hereafter, all Indian Tribes listed in this section are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In 1969, human remains representing, at minimum, one individual were removed from the Eshman Farm site in Muskingum County, OH. The site is upriver from the Muskingum River Bridge at Dresden. It contained a low burial mound located in the side yard near the Eschman House. This low burial mound was excavated by amateur archeologists Glenn Longaberger and Frank Stratman in 1969. The site collection was donated to the Johnson-Humrickhouse Museum in 1974, shortly following the death of Glenn Longaberger. The Museum has no accession record or description of the excavation, only a 1983 article in the *Ohio Archaeologist* by Jeff Carskadden and Jim Morton. The fragmentary human remains belong to an individual of unknown sex thought to be between 13–20 years old. Based on information in the Carskadden and Morton article, the human remains have been identified as Shawnee. No known individual was identified. The three associated funerary objects are one Micmac stone pipe, one lock plate and cock from a flint lock rifle, and one brass harness bell.

The Eschman Farm site was occupied during the Hopewell Period (200 BCE to 500 CE). Subsequently, it was occupied by the Shawnee Tribe. Longaberger determined the site to be Hopewell based on the mound architecture, the artifacts, and the Hopewell presence in

the area. Later, the Shawnee moved into the site and established a village around the mound called Wakatomika (Carskadden and Morton, 1983). The human remains and associated funerary objects listed in this notice comprise a Shawnee burial that was placed into the Hopewell period mound.

Determinations Made by the Johnson-Humrickhouse Museum

Officials of the Johnson-Humrickhouse Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the three objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Absentee-Shawnee Tribe of Indians of Oklahoma; Eastern Shawnee Tribe of Oklahoma; and the Shawnee Tribe (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Bush, Director, Johnson-Humrickhouse Museum, 300 North Whitewoman Street, Coshocton, OH 43812, telephone (740) 622–8710, email *jennbush@jhmuseum.org,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Johnson-Humrickhouse Museum is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27361 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033125; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History (AMNH) has completed an inventory of human remains and an associated funerary object, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and associated funerary object, and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary object to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object, should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and an associated funerary object under the control of the American Museum of Natural History, New York, NY. The human remains and associated funerary objects were removed from Mercer County, NJ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary object. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the American Museum of Natural History's professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge-Munsee Community, Wisconsin (hereafter referred to as ''The Tribes'').

History and Description of the Remains

Human remains representing, at minimum, three individuals were removed from Trenton, Mercer County, NJ, most likely by Ernest Volk during an AMNH-sponsored expedition in 1899. They were likely accessioned that same year. No catalog number for the human remains of these three individuals could be found, but as they were housed with catalogued human remains from locales within the Abbott Farm site in Mercer County, NJ, they are assumed to have also been collected from the Abbott Farm site. The human remains belong to two adults and one subadult. No known individuals were identified. No associated funerary objects are present.

In 1899, human remains representing, at minimum, two individuals, were removed from a railroad cut located south of Trenton, Mercer County, Delaware Valley, NJ, by Ernest Volk during an AMNH-sponsored expedition. AMNH accessioned the human remains that same year. The human remains belong to two adults whose sex is indeterminate. No known individuals were identified. No associated funerary objects are present.

In 1899, human remains representing, at minimum, two individuals, were removed from Bilbee's sandpit, located south of Trenton, Mercer County, NJ, by Ernest Volk during an AMNH-sponsored expedition. AMNH accessioned the human remains that same year. The human remains belong to one adult male and one adult who is likely female. No known individuals were identified. No associated funerary objects are present.

In 1900, human remains representing, at minimum, one individual, were removed from Bilbee's sandpit, located south of Trenton, Mercer County, NJ, by Ernest Volk during an AMNH-sponsored expedition. AMNH accessioned the human remains that same year. The

human remains belong to one adult who is likely male. No known individual was identified. No associated funerary objects are present.

In 1899, human remains representing, at minimum, one individual, were removed from ''River View Cemetery,'' located south of Trenton, Mercer County, NJ, by Ernest Volk during an AMNH-sponsored expedition. AMNH accessioned the human remains that same year. The human remains belong to one adult of indeterminate sex. No known individual was identified. No associated funerary objects are present.

In 1899, human remains representing, at minimum, 13 individuals, were removed from Abbott Farm in Mercer County, NJ, by Ernest Volk during an AMNH-sponsored expedition. AMNH accessioned the human remains and an associated funerary object that same year. The human remains belong to one adult male, eight adults of indeterminate sex, three subadults, and one individual whose age and sex are indeterminate. No known individuals were identified. The one associated funerary object is a conical object in two pieces.

In 1914, human remains, representing, at minimum, two individuals, were removed from Abbott Farm in Trenton, Mercer County, NJ, by Leslie Spier and Alanson Skinner as part of a museum expedition. AMNH accessioned the human remains that same year. The human remains, which were recovered from Trench 1, are highly fragmentary. They belong to two adults whose sex is indeterminate. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the 24 human remains described in this notice are Native American based on their archeological context and Museum records.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary object to The Tribes may proceed.

The American Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27354 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033141; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Fowler Museum at the University of California Los Angeles, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Fowler Museum at the University of California Los Angeles (Fowler Museum at UCLA) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Fowler Museum at UCLA. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Fowler Museum at UCLA at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Wendy G Teeter, Ph.D., Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095–1549, telephone (310) 825–1864, email *wteeter@arts.ucla.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Fowler Museum at the University of California Los Angeles, Los Angeles, CA. The human remains and associated funerary objects were removed from San Luis Obispo County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Fowler Museum at UCLA professional staff in consultation with representatives of the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California and three non-federally recognized Indian groups: The Barbareño/Ventureño Band of Mission Indians, Coastal Band of the Chumash Nation, and the *yak tityu tityu yak tiłhini*—Northern Chumash Tribe (hereafter referred to as ''The Consulted Tribe and Groups'').

History and Description of the Remains

In 1958, human remains representing, at minimum, one individual was removed from the surface of site SLO–237 near Arroyo Grande Creek, in San Luis Obispo County, CA. Excavations in preparation for a planned dam were conducted on private land by William Wallace of the University of Southern California (U.S.C.) at the request of the National Park Service. Sixty-nine archeological sites were identified

through survey, and seven of them were further tested with 5′ x 5′ excavation pits. The collection was originally at U.S.C., but it was transferred to UCLA and accessioned (no. 449) when William Wallace retired in 1964. The site dates to the Late Period (A.D. 1300–1500). The human remains consist of the fragmentary left ulna belonging to an adult of unidentified sex. No known individual was identified. No associated funerary objects were either identified or collected.

Through consultation, and consistent with ethnographic and historic documentation, the Fowler Museum has determined that SLO–237 lies within the traditional territory of the Chumash. Because the same range of artifact types and materials were used from the early pre-contact period until historic times, many local archeologists assert that any changes in the material culture of the earlier groups living in this area over the past 10,000 years reflect evolving ecological adaptations and related changes in social organization of the same populations, rather than population displacement or movement. Moreover, Native consultants explicitly state that, while population mixing did occur on a small scale, it would not have altered the continuity of the shared group identities of people associated with specific locales. Based on this evidence, shared group identity may reasonably be traced between the earlier group at these sites and present-day Chumash people.

Determinations Made by the Fowler Museum at the University of California Los Angeles

Officials of the Fowler Museum at the University of the California Los Angeles have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Wendy G. Teeter, Ph.D., Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095–1549, telephone (310) 825–1864, email *wteeter@arts.ucla.edu,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California may proceed.

The Fowler Museum at the University of the California Los Angeles is responsible for notifying The Consulted Tribe and Groups that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27358 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033142; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: University of California, Berkeley; Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of California, Berkeley, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of a sacred object and object of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the University of California, Berkeley. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the University of California, Berkeley at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas Torma, NAGPRA Liaison, University of California, Berkeley; Government and Community Relations, Office of the Chancellor; University of California, Berkeley; 200 California Hall, Room 215A, Berkeley, CA 94720, telephone (510) 672–5388, email *t.torma@berkeley.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the University of California, Berkeley; Berkeley, CA, that meets the definition of a sacred object and object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1904, one cultural item was removed from Valley Center in San Diego County, CA. The object in question is a basket that was transferred to the University of California, Berkeley (Berkeley) by Philip Stedman Sparkman. Sparkman ran a general store in Valley Center, which is located a short distance from the Rincon Reservation. It came to Berkeley as part of a package that was sent to Kroeber in August or September of 1904 and was accessioned in 1905. While there is no information in the letter accompanying the package about how Sparkman came to have the basket, some language in his letters to Kroeber suggests that he did not pay for it.

The item does not appear to have left the museum since it was accessioned in 1905. The one sacred object and object of cultural patrimony is a basket.

The one cultural item listed above is culturally affiliated with the Rincon Band of Luiseno Mission Indians of Rincon Reservation, California. This affiliation is supported by museum records, ethnographic sources, historical sources and newspapers, oral tradition, and other information provided through consultation with tribal representatives.

Determinations Made by the University of California, Berkeley

Officials of the University of California, Berkeley have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

• Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and object of cultural patrimony and the Rincon Band of Luiseno Mission Indians of Rincon Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Dr. Thomas Torma, NAGPRA Liaison, University of California, Berkeley; Government and Community Relations, Office of the Chancellor; University of California, Berkeley; 200 California Hall, Room 215A, Berkeley, CA 94720, telephone (510) 672–5388, email *t.torma@berkeley.edu*, by January 18, 2022. After that date, if no additional claimants have come forward, transfer of control of the sacred object and object of cultural patrimony to the Rincon Band of Luiseno Mission Indians of Rincon Reservation, California may proceed.

The University of California, Berkeley is responsible for notifying the Rincon Band of Luiseno Mission Indians of Rincon Reservation, California that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27359 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033138; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Worcester Natural History Society (DBA EcoTarium), Worcester, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Worcester Natural History Society (DBA EcoTarium) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the EcoTarium. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the EcoTarium at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Martin Christiansen, EcoTarium, 222 Harrington Way, Worcester, MA 01604, telephone (508) 929–2734, email *MChristiansen@EcoTarium.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Worcester Natural History Society, Worcester, MA. The human remains were removed from land belonging to the Daniels School of Forestry in Rutland, Worcester County, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by EcoTarium professional staff in consultation with representatives of the Mashpee Wampanoag Tribe [previously listed as Mashpee Wampanoag Indian Tribal Council, Inc.]; Wampanoag Tribe of Gay Head (Aquinnah); and the Nipmuc Nation, Hassanamisco Band, a non-federally recognized Indian group. Hereafter, all the Indian Tribes and the non-federally recognized Indian group listed in this section are referred to as ''The Consulted Tribes and Group.''

History and Description of the Remains

In 1952, human remains representing, at minimum, one individual were removed from land belonging to the Daniels School of Forestry in the town of Rutland, Worcester County, MA. The human remains have been in the possession of the Worcester Natural History Society since at least the late 1990s. No known individual was identified. No associated funerary objects are present.

Forensic analysis of the human remains reached the following conclusion: ''The remains consist of a nearly complete skull of a probably male, probable adult individual of ancestry most consistent with Native American. No meaningful estimate of stature was possible. No antemortem or perimortem trauma or antemortem pathological changes are visible. The PMI [postmortem interval, time of death] was determined by 14C analysis to be circa AD 290.'' In other words, these human remains belong to the Woodland period of Native habitation of the northeast.

The Daniels site is located within the historic and prehistoric range of the Nipmuc Nation. Historic associations, including kinship connections, exist between the Nipmuc and the Wampanoag.

Multiple lines of evidence, guided by consultation, including geographical, oral traditional, linguistic, and historical information, demonstrate the existence of a shared group identity between The Consulted Tribes and Group and the earlier group to which the human remains in this notice are connected.

Determinations Made by the Worcester Natural History Society

Officials of the Worcester Natural History Society have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Mashpee Wampanoag Tribe [previously listed as Mashpee Wampanoag Indian Tribal Council, Inc.] and the Wampanoag Tribe of Gay Head (Aquinnah) (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit

a written request with information in support of the request to Martin Christiansen, EcoTarium, 222 Harrington Way, Worcester, MA 01604, telephone (508) 929–2734, email *MChristiansen@EcoTarium.org,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed. If joined to a request from one or more of The Tribes, the Nipmuc Nation, Hassanamisco Band, a non-federally recognized Indian group may also be included in the transfer of control.

The Worcester Natural History Society is responsible for notifying The Consulted Tribes and Group that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27356 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033147; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Peabody Museum of Archaeology and Ethnology, Harvard University has completed an inventory of associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the Peabody Museum of Archaeology and Ethnology. If no additional requestors come forward, transfer of control of the associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the Peabody Museum of Archaeology and Ethnology at the address in this notice by January 18, 2022.

ADDRESSES: Patricia Capone, Curator and NAGPRA Director, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA. The associated funerary objects were removed from Stewart County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Associated Funerary Objects

The sites listed in this notice were excavated by Edwin Curtiss as part of a series of Peabody Museum of Archaeology and Ethnology expeditions in Middle Tennessee led by F.W. Putnam between 1877 and 1884. The human remains from these sites were previously listed in a Notice of Inventory Completion published in the **Federal Register** on December 21, 2018 (83 FR 65727–65728, December 21, 2018) and transferred to The Chickasaw Nation.

In 1879, human remains representing, at minimum, three individuals were removed from a ''Mound on Mr. Banister's Place,'' located near Dover in Stewart County, TN. The three associated funerary objects are one chipped stone biface, one ceramic owl effigy vessel, and one fluorspar pendant.

In 1879, human remains representing, at minimum, three individuals were removed from a cemetery on ''James C. Green's Place,'' located near Dover in Stewart County, TN. The 18 associated funerary objects are one small ceramic vessel and 17 ceramic sherds.

In 1879, human remains representing, at minimum, three individuals were removed from a mound on ''Mr. Perkin's Farm,'' located on the Cumberland River 100 miles below Nashville, in Stewart County, TN. The five associated funerary objects are two copper-covered wooden beads, one lead fragment, one sharpening stone, and one pumice stone.

Determinations Made by the Peabody Museum of Archaeology and Ethnology, Harvard University

Officials of the Peabody Museum of Archaeology and Ethnology, Harvard University have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the 26 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, Treaties, Acts of Congress, or Executive Orders, the land from which the Native American associated funerary objects were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Patricia Capone, Curator and NAGPRA Director, Peabody Museum of

Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Tribes may proceed.

The Peabody Museum of Archaeology and Ethnology, Harvard University is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27364 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033146; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Peabody Museum of Archaeology and Ethnology, Harvard University has completed an inventory of associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the associated funerary object and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request to the Peabody Museum of Archaeology and Ethnology. If no additional requestors come forward, transfer of control of the associated funerary object to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request with information in support of the request to the Peabody Museum of Archaeology and Ethnology at the address in this notice by January 18, 2022.

ADDRESSES: Patricia Capone, Curator and NAGPRA Director, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA. The associated funerary object was removed from De Soto County, MS.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary object. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary object was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Associated Funerary Object

Sometime prior to 1887, human remains representing, at minimum, one individual were removed from the mound at the Lake Cormorant Site (22Ds501), in DeSoto County, MS, by F. H. Bierbower. In 1887, the Peabody Museum of Archaeology and Ethnology purchased these human remains from Mr. Bierbower. The human remains from this site were previously listed in a Notice of Inventory Completion published in the **Federal Register** on December 21, 2018 (83 FR 65724–65725, December 21, 2018) and transferred to The Chickasaw Nation.

The one associated funerary object is a chipped flint projectile point.

Determinations Made by the Peabody Museum of Archaeology and Ethnology, Harvard University

Officials of the Peabody Museum of Archaeology and Ethnology, Harvard University have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the associated funerary object and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, Treaties, Acts of Congress, or Executive Orders, the land from which the associated funerary object was removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the associated funerary object may be to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the associated funerary object should submit a written request with information in support of the request to Patricia Capone, Curator and NAGPRA Director, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the associated funerary object to The Chickasaw Nation may proceed.

The Peabody Museum of Archaeology and Ethnology, Harvard University is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27363 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033145; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Johnson-Humrickhouse Museum, Coshocton, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Johnson-Humrickhouse Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Johnson-Humrickhouse Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Johnson-Humrickhouse Museum at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Jennifer Bush, Director, Johnson-Humrickhouse Museum, 300 N Whitewoman Street, Coshocton, OH 43812, telephone (740) 622–8710, email *jennbush@jhmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Johnson-Humrickhouse Museum, Coshocton, OH. The human remains and associated funerary objects were removed from Eshman Farm, Muskingum County, OH.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kent State University Anthropology Department and Johnson-Humrickhouse Museum professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; Seneca Nation of Indians [previously listed as Seneca Nation of New York]; and the Seneca-Caygua Nation [previously listed as Seneca-Cayuga Tribe of Oklahoma].

History and Description of the Remains

In 1969, human remains representing, at minimum, one individual were removed from the Eshman Farm site in Muskingum County, OH. The site is situated upriver from the Muskingum River Bridge at Dresden. It contained a low burial mound located in the side yard near the Eschman House. This low burial mound was excavated by amateur archeologists Glenn Longaberger and Frank Stratman in 1969. The site collection was donated to the Johnson-Humrickhouse Museum in 1974, shortly after the death of Glenn Longaberger. The museum has no accession record or description of the excavation, except for a 1983 article in the *Ohio Archaeologist* by Jeff Carskadden and Jim Morton. The fragmentary human remains belong to an individual of unidentified sex thought to be between 20 and 34 years old. No known individual was identified. The 21 associated funerary objects are 17 Terminal Woodland points and/or preforms, one banded slate gorget, one stone celt, and two mica sheets.

Based on the mound architecture, the artifacts, and the known Hopewell presence in the area, Longaberger determined that the Eschman Farm site was occupied during the Hopewell Period (200 BCE to 500 CE). The Shawnee later moved into the site and established a village around the mound called Wakatomika (Carskadden and Morton, 1983). A cultural affiliation may be traced between the present-day Shawnee and Delaware Tribes and the earlier groups at the Eschman Farm site connected to the human remains and associated funerary objects listed in this notice.

Determinations Made by the Johnson-Humrickhouse Museum

Officials of the Johnson-Humrickhouse Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 21 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Absentee-Shawnee Tribe of Indians of Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Seneca Nation of Indians [previously listed as Seneca Nation of New York]; Seneca-Caygua Nation [previously listed as Seneca-Cayuga Tribe of Oklahoma]; and the Shawnee Tribe (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Bush, Director, Johnson-Humrickhouse Museum, 300 North Whitewoman Street, Coshocton, OH 43812, telephone (740) 622–8710, email *jennbush@jhmuseum.org,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Johnson-Humrickhouse Museum is responsible for notifying The Tribes that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27362 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033140; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Fowler Museum at the University of California, Los Angeles, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Fowler Museum at the University of California, Los Angeles (Fowler Museum at UCLA) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Museum at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Wendy Teeter, Fowler Museum at UCLA, Box 951549, Los Angeles CA 90095, telephone (310) 825–1864, email *wteeter@arts.ucla.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Fowler Museum at the University of California, Los Angeles, Los Angeles, CA. The human remains and associated funerary objects were removed from site RIV–156, located east of Palm Springs in Riverside County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Museum professional staff in consultation with representatives of the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

History and Description of the Remains

In 1955, human remains representing, at minimum, one individual were removed from site RIV–156 in Riverside County, CA. During a survey in Deep Canyon, east of Palm Springs, Gordon Redfeldt removed human remains and cultural materials. In the Spring of 1956, Redfeldt and Charles Rozaire donated this collection to the UCLA Archaeology Collections. No known individual was identified. The 392 associated funerary objects are 368 pieces of pottery (some of which appear to be fire affected and two are painted), four ceramic disc fragments, one hammerstone, two core tools, six scrapers, one projectile point tip, one unmodified burned carnivore mandible fragment, one unmodified burned deer metapodial, and eight unmodified burned faunal bone fragments.

Determinations Made by the Fowler Museum at the University of California, Los Angeles

Officials of the Fowler Museum at the University of California, Los Angeles have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 392 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Wendy Teeter, Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095, telephone (310) 825–1864, email *wteeter@arts.ucla.edu,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California may proceed.

The Fowler Museum at the University of California, Los Angeles is responsible for notifying the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27357 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033137; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Diablo Valley College, Pleasant Hill, CA; Withdrawal

AGENCY: National Park Service, Interior.

ACTION: Notice; withdrawal.

SUMMARY: Diablo Valley College, a campus of Contra Costa Community College District, is rescinding a Notice of Inventory Completion published in the **Federal Register** on April 1, 2021.

DATES: This withdrawal is effective December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Susan Lamb, President, Diablo Valley College, 321 Golf Club Road, Pleasant Hill, CA 94523, telephone (925) 969–2001, email *slamb@dvc.edu.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 1, 2021, withdraw FR Doc 2021–06656.

Authority: 86 FR 17189.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27355 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033143; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Illinois State Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Illinois State Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Illinois State Museum at the address in this notice by January 18, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Brooke Morgan, Illinois State Museum Research & Collections Center, 1011 East Ash Street, Springfield, IL 62703, telephone (217) 785–8930, email *Brooke.Morgan@illinois.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Illinois State Museum, Springfield, IL. The human remains and associated funerary objects were removed from the Aronin site, Grundy County, IL, and the Gougar site, Will County, IL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Illinois State Museum professional staff in consultation with representatives of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and the Prairie Band Potawatomi Nation [previously listed as Prairie Band of Potawatomi Nation, Kansas]. The Hannahville Indian Community, Michigan and the Nottawaseppi Huron Band of the Potawatomi, Michigan [previously listed as Huron Potawatomi, Inc.] were invited to consult but did not participate. Hereafter, the Indian Tribes listed in this section are referred to as ''The Tribes''.

History and Description of the Remains

Sometime between 1970–1973, human remains representing, at minimum, nine individuals were removed from the Aronin site (11GR5), which is located on the east side of Aux Sable Creek in Grundy County, IL, near its confluence with the Illinois River and just west of the confluence of the Des Plaines and Kankakee Rivers. Documentation associated with this collection is sparse, but records indicate that the Aronin material was collected in the early 1970s, after burials were disturbed by heavy equipment operation during trenching. The construction was halted, archeologists were called to the scene to salvage the burials, and the recovered materials were subsequently donated to the Center for American Archeology in Kampsville, IL, for curation. In 2004, the Aronin site collection was transferred to the Illinois State Museum Research & Collections Center in Springfield, IL. The number of burials encountered in the early 1970s work is unclear. It is also unclear which objects can be associated with which burials, but all the objects listed in this notice are reasonably believed to be funerary objects.

Upon transfer to the Illinois State Museum, an osteologist documented the partial human skeletal remains and identified nine individuals of Native American ancestry. The human remains belong to one 13–16 year old adolescent of unknown sex (Individual A); one 8–10 year old adolescent of unknown sex (Individual B); one 6–7 year old adolescent of unknown sex (Individual C); one 35–45 year old adult male (Individual D); one 25–35 year old adult male (Individual E); one 3–12 year old adolescent of unknown sex (Individual F); one 0–1 year old infant of unknown sex (Individual G); one 20+ year old adult female (Individual H); and one probable adult male of unknown age (Individual I). No known individuals were identified. The 75 associated funerary objects include seven silver brooches or brooch fragments, 19 miniature silver brooches or pins attached to fabric, one lot wool fabric, two small silver bands, nine pieces of scrap silver, one wooden artifact fragment, four knife fragments, two steel strike-a-lights, one lot metal fragments, one limestone smoking pipe bowl fragment, one skunk mandible, four large mammal ribs, one modern large mammal bone fragment (which may be intrusive), 14 unmodified natural pebbles and concretions, two complete wide silver armbands, one fragment of a wide silver armband, one silver cross, one magnifying glass with metal frame, two silver pendants, and one silver button with birchbark attached.

Based on diagnostic trade items, early maps of the region, and other historic documentation, the Aronin site is most likely a late 18th–early 19th century Potawatomi cemetery and is probably affiliated with a nearby village at Aux Sable Creek. Four pieces of decorative silver were stamped or engraved with maker's marks. One of the pieces was made by Robert Cruickshank (ca. 1748–1809) and three of the pieces were made by Pierre Huguet Latour (1749–1817), both of whom were Montreal silversmiths. The three Latour items were likely produced between 1780 and 1816, when he was active as a silversmith. A small magnifying or burning glass with a brass frame resembles those known to date to ca. 1750–1800. Early maps of the region note the existence of a Potawatomi village on the west side of Aux Sable Creek (alternatively referred to as Au Sable River, Sandy Creek, Sandy River, or Sand River) around 1812. Thomas Forsyth, in a letter to William Clark on July 20, 1813, provided geographic information on Potawatomi and Kickapoo villages near the Illinois River, noting that ''at Sandy Creek near the forks of Illinois River is Black Partridge and Pepper two Potawatomies [sic] Chiefs reside.'' By 1812, Pepper had succeeded Little Chief as leader of the village at Aux Sable Creek. While Forsyth identified the Aux Sable Creek

village as Potawatomi, in his May 31, 1812 letter to Ninian Edwards, John Hays claimed its population included Potawatomi, Chippewa, and Ottawa residents. Although the village has not been identified in the archeological record, it is reasonable to conclude the Aronin site represents a Potawatomi cemetery associated with Pepper's village at Aux Sable Creek.

In June or July 1969, human remains representing, at minimum, two individuals were removed from the Gougar site (11WI64), which is located on the south side of Hickory Creek in Will County, IL, east of Joliet, IL, in advance of road widening by the Illinois Department of Transportation. Salvage excavations were performed under the direction of Dr. Emily Blasingham of the Illinois State Museum. According to Blasingham's report, the area had been severely disturbed by previous digging, and only fragmentary remains of individuals and associated objects were recovered. In 1968, prior to the Illinois State Museum's salvage excavation, members of the Will County Historical Society removed six burials and associated funerary objects. In September of 1969, the Society reinterred the six individuals, as well as two additional individuals, on property owned by the Joliet Park District, where they remain to this day. The materials collected by the Illinois State Museum salvage excavation were thought to be lost, until they were located at the Glenn A. Black Laboratory at Indiana University in 2009. In 2009, the collection was returned to the Illinois State Museum. It is unclear which objects can be associated with which individuals, but the objects listed in this notice are reasonably believed to be funerary objects. The human remains in the Illinois State Museum's collection have been identified as fragments belonging to the human remains that were reinterred on Joliet Park District property.

The partial human remains were examined by an osteologist. Based on contextual information, they were identified as belonging to two individuals of Native American ancestry: One 20+ year old adult of unknown sex and one 0–3 year old infant of unknown sex. No known individuals were identified. The 17 associated funerary objects include one lot glass beads, two shell beads, one lot shells, one metal brooch fragment, one tinkling cone or ear bob, one lot metal/stone/fabric, two lots fabric/textiles, one bone or antler button, one lot knife fragments, one lot wood and sediment, one lot wood or bark, and four lots metal.

The artifacts are consistent with other late 18th–early 19th century Potawatomi sites in northern Illinois. Maps of ca. 1830 Native American villages in the region show a Potawatomi village referred to as ''Hickory Creek Settlement'' that may correspond with the Gougar location. Based on artifact types, historic documentation, and oral history, Gougar likely represents a Potawatomi habitation site and cemetery that predates 1830, at which time the property was settled by Euro-Americans.

Determinations Made by the Illinois State Museum

Officials of the Illinois State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eleven individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 92 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Brooke Morgan, Illinois State Museum Research & Collections Center, 1011 East Ash Street, Springfield, IL 62703, telephone (217) 785–8930, email *brooke.morgan@illinois.gov,* by January 18, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Illinois State Museum is responsible for notifying The Tribes that this notice has been published.

Dated: December 10, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–27360 Filed 12–16–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1227]

Certain Routers, Access Points, Controllers, Network Management Devices, Other Networking Products, and Hardware and Software Components Thereof; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on December 7, 2021, the presiding administrative law judge has issued a Final Initial Determination on Section 337 Violation and a Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting public interest comments from the public only.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 (''Section 337'') provides that if the Commission finds a violation it shall exclude the articles concerned from the United States unless the public interest factors listed in 19 U.S.C. 1337(d)(1) prevent such action.

The Commission is soliciting comments on public interest issues raised by the recommended relief should the Commission find a violation, specifically, a limited exclusion order (''LEO'') covering all of the infringing articles imported, sold for importation, or sold after importation by respondents CommScope Holding Company, Inc. of Hickory, North Carolina; CommScope, Inc. of Hickory, North Carolina; Arris

US Holdings, Inc. of Suwanee, Georgia; Ruckus Wireless, Inc. of Sunnyvale, California; Hewlett Packard Enterprise Co. of Palo Alto, California; Aruba Networks, Inc. of Santa Clara, California; and Netgear, Inc. of San Jose, California, and should apply to respondents' affiliated companies, parents, subsidiaries or other related business entities, or their successors or assigns. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on December 7, 2021. Comments should address whether issuance of the recommended LEO in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended LEO are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the recommended LEO;

(iii) Identify like or directly competitive articles that complainants, their licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainants, complainants' licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended LEO within a commercially reasonable time; and

(v) Explain how the recommended LEO would impact consumers in the United States.

Written submissions from the public must be filed no later than by close of business on December 27, 2021.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1227'') in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: December 14, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–27394 Filed 12–16–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1210]

Notice of Request for Submissions on the Public Interest; Certain Wrapping Material and Methods for Use in Agricultural Applications

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on December 10, 2021, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A limited exclusion order directed to certain wrapping material and methods for use in agricultural

applications imported, sold for importation, and/or sold after importation by respondents Zhejiang Yajia Cotton Picker Parts Co., Ltd.; Zhejiang Yajia Packaging Materials Co., Ltd.; Southern Marketing Affiliates, Inc.; and Hai'an Xin Fu Yuan of Agricultural, Science and Technology Co., Ltd. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on December 10, 2021. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended remedial order are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended order;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended order within a commercially reasonable time; and

(v) explain how the recommended order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on January 9, 2022.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1210'') in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: December 14, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–27371 Filed 12–16–21; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Criminal Rules; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Criminal Rules; notice of cancellation of open hearing.

SUMMARY: The following virtual public hearing on proposed amendments to the Federal Rules of Criminal Procedure has been canceled: Criminal Rules Hearing on January 11, 2022. The announcement for this hearing was previously published in the **Federal Register** on August 11, 2021.

DATES: January 11, 2022.

FOR FURTHER INFORMATION CONTACT: Bridget Healy, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: December 13, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–27328 Filed 12–16–21; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On December 14, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Illinois in the lawsuit entitled *United States* v. *Pharmacia LLC, et al.,* Civil Action No. 21–1681.

The United States filed a Complaint in this lawsuit under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The United States' complaint names Pharmacia LLC and Solutia Inc. as defendants. The complaint requests recovery of oversight and other response costs that the United States incurred in connection with remedial efforts taken in Sauget Area 2 and an order requiring completion of remedial work selected in a Record of Decision for Sauget Area 2 located in Sauget, St. Clair County, Illinois. The defendants signed the proposed Consent Decree, agreeing to pay a total of $700,000 in response costs and complete the work, estimated to cost $17.9 million. In addition, two property owners in Sauget Area 2, the Village of Sauget and Eagle Marine Industries,

Inc., have signed the Consent Decree agreeing to provide access to the defendants to complete the work. Finally, 148 Settling Non-Participating Parties, each of which entered into settlements with Solutia and Pharmacia, have joined the Consent Decree agreeing to forego further litigation over their liability in Sauget Area 2. In return, the United States agrees not to sue the defendants under sections 106 and 107 of CERCLA related to this work.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Pharmacia LLP, et al.,* D.J. Ref. No. 90–11–2–06089/7. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $116.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without Appendices C and E (the Record of Decision and signature pages of the Settling Non-Participating Parties listed in Appendix A), the cost is only $30.25.

Patricia Mckenna,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–27378 Filed 12–16–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before January 18, 2022.

ADDRESSES: You may submit your comments including the docket number of the petition by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* Regular Mail or Hand Delivery: MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: S. Aromie Noe, Acting Director, Office of Standards, Regulations, and Variances. MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Noe.Song-Ae.A@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2021–034–C.

Petitioner: Rosebud Mining Company, 301 Market Street, Kittanning, Pennsylvania 16201.

Mine: Knob Creek Mine, MSHA ID No. 36–09394, located in Indiana County, Pennsylvania.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.1700, as it relates to oil and gas wells at the mine. Specifically, the petitioner is proposing procedures for: Cleaning out and preparing oil and gas wells prior to plugging or re-plugging; plugging or re-plugging oil or gas wells to the surface; plugging or replugging oil or gas wells for use as degasification boreholes; preparing and plugging or re-plugging oil or gas wells; and mining through a plugged or re-plugged well.

The petitioner states that:

(a) The Knob Creek Mine is opened into the Upper Kittanning Coal seam through three drifts. Coal is produced on one underground section using a continuous mining machine and a continuous haulage system. The mine normally operates one production shift per day, 5 to 6 days per week, and produces an average of 452 tons of raw coal per day. The mine employs 20 persons underground and 3 on the surface.

(b) The Knob Creek mine uses a room and pillar method of mining. A continuous miner with attached haulage develops main entries. After the mains are established, butts, rooms, and/or panels are developed off of the mains. The length of the rooms and/or panels typically extends a distance of 600 feet, depending on permit boundaries, projections, and conditions.

(c) The Knob Creek Mine Permit contains: Oil or gas wells that have been depleted of oil or gas production; producing wells; oil or gas wells that have not produced oil or gas and may have been plugged; and coal bed methane wells (CBM). Wells drilled into potential oil or gas producing formations that did not produce commercial quantities of either gas or oil (*e.g.,* exploratory wells, wildcat wells, or dry holes) are classified as oil or gas wells by MSHA. These wells would alter the mining projections for the life of the mine and not allow the most efficient use of air available to the mine, if the barrier established by 30 CFR 75.1700 were to remain in place. The presence of the 30 CFR 75.1700 barrier would also limit the safest and most efficient use of in-seam CBM wells.

The petitioner proposes the following alternative method:

(a) District Manager's approval is required.

(1) The type of oil or gas well considered under this petition includes wells that have been depleted of oil or gas production, have not produced oil or gas and may have been plugged, and active wells. No Marcellus and Utica wells are contained within the Knob Creek Mine Permit or are subject to this modification.

(2) A safety barrier of 300 feet in diameter (150 feet between any mined area and a well) shall be maintained around all oil and gas wells (including but not limited to: Active, inactive, abandoned, shut-in, and previously plugged wells; water injection wells; and carbon dioxide sequestration wells) until the District Manager has given approval to proceed with mining.

(3) Prior to mining within the safety barrier of 300 feet in diameter around any well the mine plans to intersect, the petitioner shall provide the District Manager with a sworn affidavit or declaration executed by a company official stating that all mandatory procedures for cleaning out, preparing, and plugging each gas or oil well have been completed as described by the terms and conditions of this Decision and Order.

(4) If well intersection is not planned, the mine petitioner may request a permit to reduce the 300 foot diameter of the safety barrier that does not include intersection of the well. The petitioner will provide any documentation that the District Manager may require to help verify the accuracy of the location of the well in respect to the mine maps and mining projections. This information may include survey closure data, down-hole well deviation logs, historical well intersection location data, and any additional data required by the District Manager. If the District Manager determines that the proposed barrier reduction is reasonable and provides approval, the petitioner may then mine within the safety barrier of the well.

(5) The affidavit or declaration must be accompanied by all logs described in (b)(8) and (b)(9) and any other records which the District Manager may request; the District Manager also may inspect the well.

(6) The District Manager will determine if the petitioner has complied. If the District Manager determines that the procedures for cleaning out, preparing, and plugging each well have been properly performed, the District Manager may approve the petitioner to mine within the safety barrier of the well, subject to the terms and conditions of the Decision and Order.

(7) The terms and conditions of the Decision and Order will apply to all types of underground coal mining by petitioner at this mine.

(b) The petitioner proposes to use the following mandatory procedures for cleaning out and preparing oil and gas wells prior to plugging or re-plugging.

(1) The petitioner shall test for gas emissions inside the hole. The District Manager shall be contacted if gas emissions are present.

(2) A diligent effort shall be made to clean the well to the original total depth. The petitioner shall contact the District Manager prior to stopping the pulling of casing or the cleaning out the total depth of the well.

(3) If this depth cannot be reached, and the total depth of the well is less than 4,000 feet, the petitioner shall completely clean out the well from the surface to at least 200 feet below the base of the lowest mineable coal seam, unless the District Manager requires cleaning to a greater depth.

(4) If the total depth of the well is 4,000 feet or greater, the petitioner shall completely clean out the well from the surface to at least 400 feet below the base of the lowest mineable coal seam. The petitioner shall remove all material from the entire diameter of the well, wall to wall.

(5) The petitioner shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well.

(6) If the total depth of the well is unknown and there is no historical information, the petitioner shall contact the District Manager before proceeding.

(7) Down-hole logs shall be prepared for each well. Logs shall consist of a caliper survey; a gamma log; a bond log; and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam; potential hydrocarbon producing strata; and the location of any existing bridge plug. A journal shall be maintained describing the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casing(s) removed, perforated, ripped, or left in place; any sections where casing was cut or milled; and other information concerning cleaning and sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(8) When cleaning out the well as provided for in section (b), a diligent effort shall be made to remove all of the casing in the well. After the well is completely cleaned out and all the casing removed, the well should be plugged to the total depth by pumping expanding cement slurry and pressurizing to at least 200 pounds per square inch (psi). Casing may be cut, milled, perforated, or ripped at all mineable coal seam levels to facilitate the removal of casing remaining in the coal seam, with mining equipment. Any remaining casing shall be perforated or ripped to permit the injection of cement into voids within and around the well.

(9) All casing remaining at mineable coal seam levels shall be perforated or ripped at least every 5 feet from 10 feet below the coal seam to 10 feet above the coal seam. Perforations or rips are required at least every 50 feet from 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the uppermost mineable coal seam. The petitioner shall take appropriate steps to ensure that the annuli between the casing and the well walls are filled with expanding cement (minimum 0.5 percent expansion upon setting) and contain no voids.

(10) If it is not possible to remove all of the casing, the petitioner shall notify the District Manager before any other work is performed. If the well cannot be cleaned out or the casing removed, the petitioner shall prepare the well as described in this petition from the surface to at least 200 feet below the base of the lowest mineable coal seam for wells less than 4,000 feet in depth and 400 feet below the lowest mineable coal seam for wells 4,000 feet or greater,

unless the District Manager requires cleaning out and removal of casing to a greater depth.

(11) If the petitioner, using a casing bond log, can demonstrate to the satisfaction of the District Manager that all annuli in the well are already adequately sealed with cement, the petitioner may not be required to perforate or rip the casing for that particular well. When multiple casing and tubing strings are present in the coal horizon(s), any remaining casing shall be ripped or perforated and filled with expanding cement as previously indicated. If needed, an acceptable casing bond log for each casing and tubing string shall be used in lieu of ripping or perforating multiple strings.

(12) If the District Manager determines that the completely cleaned-out well is emitting excessive amounts of gas, the petitioner shall place a mechanical bridge plug in the well. The mechanical bridge plug shall be placed in a competent stratum at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam, but above the top of the uppermost hydrocarbon-producing stratum, unless the District Manager requires a greater distance. The petitioner shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well. If it is not possible to set a mechanical bridge plug, an appropriately sized packer may be used. The petitioner shall document what has been done to ''kill the well'' and plug the hydrocarbon-producing strata.

(13) If the upper-most hydrocarbon-producing stratum is within 300 feet of the base of the lowest minable coal seam, the petitioner shall properly place mechanical bridge plugs as described in (b)(11) to isolate the hydrocarbon-producing stratum from the expanding cement plug. The petitioner shall place a minimum of 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater distance.

(c) The petitioner proposes to use the following mandatory procedures for plugging or re-plugging oil or gas wells to the surface. After completely cleaning out the well as specified in section (b):

(1) Expanding cement slurry shall be pumped down the well to form a plug which runs from the surface to at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam, or lower if required by the District Manager. The expanding cement will be placed in the well under a pressure of at least 200 psi. Portland cement or a lightweight cement mixture may be used to fill the area from the surface to 100 feet above the top of the uppermost mineable coal seam, or higher if required by the District Manager.

(2) Steel turnings or other small magnetic particles shall be embedded in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger diameter casing, set in cement, shall extend at least 36 inches above the ground level with the American Petroleum Institute (API) well number engraved or welded on the casing. When the hole cannot be marked with a physical monument (*e.g.,* prime farmland), high-resolution GPS coordinates (one-half meter resolution) shall be recorded.

(d) The petitioner proposes to use the following mandatory procedures for plugging or re-plugging oil and gas wells for use as degasification wells. After completely cleaning out the well as specified in section (b), the following procedures shall be followed:

(1) The petitioner shall set a cement plug in the well by pumping an expanding cement slurry down the tubing to provide at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater depth.

(i) The expanding cement will be placed in the well under a pressure of at least 200 psi.

(ii) The top of the expanding cement shall extend at least 50 feet above the top of the coal seam being mined, unless the District Manager requires a greater distance.

(2) The petitioner shall securely grout a suitable casing into the bedrock of the upper portion of the degasification well to protect it. The remainder of this well may be cased or uncased.

(3) As required by the District Manager in the approved ventilation plan, the petitioner shall fit the top of the degasification casing with a wellhead that may be equipped with check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.

(4) Operation of the degasification well shall be addressed in the approved ventilation plan. This may include periodic tests of methane levels and limits on the minimum methane concentrations that may be extracted.

(5) After the area of the coal mine that is degassed by a well is sealed or the coal mine is abandoned, the petitioner shall plug all degasification wells using the following procedures:

(i) A tube shall be inserted to the bottom of the well or, if not possible, to within 100 feet above the coal seam being mined. Any blockage must be removed to ensure that the tube can be inserted to this depth.

(ii) A cement plug shall be set in the well by pumping Portland cement or lightweight cement mixture down the tubing until the well is filled to the surface.

(iii) Steel turnings or other small magnetic particles shall be embedded in the top of the cement near the surface to serve as a permanent magnetic monument of the well. Alternatively, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing.

(e) If the District Manager agrees with the petitioner's determination that certain wells cannot be completely cleaned out due to damage to the well caused by subsidence, caving, or other factors, the petitioner proposes to use the following procedures for preparing and plugging or re-plugging such oil or gas wells.

(1) A hole shall be drilled adjacent and parallel to the well, to a depth of at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the lowest mineable coal seam, unless the District Manager requires a greater depth.

(2) A geophysical sensing device shall be used to locate any casing which may remain in the well.

(3) If the well contains casing(s), the petitioner shall drill into the well from the parallel hole. From 10 feet below the coal seam to 10 feet above the coal seam, the petitioner shall perforate or rip all casings at least every 5 feet. Beyond this distance, the petitioner shall perforate or rip all casings at least every 50 feet from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the seam being mined, unless the District Manager requires a greater distance. The annuli between the casings and the well wall shall be filled with expanding cement (minimum 0.5 percent expansion upon setting) and the petitioner shall ensure that these areas contain no voids. If the petitioner, using a casing bond log, can demonstrate to the satisfaction of the District Manager that the annulus of the well is adequately sealed with cement, then the petitioner may not be required to perforate or rip the casing for that particular well or fill these areas with cement. When multiple casing and tubing strings are present in the coal horizon(s), any remaining casing shall

be ripped or perforated and filled with expanding cement as previously indicated. If needed, an acceptable casing bond log for each casing and tubing string shall be used in lieu of ripping or perforating multiple strings.

(4) If the District Manager agrees with the petitioner's determination that there is insufficient casing in the well to allow the method outlined in (e)(3) to be used, the petitioner shall use a horizontal hydraulic fracturing technique to intercept the original well. From at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam to a point at least 50 feet above the seam being mined, the petitioner shall fracture in at least six places at intervals to be agreed upon by the petitioner and the District Manager. Expanding cement shall be pumped into the fractured well to fill all intercepted voids.

(5) Down-hole logs shall be prepared for each well. Logs shall consist of a caliper survey; a gamma log; a bond log; and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam; potential hydrocarbon producing strata; and the location of any existing bridge plug. The petitioner may obtain the logs from the adjacent hole rather than the well if the condition of the well makes it impractical to insert the equipment necessary to obtain the log.

(6) A journal shall be maintained describing the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casing(s) removed, perforated, ripped, or left in place; any sections where casing was cut or milled; and other pertinent information concerning sealing the well. Invoices, work orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(7) After the well has been plugged as described in (e)(3) and/or (e)(4), the petitioner shall plug the adjacent hole, from the bottom to the surface, with Portland cement or a lightweight cement mixture. Steel turnings or other small magnetic particles shall be embedded in the top of the cement near the surface to serve as a permanent magnetic monument of the well. Alternatively, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level. A combination of the methods outlined in (e)(3) and (e)(4) may have to be used in a single well, depending upon the conditions of the hole and the presence of casings. The petitioner shall discuss the nature of each hole with the District Manager. The District Manager may require that more than one method be utilized. The petitioner may submit an alternative plan to the District Manager for approval to use different methods to address wells that cannot be completely cleaned out. The District Manager may require additional documentation and certification by a registered petroleum engineer to support the proposed alternative methods.

(f) The petitioner proposes to use the following procedures when mining within a 100-foot diameter barrier around a well.

(1) A representative of the petitioner, a representative of the miners, the appropriate State agency, or the MSHA District Manager may request that a conference be conducted prior to intersecting any plugged or re-plugged well. Upon receipt of any such request, the petitioner shall schedule such a conference. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation. The purpose of the conference shall be to review, evaluate, and accommodate any abnormal or unusual circumstance related to the condition of the well or surrounding strata when such conditions are encountered.

(2) The petitioner shall intersect a well on a shift approved by the District Manager. The petitioner shall give sufficient notice of planned intersection to the District Manager and the miners' representative to arrange for the presence of representatives.

(3) When using continuous mining methods, the petitioner shall install drivage sights at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sites shall not be more than 50 feet from the well.

(4) The petitioner shall ensure that fire-fighting equipment including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the well intersection (when either the conventional or continuous mining method is used) is available and operable during all well intersections. The fire hose shall be located in the last open crosscut of the entry or room. The petitioner shall maintain the water line to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section.

(5) The petitioner shall ensure that sufficient supplies of roof support and ventilation materials are available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials shall be available in the immediate area of the well intersection.

(6) On the shift prior to intersecting the well, the petitioner shall service all equipment and check it for permissibility. Water sprays, water pressures, and water flow rates used for dust and spark suppression shall be examined and any deficiencies corrected.

(7) The petitioner shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine on the shift prior to intersecting the well.

(8) When mining is in progress, the petitioner shall perform tests for methane with a handheld methane detector at least every 10 minutes from the time that the continuous mining machine is mining within 30 feet of the well until the well is intersected. During the actual cutting process, no individual shall be allowed on the return side until the well intersection has been completed and the area has been examined and declared safe. The petitioner's most current approved ventilation plan will be followed at all times unless the District Manager determines a greater air velocity is necessary during the intersection.

(9) When using continuous or conventional mining methods, the work area shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib, and floor to within 20 feet of the face when intersecting the well. When the well is intersected, the petitioner shall deenergize all equipment, and thoroughly examine and determine the area to be safe before permitting mining to resume.

(10) After a well has been intersected and the working place determined to be safe, mining shall continue inby the well at a sufficient distance to permit adequate ventilation around the well.

(11) If the casing is cut or milled at the coal seam level, torches should generally not be used. However, in rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flame shall be permitted in the area until adequate ventilation has been established around the well bore and methane levels of less than 1.0 percent are present in all areas that will be exposed to flames and sparks from the torch. The petitioner shall apply a thick layer of rock dust to the roof, face, floor, ribs, and any exposed coal within 20 feet of the casing prior to the use of torches.

(12) Non-sparking (brass) tools shall be located on the working section and

shall be used exclusively to expose and examine cased wells.

(13) Only persons engaged in the well intersection shall be permitted in the area of the well.

(14) The petitioner shall alert all personnel in the mine of the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well has been mined through.

(15) The well intersection shall be under the direct supervision of a certified individual. Instructions concerning the well intersection shall be issued only by the certified individual in charge.

(16) If the petitioner cannot find the well in the middle of the panel or room and misses the anticipated intersection, mining shall cease and the District Manager shall be notified.

(17) The terms and conditions of the Decision and Order shall not impair the authority of representatives of MSHA to interrupt or halt the well intersection and issue a withdrawal order should they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the well intersection and/or a withdrawal of personnel by issuing either an oral or written order to that effect, to a representative of the petitioner. Operations in the affected area of the mine may not resume until MSHA permits resumption. The petitioner and miners shall immediately comply with oral or written MSHA orders.

(18) A copy of the Decision and Order shall be maintained at the mine and be available to the miners.

(19) If the well is not plugged to the total depth of all minable coal seams identified in the core hole logs, any coal seams beneath the lowest plug will remain subject to the barrier requirements of 30 CFR 75.1700 should those coal seams be developed in the future.

(20) All necessary safety precautions and safe practices according to industry standards required by MSHA regulations and State agencies having jurisdiction over the plugging site shall be followed to ensure the protection of the miners involved in the process.

(21) All miners involved in the plugging or re-plugging operations shall be trained on the terms and conditions of the Decision and Order prior to starting the process, and a copy of the Decision and Order shall be posted at the well site until the plugging or re-plugging has been completed.

(22) Mechanical bridge plugs shall incorporate the best available technologies that are either required or recognized by the appropriate State agency and/or oil and gas industry.

(23) Within 30 days after the Decision and Order becomes final, the petitioner shall submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. These proposed revisions shall include initial and refresher training on compliance with the terms and conditions stated in the Decision and Order. The petitioner shall provide all miners involved in well intersection with training on the requirements of the Decision and Order prior to mining within 150 feet of the next well intended to be mined through.

(24) The responsible person required under 30 CFR 75.1501, Emergency evacuations, shall responsible for well intersection emergencies. The well intersection procedures shall be reviewed by the responsible person prior to any planned intersection.

(25) Within 30 days after the Decision and Order becomes final, the petitioner shall submit proposed revisions for its approved mine emergency evacuation and firefighting program of instruction required under 30 CFR 75.1502. The petitioner will revise the program of instruction to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained on this revised plan within 30 days of submittal. The procedure as specified in 30 CFR 48.3 for approval of proposed revisions to already approved training plans shall apply.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2021–27347 Filed 12–16–21; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of an Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice includes the summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before January 18, 2022.

ADDRESSES: You may submit your comments including the docket number of the petition by any of the following methods:

1. *Email: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: S. Aromie Noe, Acting Director, Office of Standards, Regulations, and Variances.

Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Noe.Song-Ae.A@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

3. In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2021–031–C.

Petitioner: Fossil Rock Resources LLC, 5125 N Cottonwood Road, Orangeville, UT 84537.

Mine: Fossil Rock Mine, MSHA ID No. 42–01211, located in Emery County, Utah.

Regulation Affected: 30 CFR 75.350 (Belt air course ventilation).

Modification Request: The petitioner requests modification of the existing standard 30 CFR 75.350 to permit alternative methods of compliance to accommodate the use of a two-entry longwall mining system.

The petitioner states that:

(1) Fossil Rock plans to operate a two-entry longwall system using belt air in a two-entry mining system.

(2) Geological conditions and historical mining at this site have demonstrated that a two-entry longwall system will provide a safe roof control environment for the miners.

(3) The special terms and conditions set out below will at all times provide a safe work environment to the miners, and will provide no less than the same measure of protection afforded the miners by the existing standard, 30 CFR 75.350.

The petitioner proposes the following alternative method of compliance to permit the use of the belt air course as a return air course and to permit use of belt air to ventilate the working face:

I. Requirements Applicable to Two-Entry Development, Longwall Set-up and Recovery, and Retreat Mining System.

A. An atmospheric monitoring system (AMS) that incorporates diesel-discriminating sensors for early warning fire detection shall be installed in the intake escapeway entry and the belt entry as follows:

1. At the mouth of the section in the intake escapeway entry, at the beginning of the working section, and at intervals not to exceed 1,000 feet along the intake escapeway entry between such locations.

2. At the mouth of the section in the belt entry, at a location between 50 and 100 feet inby the section belt drive if the air is traveling toward the face, or outby if the air is traveling away from the face, in the belt entry and at intervals not to exceed 1,000 feet along the belt conveyor entry, except as provided in paragraphs (A)(3), (A)(4) and (J). A monitoring device shall be located between 50 feet and 100 feet inby the tailpiece if the air is traveling toward the face, or between 50 feet and 100 feet outby the tailpiece if the air is traveling away from the face. The tailpiece and the sensor shall be on the same split of air.

3. Where a belt discharges onto a conveyor tailpiece as a continuation of a belt conveyor haulage system without a change of direction, and the belt drive, the belt take-up, and belt conveyor tailpiece are on the same split of air, only one low-level carbon monoxide senor shall be required at this location. Depending on the direction of the air flow, the sensor shall be installed not more than 100 feet inby or outby the belt drive, belt take-up, and tailpiece on the same split of air.

4. During retreat, at a location not more than 100 feet outby the point-feed to the belt in the intake entry and inby the point-feed in the belt entry.

5. Sensors shall be installed near the center of the upper third of the belt entry, in a location that will not expose personnel working on the system to hazards. Sensors installed in the haulage entry shall be located in areas where they are not subject to damage from mobile equipment. Sensors shall not be located in intersections, atypically high-roofed areas or in other areas where air flow patterns do not permit products of combustion to be carried to the sensors.

B. Air velocity requirements in the two-entry system:

1. The air in the monitored entry(s) shall have a velocity of at least 50 feet per minute in the designated direction.

2. Velocity measurements shall be taken at locations in the entry which are representative of the cross-sectional areas found throughout the entry and not at locations where the entry is high (*e.g.,* belt drives) or low (*e.g.,* under overcasts).

C. Determination of the corrected carbon monoxide ambient, alert, and alarm levels shall be as follows:

1. Upon implementation of this petition, the corrected carbon monoxide ambient level shall be 2 parts per million (ppm) and future ambient level determinations shall be made under normal mining conditions as follows:

a. Properly calibrated carbon monoxide and nitric oxide sensors shall be used for corrected ambient determination where this petition requires monitoring with diesel-discriminating sensors. A corrected carbon monoxide ambient determination shall be made by either of the following methods:

i. Measurements from all two-entry diesel-discriminating sensors for each separate air split shall be used. Continuous readings shall be taken and recorded for a total of five (5) consecutive production shifts to establish a history of corrected carbon monoxide levels. The average of the data collected for each air split will determine its ambient level; or

ii. An equally effective method approved as part of the mine ventilation plan.

b. MSHA shall be notified when ambient levels will be determined and provided an opportunity to assist in ambient level determination.

c. Corrected ambient levels shall be representative of normal operating conditions. Diesel equipment shall not be idled unnecessarily in the air split where the ambient level is being determined. The number and type of diesels entering and leaving the two-entry system will be documented during ambient determination if MSHA requests this information.

d. Corrected ambient levels can differ between the two air courses in the two-entry system. Corrected ambient levels can also be different for development, retreat, longwall set-up and longwall recovery. If different corrected ambient levels are determined, either the lowest corrected ambient level can be utilized throughout the two-entry system, or the atmospheric monitoring system can be divided into distinct areas with the appropriate pre-determined corrected ambient level used.

2. The alert and alarm levels during longwall set-up and recovery shall be 10 ppm and 15 ppm, respectively, above the appropriate corrected ambient level. The atmospheric monitoring system data obtained during longwall set-up and recovery shall be evaluated periodically, as determined by the District Manager, to determine if the alert and alarm levels can be reduced, taking into account problems associated with nuisance alarms.

3. The alert and alarm levels for the belt entry and primary escapeway entry (intake entry) during development and retreat mining shall be determined consistent with such levels in the approved ventilation and dust control plans or emergency response plan. The cross-sectional areas used for alert and alarm level shall be measured at locations in the entry representative of the cross-sectional areas found throughout the belt/intake entry and not at locations where the entry is atypically high (*e.g.,* belt drives) or low (*e.g.,* under overcasts).

4. The carbon monoxide alert and alarm levels established can differ between the two air courses in the two-entry system. Alert and alarm levels can also be different for development, retreat, longwall set-up and longwall recovery. The number of carbon

monoxide alert and alarm settings used shall be minimized and may be limited, as determined by the District Manager, to maintain system effectiveness.

5. The correct ambient level, or time delay periods (parameters) may be reevaluated at any time by MSHA or at the request of the operator. Adjustments to the parameters shall be made only with prior MSHA approval. New parameters shall be included in the ventilation plan and submitted for approval by the District Manager.

6. The AMS shall also activate an alarm signal if the total concentration of uncorrected carbon monoxide, measured by any sensor, exceeds or is equal to 50 ppm. This concentration shall represent all carbon monoxide present in the sensor's atmosphere which includes carbon monoxide from diesel engines.

D. Audible and visual alarm devices used on the section(s) shall be permissible, if installed in areas where permissible equipment is required. Alarm devices shall give visual and audible signals that can be seen and heard at all times on the working section(s), and at a location on the surface of the mine where a responsible person(s) is on duty at all times when miners are underground. Alert devices shall give visual and audible signals that can be seen or heard at all times at such surface locations whenever miners are underground. When audible signals are used for both the alert and alarm, the signals shall be distinguishable from each other.

1. The AMS may be designed to include a time delay period, not to exceed 60 seconds, for corrected carbon monoxide alert and alarm signals. When a sensor response remains within alert or alarm range for longer than the predetermined delay, visual and/or audible signals will be given.

2. Section alarms shall be activated by any sensor(s) from the mouth of the section to the section loading point, and shall also be activated by any sensor(s) for a distance of 4,000 feet outby the section loading point during initial development. For the purpose of this paragraph, ''initial development'' is when the first 4,000 feet of two entries is being developed. During that time period, diesel-discriminating sensors located in the conveyor belt entry for a distance of 4,000 feet outby the two-entry section loading point shall activate the section alarm.

3. When the AMS gives any visual or audible alert signal, all persons in the same split of air shall immediately be notified and appropriate action shall be taken to determine the cause of the actuation. When the AMS gives any alarm signal, all persons in the same split(s) of air shall immediately be withdrawn to a safe location outby the sensor(s) activating the alarm, unless the cause is known not to be a hazard to the miners. If the AMS gives any alarm at shift change, no one shall be permitted to enter the mine except qualified persons designated to investigate the source of the alarm. If miners are en route into the mine, they shall be held at, or be withdrawn to, a safe location outby the sensor(s) activating the alarm. Miners shall be permitted underground when the source of the alarm is determined, and the mine is deemed safe to enter.

4. The mine evacuation plan required by 30 CFR 75.1502 shall be revised to specify the: Actions taken to determine the cause of the alert and alarm signals; muster locations for withdrawn miners for each alarm signal; steps taken after the cause of the alarm is determined; and procedures followed if the alarm signal is activated. Such revisions shall be approved by the District Manager. A record of each alert and alarm signal given and the action taken shall be maintained at the mine for a period of 1 year.

E. When miners are underground, a responsible person shall be on duty at all times at the surface location at the mine to see the visual alert and hear the audible alarm signals of the AMS when the carbon monoxide reaches the levels established in paragraphs (I)(C)(2) and (I)(C)(3). This person shall have two-way communications with all working sections. When the established alarm signal levels are reached at any sensor required by these special terms and conditions, the responsible person shall notify miners working inby the affected sensor. The responsible person shall be trained in operation of the AMS, and the proper procedures to follow in the event of an emergency or malfunction. In the event of an emergency or malfunction, the responsible person shall take appropriate action immediately.

F. The AMS shall be visually examined at least once each coal-producing shift, and tested for functional operation at intervals not exceeding 7 days to ensure the AMS is functioning properly and that required maintenance is performed. The AMS shall be calibrated with known concentrations of nitric oxide, carbon monoxide, and air mixtures at intervals not exceeding 30 calendar days. A record of all weekly inspections, monthly calibrations, and all maintenance shall be maintained on the surface and made available to a representative of the Secretary and miners' representatives. The inspection record shall show the time and date of each weekly inspection, calibration, and all maintenance performed on the system.

G. The AMS shall remain operative for the purpose of warning of a fire for a minimum of 4 hours after the source of power to the belt is removed, except when power is removed during a fan stoppage or when the belt haulage way is examined as provided in 30 CFR 75.1103–4(e)(1) and (e)(2).

H. The AMS shall be capable of detecting electrical malfunctions such as electrical short circuits, open circuits, and ground faults and, where applicable, pneumatic malfunctions in the system.

I. The AMS shall be capable of identifying any activated sensor. A map or schematic identifying each belt flight and the details for the AMS shall be posted at the mine.

J. If at any time, the AMS which consists of both diesel-discriminating sensors and methane sensors as outlined in Section II, or any portion of these systems required by these special terms and conditions has been de-energized for reasons such as routine maintenance or failure of a sensor unit, the belt conveyor may continue to operate provided the miners in the working section affected are notified of the situation and the affected portion of the belt conveyor or intake entry(s) is continuously patrolled and monitored for carbon monoxide and methane in the following manner until the AMS is returned to normal operation:

1. The patrolling and monitoring must be conducted by a qualified person or persons in accordance with 30 CFR 75.2.

2. The qualified person(s) performing atmospheric monitoring for carbon monoxide and methane or both shall at all times be equipped with a two-way communication device enabling communication with a designated person on the surface.

3. If one sensor becomes inoperative, a qualified person shall monitor at that location.

4. If two or more adjacent sensors become inoperative, a qualified person shall patrol and monitor the affected area at least once each hour.

5. If the entire system becomes inoperative, a sufficient number of qualified persons shall patrol and monitor the affected entries of the mine so that the affected entries will be traveled once each hour in their entirety.

6. Each of these qualified persons shall be provided with a handheld carbon monoxide detector and a handheld methane detector. A carbon

monoxide detector and a methane detector shall also be available for use on each working section in the event the monitoring system is de-energized or fails.

7. The procedures outlined are applicable only for the reasonable amount of time required to repair or replace the equipment causing the malfunction. The mine operator shall begin corrective actions immediately and continue until the defective equipment causing the malfunction is replaced or repaired. The responsible person on the surface shall immediately establish two-way communication with the working section(s) and notify them of the particular malfunction(s) or problem(s).

8. Monitoring with handheld detectors shall not be used in lieu of installation and use of the fire detection and methane monitoring systems described in this Petition.

9. Time delays shall not be applied to measurements made with handheld detectors. Since handheld detector measurements will include carbon monoxide from diesel-powered equipment, the alert and alarm levels for carbon monoxide when qualified persons are patrolling or monitoring with hand-held detectors shall be 15 ppm and 20 ppm, respectively. These levels shall be incorporated into the ventilation plan required by 30 CFR 75.370.

K. The details for the fire detection system and methane monitoring system, including the type of monitors and specific sensor locations on the mine map, shall be included in the ventilation plan required by 30 CFR 75.370. Additional carbon monoxide sensors and methane sensors shall be installed if required by the District Manager to ensure the safety of the miners, and the corresponding parts of the ventilation plan updated accordingly.

L. The concentration of respirable dust in the intake air coursed through a belt conveyor haulage way shall not exceed 1.0 mg/m^3. Compliance with this requirement will be determined by establishing a designated area (DA) sampling location within 15 feet outby the working section belt tailpiece just outby any air split point introduced into the belt entry and by sampling in accordance with 30 CFR 70.208. The specific DA sampling location shall be identified in the operator's ventilation plan with a four-digit number beginning with 8, followed by the middle two digits of the MMU number, and ending with 9 (*e.g.,* 8119 for MMU 0110).

M. Administrative controls shall be developed establishing procedures for planning and communication of activities which are known to result in elevated carbon monoxide levels which do not present a hazard to miners working inby. All persons working in the two-entry longwall panel shall be trained as to the requirements of these administrative controls. In the case of diesel equipment operators, the training shall include the locations of diesel-discriminating sensors to minimize false alarms. Diesel equipment operators shall be instructed not to idle machines near diesel-discriminating sensors. Administrative controls shall also be used to minimize the number and type of pieces of diesel equipment in the two-entry system and to notify miners on the working section when any diesel equipment is operating in the two-entry system and when welding operations are performed in order to avoid false alert and alarm signals. These administrative controls shall be incorporated into the ventilation plan for the mine.

N. During the operation of diesel equipment in the two-entry panel, the minimum quantity of air for a single unit shall be at least that specified on the approval plate for that equipment. Where multiple diesel units are operated, the minimum quantity shall be the total sum, for all units, of 100 percent of the air quantity on the approval plate of each diesel unit. The air quantity shall be measured at the following locations:

1. In the intake entry across from the section loading point during development mining.

2. In the belt entry and intake entry at the section loading point during retreat.

3. In the intake entry across from the projected location for the section loading point during longwall equipment setup.

4. In the intake entry across from the location of the last loading point during equipment recovery.

In any instance where the air current splits inby these designated measuring points, the minimum air quantity for each split shall be the total sum of 100 percent of the air quantity on the approval plate for each diesel unit in the split.

O. Each diesel powered equipment operated on any two-entry longwall development or two-entry longwall panel shall be provided with a fire suppression system. Equipment used in the primary escapeway shall be provided with a fire suppression system in accordance with 30 CFR 75.380(f)(2).

P. All diesel-powered equipment operated on any two-entry longwall development or two-entry longwall panel shall be equipment approved under 30 CFR part 36 with the exception of non-approved diesel-powered ambulances used in emergency situations to transport injured personnel to the surface. These ambulances shall not be stored in the two-entry panel.

Q. Diesel fuel shall not be stored in the two-entry panel.

R. Personnel carriers or other transportation equipment shall be maintained on or near the working section, shall be of sufficient capacity to transport all persons who may be in the area, and shall be located within 300 feet of the section loading point.

S. During development of the two entry system, a rock dusting unit shall be installed in the belt conveyor entry near the section loading point. Also, during longwall retreat mining in the two-entry panel, a rock dusting unit shall be installed at or near the last tailgate shield. These rock dusting units shall be operated continuously when coal is being produced, except when miners are performing maintenance, inspections, or other required work in these areas.

T. Fire doors designed to quickly isolate the working section shall be installed in both entries for potential use in emergency situations. The fire doors shall be operable throughout the duration of the two-entry panel. A plan for the emergency closure of these fire doors, notification of personnel, and de-energization of electric power inby the doors shall be included in the approved ventilation plan. Miners shall be trained in these specific plan provisions.

U. When the hydraulic fluid pump station for the longwall support system is located in the two-entry system, it shall be installed and maintained as follows:

1. The pumps and electrical controls shall be equipped with an automatic fire suppression system.

2. Only MSHA-approved fire resistant hydraulic fluid of the ''high water content group'' may be used.

3. The pump station shall be maintained to within 1,200 feet of the longwall face.

4. In addition to the concentrate contained as part of the hydraulic pump system, hydraulic concentrate stored in the two entry system shall be limited to 500 gallons.

5. A diesel-discriminating carbon monoxide sensor shall be installed between 50 and 100 feet downwind of the hydraulic pump station. The sensor shall be installed in a location that will detect carbon monoxide caused by a fire and in a location to prevent damage from mobile equipment.

6. Whenever the transformer supplying power to the hydraulic pumping station is located in the intake entry, the transformer shall be:

a. Maintained within 1,200 feet of the longwall face.

b. Provided with a diesel-discriminating sensor which is located on the inby side of the transformer in a location that will detect carbon monoxide caused by a fire and prevent damage from mobile equipment.

c. Provided with an over-temperature device that shall de-energize the transformer when the temperature reaches 165 degrees Fahrenheit.

7. Each hydraulic pump shall be provided with an over-temperature device that automatically de-energizes the motor on which it is installed. De-energization shall take place at a temperature of not more than 210 degrees Fahrenheit. The over-temperature device shall be installed at one of the following locations:

a. The circulating oil for the pump; or

b. The external pump case housing.

8. Personal protective equipment as listed on the Material Safety Data Sheet (MSDS) for the fire-resistant hydraulic fluid shall be provided for use when adding bulk emulsion oil at the pump station.

V. At least one self-contained self-rescuer shall be available for each person on the working section at all times, and shall be carried into the section and carried on the section, or stored on the section, while advancing the two-entry development. During longwall retreat mining, at least two self-contained self-rescuers shall be available for each person regularly assigned to the working section. One shall be stored near the face in the headgate entries at a readily accessible location and one shall be stored near the tailgate entries. These locations shall be specified in the mine evacuation plan approved by the District Manager under 30 CFR 75.1502.

W. In addition to the requirements of 30 CFR 75.1100–2(b), firehose outlets shall be installed along the intake entry, with valves every 300 feet. At least 500 feet of firehose, with fittings suitable for connection with the outlets, shall be stored at each strategic location along the intake entry. The strategic locations shall be specified in the firefighting and evacuation plan.

X. Compressor stations and unattended portable compressors shall not be located in the two-entry panel.

II. Additional Requirements Applicable to the Development of Two-Entry Panels, and Longwall Set-up and Recovery.

A. A methane monitoring system shall be installed to monitor the air in each belt haulage entry. The methane sensors shall be located so that the belt air is monitored near the mouth of the development or retreat section, near the tailpiece of the belt conveyor, and at or near any secondary belt drive unit installed in the belt haulage entry.

B. The methane monitoring system shall be capable of providing both audible and visual signals on both the working section and at a manned location on the surface of the mine where personnel will have two-way communication with all working sections and will be on duty at all times when miners are underground. The system shall initiate alert signals when the level of methane exceeds 0.8 volume per centum, and alarm signals when tile level is 1.0 volume per centum. The methane monitoring system shall be designed and installed to de-energize the belt conveyor drive units and the equipment located on the section when the level of methane equals or exceeds 1.0 volume per centum.

C. The methane monitoring system shall be visually examined at least once every 24 hours to ensure proper functioning. The system shall be inspected by a person qualified for such work at intervals not exceeding 7 days. The qualified person shall ensure that the devices are operating properly and that the required maintenance, as recommended by the manufacturer, is performed. The monitoring devices shall be calibrated with known quantities of methane-air mixtures at intervals not exceeding 31 calendar days. An inspection record shall be maintained on the surface and made available to a representative of the Secretary and representative(s) of miners. The inspection record shall show the date and time of each weekly inspection and calibration of the monitor and all maintenance performed, whether at the time of the weekly inspection or otherwise

III. Implementation and Training Requirements.

A. If the Petition is granted, the petitioner shall provide two separate intake air courses within each long-wall panel to each two-entry longwall. Both air courses may be located on the same side of the panel; however, the air shall travel in a direction from the mouth of the panel toward the section.

B. The petitioner shall not operate a two-entry longwall systems using belt air until MSHA conducts an inspection or otherwise determines that the terms and conditions of this Petition have been met and that the miners have been trained in proper evacuation procedures, including instructions and drills in evacuation and instructions in precautions to be taken for escape through smoke.

C. Within 60 days after this Petition becomes final, the petitioner shall submit proposed revisions for its approved 30 CFR part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding the conditions specified by the Petition.

D. The terms and conditions of this Petition will not apply during the time period from completion of the development mining of the two-entry longwall panel until the beginning of the longwall equipment set-up activities, provided the conveyor belt in the two-entry panel is not energized. During this time period all relevant standards will apply.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

Song-ae Aromie Noe,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2021–27346 Filed 12–16–21; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–21–0021; NARA–2022–017]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive responses on the schedules listed in this notice by February 2, 2022.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-21-*

0021/document. This is a direct link to the schedules posted in the docket for this notice on *regulations.gov*. You may submit comments by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov*, you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov*, you may contact *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Homeland Security, U.S. Citizenship and Immigration Services, Affidavits of Support or Exemption (DAA–0566–2019–0033).

2. Department of Homeland Security, U.S. Citizenship and Immigration Services, Notice of Appeal of Decision (DAA–0566–2021–0004).

3. Department of State, Office of the Legal Adviser, Consolidated Schedule (DAA–0059–2019–0014).

4. Peace Corps, Office of Health Services, Medical Records for Individuals Rejected for Volunteer Service (DAA–0490–2021–0006).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2021–27323 Filed 12–16–21; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No.: NTSB–2021–0010, OMB Control No. 3147–0028]

Proposed Information Collection; Comment Request

AGENCY: National Transportation Safety Board (NTSB).

ACTION: 60-Day notice of information collection; request for comments.

SUMMARY: Under the Paperwork Reduction Act (PRA) of 1995, the National Transportation Safety Board (NTSB) offers the public and Federal agencies the opportunity to comment regarding the NTSB's intent to submit an Information Collection Request (ICR) for an extension of a currently-approved information collection (IC) for Office of Management and Budget (OMB) Control No. 3147–0028. The OMB number, which is currently assigned to the NTSB's Request for a Medical Exception to the COVID–19 Vaccination Requirement form, was obtained through emergency clearance in November 2021 and will expire on May 31, 2022. This 60-Day Notice informs the public and Federal agencies that they may submit comments directly to the NTSB regarding this IC.

DATES: Submit written comments regarding this proposed collection of information by February 15, 2022.

ADDRESSES: You may send comments, identified by Docket Number (No.) NTSB–2021–0007, by any of the following methods:

- *Federal e-Rulemaking Portal: https://www.regulations.gov.*
- *Email: rulemaking@ntsb.gov.*
- *Fax:* 202–314–6090.
- *Mail/Hand Delivery/Courier:* NTSB, Office of General Counsel, 490 L'Enfant Plaza East SW, Washington, DC 20594.

Instructions: All submissions in response to this Notice must include Docket No. NTSB–2021–0007. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket, including comments received, go to *https://www.regulations.gov* and search under Docket No. NTSB–2021–0007. For a copy of the proposed medical exception form, email *rulemaking@ntsb.gov* and include ''NTSB–2021–0007'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Kathleen Silbaugh, General Counsel, (202) 314–6080, *rulemaking@ntsb.gov.*

SUPPLEMENTARY INFORMATION: To comply with the September 9, 2021, Executive Order (E.O.) 14043 (*Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*) and October 2021 guidance from the Safer Federal Workforce Task Force, the NTSB created and received emergency clearance in November 2021 for the following form: Request for a Medical Exception to the COVID–19 Vaccination Requirement. This form is designed for agency employees requesting a medical exception to the vaccine requirements. The agency uses this form to determine whether the employee provided sufficient information to justify the request. Because the OMB number assigned to this form was obtained through emergency clearance, the OMB number is only valid for six months and will expire on May 31, 2022. In anticipation of future requests from its employees, the NTSB is specifically seeking an extension of this currently-approved collection.

Prior to submitting the ICR to the Office of Information and Regulatory Affairs, 5 CFR 1320.8(d)(1) requires agencies to provide a 60-day Notice in the **Federal Register** and otherwise consult with members of the public and affected agencies. Thus, through this Notice, the NTSB currently is soliciting public comments that include: (1) Whether the proposed collection is necessary for the NTSB to perform its mission; (2) the accuracy of the estimated burden; (3) ways for the NTSB to enhance the quality, usefulness, and clarity of the IC; and (4) ways to minimize burden without reducing the quality of the IC.

This IC is necessary because when an agency employee requests a medical exception to the COVID–19 vaccine requirements, the NTSB will use the information provided on this form to determine whether the employee provided sufficient information to justify the request.

Title of Collection: Request for a Medical Exception to the COVID–19 Vaccination Requirement.

OMB Control Number: 3147–0028.

Form Number: Not applicable.

Type of Review: Extension of a currently-approved collection.

Affected Public: Private sector.

Total Estimated Annual Burden Hours: 20.

Estimated Average Burden Hours per Respondent: 1.

Frequency of Response: On occasion.

Total Estimated No. of Annual Responses: 20.

Jennifer Homendy,

Chair.

[FR Doc. 2021–27299 Filed 12–16–21; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0217]

Monitoring Criteria and Methods To Calculate Occupational Radiation Doses

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–8060, ''Monitoring Criteria and Methods to Calculate Occupational Radiation Doses.'' This DG is proposed Revision 1 to Regulatory Guide (RG) 8.34 of the same name. This proposed revised guidance describes an approach that is acceptable to the staff of the NRC to meet the NRC regulations for monitoring and determining the dose to occupationally exposed individuals.

DATES: Submit comments by January 31, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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–2021–0217. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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 accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Steven Garry, Office of Nuclear Reactor Regulation, telephone: 301–415–2766,

email: *Steven.Garry@nrc.gov,* and Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301–415–2493, email: *Harriet.Karagiannis@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0217 when contacting the NRC about the availability of information regarding 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–2021–0217.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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–2021–0217 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 posts all comment submissions at *https://www.regulations.gov* as well as enters 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 submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

This DG, titled ''Monitoring Criteria and Methods to Calculate Occupational Radiation Doses,'' is temporarily identified by its task number, DG–8060.

The DG is a proposed Revision 1 to RG 8.34 (ADAMS Accession No. ML21068A160). The proposed revision of RG 8.34 (Revision 1) describes acceptable methods for calculating the total effective dose equivalent. Revision 1 also provides acceptable methods for:

- Performing prospective dose evaluations,
- monitoring of unintended doses,
- monitoring dose from hot particles,
- assessing dose from wound injuries,
- calculating soluble uranium intakes, and
- processing of dosimetry devices.

On October 25, 2013 (78 FR 64030), the NRC staff issued DG–8031, ''Monitoring Criteria and Methods to Calculate Occupational Radiation Doses,'' (ADAMS Accession No. ML13168A095), for public comment. DG–8031 was the proposed Revision 1 to RG 8.34. The NRC staff has elected not to finalize DG–8031 and is issuing DG–8060 as a replacement. The staff notes that DG–8060 considers and addresses technical issues and public comments related to the issuance of DG–8031.

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML21068A161). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

III. Backfitting, Forward Fitting, and Issue Finality

DG–8060, if finalized, would not constitute backfitting as defined in sections 50.109, 70.76, 72.62, or 76.76 of title 10 of the *Code of Federal Regulations* (10 CFR), all titled ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests'' (ADAMS Accession No. ML18093B087); would not affect the issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants''; and would not constitute forward fitting as that term is defined and described in MD 8.4. As explained in DG–8060, applicants and licensees are not required to comply with the positions set forth in DG–8060.

Dated: December 13, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guide and Programs, Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–27302 Filed 12–16–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of December 20, 27, 2021, January 3, 10, 17, 24, 2022.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of December 20, 2021

There are no meetings scheduled for the week of December 20, 2021.

Week of December 27, 2021—Tentative

There are no meetings scheduled for the week of December 27, 2021.

Week of January 3, 2022—Tentative

There are no meetings scheduled for the week of January 3, 2022.

Week of January 10, 2022—Tentative

There are no meetings scheduled for the week of January 10, 2022.

Week of January 17, 2022—Tentative

There are no meetings scheduled for the week of January 17, 2022.

Week of January 24, 2022—Tentative

Thursday, January 27, 2022

9:00 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Nuclear Materials Users Business Lines (Public Meeting); (Contact: Celimar Valentin-Rodriguez: 301–415–7124).

Additional Information: The public is invited to attend the Commission's meeting live by webcast at the web address—*https://video.nrc.gov/*. For those who would like to attend in person, note that all visitors are required to complete the NRC Self-Health Assessment and Certification of Vaccination forms. Visitors who certify that they are not fully vaccinated or decline to complete the certification must have proof of a negative Food and Drug Administration-approved polymerase chain reaction (PCR) or Antigen (including rapid tests) COVID–19 test specimen collection from no later than the previous 3 days prior to entry to an NRC facility. The forms and additional information can be found here *https://www.nrc.gov/about-nrc/covid-19/guidance-for-visitors-to-nrc-facilities.pdf.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov* or *Betty.Thweatt@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: December 15, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–27471 Filed 12–15–21; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2022–35; Order No. 6061]

Inbound Parcel Post (at UPU Rates)

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent Postal Service filing of a change in rates not of general applicability to be effective January 1, 2022. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 20, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On December 10, 2020, the Postal Service filed notice announcing its intention to change prices not of general applicability for Inbound Parcel Post (at Universal Postal Union (UPU) Rates) effective January 1, 2022.[1]

II. Contents of Filing

With the Notice, the Postal Service filed: a redacted copy of the UPU International Bureau (IB) Circular 145 that contains the new provisional prices,[2] a copy of the certification required under 39 CFR 3035.105(c)(2), redacted Postal Service data used to justify any bonus payments, a copy of the Postal Service's submission to the UPU in support of an inflation-linked adjustment, a redacted copy of Governors' Decision 19–1, and a redacted copy of UPU IB Circular 148, which contains comparative rate information for a prior period to support the Postal Service's contentions about cost coverage. Notice at 2–3; *see id.* Attachments 2–7. The Postal Service also filed redacted Excel versions of financial workpapers. Notice at 3.

Additionally, the Postal Service filed an unredacted copy of Governors' Decision 19–1, an unredacted copy of the new prices, and related financial information under seal. *See id.* The Postal Service filed an application for non-public treatment of materials filed under seal. Notice, Attachment 1.

The Postal Service states that it has provided supporting documentation as required by Order No. 2102 and Order No. 2310.[3] In addition, the Postal Service states that it provided citations and copies of relevant UPU IB Circulars and updates to inflation-linked adjustments. Notice at 7.

III. Commission Action

The Commission establishes Docket No. CP2022–35 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, and 39 CFR part 3035. Comments are due no later than December 20, 2021. The public portions of the filing can be accessed via the Commission's website (*http://www.prc.gov*).

The Commission appoints Katalin K. Clendenin to serve as Public Representative in this docket.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2022–35 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as an

[1] Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability for Inbound Parcel Post (at UPU Rates), and Application for Non-Public Treatment, December 10, 2021, at 1–2 (Notice).

[2] The Postal Service explains that the prices are provisional because it expects the Postal Operations Council (POC) to issue revised rates in a re-issued circular during December of 2021. Notice at 3–4. The Postal Service anticipates that any revisions to the rates will be upward (resulting in increased cost coverage).

[3] Notice at 4–5. *See* Docket No. CP2014–52, Order Accepting Price Changes for Inbound Air Parcel Post (at UPU Rates), June 26, 2014, at 6 (Order No. 2102); Docket No. CP2015–24, Order Accepting Changes in Rates for Inbound Parcel Post (at UPU Rates), December 29, 2014, at 4 (Order No. 2310).

officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than December 20, 2021.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2021–27320 Filed 12–16–21; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of a revised system of records.

SUMMARY: The United States Postal Service (USPS™) is proposing to revise a General Privacy Act System of Records to support an initiative sponsored by the United States Postal Inspection Service to conduct link analysis for investigative purposes.

DATES: These revisions will become effective without further notice on January 18, 2022, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters (*privacy@usps.gov*). Arrangements to view copies of any written comments received, to facilitate public inspection, will be made upon request.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *privacy@usps.gov*.

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service is proposing revisions to an existing system of records (SOR) to support the implementation of a link analysis to be conducted by the United States Postal Inspection Service through the introduction of new investigative software.

I. Background

The United States Postal Inspection Service (USPIS) is focused on continuous improvement in the effort to stay one-step ahead of bad actors and to preserve the sanctity of the mail. To further this objective, USPIS is implementing a process to conduct a link analysis across multiple disparate Postal systems to aggregate data and increase efficiency. This process will automate the analysis process in part, reducing manual effort by Postal Inspectors and Inspection Service analysts.

Disclosure of relevant information or records derived from general and customer systems is authorized by the Privacy Act under USPS Routine Use number two, Disclosure for Law Enforcement Purposes.

II. Rationale for Changes to USPS Privacy Act Systems of Records

The Postal Service is proposing to modify USPS SOR 700.000, Inspection Service Investigative File System, to accommodate the process proposed by USPIS. USPIS will collect and aggregate eight data elements—Name, Address, 11-Digit Delivery Point ZIP Code (ZIP 11), Phone Number, Email Address, Tracking Number, IP Address, and Moniker—from the following four data sources: Customer Registration, Inspection Service Investigative File System, Click-n-Ship, and National Meter Accounting and Tracking System (NMATS).

To effect this change, one new purpose has been added to the existing SOR to reflect the usage of these data elements to conduct the link analysis. Further, the eight enumerated data elements have been added as a new Category of Records.

III. Description of the Modified System of Records

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. The notice for USPS 700.000, Inspection Service Investigative File System, provided below in its entirety, is as follows:

SYSTEM NAME AND NUMBER:

USPS 700.000, Inspection Service Investigative File System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Chief Postal Inspector, USPS Headquarters; Inspection Service Human Resources Service Center, Security Investigation Service Center, and Criminal Investigation Service Center; Inspectors-in-Charge.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Postal Inspector, Inspection Service, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401 and 404; and 18 U.S.C. 3061.

PURPOSE(S) OF THE SYSTEM:

1. To support investigations of criminal, civil, or administrative matters, including applicant, employee, and contractor background investigations.

2. To conduct link analysis from disparate data sources in support of criminal investigations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Subjects of investigations; complainants, informants, witnesses, and other individuals in investigations.

2. Applicants, current and former USPS employees, contractors, and other individuals providing information related to employment suitability checks.

3. Applicants for and appointees to sensitive positions in USPS, and individuals providing information related to security clearance checks on those individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records related to investigations, including person name(s), Social Security Number(s), case number, addresses, reports of postal inspectors and third parties; physical identifying characteristics (including fingerprints, voiceprints, handwriting samples, polygraph tests, photographs, or other biometrics); and employment and payroll information maintained by USPS.

2. Records related to investigative data source link analysis, including Name, Address, 11-Digit Delivery Point ZIP Code (ZIP 11), Phone Number, Email Address, Tracking Number, IP Address, and Moniker.

RECORD SOURCE CATEGORIES:

Subjects, applicants, applicant references, employees, complainants, witnesses, other systems of records, other government agencies, and external public or private sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1. through 9. apply. In addition:

a. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public about the activities and the accomplishments of USPS or its employees.

b. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings or after conviction may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority or to any other agency or individual involved with the maintenance, transportation, or release of such a person.

c. A record relating to a case or matter may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, under an international treaty, convention, or executive agreement; or to the extent necessary to assist such country in apprehending or returning a fugitive to a jurisdiction that seeks that individual's return.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By name or other personal identifier, subject category, or assigned case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained up to 15 years. Exceptions may be granted for longer retention in specific instances. Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedure and Record Access Procedures above.

NOTIFICATION PROCEDURE:

Individuals wanting to know if information about them is maintained in this system of records must address inquiries to the system manager and include full name, address, and information sufficient to ascertain the investigation and the individual's involvement.

EXEMPTION(S) PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(j) and (k), USPS has established regulations at 39 CFR 266.9 that exempt records in this system depending on their purpose.

HISTORY:

April 29, 2005, 70 FR 22516.

* * * * *

Ruth Stevenson,

Chief Counsel, Ethics & Legal Compliance.

[FR Doc. 2021–27303 Filed 12–16–21; 8:45 am]

BILLING CODE 7710–12–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Nanotechnology Initiative Meetings

ACTION: Notice of public meetings.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will facilitate stakeholder discussions of targeted nanotechnology topics through workshops and webinars, as well as community of community of research and network meetings between the publication date of this Notice and December 31, 2022.

DATES: The NNCO will hold one or more workshops and webinars, as well as community of research and network meetings between the publication date of this Notice and December 31, 2022.

ADDRESSES: Event information, including addresses, will be posted on *nano.gov*. For information about upcoming workshops and webinars, please visit *https://www.nano.gov/resources/research-community/meetings-and-events* and *https://www.nano.gov/PublicWebinars.* For more information on the networks and communities of research, please visit *https://www.nano.gov/resources/research-community/networks-and-communities.*

FOR FURTHER INFORMATION CONTACT: For information regarding this Notice, please contact Patrice Pages at *info@nnco.nano.gov* or 202–517–1041.

SUPPLEMENTARY INFORMATION: These public meetings address the charge in the 21st Century Nanotechnology Research and Development Act for NNCO to provide ''for public input and outreach . . . by the convening of regular and ongoing public discussions.'' Workshop and webinar topics may include technical subjects; environmental, health, and safety issues related to nanomaterials (nanoEHS); business case studies; or other areas of potential interest to the nanotechnology community. Areas of focus for the communities of research may include research on nanoEHS; nanotechnology education; nanomedicine; nanomanufacturing; or other areas of potential interest to the nanotechnology community. The communities of research are not intended to provide any government agency with advice or recommendations; such action is outside of their purview.

Registration: Due to space limitations, pre-registration for workshops is required. Workshop registration is on a first-come, first-served basis. Registration information will be available at *https://www.nano.gov/resources/research-community/meetings-and-events.* Registration for the webinars will open approximately two weeks prior to each event and will be capped at 500 participants or as space limitations dictate. Individuals planning to attend a webinar can find registration information at *https://www.nano.gov/PublicWebinars.* Written notices of participation for workshops, webinars, networks, or communities of research should be sent by email to *info@nnco.nano.gov.*

Meeting Accommodations: Individuals requiring special accommodation to access any of these

public events should contact *info@nnco.nano.gov* at least 10 business days prior to the meeting so that appropriate arrangements can be made.

Dated: December 14, 2021.

Stacy Murphy,

Operations Manager, White House Office of Science and Technology Policy.

[FR Doc. 2021–27344 Filed 12–16–21; 8:45 am]

BILLING CODE 3270–F2–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Orbital Debris Research and Development Interagency Working Group Listening Sessions

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Announcement of meetings.

SUMMARY: The White House Office of Science and Technology Policy (OSTP) is organizing a series of virtual listening sessions to hear about ideas, issues, and potential solutions related to the problem of orbital debris from members of the public who have an interest or stake in orbital debris research and development. Perspectives gathered during the virtual listening sessions will inform the National Science and Technology Council (NSTC) Orbital Debris Research and Development Interagency Working Group (ODRAD IWG) as it develops a government-wide orbital debris implementation plan, examining R&D activities as well as other considerations such as policy levers, international engagements, and other ideas outside of R&D solutions that may help build a cohesive implementation strategy. The implementation plan is a continuation of work done for the *National Orbital Debris Research and Development Plan (January 2021),* which was a response to *Space Policy Directive—3 (June 2018),* directing the United States to lead the management of traffic and mitigate the effects of debris in space.

DATES:

1. *Orbital Debris Remediation:* Thursday, January 13, 2022, 1:00 p.m. to 3:00 p.m. ET
2. *Orbital Debris Mitigation:* Thursday, January 20, 2022, 1:00 p.m. to 3:00 p.m. ET

Registration deadline:

1. *Orbital Debris Remediation:* Wednesday, January 12, 2022, 11:59 p.m. ET
2. *Orbital Debris Mitigation:* Wednesday, January 19, 2022, 11:59 p.m. ET

ADDRESSES: Register for a virtual listening session using the session-specific links below:

Debris Remediation: https://ida-org.zoomgov.com/meeting/register/vJIsc-uupzgiGLyz7dJnKBzd5TYtWSIvFEY

Debris Mitigation: https://ida-org.zoomgov.com/meeting/register/vJIsdu2pqDsrHtcrkQItFEkScORq00AoDA4

FOR FURTHER INFORMATION CONTACT: Ezinne Uzo-Okoro at *OrbitalDebris@ostp.eop.gov* or by calling 202–456–4444.

SUPPLEMENTARY INFORMATION: The Orbital Debris Interagency Working Group has commenced the development of an implementation plan to be released in 2022. Pursuant to 42 U.S.C. 6622, OSTP is soliciting public input through these virtual listening sessions to obtain recommendations from a wide range of stakeholders, including representatives from diverse industries, academia, other relevant organizations and institutions, and the general public. The public input provided in response to these virtual listening sessions will inform OSTP and NSTC as they work with Federal agencies and other stakeholders to develop an Orbital Debris implementation plan. This implementation plan builds on the Orbital Debris R&D plan published in January 2021.

Each listening session will be organized around a particular theme and audience, described below:

1. Session on Debris Remediation: Thursday, January 13, 2022, 1:00 p.m. to 3:00 p.m. ET

Debris remediation is the active or passive manipulation of debris objects to reduce or eliminate the risk they pose to operational space assets. This may include fully removing debris from orbit, moving debris from orbits that pose a high risk to operational spacecraft into lower-risk orbits, and finding ways to repurpose or recycle existing debris. Debris remediation activities could substantially reduce the risk of debris impact in key orbital regimes. R&D priorities include: Develop remediation and repurposing technologies and techniques for large-debris objects; Develop remediation technologies and techniques for small-debris objects; Develop models for risk and cost-benefit analyses. The target audience includes companies interested in developing debris remediation services as a line of business, any entity that has an interest in being a customer for debris remediation services, and researchers performing pre-competitive R&D that supports debris remediation capabilities.

Participants are encouraged to consider potential R&D, policy, regulatory, and international partnership actions when answering the following questions.

—What is the role of government, private sector, and academia?

—What can the Federal government do to incentivize the development of debris remediation capabilities in industry?

—What are the anticipated costs and development timelines for developing debris remediation services?

2. Session on Debris Mitigation: Thursday, January 20, 2022, 1:00 p.m. to 3:00 p.m. ET

Limiting the creation of new debris through deliberate spacecraft and launch vehicle design choices may be the most cost-effective approach to managing new debris creation in orbit. Debris mitigation activities limit the creation of debris in key orbital regimes. Design choices could include improving the reliability of critical spacecraft subsystems, such as power and propulsion, improving passivation techniques, selecting spacecraft materials that can withstand impacts, enhanced shielding, and developing cost-effective solutions to improve maneuverability and end-of-life safe modes. We invite ideas for U.S. government actions to mitigate debris creation from the public including expert stakeholders in academia and industry. Actions could focus on buying down the risk and cost to implement new technologies to limit the creation of new debris, or even on incentives for implementing proven technologies for debris mitigation. Participants are encouraged to consider potential R&D, policy, regulatory, and international partnership actions when answering the following questions:

—What is the role of government, private sector, and academia in developing debris mitigation solutions?

—What specific actions, R&D or policy, could the government take to limit the creation of new debris on-orbit?

—What actions to limit debris creation are well understood, but require satellite or launch vehicle owners/operators to be educated or incentivized to implement?

Speakers will have 2 to 3 minutes each to make a comment. As many speakers will be accommodated as the scheduled time allows.

Staff from the IDA Science and Technology Policy Institute will

facilitate the meeting, which will be recorded for use by the Interagency Working Group. Participation in a listening session will imply consent to capture participant's names, voices, and likenesses. Anything said may be recorded and transcribed for use by the Interagency Working Group and publicly released and attributed to specific participants. Moderators will manage the discussion and order of remarks.

Individuals unable to attend the listening sessions or who would like to provide more detailed information may submit written comments to the *Request for Comment (RFC) on the Orbital Debris Research and Development Plan* that was published in the **Federal Register** [86 FR 61335, November 5, 2021].

Dated: December 14, 2021.

Stacy Murphy,

Operations Manager.

[FR Doc. 2021–27331 Filed 12–16–21; 8:45 am]

BILLING CODE 3271–F1–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. EBO 270–291, OMB Control No. 3235–0328]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form ID

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (the ''Paperwork Reduction Act''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension and revisions of the previously approved collection of information discussed below.

Form ID (OMB Control No. 3235–0328) must be completed and filed with the Commission by all individuals, companies, and other organizations who seek access to file electronically on the Commission's Electronic Data Gathering, Analysis, and Retrieval system (''EDGAR''). Those seeking access to file on EDGAR typically include those who are required to make certain disclosures pursuant to the federal securities laws. The information provided on Form ID is an essential part of the security of EDGAR. Form ID is not a public document because it is used solely for the purpose of screening applicants and granting access to EDGAR. Form ID must be submitted whenever an applicant seeks an EDGAR identification number (Central Index Key or CIK) and/or access codes to file on EDGAR. The Commission may consider potential technical changes to the EDGAR filer access and filer account management processes (''potential access changes'') that include the addition of individual user account credentials as well as a filer management tool on EDGAR through which filers would manage their EDGAR accounts. If the potential access changes are implemented, the Commission anticipates that it would adopt amendments to certain Commission rules and forms to reflect the potential access changes, including Form ID. The potential access changes would include a filer designating on Form ID which of its users would act as filer administrator(s) to manage the filer's EDGAR account, analogous to the contact person listed on Form ID who currently receives access codes. The potential access changes would also include additional data fields on Form ID related to authorized individuals.[1]

Separately, the Commission may consider potential amendments to Form ID that would result in a more uniform and secure process for EDGAR access by requiring applicants that already have a CIK and no longer have access to EDGAR to apply for access by submitting a new Form ID, rather than by submitting a manual passphrase update request, as they do currently.[2] As part of their Form ID application, these applicants would continue to provide additional documentation as currently required by the EDGAR Filer Manual for manual passphrase update requests.[3]

For purposes of the Paperwork Reduction Act, we currently estimate that there are 48,493 Form ID filings annually and that it takes approximately 0.15 hours per response to prepare for a total of 7,274 annual burden hours. The current burden includes the number of Form ID filings for filers without CIKs (48,089 filings) and filers with CIKs who have not filed electronically on EDGAR (404 filings).[4] Filers are responsible for 100% of the total burden hours.

If the potential access changes and potential Form ID amendments become effective, for purposes of the Paperwork Reduction Act, we estimate that the number of Form ID filings would increase approximately by 8,836 annually[5] and that the number of hours to prepare Form ID would increase by 0.15 hours. The current approved estimate of the annual number of Form ID filings for filers without CIKs (48,089 filings) and filers with CIKs who have not filed electronically on EDGAR (404 filings) would stay the same.

Thus, for purposes of the Paperwork Reduction Act, the estimated total number of annual Form ID filings would increase from 48,493 filings to 57,329 filings.[6] The estimate of 0.15 hours per response would increase to 0.30 hours per response. The estimated total annual burden would increase from 7,274 hours to 17,199 hours.[7] The estimate includes the number of filers without CIKs, filers with CIKs who have not filed electronically on EDGAR, and filers with CIKs who are seeking to reaccess EDGAR. The estimate that the filers are responsible for 100% of the total burden hours would stay the same.

In relation to the potential access changes described above, the Commission may consider amending Form ID to make technical modifications and clarifications. We do not believe that these technical modifications and clarifications to Form ID would make any substantive modifications to any existing collection of information requirements or impose any new substantive recordkeeping or information collection requirements within the meaning of the Paperwork Reduction Act.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or

[1] An ''authorized individual'' for purposes of Form ID notarization process includes, for example, the Chief Executive Officer, Chief Financial Officer, partner, corporate secretary, officer, director, or treasurer of a company filer; or for individual filers, the individual filer or a person with a power of attorney from the individual filer. *See* EDGAR Filer Manual, Volume I, at Section 3.

[2] The manual passphrase update request is submitted by filers who do not possess access codes for their existing EDGAR accounts when the contact email address on their existing account is not accurate. (If the contact email address were accurate, they would be able to receive a security token to allow them to regain access without engaging in the manual passphrase update request process.)

[3] *See* EDGAR Filer Manual, Volume I, at Section 4. *See also* Adoption of Updated EDGAR Filer Manual, Release No. 33–10948 (Jun. 21, 2021) [86 FR 40308 (Jul. 28, 2021)].

[4] 48,089 filings for users without CIKs + 404 filings for filers with CIKs who have not yet filed electronically on EDGAR = 48,493 filings.

[5] We base this estimate on the average annual number of filings from filers with CIKs who submitted manual passphrase update requests for the past three federal fiscal years. ((6,871 filings per year + 7,978 filings per year + 11,659 filings per year)/3 years) = average of 8,836 filings per year.

[6] 48,493 filings + 8,836 filings = 57,329 filings.

[7] 57,329 filings × 0.30 hours/filing = 17,199 hours.

representative survey or study of the costs of Commission rules. Complying with this collection of information requirement is necessary to obtain the benefit of relying on Form ID. Responses will not be kept confidential. 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 control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: December 13, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–27291 Filed 12–16–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34438; File No. 812–15256]

Fairway Private Equity & Venture Capital Opportunities Fund, et al.

December 13, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit a closed-end management investment company to co-invest in portfolio companies with affiliated investment funds.

APPLICANTS: Fairway Private Equity & Venture Capital Opportunities Fund (the ''Fund''), Fairway Capital Management, LLC (''Fairway''), Fairway Venture Capital Fund, L.P. and Fairway US Equity, LP.

FILING DATES: The application was filed on August 16, 2021, and amended on November 24, 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 January 7, 2022, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Attn: Kevin T. Callahan, *KCallahan@fairwaycapm.com;* Gregory C. Davis, Esq., *gregory.davis@ropesgray.com;* Nathan D. Somogie, Esq., *nathan.somogie@ropesgray.com.*

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 551–6876 or Trace Rakestraw, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Introduction

1. The Applicants request an order of the Commission under sections 17(d) and 57(i) and rule 17d–1 thereunder (the ''Order'') to permit, subject to the terms and conditions set forth in the application (the ''Conditions''), a Regulated Fund [1] and one or more other Regulated Funds and/or one or more Affiliated Funds [2] to enter into Co-Investment Transactions with each other. ''Co-Investment Transaction'' means any transaction in which one or more Regulated Funds (or its Wholly-Owned Investment Sub (as defined below)) participated together with one or more Affiliated Funds and/or one or more other Regulated Funds in reliance on the Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[3]

Applicants

2. The Fund was organized under the Delaware Statutory Trust Act and is a closed-end management investment company registered under the Act. The Fund's Board [4] will comprise a majority of members who are Independent Trustees.[5]

3. Fairway, a Delaware limited liability company that is registered under the Advisers Act, serves as the investment adviser to the Fund.

4. Fairway also serves as the investment adviser to each of the

[1] ''Regulated Funds'' means the Fund and any Future Regulated Funds. ''Future Regulated Fund'' means a closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a business development company (''BDC''); (b) whose investment adviser is an Adviser; and (c) that intends to participate in the co-investment program. ''Adviser'' means Fairway and any other investment adviser that is (i) controlling, under common control with, or controlled by Fairway, (ii) registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''), and (iii) not a Regulated Fund or a subsidiary of a Regulated Fund. Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) and makes available significant managerial assistance with respect to the issuers of such securities.

[2] ''Affiliated Fund'' means the Existing Affiliated Funds, any Future Affiliated Fund or any Fairway Proprietary Account. ''Existing Affiliated Funds'' means the investment vehicles identified in Schedule A of the application. ''Future Affiliated Fund'' means any entity (a) whose investment adviser is an Adviser; (b) that would be an investment company but for section 3(c)(1), 3(c)(5)(C) or 3(c)(7) of the Act; and (c) that intends to participate in the co-investment program. ''Fairway Proprietary Account'' means any account of an Adviser or its affiliates or any company that is a direct or indirect, wholly- or majority-owned subsidiary of the Adviser or its affiliates, which, from time to time, may hold various financial assets in a principal capacity.

[3] All existing entities that currently intend to rely on the Order have been named as applicants and any existing or future entities that may rely on the Order in the future will comply with the terms and conditions of the application.

[4] ''Board'' means the board of trustees (or the equivalent) of a Regulated Fund.

[5] ''Independent Trustee'' means a member of the Board of any relevant entity who is not an ''interested person'' as defined in section 2(a)(19) of the Act. No Independent Trustee of a Regulated Fund will have a direct or indirect financial interest in any Co-Investment Transaction or any interest in any portfolio company, other than indirectly through share ownership in one of the Regulated Funds.

Existing Affiliated Funds. Applicants represent that each Existing Affiliated Fund is a separate and distinct legal entity and each would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. The Fairway Proprietary Accounts will hold various financial assets in a principal capacity. Fairway and its affiliates may operate through wholly- or majority-owned subsidiaries. Currently, there are no Fairway Proprietary Accounts or subsidiaries that exist and currently intend to participate in the co-investment program.

5. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.[6] Such a subsidiary may be prohibited from investing in a Co-Investment Transaction with a Regulated Fund (other than its parent) or any Affiliated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of the Regulated Fund that owns it and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the Order, as though the parent Regulated Fund were participating directly.

Applicants' Representations

A. Allocation Process

6. Applicants state that the Advisers are presented with a substantial number of investment opportunities each year on behalf of their clients, and that the Advisers must determine how to allocate those opportunities in a manner that, over time, is fair and equitable to all of their clients. Such investment opportunities may be Potential Co-Investment Transactions.

7. Applicants represent that the Adviser has established processes for allocating initial investment opportunities, opportunities for subsequent investment in an issuer and dispositions of securities holdings reasonably designed to treat all clients fairly and equitably. Further, Applicants represent that these processes will be extended and modified in a manner reasonably designed to ensure that the additional transactions permitted under the Order will both (i) be fair and equitable to the Regulated Funds and Affiliated Funds and (ii) comply with the Conditions. In particular, consistent with Condition 1, if a Potential Co-Investment Transaction falls within the then-current Objectives and Strategies[7] and any Board-Established Criteria[8] of a Regulated Fund, the policies and procedures will require that the Adviser to such Regulated Fund receives sufficient information to allow such Adviser's investment committee to make its independent determination and recommendations under the Conditions.

8. The Adviser to each applicable Regulated Fund will then make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances. If the Adviser to a Regulated Fund deems the Regulated Fund's participation in such Potential Co-Investment Transaction to be appropriate, then it will formulate a recommendation regarding the proposed order amount for the Regulated Fund.

9. Applicants state that, for each Regulated Fund and Affiliated Fund whose Adviser recommends participating in a Potential Co-Investment Transaction, the Adviser will submit a proposed order amount to an internal investment committee which the Adviser will establish to handle the allocation of investment opportunities in Potential Co-Investment Transactions. Applicants state further that, at this stage, each proposed order amount may be reviewed and adjusted, in accordance with the Advisers' written allocation policies and procedures, by the Adviser's investment committee.[9] The order of a Regulated Fund or Affiliated Fund resulting from this process is referred to as its ''Internal Order.'' The Internal Order will be submitted for approval by the Required Majority of any participating Regulated Funds in accordance with the Conditions.[10]

10. If the aggregate Internal Orders for a Potential Co-Investment Transaction do not exceed the size of the investment opportunity immediately prior to the submission of the orders to the underwriter, broker, dealer or issuer, as applicable (the ''External Submission''), then each Internal Order will be fulfilled as placed. If, on the other hand, the aggregate Internal Orders for a Potential Co-Investment Transaction exceed the size of the investment opportunity immediately prior to the External Submission, then the allocation of the opportunity will be made pro rata on the basis of the size of the Internal Orders.[11] If, subsequent to such External Submission, the size of the opportunity is increased or decreased, or if the terms of such opportunity, or the facts and circumstances applicable to the

[6] ''Wholly-Owned Investment Sub'' means an entity (i) that is wholly-owned by a Regulated Fund (with such Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of such Regulated Fund (and, in the case of a SBIC Subsidiary (defined below), maintain a license under the SBA Act (defined below) and issue debentures guaranteed by the SBA (defined below)); (iii) with respect to which such Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the Conditions; and (iv) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. ''SBIC Subsidiary'' means a Wholly-Owned Investment Sub that is licensed by the Small Business Administration (the ''SBA'') to operate under the Small Business Investment Act of 1958, as amended, (the ''SBA Act'') as a small business investment company.

[7] ''Objectives and Strategies'' means with respect to any Regulated Fund, its investment objectives and strategies, as described in its most current registration statement on Form N–2, other current filings with the Commission under the Securities Act of 1933 (the ''Securities Act'') or under the Securities Exchange Act of 1934, as amended, and its most current report to stockholders.

[8] ''Board-Established Criteria'' means criteria that the Board of a Regulated Fund may establish from time to time to describe the characteristics of Potential Co-Investment Transactions regarding which the Adviser to the Regulated Fund should be notified under Condition 1. The Board-Established Criteria will be consistent with the Regulated Fund's Objectives and Strategies. If no Board-Established Criteria are in effect, then the Regulated Fund's Adviser will be notified of all Potential Co-Investment Transactions that fall within the Regulated Fund's then-current Objectives and Strategies. Board-Established Criteria will be objective and testable, meaning that they will be based on observable information, such as industry/sector of the issuer, minimum EBITDA of the issuer, asset class of the investment opportunity or required commitment size, and not on characteristics that involve a discretionary assessment. The Adviser to the Regulated Fund may from time to time recommend criteria for the Board's consideration, but Board-Established Criteria will only become effective if approved by a majority of the Independent Trustees. The Independent Trustees of a Regulated Fund may at any time rescind, suspend or qualify its approval of any Board-Established Criteria, though applicants anticipate that, under normal circumstances, the Board would not modify these criteria more often than quarterly.

[9] The reason for any such adjustment to a proposed order amount will be documented in writing and preserved in the records of the Advisers.

[10] ''Required Majority'' means a required majority, as defined in section 57(o) of the Act. In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o).

[11] Each Adviser will maintain records of all proposed order amounts, Internal Orders and External Submissions in conjunction with Potential Co-Investment Transactions. Each applicable Adviser will provide the Eligible Trustees with information concerning the Affiliated Fund's and Regulated Funds' order sizes to assist the Eligible Trustees with their review of the applicable Regulated Fund's investments for compliance with the Conditions. ''Eligible Trustees'' means, with respect to a Regulated Fund and a Potential Co-Investment Transaction, the members of the Regulated Fund's Board eligible to vote on that Potential Co-Investment Transaction under section 57(o) of the Act.

Regulated Funds' or the Affiliated Funds' consideration of the opportunity, change, the participants will be permitted to submit revised Internal Orders in accordance with written allocation policies and procedures that the Advisers will establish, implement and maintain. The Board of the Regulated Fund will then either approve or disapprove of the investment opportunity in accordance with condition 2, 6, 7, 8 or 9, as applicable.

B. Follow-On Investments

11. Applicants state that from time to time the Regulated Funds and Affiliated Funds may have opportunities to make Follow-On Investments [12] in an issuer in which a Regulated Fund and one or more other Regulated Funds and/or Affiliated Funds previously have invested.

12. Applicants propose that Follow-On Investments would be divided into two categories depending on whether the prior investment was a Co-Investment Transaction or a Pre-Boarding Investment.[13] If the Regulated Funds and Affiliated Funds had previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Follow-On Investment would be subject to the Standard Review Follow-Ons described in Condition 8. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Follow-On Investment would be subject to the Enhanced-Review Follow-Ons described in Condition 9. All Enhanced Review Follow-Ons require the approval of the Required Majority. For a given issuer, the participating Regulated Funds and Affiliated Funds would need to comply with the requirements of Enhanced-Review Follow-Ons only for the first Co-Investment Transaction. Subsequent Co-Investment Transactions with respect to the issuer would be governed by the requirements of Standard Review Follow-Ons.

13. A Regulated Fund would be permitted to invest in Standard Review Follow-Ons either with the approval of the Required Majority under Condition 8(c) or without Board approval under Condition 8(b) if it is (i) a Pro Rata Follow-On Investment [14] or (ii) a Non-Negotiated Follow-On Investment.[15] Applicants believe that these Pro Rata and Non-Negotiated Follow-On Investments do not present a significant opportunity for overreaching on the part of any Adviser and thus do not warrant the time or the attention of the Board. Pro Rata Follow-On Investments and Non-Negotiated Follow-On Investments remain subject to the Board's periodic review in accordance with Condition 10.

C. Dispositions

14. Applicants propose that Dispositions [16] would be divided into two categories. If the Regulated Funds and the Affiliated Funds holding investments in the issuer had previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Disposition would be subject to the Standard Review Dispositions described in Condition 6. If the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Disposition would be subject to the Enhanced Review Dispositions described in Condition 7. Subsequent Dispositions with respect to the same issuer would be governed by Condition 6 under the Standard Review Dispositions.[17]

15. A Regulated Fund may participate in a Standard Review Disposition either with the approval of the Required Majority under Condition 6(d) or without Board approval under Condition 6(c) if (i) the Disposition is a Pro Rata Disposition [18] or (ii) the securities are Tradable Securities [19] and the Disposition meets the other requirements of Condition 6(c)(ii). Pro Rata Dispositions and Dispositions of a Tradable Security remain subject to the Board's periodic review in accordance with Condition 10.

D. Delayed Settlement

16. Applicants represent that under the terms and Conditions of the application, all Regulated Funds and Affiliated Funds participating in a Co-Investment Transaction will invest at the same time, for the same price and with the same terms, conditions, class,

[12] ''Follow-On Investment'' means an additional investment in the same issuer, including, but not limited to, through the exercise of warrants, conversion privileges or other rights to purchase securities of the issuer.

[13] ''Pre-Boarding Investments'' are investments in an issuer held by a Regulated Fund as well as one or more Affiliated Funds and/or one or more other Regulated Funds that were acquired prior to participating in any Co-Investment Transaction in transactions: (i) In which the only term negotiated by or on behalf of such funds was price in reliance on one of the JT No-Action Letters (defined below); or (ii) occurring at least 90 days apart and without coordination between the Regulated Fund and any Affiliated Fund or other Regulated Fund.

[14] A ''Pro Rata Follow-On Investment'' is a Follow-On Investment (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investments in the issuer or security, as appropriate, immediately preceding the Follow-On Investment, and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in the pro rata Follow-On Investments as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Follow-On Investments, in which case all subsequent Follow-On Investments will be submitted to the Regulated Fund's Eligible Trustees in accordance with Condition 8(c).

[15] A ''Non-Negotiated Follow-On Investment'' is a Follow-On Investment in which a Regulated Fund participates together with one or more Affiliated Funds and/or one or more other Regulated Funds (i) in which the only term negotiated by or on behalf of the funds is price and (ii) with respect to which, if the transaction were considered on its own, the funds would be entitled to rely on one of the JT No-Action Letters. ''JT No-Action Letters'' means SMC Capital, Inc., SEC No-Action Letter (pub. avail. Sept. 5, 1995) and Massachusetts Mutual Life Insurance Company, SEC No-Action Letter (pub. avail. June 7, 2000).

[16] ''Disposition'' means the sale, exchange or other disposition of an interest in a security of an issuer.

[17] However, with respect to an issuer, if a Regulated Fund's first Co-Investment Transaction is an Enhanced Review Disposition, and the Regulated Fund does not dispose of its entire position in the Enhanced Review Disposition, then before such Regulated Fund may complete its first Standard Review Follow-On in such issuer, the Eligible Trustees must review the proposed Follow-On Investment not only on a stand-alone basis but also in relation to the total economic exposure in such issuer (*i.e.,* in combination with the portion of the Pre-Boarding Investment not disposed of in the Enhanced Review Disposition), and the other terms of the investments. This additional review would be required because such findings would not have been required in connection with the prior Enhanced Review Disposition, but they would have been required had the first Co-Investment Transaction been an Enhanced Review Follow-On.

[18] A ''Pro Rata Disposition'' is a Disposition (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investment in the security subject to Disposition immediately preceding the Disposition; and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in pro rata Dispositions as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Dispositions, in which case all subsequent Dispositions will be submitted to the Regulated Fund's Eligible Trustees.

[19] ''Tradable Security'' means a security that meets the following criteria at the time of Disposition: (i) It trades on a national securities exchange or designated offshore securities market as defined in rule 902(b) under the Securities Act; (ii) it is not subject to restrictive agreements with the issuer or other security holders; and (iii) it trades with sufficient volume and liquidity (findings as to which are documented by the Advisers to any Regulated Funds holding investments in the issuer and retained for the life of the Regulated Fund) to allow each Regulated Fund to dispose of its entire position remaining after the proposed Disposition within a short period of time not exceeding 30 days at approximately the value (as defined by section 2(a)(41) of the Act) at which the Regulated Fund has valued the investment.

registration rights and any other rights, so that none of them receives terms more favorable than any other. However, the settlement date for an Affiliated Fund in a Co-Investment Transaction may occur up to ten business days after the settlement date for the Regulated Fund, and vice versa. Nevertheless, in all cases, (i) the date on which the commitment of the Affiliated Funds and Regulated Funds is made will be the same even where the settlement date is not and (ii) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other.

E. Holders

17. Under Condition 15, if an Adviser, its principals, or any person controlling, controlled by, or under common control with the Adviser or its principals, and the Affiliated Funds (collectively, the ''Holders'') own in the aggregate more than 25 percent of the outstanding voting shares of a Regulated Fund (the ''Shares''), then the Holders will vote such Shares in the same percentages as the Regulated Fund's other shareholders (not including the Holders) when voting on matters specified in the Condition.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit participation by a registered investment company and an affiliated person in any ''joint enterprise or other joint arrangement or profit-sharing plan,'' as defined in the rule, without prior approval by the Commission by order upon application. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Similarly, with regard to BDCs, section 57(a)(4) of the Act generally prohibits certain persons specified in section 57(b) from participating in joint transactions with the BDC or a company controlled by the BDC in contravention of rules as prescribed by the Commission. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs.

3. Co-Investment Transactions are prohibited by either or both of rule 17d–1 and section 57(a)(4) without a prior exemptive order of the Commission to the extent that the Affiliated Funds and the Regulated Funds participating in such transactions fall within the category of persons described by rule 17d–1 and/or section 57(b), as applicable, vis-à-vis each participating Regulated Fund. Each of the participating Regulated Funds and Affiliated Funds may be deemed to be affiliated persons vis-à-vis a Regulated Fund within the meaning of section 2(a)(3) by reason of common control because (i) Fairway manages, and may be deemed to control, the Existing Affiliated Funds and any other Affiliated Fund will be managed by, and may be deemed to be controlled by, an Adviser to Affiliated Funds; (ii) Fairway is the investment adviser to, and may be deemed to control, the Fund and an Adviser to the Regulated Funds will be the investment adviser to, and may be deemed to control, any Future Regulated Fund; and (iii) the Advisers to Affiliated Funds and the Advisers to Regulated Funds are under common control. Thus, each of the Affiliated Funds could be deemed to be a person related to the Regulated Funds in a manner described by section 57(b) and related to the other Regulated Funds in a manner described by rule 17d–1; and therefore the prohibitions of rule 17d–1 and section 57(a)(4) would apply respectively to prohibit the Affiliated Funds from participating in Co-Investment Transactions with the Regulated Funds.

4. Because the Fairway Proprietary Accounts are controlled by the Adviser or its affiliates and, therefore, may be under common control with the Fund, any future Advisers, and any Future Regulated Funds, the Fairway Proprietary Accounts could be deemed to be persons related to the Regulated Funds (or a company controlled by the Regulated Funds) in a manner described by section 57(b) and also prohibited from participating in the co-investment program. Each Regulated Fund would also be related to each other Regulated Fund in a manner described by section 57(b) or rule 17d–1, as applicable, and thus prohibited from participating in Co-Investment Transactions with each other.

5. In passing upon applications under rule 17d–1, the Commission considers whether a company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

6. Applicants state that in the absence of the requested relief, in many circumstances the Regulated Funds would be limited in their ability to participate in attractive and appropriate investment opportunities. Applicants state that, as required by rule 17d–1(b), the Conditions ensure that the terms on which Co-Investment Transactions may be made will be consistent with the participation of the Regulated Funds being on a basis that it is neither different from nor less advantageous than other participants, thus protecting the equity holders of any participant from being disadvantaged. Applicants further state that the Conditions ensure that all Co-Investment Transactions are reasonable and fair to the Regulated Funds and their shareholders and do not involve overreaching by any person concerned, including the Advisers. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions in accordance with the Conditions will be consistent with the provisions, policies, and purposes of the Act and would be done in a manner that is not different from, or less advantageous than, that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following conditions:

1. *Identification and Referral of Potential Co-Investment Transactions.*

(a) The Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that each Adviser is promptly notified of all Potential Co-Investment Transactions that fall within the then-current Objectives and Strategies and Board-Established Criteria of any Regulated Fund the Adviser manages.

(b) When an Adviser to a Regulated Fund is notified of a Potential Co-Investment Transaction under Condition 1(a), the Adviser will make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. *Board Approvals of Co-Investment Transactions.*

(a) If an Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the Advisers to be invested in the Potential Co-Investment Transaction by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds

the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in Section III.A.1.b. of the application. Each Adviser to a participating Regulated Fund will promptly notify and provide the Eligible Trustees with information concerning the Affiliated Funds' and Regulated Funds' order sizes to assist the Eligible Trustees with their review of the applicable Regulated Fund's investments for compliance with these Conditions.

(c) After making the determinations required in Condition 1(b) above, each Adviser to a participating Regulated Fund will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and each participating Affiliated Fund) to the Eligible Trustees of its participating Regulated Fund(s) for their consideration. A Regulated Fund will enter into a Co-Investment Transaction with one or more other Regulated Funds or the Affiliated Funds only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the transaction is consistent with:

(A) The interests of the Regulated Fund's shareholders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Fund(s) or Affiliated Fund(s) would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from, or less advantageous than, that of any other Regulated Fund(s) or Affiliated Fund(s) participating in the transaction; provided that the Required Majority shall not be prohibited from reaching the conclusions required by this Condition 2(c)(iii) if:

(A) The settlement date for another Regulated Fund or an Affiliated Fund in a Co-Investment Transaction is later than the settlement date for the Regulated Fund by no more than ten business days or earlier than the settlement date for the Regulated Fund by no more than ten business days, in either case, so long as: (x) The date on which the commitment of the Affiliated Fund and Regulated Funds is made is the same; and (y) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other; or

(B) any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors, the right to have a board observer or any similar right to participate in the governance or management of the portfolio company so long as: (x) The Eligible Trustees will have the right to ratify the selection of such director or board observer, if any; (y) the Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and (z) any fees or other compensation that any other Regulated Fund or Affiliated Fund or any affiliated person of any other Regulated Fund or Affiliated Fund receives in connection with the right of one or more Regulated Funds or Affiliated Funds to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among any participating Affiliated Funds (who may, in turn, share their portion with their affiliated persons) and any participating Regulated Fund(s) in accordance with the amount of each such party's investment; and

(iv) the proposed investment by the Regulated Fund will not involve compensation, remuneration or a direct or indirect [20] financial benefit to the Advisers, any other Regulated Fund, the Affiliated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by Condition 14, (B) to the extent permitted by section 17(e) or 57(k), as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in Condition 2(c)(iii)(B)(z).

3. *Right to Decline.* Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. *General Limitation.* Except for Follow-On Investments made in accordance with Conditions 8 and 9 below,[21] a Regulated Fund will not invest in reliance on the Order in any issuer in which a Related Party has an investment.[22]

5. *Same Terms and Conditions.* A Regulated Fund will not participate in any Potential Co-Investment Transaction unless (i) the terms, conditions, price, class of securities to be purchased, date on which the commitment is entered into and registration rights (if any) will be the same for each participating Regulated Fund and Affiliated Fund and (ii) the earliest settlement date and the latest settlement date of any participating Regulated Fund or Affiliated Fund will occur as close in time as practicable and in no event more than ten business days apart. The grant to one or more Regulated Funds or Affiliated Funds, but not the respective Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this Condition 5, if Condition 2(c)(iii)(B) is met.

6. *Standard Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of an interest in a security and one or more Regulated Funds and Affiliated Funds have previously participated in a Co-Investment Transaction with respect to the issuer, then:

[20] For example, procuring the Regulated Fund's investment in a Potential Co-Investment Transaction to permit an affiliate to complete or obtain better terms in a separate transaction would constitute an indirect financial benefit.

[21] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

[22] ''Related Party'' means (i) any Close Affiliate and (ii) in respect of matters as to which any Adviser has knowledge, any Remote Affiliate. ''Close Affiliate'' means the Advisers, the Regulated Funds, the Affiliated Funds and any other person described in section 57(b) (after giving effect to rule 57b–1) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) except for limited partners included solely by reason of the reference in section 57(b) to section 2(a)(3)(D). ''Remote Affiliate'' means any person described in section 57(e) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) and any limited partner holding 5% or more of the relevant limited partner interests that would be a Close Affiliate but for the exclusion in that definition.

(i) The Adviser to such Regulated Fund or Affiliated Fund [23] will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition.

(b) *Same Terms and Conditions.* Each Regulated Fund will have the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Funds and any other Regulated Fund.

(c) *No Board Approval Required.* A Regulated Fund may participate in such a Disposition without obtaining prior approval of the Required Majority if:

(i)(A) The participation of each Regulated Fund and Affiliated Fund in such Disposition is proportionate to its then-current holding of the security (or securities) of the issuer that is (or are) the subject of the Disposition; [24] (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such Dispositions on a pro rata basis (as described in greater detail in the application); and (C) the Board of the Regulated Fund is provided on a quarterly basis with a list of all Dispositions made in accordance with this Condition; or

(ii) each security is a Tradable Security and (A) the Disposition is not to the issuer or any affiliated person of the issuer; and (B) the security is sold for cash in a transaction in which the only term negotiated by or on behalf of the participating Regulated Funds and Affiliated Funds is price.

(d) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

7. *Enhanced Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of a Pre-Boarding Investment in a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Funds have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Fund, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees, and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that:

(i) The Disposition complies with Condition 2(c)(i), (ii), (iii)(A), and (iv); and

(ii) the making and holding of the Pre-Boarding Investments were not prohibited by section 57 or rule 17d–1, as applicable, and records the basis for the finding in the Board minutes.

(c) *Additional Requirements.* The Disposition may only be completed in reliance on the Order if:

(i) *Same Terms and Conditions.* Each Regulated Fund has the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Funds and any other Regulated Fund;

(ii) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(iii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iv) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial [25] in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(v) *No control.* The Affiliated Funds, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

8. *Standard Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer and the Regulated Funds and Affiliated Funds holding investments in the issuer previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund.

(b) *No Board Approval Required.* A Regulated Fund may participate in the Follow-On Investment without obtaining prior approval of the Required Majority if:

(i)(A) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer or the security

[23] Any Fairway Proprietary Account that is not advised by an Adviser is itself deemed to be an Adviser for purposes of Conditions 6(a)(i), 7(a)(i), 8(a)(i), and 9(a)(i).

[24] In the case of any Disposition, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Disposition.

[25] In determining whether a holding is ''immaterial'' for purposes of the Order, the Required Majority will consider whether the nature and extent of the interest in the transaction or arrangement is sufficiently small that a reasonable person would not believe that the interest affected the determination of whether to enter into the transaction or arrangement or the terms of the transaction or arrangement.

at issue, as appropriate,[26] immediately preceding the Follow-On Investment; and (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application); or

(ii) it is a Non-Negotiated Follow-On Investment.

(c) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority makes the determinations set forth in Condition 2(c). If the only previous Co-Investment Transaction with respect to the issuer was an Enhanced Review Disposition the Eligible Trustees must complete this review of the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms of the investment.

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them *pro rata* based on the size of the Internal Orders, as described in Section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

9. *Enhanced Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer that is a Potential Co-Investment Transaction and the Regulated Funds and any Affiliated Funds holding investments in the issuer have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Funds, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority reviews the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms and makes the determinations set forth in Condition 2(c). In addition, the Follow-On Investment may only be completed in reliance on the Order if the Required Majority of each participating Regulated Fund determines that the making and holding of the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable. The basis for the Board's findings will be recorded in its minutes.

(c) *Additional Requirements.* The Follow-On Investment may only be completed in reliance on the Order if:

(i) *Original Investments.* All of the Affiliated Funds' and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(ii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iii) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Funds hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(iv) *No control.* The Affiliated Funds, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Funds, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in Section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all

[26] To the extent that a Follow-On Investment opportunity is in a security or arises in respect of a security held by the participating Regulated Funds and any Affiliated Fund, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Follow-On Investment using the most recent available valuation thereof. To the extent that a Follow-On Investment opportunity relates to an opportunity to invest in a security that is not in respect of any security held by any of the participating Regulated Funds or any Affiliated Fund, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the issuer immediately preceding the Follow-On Investment using the most recent available valuation thereof.

purposes and subject to the other Conditions set forth in the application.

10. *Board Reporting, Compliance and Annual Re-Approval.*

(a) Each Adviser to a Regulated Fund will present to the Board of each Regulated Fund, on a quarterly basis, and at such other times as the Board may request, (i) a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or any Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria that were not made available to the Regulated Fund, and an explanation of why such investment opportunities were not made available to the Regulated Fund; (ii) a record of all Follow-On Investments in and Dispositions of investments in any issuer in which the Regulated Fund holds any investments by any Affiliated Fund or other Regulated Fund during the prior quarter; and (iii) all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or any Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Independent Trustees, may determine whether all Potential Co-Investment Transactions and Co-Investment Transactions during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the Conditions.

(b) All information presented to the Regulated Fund's Board pursuant to this Condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

(c) Each Regulated Fund's chief compliance officer, as defined in rule 38a–1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and Conditions of the application and the procedures established to achieve such compliance.

(d) The Independent Trustees will consider at least annually whether continued participation in new and existing Co-Investment Transactions is in the Regulated Fund's best interests.

11. *Record Keeping.* Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these Conditions were approved by the Required Majority under section 57(f).

12. *Trustee Independence.* No Independent Trustee of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise be an ''affiliated person'' (as defined in the Act) of any Affiliated Fund.

13. *Expenses.* The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective advisory agreements with the Regulated Funds and the Affiliated Funds, be shared by the Regulated Funds and any participating Affiliated Funds in proportion to the relative amounts of the securities held or being acquired or disposed of, as the case may be.

14. *Transaction Fees.*[27] Any transaction fee (including break-up, structuring, monitoring or commitment fees but excluding brokerage or underwriting compensation permitted by section 17(e) or 57(k)) received in connection with any Co-Investment Transaction will be distributed to the participants on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by an Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1), and the account will earn a competitive rate of interest that will also be divided pro rata among the participants. None of the Adviser, the Affiliated Funds, the other Regulated Funds or any affiliated person of the Affiliated Funds or the Regulated Funds will receive any additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction other than (i) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in Condition 2(c)(iii)(B)(z), (ii) brokerage or underwriting compensation permitted by section 17(e) or 57(k) or (iii) in the case of the Adviser, investment advisory compensation paid in accordance with investment advisory agreements between the applicable Regulated Fund(s) or Affiliated Fund(s) and its Adviser.

15. *Independence.* If the Holders own in the aggregate more than 25 percent of the Shares of a Regulated Fund, then the Holders will vote such Shares in the same percentages as the Regulated Fund's other shareholders (not including the Holders) when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–27313 Filed 12–16–21; 8:45 am]

BILLING CODE 8011–01–P

[27] Applicants are not requesting and the Commission is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93754; File No. SR–CboeBZX–2021–080]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule by Modifying Certain Auction Fee Codes

December 13, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 30, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'' or ''BZX Equities'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule by modifying certain auction fee codes.[3]

The Exchange assesses fees for orders in BZX listed securities that execute in an Opening, Initial Public Offering (''IPO''), Halt, or Closing Auction. Now, the Exchange proposes to modify certain auction fees provided under the Fee Codes and Associated Fees section of the Fee Schedule. First, the Exchange proposes to increase the fee associated with fee code AL,[4] which is currently free, to $0.0010 per share. Second, the Exchange proposes to increase the fee associated with fee code AN,[5] which is also currently free, to $0.0006 per share. Third, the Exchange proposes to increase the fee associated with fee code AO,[6] which is currently $0.0005 per share, to $0.00075 per share. Finally, the Exchange proposes to increase the fee associated with fee code AP,[7] which is currently free, to $0.00075 per share.

[3] The Exchange initially filed the proposed fee changes November 1, 2021 (SR–CboeBZX–2021–074). On November 12, 2021, the Exchange withdrew that filing and re-submitted the proposed fee changes (SR–CboeBZX–2021–077). On November 23, 2021, the Exchange withdrew that filing and re-submitted the proposed fee changes (SR–CboeBZX–2021–079). On November 30, 2021, the Exchange withdrew that filing and submitted this filing.

[4] Fee code AL is appended to orders executed in the Closing Auction and Late-Limit-On-Close orders in BZX listed securities.

[5] Fee code AN is appended to continuous book orders that are executed in the Opening or Closing Auction in BZX listed securities.

[6] Fee code AO is appended to order executed in an Opening, IPO or Halt Auction in BZX listed securities.

[7] Fee code AP is appended to orders executed in the Opening, IPO or Halt Auction in BZX listed securities as well as Late-Limit-On-Open orders in BZX listed securities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Securities Exchange Act of 1934 (the ''Act''),[8] in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5),[9] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members, issuers and other persons using its facilities.

The Exchange believes that its proposal to increase the fees applicable to fee codes AL, AN, AO, and AP are fair, equitable and reasonable because the proposed fees remain consistent with pricing offered by competitor exchanges. Specifically, NYSE Arca, Inc. (''Arca'')[10] charges, in securities priced at or above $1.00, a fee of either $0.0012 per share or $0.0015 per share to executions resulting from ''auction orders''.[11] In securities priced below $1.00, Arca charges 0.1% of the dollar value, which is applied to all orders executed in the early open auction, core open auction, trading halt auction or closing auction. Last, Arca charges a fee of $0.0006 per share for executions in an auction, other than ''auction orders''. The Exchange also believes that its proposal to increase the fees applicable to fee codes AL, AN, AO, and AP are fair, equitable and reasonable because the proposed fees do not represent a significant departure from the Exchange's general pricing structure. Specifically, the proposed fees for Fee Code AL and AN are in-line or less than the fees currently assessed by the Exchange for orders routed to an away listing market for participation in the closing process (*i.e.,* orders yielding fee code CL) and the proposed fees for Fee Codes AO and AP are less than the fees currently assessed by the Exchange for orders routed to an away listing market for participation in the opening or re-opening cross (*i.e.,* orders yielding fee code O). Therefore, the Exchange believes the proposed fees associated with fee codes AL, AN, AO and AP remain consistent with pricing offered by a competing exchange and does not represent a significant departure from the Exchange's general pricing structure.

Furthermore, the marketplace for listings is extremely competitive and there are several other national securities exchanges that offer Exchange-Traded Product (''ETP'') listings. Transfers between listing venues occur frequently and for numerous reasons, such as market quality, which includes executions in the opening and closing auctions. Accordingly, competitive forces constrain the Exchange's auction fees, and issuers can transfer listings to competing listing venues if they deem the listing fees or market quality at those other venues to be more favorable. The proposed rule changes reflect a competitive pricing structure, which, as noted above, is substantively similar to fees charged by Arca.

The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because Members will continue to have the option to elect to submit their orders for participation in auctions for BZX listed securities in the same manner and will be automatically and uniformly assessed the applicable fees for such auction orders. Auction participation on the Exchange is optional, and the Exchange operates in a competitive environment where issuers can transfer listings to competing listing venues if they deem the listing fees or market quality at those other venues to be more favorable.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] *See* the Arca fee schedule at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf.*

[11] The Arca fee schedule states that ''auction orders'' means market orders, market-on-close orders, limit-on-close orders and auction-only orders executed in an Arca auction. *Id* at Section I. Definitions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed modifications represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors, as discussed above. Issuers may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of ETP issuers or competing venues to maintain their competitive standing in the financial markets. The Exchange does not believe the proposed fees would burden intramarket competition as they would be assessed to all Members who participate in Exchange auctions uniformly.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 [13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–080 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–080. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–080 and should be submitted on or before January 7, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–27310 Filed 12–16–21; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93764; File No. SR–ICEEU–2021–023]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the ICE Clear Europe Delivery Procedures

December 13, 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 December 1, 2021, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(4)(ii) thereunder,[4] such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed amendments is for ICE Clear Europe to amend its Delivery Procedures (''Delivery Procedures'' or ''Procedures'') to add a new Part N1 to address ICE Futures US Emissions Futures Contracts which would be settled by delivery through the account of the Clearing House with the relevant registry and to make certain conforming changes elsewhere in the Delivery Procedures.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe 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

(a) Purpose

ICE Clear Europe is proposing to add a new Part N1 to the Delivery Procedures as well as make certain conforming changes elsewhere in the Delivery Procedures. Part N1 would apply to ICE Futures US Emissions Futures Contracts (i) for which physical delivery is specified as being ''Applicable'' in the relevant Contract Terms, (ii) which go to physical delivery on the expiry date; and (iii) to which the Clearing House will announce by Circular that Part N1 specifically applies (such contracts ''ICE Deliverable US Emissions Contracts''). These would apply to all physically deliverable US emissions futures contracts that are delivered via the Californian CITSS Registry.

Part N1 would provide that deliveries under ICE Deliverable US Emissions Contracts are effected upon (i) in the case of the Seller effecting delivery, the completion of the transfer of the relevant Allowances from the relevant Registry Account of the Seller to the relevant Registry Account of the Clearing House, and (ii) in the case of the Buyer taking delivery, the completion of the transfer of the relevant Allowances from the relevant Registry Account of the Clearing House

to the relevant Registry Account of the Buyer. Such delivery would take place during the Delivery Period for the relevant ICE Deliverable US Emissions Contracts in accordance with the relevant Contract Terms, and neither delivery by Seller nor receipt of delivery by Buyer would require performance by the other to occur simultaneously.

The amendments would further specify certain details of the delivery process and address certain responsibilities of the Clearing House and relevant parties for delivery under ICE Deliverable US Emissions Contracts. Delivery under an ICE Deliverable US Emissions Contract would be based on Open Contract Positions after expiration of the relevant Contract Set. The delivery process would occur over three consecutive Business Days. The amendments would include a delivery timetable with a detailed timeframe for relevant confirmations of intent to deliver or receive, nominations of parties to delivery or receive, delivery confirmations, invoicing, release of delivery margin and sales proceeds following completion of delivery and other matters.

The amendments would also detail certain limitations of liability for the Clearing House and ICE Futures US. Neither such party would be liable as a result of the performance or non-performance of any Registry or Registry Operator, any errors in the account details entered into the relevant Registry systems or otherwise provided in respect of a delivery, or for complying with the contractual obligations owed to the Registry in respect of any registry account(s), among other matters.

In addition, the amendments would also update Section 5.1 of the Delivery Procedures to include the ICE Deliverable US Emissions Contracts in the list of Clearing House contracts which, subject to delivery obligations, would allow sellers and buyers to nominate transferors and transferees, respectively, and to more clearly distinguish emissions contracts subject to bilateral delivery under existing Part N of the Delivery Procedures from those under the new Part N1.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments to the Delivery Procedures are consistent with the requirements of Section 17A of the Act [5] and the regulations thereunder applicable to it. In particular, Section 17A(b)(3)(F) of the Act [6] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The proposed changes to the Delivery Procedures are designed to establish delivery procedures relating to certain ICE Futures US Emissions Futures Contracts under which delivery will be made through the Registry Account of the Clearing House. The amendments would also set out the role, responsibilities and liabilities of the Clearing House, Clearing Members and designated transferors and transferees in the physical delivery process, in line with Delivery Procedures for other types of ICE Futures US Emissions Contracts. As a result, ICE Deliverable US Emissions Contracts delivered through a Clearing House Registry Account under Part N1, will be cleared by the Clearing House in the substantially same manner as ICE Deliverable US Emissions Contracts delivered bilaterally, with modifications to reflect the different mode of delivery, and will be supported by ICE Clear Europe's existing F&O financial resources, risk management, systems and operational arrangements. Accordingly, ICE Clear Europe believes that its financial resources, risk management, systems and operational arrangements are sufficient to support clearing of such contracts and to manage the risks associated with such contracts. As a result, in ICE Clear Europe's view, the amendments would be consistent with the prompt and accurate clearance and settlement of the contracts, and the protection of investors and the public interest consistent with the requirements of Section 17A(b)(3)(F) of the Act.[7] (In ICE Clear Europe's view, the amendments would not affect the safeguarding of funds or securities in the custody or control of the clearing agency or for which it is responsible, within the meaning of Section 17A(b)(3)(F).[8])

In addition, Rule 17Ad–22(e)(10) [9] provides that ''[e]ach covered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonable designed to, as applicable [. . .] establish and maintain transparent written standards that state its obligations with respect to the delivery of physical instruments, and establish and maintain operational practices that identify, monitor and manage the risks associated with such physical deliveries.'' As discussed above, the amendments would establish a new set of procedures applicable to the settlement of certain ICE Deliverable US Emissions Contracts that are to be settled by delivery through the Clearing House Registry Account. The procedures would address, among other matters, delivery specifications for such contracts, limitation of liability for the Clearing House and ICE Futures US in respect of the delivery of such contracts, and certain other documentation and timing matters, consistent with the requirements of the Clearing House. Clearance of the ICE Deliverable US Emissions Contracts would otherwise be supported by ICE Clear Europe's existing financial resources, risk management, systems and operational arrangements. The amendments thus appropriately clarify the role and responsibilities of the Clearing House and Clearing Members with respect to physical delivery. As a result, ICE Clear Europe believes the amendments are consistent with the requirements of Rule 17Ad–22(e)(10).[10]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments to the Delivery Procedures are intended to establish a new set of procedures applicable to the settlement of certain ICE Futures US Emissions Futures Contracts under which delivery will be made through the Registry Account of the Clearing House. ICE Clear Europe does not believe the amendments would adversely affect competition among Clearing Members, materially affect the cost of clearing, adversely affect access to clearing in the new contracts for Clearing Members or their customers, or otherwise adversely affect competition in clearing services. Accordingly, ICE Clear Europe does not believe that the amendments would impose any impact or burden on competition that is not appropriate in furtherance of the purpose of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22(e)(10).

[10] 17 CFR 240.17Ad–22(e)(10).

Europe. ICE Clear Europe will notify the Commission of any comments received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 [12] 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–ICEEU–2021–023 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICEEU–2021–023. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2021–023 and should be submitted on or before January 7, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–27309 Filed 12–16–21; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–135, OMB Control No. 3235–0175]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Form N–8A

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

The Investment Company Act of 1940 (''Investment Company Act'') (15 U.S.C. 80a–1 *et seq.*) requires investment companies to register with the Commission before they conduct any business in interstate commerce. Section 8(a) of the Investment Company Act provides that an investment company shall be deemed to be registered upon receipt by the Commission of a notification of registration in such form as the Commission prescribes. Form N–8A (17 CFR 274.10) is the form for notification of registration that the Commission has adopted under section 8(a). The purpose of such notification of registration provided on Form N–8A is to notify the Commission of the existence of investment companies required to be registered under the Investment Company Act and to enable the Commission to administer the provisions of the Investment Company Act with respect to those companies. After an investment company has filed its notification of registration under section 8(a), the company is then subject to the provisions of the Investment Company Act which govern certain aspects of its organization and activities, such as the composition of its board of directors and the issuance of senior securities. Form N–8A requires an investment company to provide its name, state of organization, form of organization, classification, the name and address of each investment adviser of the investment company, the current value of its total assets, and certain other information readily available to the investment company. If the investment company is filing a registration statement as required by Section 8(b) of the Investment Company Act concurrently with its notification of registration, Form N–8A requires only that the registrant file the cover page (giving its name, address, and agent for service of process) and sign the form in order to effect registration.

Based on recent filings of notifications of registration on Form N–8A, we estimate that about 101 investment companies file such notifications each year. An investment company must only file a notification of registration on Form N–8A once. The currently approved average hour burden per investment company of preparing and filing a notification of registration on Form N–8A is one hour. Based on the Commission staff's experience with the requirements of Form N–8A and with disclosure documents generally—and considering that investment companies that are filing notifications of registration on Form N–8A simultaneously with the registration statement under the Investment Company Act are only required by Form N–8A to file a signed cover page—we continue to believe that this estimate is appropriate. Therefore, we estimate that the total annual hour burden to prepare and file notifications of registration on Form N–8A is 101 hours. The currently approved cost burden of Form N–8A is

$449. We are updating the estimated costs burden to $496 to account for the effects of inflation. Therefore, we estimate that the total annual cost burden associated with preparing and filing notifications of registration on Form N–8A is about $50,096.

Estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of Form N–8A is mandatory. Responses to the collection of information will not be kept confidential. 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.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O John R. Pezzullo, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: December 13, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–27290 Filed 12–16–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93758; File No. SR–FINRA–2021–031]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Expiration Date of Temporary Amendments Set Forth in SR–FINRA–2020–015 and SR–FINRA–2020–027

December 13, 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 December 7, 2021, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to extend the expiration date of the temporary amendments set forth in SR–FINRA–2020–015 and SR–FINRA–2020–027 from December 31, 2021, to March 31, 2022.[4] The proposed rule change would not make any changes to the text of FINRA rules.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] If FINRA seeks to provide additional temporary relief from the rule requirements identified in this proposed rule change beyond March 31, 2022, FINRA will submit a separate rule filing to further extend the temporary extension of time. The amended FINRA rules will revert to their original form at the conclusion of the temporary relief period and any extension thereof.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In response to the COVID–19 global health crisis and the corresponding need to restrict in-person activities, FINRA filed proposed rule changes, SR–FINRA–2020–015 and SR–FINRA–2020–027, which respectively provide temporary relief from some timing, method of service and other procedural requirements in FINRA rules and allow FINRA's Office of Hearing Officers (''OHO'') and the National Adjudicatory Council (''NAC'') to conduct hearings, on a temporary basis, by video conference, if warranted by the current COVID–19-related public health risks posed by an in-person hearing. In August 2021, FINRA filed a proposed rule change, SR–FINRA–2021–019, to extend the expiration date of the temporary amendments in both SR–FINRA–2020–015 and SR–FINRA–2020–027 from August 31, 2021, to December 31, 2021.[5]

While there are signs of improvement, much uncertainty remains for the coming months. The presence of the Delta variant, dissimilar vaccination rates throughout the United States, and the uptick in transmissions in many locations indicate that COVID–19 remains an active and real public health concern.[6] Due to the uncertainty and the

[5] *See* Securities Exchange Act Release No. 92685 (August 17, 2021), 86 FR 47169 (August 23, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–019).

[6] For example, President Joe Biden on July 29, 2021, announced several measures to increase the number of people vaccinated against COVID–19 and to slow the spread of the Delta variant, including strengthening safety protocols for federal government employees and contractors. *See https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/29/fact-sheet-president-biden-to-announce-new-actions-to-get-more-americans-vaccinated-and-slow-the-spread-of-the-delta-variant/.* Thereafter, the Biden Administration announced on November 4, 2021, details of two

Continued

lack of a clear timeframe for a sustained and widespread abatement of COVID–19-related health concerns and corresponding restrictions,[7] FINRA believes there is a continued need for temporary relief beyond December 31, 2021. Accordingly, FINRA proposes to extend the expiration date of the temporary rule amendments in SR–FINRA–2020–015 and SR–FINRA–2020–027 from December 31, 2021, to March 31, 2022.

i. SR–FINRA–2020–015

As stated in its previous filings, FINRA proposed, and subsequently extended, the changes set forth in SR–FINRA–2020–015 to temporarily amend some timing, method of service and other procedural requirements in FINRA rules during the period in which FINRA's operations are impacted by the outbreak of COVID–19.[8] Among other things, the need for FINRA staff, with limited exceptions, to work remotely and restrict in-person activities–consistent with the recommendations of public health officials–have made it challenging to meet some procedural requirements and perform some functions required under FINRA rules. For example, working remotely makes it difficult to send and receive hard copy documents and conduct in-person oral arguments. The temporary amendments have addressed these concerns by easing logistical and other issues and providing FINRA with needed flexibility for its operations during the COVID–19 outbreak, allowing FINRA to continue critical adjudicatory and review processes in a reasonable and fair manner and meet its critical investor protection goals, while also following best practices with respect to the health and safety of its staff.

FINRA staff, with limited exceptions, continue to work remotely to protect their health and safety. As indicated in its previous filings, FINRA has established a COVID–19 task force to develop a data-driven, staged plan for FINRA staff to safely return to working in FINRA office locations and resume other in-person activities. Based on its assessment of current COVID–19 conditions, FINRA does not believe the COVID–19-related health concerns necessitating this relief will meaningfully subside by December 31, 2021, and therefore proposes to extend the expiration date of the temporary rule amendments originally set forth in SR–FINRA–2020–015 from December 31, 2021, to March 31, 2022.[9]

ii. SR–FINRA–2020–027

The same public health concerns and restrictions, along with a corresponding backlog of disciplinary cases,[10] led FINRA to file, and subsequently extend to December 31, 2021, SR–FINRA–2020–027 to temporarily amend FINRA Rules 1015, 9261, 9524, and 9830 to grant OHO and the NAC authority [11] to conduct hearings in connection with appeals of Membership Application Program decisions, disciplinary actions, eligibility proceedings and temporary and permanent cease and desist orders by video conference, if warranted by the COVID–19-related public health risks posed by an in-person hearing.[12]

As set forth in the previous filings, FINRA also relies on the guidance of its health and safety consultant, in conjunction with COVID–19 data and guidance issued by public health authorities, to determine whether the current public health risks presented by an in-person hearing may warrant a hearing by video conference.[13] Based on that guidance and data, FINRA does not believe the COVID–19-related health concerns necessitating this relief will meaningfully subside by December 31, 2021, and believes there will be a continued need for this temporary relief beyond that date.[14] Accordingly, FINRA proposes to extend the expiration date of the temporary rule amendments originally set forth in SR–FINRA–2020–027 from December 31, 2021, to March 31, 2022.[15] The extension of these temporary amendments allowing for specified OHO and NAC hearings to proceed by video conference will allow FINRA's critical adjudicatory functions to continue to operate effectively in these extraordinary circumstances—enabling FINRA to fulfill its statutory

major vaccination policies to further help fight COVID–19. *See https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/04/fact-sheet-biden-administration-announces-details-of-two-major-vaccination-policies/*. Most recently, President Biden announced several new actions to help protect Americans against the Delta and Omicron variants. *See https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/02/fact-sheet-president-biden-announces-new-actions-to-protect-americans-against-the-delta-and-omicron-variants-as-we-battle-covid-19-this-winter/*.

[7] For instance, the Centers for Disease Control and Prevention (''CDC'') recently announced that the first confirmed case of COVID–19 caused by the Omicron variant was detected in the United States. *See https://www.cdc.gov/media/releases/2021/s1201-omicron-variant.html.* The CDC also recommends that fully vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission and noted that fully vaccinated people might choose to wear a mask regardless of the level of transmission, particularly if they are immunocompromised or at increased risk for severe disease from COVID–19. *See https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html.* Furthermore, numerous states currently have COVID–19 restrictions in place. Six states (Hawaii, Illinois, Nevada, New Mexico, Oregon, and Washington) require most people to wear masks in indoor public places regardless of vaccination status, and three states (California, Connecticut, and New York) have mask mandates in indoor public places for those individuals who are unvaccinated. Several other states have mask mandates in certain settings, such as healthcare facilities, schools, and correctional facilities.

[8] *See* Securities Exchange Act Release No. 88917 (May 20, 2020), 85 FR 31832 (May 27, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–015); Securities Exchange Act Release No. 89055 (June 12, 2020), 85 FR 36928 (June 18, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–017); Securities Exchange Act Release No. 89423 (July 29, 2020), 85 FR 47278 (August 4, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–022); Securities Exchange Act Release No. 90619 (December 9, 2020), 85 FR 81250 (December 15, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–042); Securities Exchange Act Release No. 91495 (April 7, 2021), 86 FR 19306 (April 13, 2021) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2021–006); *supra* note 5.

[9] *See supra* note 8 (outlining the filing history of SR–FINRA–2020–015 and its prior extensions).

[10] For example, FINRA began temporarily postponing in-person hearings as a result of the COVID–19 impacts on March 16, 2020.

[11] For OHO hearings under FINRA Rules 9261 and 9830, the proposed rule change temporarily grants authority to the Chief or Deputy Chief Hearing Officer to order that a hearing be conducted by video conference. For NAC hearings under FINRA Rules 1015 and 9524, this temporary authority is granted to the NAC or the relevant Subcommittee.

[12] *See* Securities Exchange Act Release No. 89739 (September 2, 2020), 85 FR 55712 (September 9, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–027); Securities Exchange Act Release No. 90619 (December 9, 2020), 85 FR 81250 (December 15, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2020–042); Securities Exchange Act Release No. 91495 (April 7, 2021), 86 FR 19306 (April 13, 2021) (Notice of Filing and Immediate Effectiveness of File No. SRFINRA–2021–006); *supra* note 5.

[13] As noted in SR–FINRA–2020–027, the temporary proposed rule change grants discretion to OHO and the NAC to order a video conference hearing. In deciding whether to schedule a hearing by video conference, OHO and the NAC may consider a variety of other factors in addition to COVID–19 trends. In SR–FINRA–2020–027, FINRA provided a non-exhaustive list of other factors OHO and the NAC may take into consideration, including a hearing participant's individual health concerns and access to the connectivity and technology necessary to participate in a video conference hearing.

[14] FINRA notes that the proposed extension of the temporary amendments does not mean a video conference hearing will be ordered in every case. FINRA strives to hold in-person hearings when it is safe to do so and began to hold such hearings at a single location earlier this year. Specifically, FINRA held its first in-person hearing since the temporary rule change was implemented in July 2021. A subsequent surge in case numbers for the Delta variant of the COVID–19 virus caused FINRA's outside health and safety consultant to recommend in early August against in-person hearings. Accordingly, the Chief Hearing Officer has converted hearings scheduled after mid-September from in-person to video conference on a case-by-case basis. In addition to creating a safe environment in which an in-person hearing may be held, as mentioned above, a number of other considerations inform whether any given case will be held in-person or by video conference.

[15] *See supra* note 5.

obligations to protect investors and maintain fair and orderly markets—while also protecting the health and safety of hearing participants.[16]

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, so FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[17] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is also consistent with Section 15A(b)(8) of the Act,[18] which requires, among other things, that FINRA rules provide a fair procedure for the disciplining of members and persons associated with members.

The proposed rule change, which extends the expiration date of the temporary amendments to FINRA rules set forth in SR–FINRA–2020–015, will continue to provide FINRA, and in some cases another party to a proceeding, temporary modifications to its procedural requirements in order to allow FINRA to maintain fair processes and protect investors while operating in a remote work environment and with corresponding restrictions on its activities. It is in the public interest, and consistent with the Act's purpose, for FINRA to operate pursuant to this temporary relief. The temporary amendments allow FINRA to specify filing and service methods, extend certain time periods, and modify the format of oral argument for FINRA disciplinary and eligibility proceedings and other review processes to cope with the current pandemic conditions. In addition, extending this temporary relief will further support FINRA's disciplinary and eligibility proceedings and other review processes that serve a critical role in providing investor protection and maintaining fair and orderly markets.

The proposed rule change, which also extends the expiration date of the temporary amendments to FINRA rules set forth in SR–FINRA–2020–027, will continue to aid FINRA's efforts to timely conduct hearings in connection with its core adjudicatory functions. Given the current and frequently changing COVID–19 conditions and the uncertainty around when those conditions will see meaningful, widespread and sustained improvement, without this relief allowing OHO and NAC hearings to proceed by video conference, FINRA might be required to postpone some or almost all hearings indefinitely. FINRA must be able to perform its critical adjudicatory functions to fulfill its statutory obligations to protect investors and maintain fair and orderly markets. As such, this relief is essential to FINRA's ability to fulfill its statutory obligations and allows hearing participants to avoid the serious COVID–19-related health and safety risks associated with in-person hearings.

Among other things, this relief will allow OHO to conduct temporary cease and desist proceedings by video conference so that FINRA can take immediate action to stop ongoing customer harm and will allow the NAC to timely provide members, disqualified individuals and other applicants an approval or denial of their applications. As set forth in detail in the original filing, this temporary relief allowing OHO and NAC hearings to proceed by video conference accounts for fair process considerations and will continue to provide fair process while avoiding the COVID–19-related public health risks for hearing participants. Accordingly, the proposed rule change extending this temporary relief is in the public interest and consistent with the Act's purpose.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the temporary proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As set forth in SR–FINRA–2020–015 and SR–FINRA–2020–027, the proposed rule change is intended solely to extend temporary relief necessitated by the continued impacts of the COVID–19 outbreak and the related health and safety risks of conducting in-person activities. FINRA believes that the proposed rule change will prevent unnecessary impediments to FINRA's operations, including its critical adjudicatory processes, and its ability to fulfill its statutory obligations to protect investors and maintain fair and orderly markets that would otherwise result if the temporary amendments were to expire on December 31, 2021.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[19] and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. As FINRA requested in connection with SR–FINRA–2020–015 and related extensions,[21] FINRA has also asked the Commission to waive the 30-day operative delay so that this proposed rule change may become operative immediately upon filing.

FINRA has indicated that extending the relief provided originally in SR–FINRA–2020–015 and SR–FINRA–2020–027 will continue to ease

[16] Since the temporary amendments were implemented, OHO and the NAC have conducted several hearings by video conference. As of November 19, 2021, OHO has conducted 12 disciplinary hearings by video conference (decisions have been issued in 10 of these cases). In five of these disciplinary hearings, all of the parties agreed to proceed by video conference; the other seven were ordered to proceed by video conference by the Chief Hearing Officer. OHO currently has hearings scheduled in eight additional disciplinary matters. In one case, the parties have agreed to hold the hearing by video conference. No determination has yet been made regarding whether the other hearings will be in-person or by video conference. Also, as of November 24, 2021, the NAC, through the relevant Subcommittee, has conducted 12 oral arguments by video conference in connection with appeals of FINRA disciplinary proceedings pursuant to FINRA Rule 9341(d), as temporarily amended. Furthermore, the NAC has conducted via video conference a one-day evidentiary hearing in a membership application proceeding pursuant to FINRA Rule 1015, as temporarily amended.

[17] 15 U.S.C. 78*o*–3(b)(6).

[18] 15 U.S.C. 78*o*–3(b)(8).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6).

[21] *See* SR–FINRA–2020–015, 85 FR at 31836. Although FINRA did not request that the Commission waive the 30-day operative delay for SR–FINRA–2020–027, FINRA did request that the Commission waive the 30-day operative delay for SR–FINRA–2020–042, FINRA–2021–006, and FINRA–2021–019 which extended the expiration date of the temporary amendments originally set forth in SR–FINRA–2020–027.

logistical and other issues by providing FINRA with needed flexibility for its operations during the COVID–19 outbreak. Importantly, extending the relief provided in these prior rule changes immediately upon filing and without a 30-day operative delay will allow FINRA to continue critical adjudicatory and review processes in a reasonable and fair manner and meet its critical investor protection goals, while also following best practices with respect to the health and safety of its employees.[22] The Commission also notes that this proposal, like SR–FINRA–2020–015 and SR–FINRA–2020–027, provides only temporary relief during the period in which FINRA's operations are impacted by COVID–19. As proposed, the changes would be in place through March 31, 2022.[23] FINRA also noted in both SR–FINRA–2020–015 and SR–FINRA–2020–027 that the amended rules will revert back to their original state at the conclusion of the temporary relief period and, if applicable, any extension thereof.[24] For these reasons, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2021–031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2021–031. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2021–031 and should be submitted on or before January 7, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–27308 Filed 12–16–21; 8:45 am]

BILLING CODE 8011–01–P

[22] *See supra* Item II.A.1; *see also* SR–FINRA–2020–015, 85 FR at 31833.

[23] As noted above, *see supra* note 4, FINRA stated that if it requires temporary relief from the rule requirements identified in this proposal beyond March 31, 2022, it may submit a separate rule filing to extend the effectiveness of the temporary relief under these rules.

[24] *See* SR–FINRA–2020–015, 85 FR at 31833; *see also* SR–FINRA–2020–027, 85 FR at 55712.

[25] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0700]

RCS SBIC Fund II, L.P.; Conflicts of Interest Exemption

Notice is hereby given that RCS SBIC Fund II, L.P., 800 Boylston Street, Boston, MA 02199, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small business concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). RCS SBIC Fund II, L.P. is seeking a written exemption from SBA for proposed financings to Corporate Relocation, LLC, 8020 Consulting LLC and Next Net Media LLC.

These financings are brought within the purview of § 107.730(a) of the Regulations because RCS SBIC Fund II, L.P. will purchase these investments from Riverside Investment Management Company, LLC, an Associate of RCS SBIC Fund II, L.P. as defined in of § 107.50 of the Regulations. Therefore, this transaction is considered *Financing which constitute conflicts of interest* requiring SBA's prior written exemption.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

United States Small Business Administration.

Bailey DeVries,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2021–27400 Filed 12–16–21; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0358]

Resolute Capital Partners Fund V–B, L.P.; Conflicts of Interest Exemption

Notice is hereby given that Resolute Capital Partners Fund V–B, L.P., 20 Burton Hills Blvd., Suite 430, Nashville, TN 37215, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small business concern, has sought an exemption under Section 312 of the Act and Section

107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Resolute Capital Partners Fund V–B, L.P. is seeking a written exemption from SBA for a proposed financing to Salt Dental Collective, 1245 SE 3rd Street, Suite A2, Bend, OR 97702.

The financing is brought within the purview of § 107.730(a) of the Regulations because Salt Dental Collective is an Associate of Resolute Capital Partners Fund V–B, L.P. because Associate Resolute Capital Partners Fund IV, L.P. owns a greater than ten percent interest in Salt Dental Collective, therefore this transaction is considered *Financing which constitute conflicts of interest* requiring SBA's prior written exemption.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

United States Small Business Administration.

Bailey DeVries,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2021–27402 Filed 12–16–21; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0357]

Resolute Capital Partners Fund V–A, L.P.; Conflicts of Interest Exemption

Notice is hereby given that Resolute Capital Partners Fund V–A, L.P., 20 Burton Hills Blvd., Suite 430, Nashville, TN 37215, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small business concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Resolute Capital Partners Fund V–A, L.P. is seeking a written exemption from SBA for a proposed financing to Salt Dental Collective, 1245 SE 3rd Street, Suite A2, Bend, OR 97702.

The financing is brought within the purview of § 107.730(a) of the Regulations because Salt Dental Collective is an Associate of Resolute Capital Partners Fund V–A, L.P. because Associate Resolute Capital Partners Fund IV, L.P. owns a greater than ten percent interest in Salt Dental Collective, therefore this transaction is considered *Financing which constitute conflicts of interest* requiring SBA's prior written exemption.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

United States Small Business Administration.

Bailey DeVries,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2021–27397 Filed 12–16–21; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36526]

Cape May Seashore Lines, Inc.—Trackage Rights Exemption—New Jersey Transit Corporation

Cape May Seashore Lines, Inc. (CMSL), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) for acquisition of local trackage rights over a rail line owned by New Jersey Transit Corporation (NJ Transit), a noncarrier, that is comprised of a section of the Cape May Branch between milepost 27.02± at Winslow Junction, N.J., and milepost 53.0± at Tuckahoe, N.J., and a section of the Ocean City Branch between milepost 53.0± at Tuckahoe and milepost 58.7± at Palermo, N.J., a total distance of approximately 31.68 miles (the Line).

Pursuant to a written trackage rights agreement (Agreement),[1] NJ Transit has agreed to grant local trackage rights to CMSL over the Line. CMSL states that NJ Transit acquired the Line from Consolidated Rail Corporation (Conrail) but does not have a common carrier obligation with respect to the Line. According to CMSL, Conrail retains an easement to operate freight service on the Line, but NJ Transit has the right to grant access to other parties. CMSL states that under the Agreement, CMSL will provide local freight service over the Line, in lieu of and with the consent of Conrail, with Conrail retaining limited overhead trackage and interchange rights.

The transaction may be consummated on or after December 31, 2021, the effective date of the exemption (30 days after the verified notice was filed).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by December 23, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36526, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on CMSL's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103.

According to CMSL, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: December 14, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Stefan Rice,

Clearance Clerk.

[FR Doc. 2021–27374 Filed 12–16–21; 8:45 am]

BILLING CODE 4915–01–P

[1] A copy of the Agreement was filed with CMSL's verified notice of exemption.

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36570]

Sierra Northern Railway—Lease and Operation Exemption—Ventura County Transportation Commission

Sierra Northern Railway (SNR), a Class III rail carrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to lease from Ventura County Transportation Commission (VCTC) and to operate an approximately 31.87-mile

rail line extending from at or near milepost 403.20, in Ventura, Cal., eastward to milepost 435.07, east of Piru, Cal. (the Line).

According to SNR, the Line has been leased and operated by Fillmore & Western Freight Service, LLC, since 2002. *See Fillmore & W. Freight Serv., LLC—Lease & Operation Exemption—Ventura Cnty. Transp. Comm'n,* FD 34173 (STB served May 3, 2002). SNR states that it has been selected as the new operator of the Line and has reached an agreement with VCTC that will allow SNR to lease and operate the Line upon the exemption's effective date.[1]

SNR states that the proposed transaction does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. Further, SNR certifies that its projected annual revenue resulting from the proposed transaction will not exceed $5 million and will not result in the creation of a Class I or II rail carrier.

The earliest this transaction may be consummated is December 31, 2021, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than December 23, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36570, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on SNR's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue NW, Suite 300, Washington, DC 20037.

According to SNR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: December 14, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2021–27330 Filed 12–16–21; 8:45 am]

BILLING CODE 4915–01–P

[1] According to the verified notice, Union Pacific Railroad Company (UP) currently provides freight railroad services to one shipper over a portion of the Line from milepost 415.0 to milepost 403.2 (Western Portion). SNR states that UP's operating rights over the Western Portion will continue pursuant to the terms of UP's agreement with VCTC.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination of Trade Surplus in Certain Sugar and Syrup Goods and Sugar-Containing Products of Chile, Morocco, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Peru, Colombia, and Panama

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: In accordance with the Harmonized Tariff Schedule of the United States (HTSUS), the Office of the United States Trade Representative (USTR) is providing notice of its determination of the trade surplus in certain sugar and syrup goods and sugar-containing products of Chile, Morocco, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Peru, Colombia, and Panama. The level of a country's trade surplus in these goods relates to the quantity of sugar and syrup goods and sugar-containing products for which the United States grants preferential tariff treatment under (i) the United States-Chile Free Trade Agreement (Chile FTA); (ii) the United States-Morocco Free Trade Agreement (Morocco FTA); (iii) the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA–DR); (iv) the United States-Peru Trade Promotion Agreement (Peru TPA); (v) the United States-Colombia Trade Promotion Agreement (Colombia TPA); and (vi) the United States-Panama Trade Promotion Agreement (Panama TPA).

DATES: This notice is applicable on January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Erin H. Nicholson, Office of Agricultural Affairs, (202) 395–6095 or *Erin.H.Nicholson@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Chile FTA

Pursuant to section 201 of the United States-Chile Free Trade Agreement Implementation Act (Pub. L. 108–77; 19 U.S.C. 3805 note), Presidential Proclamation No. 7746 of December 30, 2003 (68 FR 75789) implemented the Chile FTA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Chile FTA.

Note 12(a) to subchapter XI of HTSUS chapter 99 requires USTR to publish annually a determination of the amount of Chile's trade surplus, by volume, with all sources for goods in Harmonized System (HS) subheadings 1701.11, 1701.12, 1701.91, 1701.99, 1702.20, 1702.30, 1702.40, 1702.60, 1702.90, 1806.10, 2101.12, 2101.20, and 2106.90, except that Chile's imports of goods classified under HS subheadings 1702.40 and 1702.60 that qualify for preferential tariff treatment under the Chile FTA are not included in the calculation of Chile's trade surplus. Proclamation 8771 of December 29, 2011 (77 FR 413) reclassified HS subheading 1701.11 as 1701.13 and 1701.14.

Note 12(b) to subchapter XI of HTSUS chapter 99 provides duty-free treatment for certain sugar and syrup goods and sugar-containing products of Chile entered under subheading 9911.17.05 in any calendar year (CY) (beginning in CY2015) is the quantity of goods equal to the amount of Chile's trade surplus in subdivision (a) of the note. During CY2020, the most recent year for which data are available, Chile's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 571,108 metric tons according to data published by its customs authority, the *Servicio Nacional de Aduana.* Based on this data, USTR has determined that Chile's trade surplus is negative. Therefore, in accordance with U.S. Note 12(b) to subchapter XI of HTSUS chapter 99, goods of Chile are not eligible to enter the United States duty-free under subheading 9911.17.05 in CY2022.

II. Morocco FTA

Pursuant to section 201 of the United States-Morocco Free Trade Agreement Implementation Act (Pub. L. 108–302; 19 U.S.C. 3805 note), Presidential Proclamation No. 7971 of December 22, 2005 (70 FR 76651) implemented the Morocco FTA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Morocco FTA.

Note 12(a) to subchapter XII of HTSUS chapter 99 requires USTR to publish annually a determination of the amount of Morocco's trade surplus, by volume, with all sources for goods in HS subheadings 1701.11, 1701.12, 1701.91, 1701.99, 1702.40, and 1702.60, except that Morocco's imports of U.S. goods classified under HS subheadings 1702.40 and 1702.60 that qualify for

preferential tariff treatment under the Morocco FTA are not included in the calculation of Morocco's trade surplus. Proclamation 8771 of December 29, 2011 (77 FR 413) reclassified HS subheading 1701.11 as 1701.13 and 1701.14.

Note 12(b) to subchapter XII of HTSUS chapter 99 provides duty-free treatment for certain sugar and syrup goods and sugar-containing products of Morocco entered under subheading 9912.17.05 in an amount equal to the lesser of Morocco's trade surplus or the specific quantity set out in that note for that calendar year.

Note 12(c) to subchapter XII of HTSUS chapter 99 provides preferential tariff treatment for certain sugar and syrup goods and sugar-containing products of Morocco entered under subheading 9912.17.10 through 9912.17.85 in an amount equal to the amount by which Morocco's trade surplus exceeds the specific quantity set out in that note for that calendar year.

During CY2020, the most recent year for which data are available, Morocco's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 647,161 metric tons according to data published by its customs authority, *the Office des Changes.* Based on this data, USTR has determined that Morocco's trade surplus is negative. Therefore, in accordance with U.S. Note 12(b) and U.S. Note 12(c) to subchapter XII of HTSUS chapter 99, goods of Morocco are not eligible to enter the United States duty-free under subheading 9912.17.05 or at preferential tariff rates under subheadings 9912.17.10 through 9912.17.85 in CY2022.

III. CAFTA–DR

Pursuant to section 201 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Pub. L. 109–53; 19 U.S.C. 4031), Presidential Proclamation No. 7987 of February 28, 2006 (71 FR 10827), Presidential Proclamation No. 7991 of March 24, 2006 (71 FR 16009), Presidential Proclamation No. 7996 of March 31, 2006 (71 FR 16971), Presidential Proclamation No. 8034 of June 30, 2006 (71 FR 38509), Presidential Proclamation No. 8111 of February 28, 2007 (72 FR 10025), Presidential Proclamation No. 8331 of December 23, 2008 (73 FR 79585), and Presidential Proclamation No. 8536 of June 12, 2010 (75 FR 34311), implemented the CAFTA–DR on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the CAFTA–DR.

Note 25(b)(i) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of each CAFTA–DR country's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40, and 1702.60, except that each CAFTA–DR country's exports to the United States of goods classified under HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, and 1701.99 and its imports of goods classified under HS subheadings 1702.40 and 1702.60 that qualify for preferential tariff treatment under the CAFTA–DR are not included in the calculation of that country's trade surplus.

U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar and syrup goods and sugar-containing products of each CAFTA–DR country entered under subheading 9822.05.20 in an amount equal to the lesser of that country's trade surplus or the specific quantity set out in that note for that country and that calendar year.

Costa Rica

During CY2020, the most recent year for which data are available, Costa Rica's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 143,237 metric tons according to data published by the *Costa Rican Customs Department, Ministry of Finance.* Based on this data, USTR has determined that Costa Rica's trade surplus is 143,237 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Costa Rica for CY2022 is 14,520 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Costa Rica that may be entered duty-free under subheading 9822.05.20 in CY2022 is 14,520 metric tons (*i.e.,* the amount that is the lesser of Costa Rica's trade surplus and the specific quantity set out in that note for Costa Rica for CY2022).

Dominican Republic

During CY2020, the most recent year for which data are available, the Dominican Republic's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 11,254 metric tons according to data published by the *General Directorate of Customs (DGA).* Based on this data, USTR has determined that the Dominican Republic's trade surplus is negative. Therefore, in accordance with U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98, goods of the Dominican Republic are not eligible to enter the United States duty-free under subheading 9822.05.20 in CY2022.

El Salvador

During CY2020, the most recent year for which data are available, El Salvador's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 482,476 metric tons according to data published by the *Central Bank of El Salvador.* Based on this data, USTR has determined that El Salvador's trade surplus is 482,476 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for El Salvador for CY2022 is 37,400 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of El Salvador that may be entered duty-free under subheading 9822.05.20 in CY2022 is 37,400 metric tons (*i.e.,* the amount that is the lesser of El Salvador's trade surplus and the specific quantity set out in that note for El Salvador for CY2022).

Guatemala

During CY2020, the most recent year for which data are available, Guatemala's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 1,467,994 metric tons according to data published by the *Guatemalan Sugar Association (ASAZGUA) and Bank of Guatemala.* Based on this data, USTR has determined that Guatemala's trade surplus is 1,467,994 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Guatemala for CY2022 is 51,700 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Guatemala that may be entered duty-free under subheading 9822.05.20 in CY2022 is 51,700 metric tons (*i.e.,* the amount that is the lesser of Guatemala's trade surplus and the specific quantity set out in that note for Guatemala for CY2022).

Honduras

During CY2020, the most recent year for which data are available, Honduras' exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 172,483 metric tons according to data published by the *Central Bank of Honduras.* Based on this data, USTR has determined that Honduras' trade surplus is 172,483 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Honduras

for CY2022 is 10,560 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Honduras that may be entered duty-free under subheading 9822.05.20 in CY2022 is 10,560 metric tons (*i.e.,* the amount that is the lesser of Honduras' trade surplus and the specific quantity set out in that note for Honduras for CY2022).

Nicaragua

During CY2020, the most recent year for which data are available, Nicaragua's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 357,945 metric tons according to data published by the *National Committee of Sugar Producers (CNPA).* Based on this data, USTR has determined that Nicaragua's trade surplus is 357,945 metric tons. The specific quantity set out in U.S. Note 25(b)(ii) to subchapter XXII of HTSUS chapter 98 for Nicaragua for CY2022 is 29,040 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Nicaragua that may be entered duty-free under subheading 9822.05.20 in CY2022 is 29,040 metric tons (*i.e.,* the amount that is the lesser of Nicaragua's trade surplus and the specific quantity set out in that note for Nicaragua for CY2022).

IV. Peru TPA

Pursuant to section 201 of the United States-Peru Trade Promotion Agreement Implementation Act (Pub. L. 110–138; 19 U.S.C. 3805 note), Presidential Proclamation No. 8341 of January 16, 2009 (74 FR 4105) implemented the Peru TPA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Peru TPA.

Note 28(c) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of Peru's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40, and 1702.60, except that Peru's imports of U.S. goods classified under HS subheadings 1702.40 and 1702.60 that are originating goods under the Peru TPA and Peru's exports to the United States of goods classified under HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, and 1701.99 are not included in the calculation of Peru's trade surplus.

Note 28(d) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar goods of Peru entered under subheading 9822.06.10 in an amount equal to the lesser of Peru's trade surplus or the specific quantity set out in that note for that calendar year.

During CY2020, the most recent year for which data are available, Peru's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 325,050 metric tons according to data published by the *National Superintendence of Customs and Tax Administration (SUNAT).* Based on this data, USTR has determined that Peru's trade surplus is negative. Therefore, in accordance with U.S. Note 28(d) to subchapter XXII of HTSUS chapter 98, goods of Peru are not eligible to enter the United States duty-free under subheading 9822.06.10 in CY2022.

V. Colombia TPA

Pursuant to section 201 of the United States-Colombia Trade Promotion Agreement Implementation Act (Pub. L. 112–42; 19 U.S.C. 3805 note), Presidential Proclamation No. 8818 of May 14, 2012 (77 FR 29519) implemented the Colombia TPA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Colombia TPA.

Note 32(b) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of Colombia's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40 and 1702.60, except that Colombia's imports of U.S. goods classified under subheadings 1702.40 and 1702.60 that are originating goods under the Colombia TPA and Colombia's exports to the United States of goods classified under subheadings 1701.12, 1701.13, 1701.14, 1701.91 and 1701.99 are not included in the calculation of Colombia's trade surplus.

Note 32(c)(i) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar goods of Colombia entered under subheading 9822.08.01 in an amount equal to the lesser of Colombia's trade surplus or the specific quantity set out in that note for that calendar year.

During CY2020, the most recent year for which data are available, Colombia's exports of the sugar and syrup goods and sugar-containing products described above exceeded its imports of those goods by 313,846, metric tons according to data published by the *Colombian National Tax and Customs Directorate (DIAN).* Based on this data, USTR has determined that Colombia's trade surplus is 313,846 metric tons. The specific quantity set out in U.S. Note 32(c)(i) to subchapter XXII of HTSUS chapter 98 for Colombia for CY2022 is 57,500 metric tons. Therefore, in accordance with that note, the aggregate quantity of goods of Colombia that may be entered duty-free under subheading 9822.08.01 in CY2022 is 57,500 metric tons (*i.e.,* the amount that is the lesser of Colombia's trade surplus and the specific quantity set out in that note for Colombia for CY2022).

VI. Panama TPA

Pursuant to section 201 of the United States-Panama Trade Promotion Agreement Implementation Act (Pub. L. 112–43; 19 U.S.C. 3805 note), Presidential Proclamation No. 8894 of October 29, 2012 (77 FR 66505) implemented the Panama TPA on behalf of the United States and modified the HTSUS to reflect the tariff treatment provided for in the Panama TPA.

Note 35(a) to subchapter XXII of HTSUS chapter 98 requires USTR to publish annually a determination of the amount of Panama's trade surplus, by volume, with all sources for goods in HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.40 and 1702.60, except that Panama's imports of U.S. goods classified under subheadings 1702.40 and 1702.60 that are originating goods under the Panama TPA and Panama's exports to the United States of goods classified under subheadings 1701.12, 1701.13, 1701.14, 1701.91 and 1701.99 are not included in the calculation of Panama's trade surplus.

Note 35(c) to subchapter XXII of HTSUS chapter 98 provides duty-free treatment for certain sugar goods of Panama entered under subheading 9822.09.17 in an amount equal to the lesser of Panama's trade surplus or the specific quantity set out in that note for that calendar year.

During CY2020, the most recent year for which data are available, Panama's imports of the sugar and syrup goods and sugar-containing products described above exceeded its exports of those goods by 659 metric tons according to data published by the *National Institute of Statistics and Census, Office of the General Comptroller of Panama; and the Ministry of Commerce and Industry of Panama.* Based on this data, USTR has determined that Panama's trade surplus is negative. Therefore, in accordance with that note, goods of Panama are not eligible to enter the United States duty-free under subheading 9822.09.17 in CY2022.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2021–27384 Filed 12–16–21; 8:45 am]

BILLING CODE 3290–F2–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Witham Field/Martin County Airport, Stuart, Florida

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the Martin County Board of County Commissioners (Airport Sponsor) for Witham Field/Martin County Airport under the provisions of the Aviation Safety and Noise Abatement Act and are in compliance with applicable requirements.

DATES: The effective date of the FAA's determination on the Noise Exposure Maps is December 14, 2021.

FOR FURTHER INFORMATION CONTACT: Peter Green, Federal Aviation Administration, Southern Region/Orlando Airports District Office, 8427 SouthPark Circle, Orlando, Florida 32819, (407) 487–7296.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the Noise Exposure Maps submitted for Witham Field/Martin County Airport are in compliance with applicable requirements of Title 14 Code of Federal Regulations (CFR) Part 150, effective December 14, 2021. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (''the Act''), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of 14 CFR part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the airport operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by the Airport Sponsor. The documentation that constitutes the ''Noise Exposure Maps'' as defined in 14 CFR 150.7 includes: 2020 Noise Exposure Map (Map 1 of 5); 2025 Noise Exposure Map (Map 2 of 5); AEDT Flight Tracks—All Arrivals (Map 3 of 5); AEDT Flight Tracks—All Departures (Map 4 of 5); AEDT Flight Tracks—All Touch and Go (Map 5 of 5); and the Final Noise Exposure Map Report and its appendices. The Airport Sponsor has certified that the submitted NEMs reasonably represent current year (2021) activity and projected (2026) activity at the airport. The FAA independently reviewed the submitted certification, as well as current forecasts and data for the airport, and concurred that the submitted NEMs reasonably reflect current and projected activity at the airport. The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on December 14, 2021.

FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of 14 CFR part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under 14 CFR 150.21, that the statutorily required consultation has been accomplished.

Copies of the full Noise Exposure Maps documentation and of the FAA's evaluation of the maps are available for examination by appointment at the following location: Federal Aviation Administration, Orlando Airports District Office, 8427 SouthPark Circle, 5th Floor, Orlando, Florida 32819.

To arrange an appointment to review the Noise Exposure Maps documentation, contact Peter Green, Federal Aviation Administration, Southern Region/Orlando Airports District Office, 8427 SouthPark Circle, Orlando, FL, 32819, (407) 487–7296. Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Orlando Airports District Office, Orlando, FL on December 14, 2021.

Bartholomew Vernace,

Manager, FAA/Orlando Airports District Office.

[FR Doc. 2021–27335 Filed 12–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. –2021–0015]

Petition for Exemption; Summary of Petition Received; CASS Professional Services Corp.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before January 6, 2022.

ADDRESSES: Send comments identified by docket number FAA–2021–0798 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow

the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiffany Jackson, 202–267–3796, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Caitlin Locke,

Acting Executive Deputy Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2021–0798.

Petitioner: CASS Professional Services Corp. (CPS).

Section(s) of 14 CFR Affected: §§ 61.57(a)(3) and 61.58(g).

Description of Relief Sought: CASS Professional Services is petitioning for relief from §§ 61.57(a)(3) and 61.58(g) to utilize Boeing KC–135 simulators not approved in accordance with part 142, operated by a United States Air Force contractor, for the purposes of meeting the currency and evaluation requirements in accordance with part 61 for their B–707 pilots.

[FR Doc. 2021–27350 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0107]

Agency Information Collection Activities; Approval of a New Information Collection Request; Waiver and Exemption Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Federal Motor Carrier Safety Administration (FMCSA) announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This notice invites comment on a new information collection titled ''Waiver and Exemption Requirements.'' The ICR estimates the burden applicants incur to comply with the reporting tasks required for requesting waivers and exemptions. FMCSA has not previously accounted for these burdens.

DATES: Comments on this notice must be received on or before January 18, 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: Pearlie Robinson, Driver and Carrier Operations Division, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–4225. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Waiver and Exemption Requirements.

OMB Control No.: To be determined by OMB upon OMB approval of the ICR.

Type of Request: New information collection.

Respondents: States, State Drivers Licensing Authorities, individuals, and motor carriers.

Estimated Number of Respondents: 131 per year.

Estimated Time per Response: 2 minutes to 2 hours.

Expiration Date: This is a new information collection request.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 97 burden hours.

Background: In 1998, the Federal Highway Administration (FHWA), the predecessor agency of FMCSA, adopted 49 CFR part 381 as an interim final rule (IFR), establishing procedures for applying for waivers, exemptions, and pilot programs (63 FR 67600, December 8, 1998). Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) amended 49 U.S.C. 31315 and 31136(e) to provide authority to the Secretary of Transportation to grant waivers and exemptions from motor carrier safety regulations. Section 4007 of TEA–21 requires that the terms and conditions for all waivers and exemptions likely achieve a level of safety equivalent to or greater than what would be achieved by complying with the safety regulations. In 2004, FMCSA adopted its IFR as final at 49 CFR part 381, consistent with section 4007 of TEA–21 (69 FR 51589, August 20, 2004). The final rule also established procedures that govern how FMCSA reviews, grants, or denies requests for waivers and applications for exemptions. The final rule included requirements for publishing notice of exemption applications in the **Federal Register** to afford the public an opportunity for comment. There is no statutory requirement to publish **Federal Register** notices concerning waiver applications.

When the waiver and exemption provisions were first adopted, FHWA stated that it would ''consider the information collection requirements for each waiver, exemption, and pilot program and, if necessary, request approval from the Office of Management and Budget for any special recordkeeping requirements associated with the waiver, exemption, or pilot program.'' (63 FR 67608). FMCSA included a similar statement when finalizing its IFR in 2004 (69 FR 51597). Recently, FMCSA determined that it now receives a sufficient number of waiver and exemption requests per year to require OMB approval.

A 60-day notice for public comment was published on August 16, 2021 (86 FR 45803). The comment period for that notice closed on October 15, 2021. There were no comments submitted to the docket.

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 the 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 9 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2021–27307 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0158]

Agency Information Collection Activities; Renewal of a Currently Approved Information Collection: Motor Carrier Identification Report

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 its review and approval and invites public comment. FMCSA requests approval to revise an ICR titled, ''*Motor Carrier Identification Report,*'' which is used to identify FMCSA regulated entities, help prioritize the agency's activities, aid in assessing the safety outcomes of those activities, and for statistical purposes. This ICR is necessary to ensure regulated entities are registered with the DOT.

DATES: Comments on this notice must be received on or before February 15, 2022.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2021–0158 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov,* and follow the online instructions for accessing the docket, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''FAQ'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Secrist, Office of Registration and Safety Information, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–385–2367; email *Jeffrey.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: Title 49, United States Code Section 504(b)(2) provides the Secretary of Transportation (Secretary) with authority to require carriers, lessors, associations, or classes of these entities to file annual, periodic, and special reports containing answers to questions asked by the Secretary. The Secretary may also prescribe the form of records required to be prepared or compiled and the time period during which records must be preserved (See § 504(b)(1) and (d)). FMCSA will use this data to administer its safety programs using a database of entities that are subject to its regulations. This database necessitates that these entities notify FMCSA of their existence. For example, under 49 CFR 390.19(a), FMCSA requires all motor carriers beginning operations to file a Form MCS–150 titled, ''Motor Carrier Identification Report,'' or MCS–150B titled, ''Combined Motor Carrier Identification Report and HM Permit Applications.'' This report is filed by all motor carriers conducting operations in interstate, intrastate transporting hazardous materials or international commerce before beginning operations. It asks the respondent to provide the name of the business entity that owns and controls the motor carrier operation; address and telephone of principal place of business; assigned identification number(s), type of operation, types of cargo usually transported; number of vehicles owned, term leased and trip leased; driver information; and certification statement signed by an individual authorized to sign documents on behalf of the business entity. Existing applicants will use the MCS–150 or MCS–150B to update their information in the Motor Carrier Management Information System. Applicants filing for the first time will be required to file on-line. Form MCS–150 or MCS–150B will be used for Mexico-domiciled carriers that seek authority to operate beyond the United States municipalities on the United States-Mexico border and their commercial zones. The information collected from the respondents is readily available to the public. This revised ICR captures the burden of continued use of the MCS–150 or MCS–150B for motor carriers updating their registration information and for the registration of Mexico-domiciled carriers.

Title: Motor Carrier Identification Report.

OMB Control Number: 2126–0013.

Type of Request: Renewal of a currently approved collection.

Respondents: Motor carriers, freight forwarders, intermodal equipment providers, brokers, motor carriers with hazardous materials safety permit, cargo tank facilities and Mexican motor carriers.

Estimated Number of Responses: 688,732 responses [683,452 responses for 1C–1 + 3,241 responses for 1C–2 + 2,039 responses for 1C–3].

Estimated Time per Response: IC–1: 20 minutes for new filings and 7.5 minutes for biennial updates and changes to complete the Form MCS–150. IC–2: 26 minutes for new filings and 5 minutes for biennial updates and changes to complete the Form MCS–150B. IC–3: 20 minutes for new filings and 7.5 minutes for biennial updates and changes to complete the Form MCS–150C.

Expiration Date: July 31, 2022.

Frequency of Response: On occasion and biennially.

Estimated Total Annual Burden: 116,072 hours [114,864 hours for IC–1 + 530 hours for IC–2 + 678 hours for IC–3].

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. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2021–27306 Filed 12–16–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Notice of Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Electronic Tax Administration Advisory Committee (ETAAC) will hold a public meeting.

DATES: The meeting will be held on Wednesday, Jan. 5, 2022, from 4 to 5 p.m. Eastern Standard Time.

ADDRESSES: The meeting will be held virtually via *ZoomGov*.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Parman, Office of National Public Liaison, at (202) 317–6247, or send an email to *publicliaison@irs.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a public meeting of the ETAAC will be held on Wednesday, Jan. 5, 2022, to discuss topics that may be recommended for inclusion in a future report of the Committee.

The meeting will be held from 4:00 to 5:00 p.m. Eastern Standard Time. It will take place via *ZoomGov*.

To register and receive the meeting link, members of the public may contact Mr. Sean Parman by calling 202–317–6247 or sending an email to *PublicLiaison@irs.gov.* The ETAAC was established under statute to provide continuing advice to the IRS regarding the IRS organizational strategy for electronic tax administration. The Committee discusses issues pertaining to electronic tax administration, including the prevention of identity theft and refund fraud. It supports the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs and procedures, and suggest improvements.

Time permitting, prior to the close of the meeting, interested persons may make oral statements germane to the Committee's work. Anyone wishing to make an oral statement should contact Mr. Sean Parman at *PublicLiaison@irs.gov* and include the written text or an outline of the proposed comments. In addition, members of the public may submit written statements by sending to: *PublicLiaison@irs.gov.*

Dated: Dec. 13, 2021.

John A. Lipold,

Designated Federal Official, IRS Office of National Public Liaison.

[FR Doc. 2021–27342 Filed 12–16–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0098]

Agency Information Collection Activity Under OMB Review: Dependents' Application for VA Education Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0098.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0098'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 3311 (as amended by Pub. L. 113–146, section 701, effective August 7, 2014), 3513, 3697A, 5113, 5101, 5102, and 5103; 38 CFR 21.3030 and 21.9510.

Title: Dependents' Application for VA Education Benefits.

OMB Control Number: 2900–0098.

Type of Review: Revision of a currently approved collection.

Abstract: VA claims examiners use the information from this collection to help determine whether an applying individual qualifies for DEA or Fry Scholarship benefits. The information will also be used to determine if the program of education the applicant wishes to pursue is approved for educational assistance. The information on the form can be obtained only from the claimant, and a determination cannot be made without the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 195 on October 13, 2021, pages 57000 and 57001.

Affected Public: Individuals or Households.

Estimated Annual Burden: 47,855 hours.

Estimated Average Burden Time per Respondent: 45 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 63,807.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer (Alt), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–27365 Filed 12–16–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Reasonable Charges for Outpatient Medical Care or Services; v4.225, Calendar Year (CY) 2022 Update and National Average Administrative Prescription Drug Charge Update

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: This VA notice updates the data for calculating what VA refers to as the Reasonable Charges collected or recovered by VA for medical care or services provided or furnished by VA to a veteran. This notice also updates the National Average Administrative Prescription Costs for purposes of calculating VA's charges for prescription drugs that were not administered during treatment but provided or furnished by VA to a veteran.

DATES: This change is effective January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Debra Vatthauer, Office of Finance, Revenue Operations, Payer Relations and Services, Rates and Charges, Veterans Health Administration, Department of Veterans Affairs, 128 Bingham Road, Suite 1000, Asheville, NC 28806; email: *debra.vatthauer@va.gov;* telephone: 608–821–7346 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: 38 CFR 17.101(a)(1) sets forth VA's collection or recovery regulations, pursuant to 38 U.S.C. 1729, for medical care or services provided or furnished by VA to a Veteran for: A nonservice-connected disability for which the veteran is entitled to care (or the payment of expenses for care) under a health plan contract; a nonservice-connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or, for a nonservice-connected disability incurred as a result of a motor vehicle accident in a state that requires automobile accident reparations insurance. VA refers to the charges for services as derived under 38 CFR 17.101 as ''reasonable charges.'' Section 17.101 provides the methodologies for establishing billed amounts for several types of charges; however, this notice will only address partial hospitalization facility charges; outpatient facility charges; physician and other professional charges, including professional charges for anesthesia services and dental services; pathology and laboratory charges; observation care facility charges; ambulance and other emergency transportation charges; and charges for durable medical equipment, drugs, injectables, and other medical services, items, and supplies identified by Healthcare Common Procedure Coding System (HCPCS) Level II codes.

Section 17.101(a)(2) provides that the actual charge amounts at individual VA medical facilities based on these methodologies and the data sources used for calculating those actual charge amounts will either be published in a notice in the **Federal Register** (FR) or will be posted on VA's website at: *https://www.va.gov/communitycare/revenue_ops/payer_rates.asp.*

Certain charges are updated as stated in this notice and will be effective on January 1, 2022.

In cases where VA has not established charges for medical care or services provided or furnished at VA expense (by either VA or non-VA providers) under other provisions or regulations, the method for determining VA's charges is set forth at section 17.101(a)(8).

Based on the methodologies set forth in section 17.101, this notice provides an update to charges for CY 2022 HCPCS Level II and Current Procedural Terminology codes. Charges are also being updated based on more recent versions of data sources for the following charge types: Partial hospitalization facility charges; outpatient facility charges; physician and other professional charges, including professional charges for anesthesia services and dental services; pathology and laboratory charges; observation care facility charges; ambulance and other emergency transportation charges; and charges for durable medical equipment, drugs, injectables and other medical services, items and supplies identified by HCPCS Level II codes. As of the date of this notice, the actual charge amounts at individual VA medical facilities are based on the methodologies and data sources described in section 17.101. The nationwide charges will be posted on VA's website at: *https://www.va.gov/communitycare/revenue_ops/payer_rates.asp* under the heading ''Reasonable Charges Data Tables'' and identified as ''v4.225 Data Tables (Outpatient and Professional).''

Acute inpatient facility charges and skilled nursing facility/sub-acute inpatient facility charges remain the same as set forth in the notice published in the **Federal Register** on September 13, 2021 (86 FR 50953).

We are also updating the list of VA medical facility locations. The list of VA medical facility locations, including the first three digits of their zip codes will be posted on VA's website under the heading ''VA Medical Facility Locations'' and identified as ''v4.225 (Jan 22).''

Consistent with section 17.101 (a)(2), the updated data and supplementary tables containing the changes described in this notice will be posted on VA's website at *https://www.va.gov/communitycare/revenue_ops/payer_rates.asp* under the heading ''Reasonable Charges Rules, Notices and **Federal Register**'' and identified as ''v4.225 **Federal Register** Notice 01/01/22 (Outpatient and Professional)''. The updated data, and supplementary tables containing the changes described will be effective until changed by a subsequent FR notice. Consistent with section 17.101(a)(3), the list of data sources used for calculating the actual charge amounts listed above also will be posted on VA's website under the heading ''Reasonable Charges Data Sources'' and identified as ''Reasonable Charges v4.225 Data Sources (Outpatient and Professional) (PDF).''

Section 17.101(m) establishes the charges for prescription drugs not administered during treatment, as part of medical care or services provided or furnished by VA to a veteran under section 17.101(a)(1) for a nonservice-connected disability for which the veteran is entitled to care (or the payment of expenses for care) under a health plan contract; for a nonservice-connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or for a nonservice-connected disability incurred as a result of a motor vehicle accident in a state that requires automobile accident reparations insurance.

As indicated in section 17.101(m), when VA provides or furnishes prescription drugs not administered during treatment, within the scope of care described in section 17.101(a)(1), charges billed separately for such

prescription drugs will consist of the amount that equals the total of the actual cost to VA for the drugs and the national average of VA administrative costs associated with dispensing the drugs for each prescription. Section 17.101(m) further describes the methodology for calculating the national average administrative cost for prescription drug charges not administered during treatment.

VA determines the amount of the national average administrative cost annually for the prior fiscal year (October through September) and then applies the charge at the start of the next calendar year.

Consistent with section 17.101(a)(2), the national average administrative cost calculated by VA under section 17.101(m) will be posted online on VA's website at: *https://www.va.gov/communitycare/revenue_ops/payer_rates.asp* under the heading ''Reasonable Charges Rules, Notices and **Federal Register** and identified as CY 22 National Average Administrative Cost (PDF)'', to be effective on January 1, 2022. The national average administrative cost posted will be effective until changed by a subsequent FR notice.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on December 10, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2021–27377 Filed 12–16–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Friday,
No. 240 December 17, 2021

Part II

Department of Energy

10 CFR Parts 429 and 431
Energy Conservation Program: Test Procedure for Electric Motors; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[EERE–2020–BT–TP–0011]

RIN 1904–AE62

Energy Conservation Program: Test Procedure for Electric Motors

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The U.S. Department of Energy (''DOE'') proposes to amend the existing scope of the DOE test procedures consistent with related industry changes for nomenclature and test procedure developments (*i.e.,* for air-over electric motors, submersible electric motors, electric motors greater than 500 horsepower, electric motors considered small, inverter-only electric motors, and synchronous electric motors); add test procedures, metric, and supporting definitions for additional electric motors covered under the proposed scope; and update references to industry standards to reference current versions. Furthermore, DOE proposes to adopt industry provisions related to the prescribed test conditions to further ensure the comparability of test. In addition, DOE proposes to update certain testing instructions to reduce manufacturer burden. Further, DOE proposes to amend the provisions pertaining to certification testing and determination of represented values for electric motors other than dedicated-purpose pool pump motors, apply these provisions to the additional electric motors proposed for inclusion in the scope of the test procedure, and to move both provisions consistent with the location of other certification requirements for other covered products and equipment. Finally, DOE proposes to add provisions pertaining to certification testing and determination of represented values for dedicated-purpose pool pump motors. DOE is seeking comment from interested parties on the proposal.

DATES: DOE will accept comments, data, and information regarding this proposal no later than February 15, 2022. See section V, ''Public Participation,'' for details. DOE will hold a webinar on Tuesday, January 25, 2022, from 12:30 p.m. to 4:00 p.m. See section V, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–TP–0011, by any of the following methods:

(1) *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

(2) *Email: ElecMotors2020TP0011@ee.doe.gov.* Include the docket number EERE–2020–BT–TP–0011 or regulatory information number (''RIN'') 1904–AE62 in the subject line of the message.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently suspending receipt of public comments via postal mail and hand delivery/courier. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

Docket: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts (if a public meeting is held), comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket?D=EERE-2020-BT-TP-0011.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section V for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9870. Email *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

For further information on how to submit a comment, review other public comments and the docket, or participate in a public meeting (if one is held), contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

DOE has submitted the collection of information contained in the proposed rule to OMB for review under the Paperwork Reduction Act, as amended. (44 U.S.C. 3507(d)) Comments on the information collection proposal shall be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Sofie Miller, OIRA Desk Officer by email: *sofie.e.miller@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: DOE proposes to maintain a previously approved incorporation by reference and to incorporate by reference the following industry standards into part 431:

Canadian Standards Association (''CSA'') C390–10 (R2019), ''Test methods, marking requirements, and energy efficiency levels for three-phase induction motors,'' March 2010.

CSA C747–09 (R2019), ''Energy Efficiency Test Methods for Small Motors'', October 2009.

Copies of CSA C390–10 (R2019) and CSA C747–09 (R2019) can be obtained from Canadian Standards Association, Sales Department, 5060 Spectrum Way, Suite 100, Mississauga, Ontario, L4W 5N6, Canada, 1–800–463–6727, or by visiting *http://www.shopcsa.ca/onlinestore/welcome.asp.*

International Electrotechnical Commission (''IEC'') 60034–12:2016, Edition 3.0 2016–11, ''Rotating Electrical Machines, Part 12: Starting Performance of Single-Speed Three-Phase Cage Induction Motors,'' Published November 23, 2016.

IEC 60079–7:2015, Edition 5.0 2015–06, ''Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'','' Published June 26, 2015.

IEC 60034–2–1:2014, Edition 2.0 2014–06, Rotating electrical machines—Part 2–1: Standard methods for

determining losses and efficiency from tests (excluding machines for traction vehicles).

IEC 61800–9–2:2017, ''Adjustable speed electrical power drive systems—Part 9–2: Ecodesign for power drive systems, motor starters, power electronics and their driven applications—Energy efficiency indicators for power drive systems and motor starters'', Edition 1.0, March 2017.

Copies of IEC 60034–2–1:2014, IEC 60034–12:2016, IEC 60079–7:2015 and IEC 61800–9–2:2017 may be purchased from International Electrotechnical Commission, 3 rue de Varembé, 1st floor, P.O. Box 131, CH—1211 Geneva 20—Switzerland, +41 22 919 02 11, or by visiting *https://webstore.iec.ch/home.*

Institute of Electrical and Electronics Engineers (''IEEE'') 112–2017, IEEE Standard Test Procedure for Polyphase Induction Motors and Generators, approved December 6, 2017;

IEEE 114–2010, ''Test Procedure for Single-Phase Induction Motors'', September 30, 2010.

Copies of IEEE 112–2017 and 114–2010 can be obtained from: IEEE, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855–1331, (732) 981–0060, or by visiting *http://www.ieee.org.*

National Electrical Manufacturers Association (''NEMA'') MG 1–2016, ''American National Standard for Motors and Generators, ANSI approved June 1, 2018. (''NEMA MG 1–2016 with 2018 Supplements'').

Copies of NEMA MG 1–2016 may be purchased from National Electrical Manufacturers Association, 1300 North 17th Street, Suite 900, Arlington, Virginia 22209, +1 703 841 3200, or by visiting *https://www.nema.org.*

National Fire Protection Association (''NFPA'') 20, 2019 Edition, ''Standard for the Installation of Stationary Pumps for Fire Protection,'' Approved by American National Standard on May 24, 2018. (''NFPA 20–2019'').

See section IV.M for a further discussion of these standards.

Table of Contents

I. Authority and Background

Electric motors are included in the list of ''covered equipment'' for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6311(1)(A)) DOE's energy conservation standards and test procedures for electric motors are currently prescribed at title 10 of the Code of Federal Regulations (''CFR'') part 431 section 25 and appendix B to subpart B of 10 CFR part 431 (''Appendix B''), respectively. The following sections discuss DOE's authority to establish test procedures for electric motors and relevant background information regarding DOE's consideration of test procedures for this equipment.

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[2] of EPCA, added by Public Law 95–619, Title IV, section441(a), established the Energy Conservation Program for Certain Industrial Equipment (42 U.S.C. 6311–6317), which sets forth a variety of

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

provisions designed to improve energy efficiency. This equipment includes electric motors, the subject of this document. (42 U.S.C. 6311(1)(A))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6316)

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and (b); 42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6316(b)(2)(D))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use or estimated annual operating cost of a given type of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6314(b))

EPCA, pursuant to amendments made by the Energy Policy Act of 1992, Public Law 102–486 (Oct. 24, 1992), specifies that the test procedures for electric motors subject to standards are those specified in National Electrical Manufacturers Association (''NEMA'') Standards Publication MG1–1987 and Institute of Electrical and Electronics Engineers (''IEEE'') Standard 112 Test Method B, as in effect on October 24, 1992. (42 U.S.C. 6314(a)(5)(A)). If these test procedures are amended, DOE must amend its test procedures to conform to such amended test procedure requirements, unless DOE determines by rule, published in the **Federal Register** and supported by clear and convincing evidence, that to do so would not meet the statutory requirements related to the test procedure representativeness and burden. (42 U.S.C. 6314(a)(5)(B))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered equipment, including electric motors, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle. (42 U.S.C. 6314(a)(1)) In addition, if the Secretary determines that a test procedure amendment is warranted, the Secretary must publish proposed test procedures in the **Federal Register**, and afford interested persons an opportunity (of not less than 45 days' duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b)) If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures.

DOE is publishing this NOPR in satisfaction of the requirements specified in EPCA.

B. Background

DOE's existing test procedures for electric motors appear at appendix B. DOE updated the test procedures for electric motors in response to updates to NEMA MG–1 and IEEE 112 in a final rule published May 4, 2012. 77 FR 26608 (''May 2012 Final Rule''). In the May 2012 Final Rule, DOE amended the test procedures to incorporate NEMA MG 1–2009 ''American National Standard for Motors and Generators'' and IEEE 112–2011 ''IEEE Standard Test Procedure for Polyphase Induction Motors and Generators''. *Id.* The May 2012 Final Rule also updated the test procedure to reference the most current version of the Canadian Standards Association (''CSA'') C390 ''Test methods, marking requirements, and energy efficiency levels for three-phase induction motors,'' March 2010 (''CSA C390–10'').[3] *Id.*

On December 13, 2013, DOE again amended its electric motor test procedure by clarifying the test setup requirements for certain electric motors. 78 FR 75962 (''December 2013 Final Rule''). Amendments to EPCA made by the Energy Independence and Security Act of 2007 (Pub. L. 110–140; Dec. 19, 2007) and the American Energy Manufacturing Technical Corrections Act (Pub. L. 112–210; Dec. 18, 2012) enabled DOE to consider an expanded scope of electric motors for regulatory coverage. 78 FR 75962, 75965. DOE determined that the motors covered by the expanded scope could be tested using the testing methods provided in IEEE 112 (Test Method B) and CSA C390–10 (both of which were already incorporated as part of DOE's test procedure regulations) to accurately measure their losses and determine their energy efficiency. *Id.* However, some of these motors required additional testing set-up instructions prior to testing, which DOE established in the December 2013 Final Rule.[4] *Id., see* section 4 of appendix B.

On July 31, 2017, DOE published a request for information (''RFI'') focused on the test procedures for small electric motors, which are covered separately under 10 CFR part 431 subpart X. 82 FR 35468 (''July 2017 RFI''). The July 2017 RFI also identified issues pertaining to electric motors and additional motors currently not subject to either the small electric motor or electric motor test procedures. 82 FR 35468, 35470–35473.

[3] DOE had previously determined that CSA Standard C390 is a widely recognized alternative that is consistent with IEEE 112–1996. 64 FR 54114 (October 5, 1999).

[4] A 2011 version of NEMA MG 1 was released prior to the publication of the December 2013 Final Rule. The updates from the 2009 version, however, did not affect the sections of NEMA MG–1 incorporated by reference in the DOE regulations. Subsequently, DOE declined to incorporate by reference NEMA MG 1–2011. 78 FR 75962, 75963.

DOE also requested comment on potentially establishing test procedures for additional categories of motors currently not included in the test procedures for small electric motors and electric motors. *Id.* DOE received comments related to the scope in response to the July 2017 RFI from the interested parties listed in Table I.1, which are addressed in this document.[5]

TABLE I.1—SCOPE-RELATED WRITTEN COMMENTS RECEIVED IN RESPONSE TO THE JULY 2017 RFI

Commenter(s)	Reference in this NOPR	Commenter type
Advanced Energy	Advanced Energy	Independent Testing Laboratory.
Association of Home Appliance Manufacturers and Air-conditioning, Heating, and Refrigeration Institute.	AHAM and AHRI	Industry Trade Associations.
Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE).	CA IOUs	Utilities.
Detector Technology Inc	Detech	Manufacturer.
American Council for an Energy-efficient Economy, Appliance Standards Awareness Project, Northwest Power and Conservation Council, Northwest Energy Efficiency Alliance.	Joint Advocates	Efficiency Organizations.
Lennox International Inc	Lennox	Manufacturer.
McMillan Electric Company	McMillan Electric Company	Manufacturer.
National Electrical Manufacturers Association	NEMA	Industry Trade Association.

Subsequent to the July 2017 RFI, on April 23, 2019, DOE published a test procedure notice of proposed rulemaking (''NOPR'') for small electric motors and electric motors. 84 FR 17004 (''April 2019 NOPR''). As it relates to electric motors, DOE proposed to (1) incorporate by reference a revised test procedure for the measurement of energy efficiency, the IEEE 112–2017, ''IEEE Standard Test Procedure for Polyphase Induction Motors and Generators'' (''IEEE 112–2017''); and (2) incorporate by reference an alternative test procedure for the measurement of energy efficiency, the International Electrotechnical Commission (''IEC'') 60034–2–1:2014, ''Standard methods for determining losses and efficiency from tests (excluding machines for traction vehicles)'' (''IEC 60034–2–1:2014''). 84 FR 17004, 17006, 17010–17014. On January 4, 2021, DOE published the test procedure final rule for small electric motors and electric motors. 86 FR 4 (''January 2021 Final Rule''). As it relates to electric motors, DOE amended the test procedure to finalize the proposals from the April 2019 NOPR, including the incorporation by reference of IEEE 112–2017 and IEC 60034–2–1:2014. 86 FR 4, 10, 11–13.

On June 3, 2020, DOE published an RFI pertaining to test procedures for electric motors in response to updates to the applicable industry testing standards and the 7-year look-back review required under EPCA. 85 FR 34111 (''June 2020 RFI''). DOE received comments in response to the June 2020 RFI from the interested parties listed in Table I.2.

TABLE I.2—WRITTEN COMMENTS RECEIVED IN RESPONSE TO THE JUNE 2020 RFI

Commenter(s)	Reference in this NOPR	Commenter type
Appliance Standard Awareness Project, American Council for an Energy-Efficient Economy and Natural Resources Defense Council.	Efficiency Advocates	Efficiency Organizations.
Advanced Energy	Advanced Energy	Independent Testing Laboratory.
Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE).	CA IOUs	Utilities.
Northwest Energy Efficiency Alliance (NEEA) and Northwest Power and Conservation Council (NWPCC).	NEEA and NWPCC	Efficiency Organizations.
National Electrical Manufacturers Association	NEMA	Industry Trade Association.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[6]

On July 29, 2021, DOE published a final rule adopting a test procedure for dedicated purpose pool pump motors (''DPPP motors''). 86 FR 40765. (''July 2021 Final Rule''). Specifically, the test procedure requires manufacturers to use CSA C747–09 (R2014), ''Energy Efficiency Test Methods for Small Motors'' for testing the full-load efficiency of DPPP motors and did not establish any certification, sampling plans, or Alternative Efficiency Determination Method (''AEDM'') requirements. The test procedure is currently located in subpart Z of 10 CFR part 431.

II. Synopsis of the Notice of Proposed Rulemaking

In this NOPR, DOE proposes the following updates to the test procedure for electric motors:

(1) Update existing definitions for IEC Design N and H to reflect updates in industry standard; specify the existing scope to reflect updates in industry nomenclature, specifically for new industry motor design designations IEC Design NE, HE, NEY and HEY, and include corresponding definitions;

(2) Amend the definition of ''basic model'' to rely on the term ''equipment class'' and add a definition for ''equipment class'' to make the electric motor provisions consistent with other DOE-regulated products and equipment.

(3) Add test procedures, full-load efficiency metric, and supporting

[5] Comments related to potential scope expansion received in response to the July 2017 RFI are identified by the Docket No. EERE–2017–BT–TP–0047.

[6] The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop test procedures for electric motors. (Docket No. EERE–2020–BT–TP–0011, which is maintained at *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

definitions for air-over electric motors, submersible electric motors, electric motors greater than 500 horsepower, electric motors considered small, inverter-only electric motors, and synchronous electric motor technologies;

(4) Incorporate by reference the most recent versions of NEMA MG 1 (*i.e.,* NEMA MG 1–2016 with 2018 Supplements) and CSA C390 (*i.e.,* CSA C390–10 (R2019)), as well as other referenced industry standards *i.e.,* IEC 60034–12:2016, Edition 3.0 2016–11, ''Rotating Electrical Machines, Part 12: Starting Performance of Single-Speed Three-Phase Cage Induction Motors,'' (''IEC 60034–12:2016''); IEC 60079–7:2015, Edition 5.0 2015–06, ''Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'','' (''IEC 60079–7:2015''), which is referenced within IEC 60034–12:2016 and is necessary for the test procedure; and National Fire Protection Association (''NFPA'') 20–2019 ''Standard for the Installation of Stationary Pumps for Fire Protection '' (''NFPA 20–2019'');

(5) Incorporate by reference additional industry test standards and test instructions to support testing of the additional motors proposed for inclusion in the test procedure scope: CSA C747–09 (R2019), IEEE 114–2010, and IEC 61800–9–2:2017;

(6) Provide additional detail in the test instructions for electric motors by adding definitions for the terms ''breakdown torque,'' ''rated frequency,'' ''rated output power,'' ''rated load,'' and ''rated voltage;''

(7) Update the testing instructions for vertical electric motors to reduce manufacturer test burden;

(8) Explicitly provide that the current test procedure permits removal of contact seals for immersible electric motors only;

(9) Require that testing be conducted in a nationally recognized testing program and add a definition of ''independent'' for certification of a new basic model pursuant to 10 CFR 431.36(e), required on or after 180 days following the publication of this final rule;

(10) Permitting the certification of electric motors using one of three options: (i) A manufacturer can have the electric motor tested using a nationally recognized testing program and then certify on its own behalf or have a third party submit the manufacturer's certification report; (ii) a manufacturer can test the electric motor at a testing laboratory other than a nationally recognized testing program and then have a nationally recognized certification program certify the efficiency of the electric motor; or (iii) a manufacturer can use an alternative efficiency determination method and then have a third-party nationally recognized certification program certify the efficiency of the electric motor. DOE proposes to require that the use of these provisions be required for certification starting on the compliance date for any new or amended standards for electric motors published after January 1, 2021;

(11) Revise the provisions pertaining to the determination of represented values and propose that these provisions be required on or after the effective date of the final rule adopting new or amended energy conservation standards for electric motors and apply these provisions to the additional electric motors proposed for inclusion in the scope of the test procedure;

(12) Revise the provisions pertaining to alternative efficiency determination methods (''AEDMs'') as applied to electric motors and apply these provisions to the additional electric motors proposed for inclusion in the scope of the test procedure;

(13) Revise the procedures for recognition and withdrawal of recognition of accreditation bodies and certification programs as applied to electric motors and apply these provisions to the additional electric motors proposed for inclusion in the scope of the test procedure;

(14) Transition provisions pertaining to certification testing, AEDM, and determination of represented values from 10 CFR part 431 to 10 CFR part 429; and

(15) Add provisions pertaining to certification testing and determination of represented values for DPPP motors.

DOE's proposed actions are summarized in Table II.1 compared to the current test procedure as well as the reason for the proposed change.

TABLE II.1—SUMMARY OF CHANGES IN PROPOSED TEST PROCEDURE RELATIVE TO CURRENT TEST PROCEDURE

Current DOE test procedure	Proposed test procedure	Attribution
Applies to Design N and H motors defined at 10 CFR 431.12.	Specifies the existing scope to reflect updates in industry nomenclature, specifically, new motor design designations IEC Design HE, HY, HEY, NE, NY and NEY, and includes corresponding definitions.	Update to industry testing standard IEC 60034–12.
Exempts air-over electric motors	Proposes test methods, full-load efficiency metric, and supporting definitions for air-over electric motors.	Update to industry testing standard NEMA MG1 2016 with 2018 Supplements include a test method for air-over electric motors.
Exempts submersible electric motors.	Proposes test methods, full-load efficiency metric, and supporting definitions for submersible electric motors.	Update to industry testing standard NEMA MG1 2016 with 2018 Supplements include a test method for air-over electric motors, which is applicable to submersible motors.
Includes electric motors with a horsepower equal to or less than 500 hp.	Proposes test methods and full-load efficiency metric for electric motors with a horsepower greater than 500 and equal to or less than 750 hp.	DOE proposal to extend applicability of the test procedure to these electric motors.
Includes electric motors with a horsepower equal to or greater than 1 hp.	Proposes test methods and full-load efficiency metric for electric motors considered small (*i.e.,* small non-small-electric-motor electric motors, or SNEMs).	DOE proposal to extend applicability of the test procedure to these electric motors.
Exempts inverter-only electric motors.	Proposes test methods, full-load efficiency metric, and supporting definitions for inverter-only electric motors.	New industry testing standard (IEC 61800–9–2:2017).
Includes electric motors that are induction motors only.	Propose test methods, full-load efficiency metric, and supporting definitions for certain synchronous electric motors.	New developments in motor technologies and new industry testing standard (IEC 61800–9–2:2017).
Incorporates by reference NEMA MG 1–2009, CSA 390–10, IEC 60034–12 Edition 2.1 2007–09, and NFPA 20–2010.	Incorporate by reference the most recent versions of NEMA MG 1 (*i.e.,* NEMA MG 1–2016 with 2018 Supplements), CSA 390 (*i.e.,* CSA C390–10 (R2019)), as well as other referenced industry standards (*i.e.,* IEC 60034–12 Edition 3.0 2016 and NFPA 20–2019). In addition, incorporates by reference IEC 60079–7:2015, which is referenced within IEC 60034–12:2016 and is necessary for the test procedure. Incorporate by reference additional industry test standards and testing instructions to support testing of the additional motors proposed in scope: CSA C747–09 (R2019), IEEE 114–2010, and IEC 61800–9–2:2017.	Updates to industry testing standards NEMA MG1, CSA 390, IEC 60034–12 and NFPA 20–209.

TABLE II.1—SUMMARY OF CHANGES IN PROPOSED TEST PROCEDURE RELATIVE TO CURRENT TEST PROCEDURE—Continued

Current DOE test procedure	Proposed test procedure	Attribution
Specifies testing at rated frequency, rated load, and rated voltage but does not define these terms.	Would provide additional detail in the test instructions for electric motors by adding definitions for the terms ''rated frequency,'' ''rated load,'' and ''rated voltage''. Would also define ''breakdown torque'' and ''rated output power'' to support the definition of rated load.	Harmonizes with definitions from NEMA MG1 and improves the repeatability of the test procedure.
Specifies one method of connecting the dynamometer to vertical electric motors.	Update the vertical electric motor testing requirements to allow alternative methods for connecting to the dynamometer.	Suggestion by industry comments.
Specifies removal of contact seals for testing immersible electric motors.	Would explicitly require that shaft seals of any variety remain installed during testing unless the motor is an immersible electric motor.	Provide further direction to improve reproducibility.
Requires that testing be conducted in an accredited laboratory and includes certification testing requirements in 10 CFR part 431.	Would require that testing be conducted in a nationally recognized testing program and add a definition for ''independent'' for certification of a new basic model pursuant to 10 CFR 431.36(e), required starting 180 days following the publication of this final rule. Moves these provisions to 10 CFR part 429.	Statutory requirement at 42 U.S.C. 6316(c).
Allows a manufacturer to both test in its own laboratories and directly submit the certification of compliance to DOE for its own electric motors.	Would require certification of compliance using one of three options: (1) A manufacturer can have the electric motor tested using an nationally recognized testing program and then certify on its own behalf or have a third party submit the manufacturer's certification report; (2) a manufacturer can test the electric motor at a testing laboratory other than an nationally recognized testing program and then have a nationally recognized certification program certify the efficiency of the electric motor; or (3) a manufacturer can use an alternative efficiency determination method and then have a third-party nationally recognized certification program certify the efficiency of the electric motor. DOE proposes that these provisions be required on or after the compliance date for any amended standards for electric motors published after January 1, 2021.	Statutory requirement at 42 U.S.C. 6316(c).
Includes provisions pertaining to the determination of the represented value at 10 CFR 431.17.	Revise the provisions pertaining to the determination of the represented values (*i.e.,* nominal full-load efficiency and average full-load efficiency) and proposes that these provisions be required on or after the effective date of the final rule adopting new or amended energy conservation standards for electric motors. Moves the provisions to 10 CFR 429.64. Proposes to apply these provisions to the additional electric motors proposed for inclusion in the scope of the test procedure.	Align the determination of the average and nominal full-load efficiency with the definitions at 10 CFR 431.12.
Includes AEDM provisions at 10 CFR 431.17.	Revise the provisions pertaining to alternative efficiency determination methods (''AEDMs'') as applied to electric motors. Proposes to apply these provisions to the additional electric motors proposed for inclusion in the scope of the test procedure.	Harmonizes the AEDM requirements with other covered equipment and covered products at 10 CFR 429.70.
Includes provisions pertaining to nationally recognized accreditation bodies and certification programs at 10 CFR 431.19, 431.20, and 431.21.	Revise the procedures for recognition and withdrawal of recognition of accreditation bodies and certification programs as applied to electric motors. Proposes to apply these provisions to the additional electric motors proposed for inclusion in the scope of the test procedure.	Transfer provisions related to certification at 10 CFR part 429.
Includes a definition of basic model that relies on the term ''rating''.	Amend the definition of ''basic model'' to rely on the term ''equipment class''. Adds a definition for ''equipment class''.	Align the definition of basic model with other DOE-regulated products and equipment and eliminate the ambiguity of the term ''rating''.
Does not include any certification, sampling plans, and AEDM provisions for DPPP Motors.	Adds certification, sampling plans, and AEDM provisions for DPPP Motors.	Aligns DPPP motor provisions with the provisions for electric motors subject to the requirements in subpart B of 10 CFR part 431.

DOE has tentatively determined that the proposed amendments described in section III of this NOPR would not alter the measured efficiency of electric motors currently within the scope of the test procedure until such time as amended energy conservation standards are established for such electric motors. DOE notes that manufacturers of electric motors for which DOE is proposing to include within the scope of the test procedure would not be required to use the test procedure, if made final, for Federal certification or labeling purposes, until such time as energy conservation standards are established for such electric motors. But, if manufacturers, distributors, retailers, and private labelers choose to make any representations respecting the energy consumption or cost of energy consumed by such motors, then such voluntary representations must be made in accordance with the test procedure and sampling requirements. Discussion of DOE's proposed actions are addressed in detail in section III of this NOPR.

III. Discussion

A. Scope of Applicability

The term ''electric motor'' is defined as ''a machine that converts electrical power into rotational mechanical power.'' 10 CFR 431.12. Manufacturers are required to test those electric motors subject to energy conservation standards according to the test procedure in appendix B.[7] (See generally 42 U.S.C. 6314(a)(5)(A); see also the introductory paragraph to 10 CFR part 431, subpart B, appendix B) Currently, energy conservation standards apply to certain categories of electric motors provided

[7] The amendments proposed in this NOPR do not address *small electric motors,* which are covered separately under 10 CFR part 431, subpart X. A *small electric motor* is ''a NEMA general purpose alternating current single-speed induction motor, built in a two-digit frame number series in accordance with NEMA Standards Publication MG1–1987, including IEC metric equivalent motors.'' 10 CFR 431.442.

that they meet the criteria specified at 10 CFR 431.25(g). These categories of electric motors are NEMA Design A motors,[8] NEMA Design B motors,[9] NEMA Design C motors,[10] IEC Design N motors,[11] IEC Design H motors,[12] and fire pump electric motors.[13] See 10 CFR 431.25(h)-(j). The energy conservation standards apply to electric motors within the identified categories only if they:

(1) Are single-speed, induction motors;

(2) Are rated for continuous duty (MG 1) operation or for duty type S1 (IEC)

(3) Contain a squirrel-cage (MG 1) or cage (IEC) rotor;

(4) Operate on polyphase alternating current 60-hertz (Hz) sinusoidal line power;

(5) Are rated 600 volts or less;

(6) Have a 2-, 4-, 6-, or 8-pole configuration;

(7) Are built in a three-digit or four-digit NEMA frame size (or IEC metric equivalent), including those designs between two consecutive NEMA frame sizes (or IEC metric equivalent), or an enclosed 56 NEMA frame size (or IEC metric equivalent);

(8) Produce at least one horsepower (hp) (0.746 kilowatt (kW)) but not greater than 500 hp (373 kW), and

(9) Meet all of the performance requirements of one of the following motor types: A NEMA Design A, B, or C motor or an IEC Design N or H motor. 10 CFR 431.25(g).

DOE identified certain categories of motors that meet the definition of ''electric motor'' but for which DOE determined the referenced industry test procedures do not provide a standardized test method for determining the energy efficiency. 78 FR 75962, 75975, 75987–75989 (Dec. 13, 2013). Motors that fall into this grouping are not currently regulated by DOE and consist of the following categories:

- Air-over electric motors;
- Component sets of an electric motor;
- Liquid-cooled electric motors;
- Submersible electric motors; and
- Inverter-only electric motors. 10 CFR 431.25(l).

In this NOPR, DOE is proposing to specify that certain equipment that are designated with IEC Design letters are within the scope of the current electric motors test procedure. Furthermore, DOE is proposing to establish test procedure requirements for certain categories of electric motors not currently subject to energy conservation standards. These categories are (1) air-over electric motors; (2) submersible electric motors; (3) certain electric motors greater than 500 hp; (4) electric motors considered small; and (5) inverter-only electric motors. Finally, DOE is also proposing to include within the scope of the test procedure synchronous electric motor technologies.

As noted previously, manufacturers of electric motors for which DOE is proposing to include within the scope of the test procedure, but that are not currently subject to an energy conservation standard, would not be required to use the test procedure, if made final, for Federal certification or labeling purposes, until such time as energy conservation standards are established for such electric motors. However, if DOE were to establish test procedures for electric motors not currently subject to an energy conservation standard, any voluntary representations by manufacturers, distributors, retailers, or private labelers about the energy consumption or cost of energy for these motors must be based on the use of that test procedure beginning 180 days following publication of a final rule. DOE's rule would not require manufacturers who do not currently make voluntary representations to then begin making public representations of efficiency. (42 U.S.C. 6314(d)(1)) Manufacturers not currently making representations would be required to test such motors in accordance with the test procedure at such time as compliance is required with a labeling or energy conservation standard requirement should such a requirement be established. (42 U.S.C. 6315(b); 42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Each category of electric motor proposed for inclusion in the scope of the test procedure is discussed in the following sections.

1. ''E'' and ''Y'' Designations of IEC Design N and H Motors

Currently regulated electric motors include those motors designated as IEC Design N and IEC Design H motors. In the June 2020 RFI, DOE noted that IEC 60034–12:2016 provides further designation using ''E'' to indicate that a motor meets a ''premium efficiency'' attribute. 85 FR 34111, 34114. For example, IEC Design N and IEC Design H motors that meet a ''premium efficiency'' attribute are designated ''NE'' and ''HE''. DOE stated that the ''premium efficiency'' attribute generally aligns with the current DOE standards prescribed at 10 CFR 431.25. *Id.* As the ''E'' designation denotes premium efficiency performance of the Design N and Design H electric motors, ''NE'' and ''HE'' motors are equivalents to NEMA Design A and NEMA Design C motors, respectively, and are currently within the scope of the test procedure. See 10 CFR 431.12 (defining the term ''NEMA Design A motor'' and ''NEMA Design C motor'') and 10 CFR 431.25(g)-(i) and (l) (establishing the efficiency standards related to NEMA Design A and NEMA Design C motors and their applicable scope). DOE requested comment as to whether its understanding of the new nomenclature is correct. *Id.*

In an energy conservation standards RFI published on May 21, 2020 (85 FR 30878; ''May 2020 RFI''), DOE discussed that the updated version of IEC standard 60034–12 added new starting

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[8] ''NEMA Design A'' motor means a squirrel-cage motor that: (1) Is designed to withstand full-voltage starting and developing locked-rotor torque as shown in NEMA MG 1–2009, paragraph 12.38.1 (incorporated by reference, see § 431.15); (2) Has pull-up torque not less than the values shown in NEMA MG 1–2009, paragraph 12.40.1; (3) Has breakdown torque not less than the values shown in NEMA MG 1–2009, paragraph 12.39.1; (4) Has a locked-rotor current higher than the values shown in NEMA MG 1–2009, paragraph 12.35.1 for 60 hertz and NEMA MG 1–2009, paragraph 12.35.2 for 50 hertz; and (5) Has a slip at rated load of less than 5 percent for motors with fewer than 10 poles. 10 CFR 430.12.

[9] ''NEMA Design B motor'' means a squirrel-cage motor that is: (1) Designed to withstand full-voltage starting; (2) Develops locked-rotor, breakdown, and pull-up torques adequate for general application as specified in sections 12.38, 12.39 and 12.40 of NEMA MG1–2009 (incorporated by reference, see § 431.15); (3) Draws locked-rotor current not to exceed the values shown in section 12.35.1 for 60 hertz and 12.35.2 for 50 hertz of NEMA MG1–2009; and (4) Has a slip at rated load of less than 5 percent for motors with fewer than 10 poles. *Id.*

[10] ''NEMA Design C'' motor means a squirrel-cage motor that: (1) Is Designed to withstand full-voltage starting and developing locked-rotor torque for high-torque applications up to the values shown in NEMA MG1–2009, paragraph 12.38.2 (incorporated by reference, see § 431.15); (2) Has pull-up torque not less than the values shown in NEMA MG1–2009, paragraph 12.40.2; (3) Has breakdown torque not less than the values shown in NEMA MG1–2009, paragraph 12.39.2; (4) Has a locked-rotor current not to exceed the values shown in NEMA MG1–2009, paragraphs 12.35.1 for 60 hertz and 12.35.2 for 50 hertz; and (5) Has a slip at rated load of less than 5 percent. *Id.*

[11] IEC Design N motor means an electric motor that: (1) Is an induction motor designed for use with three-phase power; (2) Contains a cage rotor; (3) Is capable of direct-on-line starting; (4) Has 2, 4, 6, or 8 poles; (5) Is rated from 0.4 kW to 1600 kW at a frequency of 60 Hz; and (6) Conforms to sections 6.1, 6.2, and 6.3 of the IEC 60034–12 edition 2.1 (incorporated by reference, see § 431.15) requirements for torque characteristics, locked rotor apparent power, and starting. *Id.*

[12] IEC Design H motor means an electric motor that (1) Is an induction motor designed for use with three-phase power; (2) Contains a cage rotor; (3) Is capable of direct-on-line starting (4) Has 4, 6, or 8 poles; (5) Is rated from 0.4 kW to 1600 kW at a frequency of 60 Hz; and (6) Conforms to sections 8.1, 8.2, and 8.3 of the IEC 60034–12 edition 2.1 (incorporated by reference, see § 431.15) requirements for starting torque, locked rotor apparent power, and starting. *Id.*

[13] ''Fire pump electric motor'' means an electric motor, including any IEC-equivalent motor, that meets the requirements of section 9.5 of NFPA 20. *Id.*

specifications to the existing IEC motor designs that are designated by the addition of ''Y'' (indicating a star-delta starter [14]). 85 FR 30878, 30881. As a result of these industry nomenclature updates, the IEC Design N and IEC Design H motor designations are augmented with the designations IEC Design NE, HE, NY, NEY, HY, and HEY. DOE stated that all six additional categories are described as electric motors that are variants of IEC Design N and IEC Design H electric motors that DOE currently regulates, with the only differences being the premium efficiency attribute (indicated by the letter ''E''), and starting configuration (star-delta starter indicated by the letter ''Y''). For induction motors, the starting configuration refers to the manner in which the three-phase input terminals are connected to each other, and the star configuration results in a lower line-to-line voltage than the delta configuration. See sections 2.62 and 2.64 of NEMA MG 1–2016 with 2018 Supplements for further detail. Accordingly, DOE requested comment as to whether these six IEC electric motor designs were equivalent to NEMA Designs A, B or C, and if so, information and data to support such a consideration.

Advanced Energy stated that IEC Design NE and HE motors are higher efficiency motors than their standard counterparts (IEC Design N and IEC Design H), and should be added to the regulatory definitions at 10 CFR 431.12 for clarity. (Advanced Energy, No. 4 at p. 2) NEMA stated that Design NE and Design HE motor designations do not warrant special treatment or the establishment of a separate product class or type. (NEMA, No. 2 at p. 4) Responding to the May 2020 RFI, NEMA commented that all six IEC designs are equivalent to NEMA Design A and C ''Premium'' efficient electric motor designs, and referenced a letter it sent to DOE on March 26, 2018, which requested that DOE consider IEC Design ''E'' motors. (Docket No. EERE–2020–BT–STD–0007, NEMA, No. 4 at p. 2, 11)

Accordingly, DOE proposes to revise 10 CFR 431.25 to reflect the inclusion of IEC Design NE, NEY, and NY motors as IEC Design N motors and to make a similar set of revisions to reflect the inclusion of IEC Design HE, HEY, and HY motors as IEC Design H motors. DOE clarifies that to the extent IEC Design N and IEC Design H motors are subject to the DOE regulations for electric motors, such coverage already includes IEC Design NE, NY, NEY, HE, HY and HEY motors. DOE also proposes to update the definitions for IEC Design N and H, and include new definitions for the IEC Design N and H ''E'' and ''Y'' designations; see section III.B.1for further discussion on proposed definitions.

DOE seeks comments on its proposed clarification of IEC Design NE, NY, NEY, HE, HY and HEY motors as variants of IEC Design N and IEC Design H motors, as applicable.

2. Single-Speed AC Induction Motors

CA IOUs commented that DOE should revisit the applicability of the test procedures for ''single-speed AC motors,'' as specified in 10 CFR 431.25(g). (CA IOUs, No. 3 at p. 2) CA IOUs stated that IEC 60034–30–1:2014 ''Rotating Electrical Machines—Part 30–1: Efficiency Classes Of Line Operated AC Motors (IE Code)'' (''IEC 60034–30–1:2014'') includes within its scope of ''single-speed AC motors'' electric motors that are capable of operation both by frequency converter and direct-on-line, in contrast to DOE's current scope of ''single-speed AC motors''. The CA IOUs suggested that DOE revisit the current interpretation to mirror that of the IEC standards. *Id.*

The existing test procedures for electric motors apply to electric motors that, in part, operate on polyphase alternating current 60-hertz sinusoidal power. 10 CFR 431.25(g)(4) This criterion includes motors capable of operating directly connected to the power supply (*i.e.,* ''direct-on-line''). In addition, the definitions of IEC Design N and H motors (which are within scope as specified in 10 CFR 431.25(g)) in 10 CFR 431.12 further specify that the electric motor is capable of direct-on-line starting. Therefore, motors that are capable of direct-on-line starting are already included within the current scope of DOE regulations.

Inverters (also called controls or converters, see section III.B.3) operate by changing the frequency and voltage of the power source to which an electric motor is connected. Inverter-only electric motors are currently exempt from the energy conservation standards.[15] 10 CFR 431.25(l)(5). However, DOE does not exempt inverter-capable electric motors that meet the scope criteria at 10 CFR 431.25(g); therefore, electric motors that are inverter-capable are already included within the current scope of DOE regulations. An ''inverter-capable electric motor'' is defined as an electric motor designed to be directly connected to polyphase, sinusoidal line power, but that is also capable of continuous operation on an inverter drive over a limited speed range and associated load. 10 CFR 431.12. An inverter-capable electric motor would be tested without the use of an inverter and would rely on the set-ups used when testing a general purpose electric motor. 78 FR 75962, 75972.

In this NOPR, DOE is proposing to establish test procedures for inverter-only electric motors, as described further in section III.A.7.

3. Air-Over Electric Motors

DOE defines an ''air-over electric motor'' as an electric motor rated to operate in and be cooled by the airstream of a fan or blower that is not supplied with the motor and whose primary purpose is providing airflow to an application other than the motor driving it. 10 CFR 431.12. These motors are currently exempt from the energy conservation standards. 10 CFR 431.25(l)(4). For air-over electric motors, DOE previously determined there was insufficient information at the time to support establishment of a test method. 78 FR 75962, 75974–75975.

In the July 2017 RFI, DOE noted that since the publication of the December 2013 Final Rule, NEMA had published a test standard for air-over motors in Section IV, ''Performance Standards Applying to All Machines'', Part 34 ''Air-Over Motor Efficiency Test Method'' of NEMA MG1–2016 with 2018 Supplements (''NEMA Air-over Motor Efficiency Test Method'').[16] 82 FR 35468, 35475. DOE also noted that section 8.2.1 of IEEE 114–2010 ''Test Procedure for Single-phase Motors'' (''IEEE 114–2010'') (and section 5 of CSA C747–09 (R2019) [17] ''Energy Efficiency Test Method for Small Motors'' (''CSA C747–09 (R2019)'') included provisions for testing air-over motors. *Id.*

In response to the July 2017 RFI, NEMA commented that DOE should not regulate air-over motors but instead regulate at the level of the finished product. NEMA also generally commented in support of maintaining all exemptions at 10 CFR 431.25(l) (Docket No. EERE–2017–BT–TP–0047,

[14] A ''star-delta starter'' refers to a reduced voltage starter system arranged by connecting the supply with the primary motor winding initially in star (wye) configuration, then reconnected in delta configuration for running operation.

[15] ''Inverter-only electric motor'' means an electric motor that is capable of rated operation solely with an inverter, and is not intended for operation when directly connected to polyphase, sinusoidal line power. 10 CFR 431.12.

[16] The air-over method was originally published as part of the 2017 NEMA MG–1 Supplements and is also included in the latest version of NEMA MG1–2016 with 2018 Supplements.

[17] CSA C747–09 was re-affirmed in 2014 and in 2019 (*i.e.,* no changes were adopted). The July 2017 RFI referenced CSA C747–09 (R2014) which is equivalent to CSA C747–09 (R2019).

NEMA, No. 24 at pp. 6–7) Similarly, Lennox commented that it did not support regulating air-over motors. (Docket No. EERE–2017–BT–TP–0047, Lennox, No. 22 at p. 3) The Joint Advocates supported including air-over motors in the scope of the test procedure. The Joint Advocates noted that some applications could use air-over or non-air-over motors interchangeably, and that consumers would benefit from being able to compare motor efficiency. (Docket No. EERE–2017–BT–TP–0047, Joint Advocates, No. 27 at p. 3)

In response to the June 2020 RFI, Advanced Energy commented that NEMA MG1–2016 with 2018 Supplements incorporates a test procedure for air-over motors. (Advanced Energy, No. 4 at p. 2) The CA IOUs, NEEA, NWPCC, and Efficiency Advocates recommended that DOE expand the scope of the test procedure to include air-over electric motors. (CA IOUs, No. 3 at p. 8–10; NEEA and NWPCC, No. 6 at p. 4; Efficiency Advocates, No. 5 at p. 3) These interested parties commented that since the last rulemaking, NEMA has published a test procedure for air-over electric motors and that DOE should consider the NEMA test procedure as the basis for the DOE test procedure. *Id.*

DOE reviewed NEMA MG1–2016, Part 34: Air-Over Motor Efficiency Test Method, as well as section 8.2.1 of IEEE 114–2010 and section 5 of CSA C747–09 (R2019), and has initially determined that sufficient information is now available to propose a test method for air-over electric motors. (See section III.D.1 for more details). Accordingly, DOE proposes to include air-over electric motors in the scope of the test procedure. See section III.B.4 for a discussion of the air-over electric motor definition and section III.D.1 for further details on the proposed test method. As noted, were DOE to include air-over electric motors within the scope of the test procedure, such electric motors would not be required to be tested using that test procedure until such time as DOE establishes energy conservation standards for air-over electric motors. If manufacturers voluntarily choose to make representations regarding the energy consumption or cost of energy of such electric motors, however, they would be required to test according to the DOE test procedure and sampling requirements.

DOE requests comments on its proposal to add air-over electric motors to the scope of the test procedure. To the extent available, DOE requests that comments be accompanied by supporting information and data.

4. Submersible Electric Motors

DOE defines a ''submersible electric motor'' as an electric motor that: (1) Is intended to operate continuously only while submerged in liquid; (2) is capable of operation while submerged in liquid for an indefinite period of time; and (3) has been sealed to prevent ingress of liquid from contacting the motor's internal parts. 10 CFR 431.12. These motors are currently exempt from the energy conservation standards. 10 CFR 431.25(l)(4). DOE previously did not adopt test procedures for submersible electric motors because no industry test procedures or potential modifications to the Federal test procedures could be used to consistently test (and reliably measure) a motor that relies on submersion in liquid for continuous duty operation. 78 FR 75962, 75988.

CA IOUs and Efficiency Advocates recommended that DOE expand the scope of the test procedures to include submersible electric motors, and develop a test procedure for such motors (CA IOUs, No. 3 at p. 8–10; Efficiency Advocates, No. 5 at p. 3) The CA IOUs commented that a similar procedure as the industry air-over test procedure could be used to test submersible motors because for both motors, cooling is provided by the material surrounding the motor (*e.g.,* air or water). (CA IOUs, No. 3 at p. 9) CA IOUs stated that submersible motors are a large portion of the motor market with significant energy savings potential [18] and that many submersible pumps already offer NEMA Premium Efficiency motors with the pump. (CA IOUs, No. 3 at p. 10) The Efficiency Advocates stated that the marketing of NEMA Premium Efficiency motors for submersible applications suggests that these motors could be tested with current test procedures. (Efficiency Advocates, No. 5 at p. 3) In response to the July 2017 RFI, Advanced Energy commented that it does not support regulating motors that are typically manufactured for highly specialized applications, including submersible motors, to the extent that their exemption would not create inconsistency in the regulations. Advanced Energy also stated that submersible motors should be treated similarly to other categories of covered electric motors for which test procedures are available, such as totally-enclosed non-ventilated (''TENV'') electric motors [19] and air-over electric motors, and that exempting submersible electric motors would not be justified if DOE were to propose establishing test procedures for air-over motors. (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at p. 6)

In the December 2013 Final Rule, DOE determined at the time that no industry test procedures or potential modifications to the procedures then currently under 10 CFR 431.16 could be used to consistently test (and reliably measure the efficiency of) a motor that relies on submersion in liquid for continuous duty operation. 78 FR 75962, 75988. In addition, DOE confirmed that there were no testing facilities that were capable of testing a motor submerged in water. *Id.*

The primary concern in developing a test procedure for submersible electric motors is how to cool the motor to ensure it does not overheat during the load test. Since the December 2013 Final Rule, NEMA has published a test procedure for air-over motors (NEMA MG1–2016, Part 34: Air-Over Motor Efficiency Test Method). (See section III.D.1 for more details.) As discussed previously, air-over electric motors need to be cooled by the airstream of an external fan or blower to operate continuously at full load. Section 34.4 and Section 34.5 of NEMA MG1–2016 with the 2018 Supplements provide specifications to test air-over electric motors with and without the use of an external blower to cool the motor. DOE has initially determined that these test methods could be adapted as a test method for submersible electric motors either by using an external blower to cool the motor or without the need to submerge the motor in a liquid during testing to cool the motor. (See section III.I for more details). Accordingly, DOE proposes to specify test procedure provisions for submersible electric motors. As noted, were DOE to include submersible electric motors within the scope of the test procedure, such electric motors would not be required to test according to the DOE test procedure until such time as DOE establishes energy conservation standards for submersible electric motors. If manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such

[18] CA IOUs suggested that submersible electric motors are present in both residential and non-residential settings: In a residential scenario, well pumps (which account for 23 percent of residential pumping energy) include submersible pumps and motors; in non-residential scenarios, submersible pumps and motors are used in potable water supply, drain water runoff, and wastewater and sewage applications, among other applications. (CA IOUs, No. 3 at p. 9)

[19] TENV electric motors are ''built in a frame-surface cooled, totally enclosed configuration that is designed and equipped to be cooled only by free convection.'' 10 CFR 431.12.

electric motors, however, they would be required to test according to the DOE test procedure and sampling requirements.

DOE requests comments on its proposal to add submersible electric motors to the scope of the test procedure.

5. AC Induction Electric Motors Greater Than 500 Horsepower

DOE currently specifies that the conservation standards for electric motors, and therefore the test procedures, are not applicable to motors that produce greater than 500 horsepower (373 kW). 10 CFR 431.25(g)(8); Appendix B, Note. Efficiency Advocates suggested that DOE extend its test procedure scope to motors with higher horsepower ratings (*i.e.,* greater than 500 hp). (Efficiency Advocates, No. 5 at p. 2)

In an energy conservation standards final rule published May 29, 2014 (''May 2014 Final Rule''), DOE stated that it may consider expanding the scope of its regulations to large motors in future updates to the rulemaking. 79 FR 30934, 30946. Based on a review of catalog offerings, DOE identified large induction motors rated up to 750 hp currently being sold in the market, and the majority of the models identified listed full load efficiencies even though DOE currently does not regulate electric motors greater than 500 hp. Based on discussions with a subject matter expert, DOE understands that most of these large motors rely on the alternative efficiency determination method (''AEDM'') permitted under 10 CFR 431.17 to determine full load efficiencies for regulated electric motors at and under 500 hp.[20] In addition, the current industry test procedures incorporated by reference in section 2 of appendix B do not apply an upper horsepower limit.

Accordingly, DOE proposes to expand the scope of the test procedure to include induction electric motors with a horsepower rating greater than 500 hp and up to 750 hp that otherwise meet the criteria provided in 10 CFR 431.25(g) and are not currently listed at 10 CFR 431.25(l)(2)–(4). As discussed previously, DOE's review of the market identified 750 hp as the upper limit for commercially available AC induction electric motors. Furthermore, as noted, were DOE to include the higher horsepower induction electric motors within the scope of the test procedure, such electric motors would not be required to be tested according to the DOE test procedure until such time as DOE establishes energy conservation standards for these electric motors. If manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such electric motors, however, they would be required to test according to the DOE test procedure and sampling requirements.

DOE is also proposing test procedure provisions for certain non-induction motor topologies under a new category of ''synchronous electric motors,'' as discussed in section III.A.8 of this document.

DOE requests comments on its proposal to add electric motors greater than 500 hp (and up to 750 hp) that meet the criteria provided in 10 CFR 431.25(g) (except (8)) and are not listed at 10 CFR 431.25(l)(2)–(4) to the scope of the test procedure. DOE requests comment and supporting information on whether an upper limit of 750 hp is appropriate for the proposed expanded scope of motors greater than 500 hp—and if not, why not.

6. AC Induction Electric Motors Considered ''Small''

As discussed, this NOPR addresses motors that are defined as ''electric motors'' at 10 CFR 431.12. Also as noted, DOE separately regulates ''small electric motors.'' See 10 CFR part 431 subpart X. A ''small electric motor'' is a NEMA general purpose AC single-speed induction motor, built in a two-digit frame number series in accordance with NEMA Standards Publication MG1–1987, including IEC metric equivalent motors. 10 CFR 431.442. This section addresses electric motors that are not small electric motors as that term is defined in 10 CFR part 431, subpart X, but that are generally considered small by industry (*i.e.,* ''small, non-small-electric-motor electric motor, or SNEM''). In this section, DOE specifically discusses SNEMs that are induction motors. Non-induction motor topologies (specifically certain synchronous electric motors) are discussed in section III.A.8 of this document.

In the July 2017 RFI, DOE requested comment on whether DOE should consider establishing test procedures for SNEMs, as they are not currently subject to either the small electric motor or electric motor test procedures. 82 FR 35468, 35470. SNEMs may have similarities to motors that are currently regulated as small electric motors (such as horsepower) and may be used in similar applications. Accordingly, establishing test procedures for these motors would allow for standardized representations of efficiency of all motors used for similar functions. Table III.1 lists the SNEM motor configurations that DOE requested comment on in the July 2017 RFI. *Id*

TABLE III.1—SNEMS UNDER CONSIDERATION IN THE JULY 2017 RFI

Phase count	Horsepower	Frame size
Single	≥0.125 hp and ≤15 hp	All.
Polyphase	≥0.125 hp and ≤5 hp	* 2-digit.
Polyphase	<1 hp	All.

* Polyphase enclosed motors ≥ 1 hp of the 56-frame size are not under consideration for revised test procedures, as certain enclosed 56-frame size polyphase motors were considered in the May 2014 Final Rule, and are regulated at 10 CFR 431.25.

DOE also presented a list of topologies that could be considered as part of this rulemaking: Permanent-split capacitor, polyphase induction, squirrel cage, capacitor-start, reluctance synchronous (also known as synchronous reluctance); shaded-pole; permanent magnet (or permanent magnet synchronous); line-start permanent magnet; switched reluctance; split-phase; and electronically commutated motors. 82 FR 35468, 35471. As previously mentioned, this section discusses only induction electric motors (direct-on-line, inverter-capable, or inverter-only). Non-induction motor topologies—including synchronous reluctance, permanent magnet, line-start permanent

[20] An AEDM may be used to determine the average full load efficiency of one or more of a manufacturer's basic models if the average full load efficiency of at least five of its other basic models is determined through testing. 10 CFR 431.17(a)(1). An AEDM applied to a basic model must be: (i) Derived from a mathematical model that represents the mechanical and electrical characteristics of that basic model, and (ii) based on engineering or statistical analysis, computer simulation or modeling, or other analytic evaluation of performance data. 10 CFR 431.17(a)(2).

magnet, switched reluctance, and electronically commutated motor) are discussed in section III.A.8 of this document.

In response to the July 2017 RFI, the CA IOUs supported establishing test procedures for additional categories of SNEMs. (Docket No. EERE–2017–BT–TP–0047, CA IOUs, No. 26 at p. 2). The Joint Advocates supported establishing test procedures for SNEMs as considered in the July 2017 RFI and with a focus on the topologies as identified in the July 2017 RFI (Docket No. EERE–2017–BT–TP–0047, Joint Advocates, No. 27 at pp. 2–3) Advanced Energy commented in support of including all topologies listed in the July 2017 RFI. (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at p. 4) NEMA commented that DOE should not consider test procedures for additional motor topologies for which DOE test procedures do not currently exist. (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at p. 6)

Although DOE did not discuss the potential of including additional categories of electric motors within the scope of regulated electric motors in the June 2020 RFI, several interested parties addressed the issue of scope in their responses to the June 2020 RFI. The Efficiency Advocates and NEEA and NWPCC commented that DOE should expand its scope of coverage and establish test procedures for SNEMs as identified in the July 2017 RFI. (Efficiency Advocates, No. 5 at p. 2; NEEA and NWPCC, No. 6 at p. 3) Efficiency Advocates suggested that DOE rely on its authority to regulate ''other motors'' and consider test procedures for SNEMs. (Efficiency Advocates, No. 5 at p. 2)

NEEA and NWPCC commented that these ''small'' motors are installed in the same application as regulated motors and should be included in scope to allow for fair comparison across motor types and to provide consumers the information necessary to make an informed decision. (NEEA and NWPCC, No. 6 at p. 3) In addition, both the Efficiency Advocates and NEEA and NWPCC further commented that DOE should expand its test procedure scope to other small motor topologies presented in the July 2017 RFI, including permanent-split capacitor, shaded pole and split phase. (Efficiency Advocates, No. 5 at p. 2; NEEA and NWPCC, No. 6 at p. 2)

AHAM and AHRI opposed the development of test procedures, energy conservation standards, and/or certification requirements for any additional categories of small electric motors or electric motors that are component parts, and supported a finished-product approach to energy efficiency regulation. AHAM and AHRI commented that setting such standards could push finished product manufacturers to purchase more expensive motors and increase the cost of appliances and equipment, while not necessarily improving the energy performance of the finished product. AHAM and AHRI asserted that requiring finished product manufacturers to certify compliance with standards for component parts, including the testing, paperwork, and record-keeping requirements that accompany certification would significantly increase burden on manufacturers. AHAM and AHRI also asserted that more efficient motors within a particular topology are likely to be larger and heavier, that home appliances and HVACR equipment have space constraints preventing manufacturers from using larger motors, and that heavier or larger appliances would decrease consumer utility. (AHAM and AHRI, No. 21 at p. 2)

DOE is proposing to include test procedures for additional electric motors not covered under the current electric motors test procedure and that do not meet the definition of small electric motors in 10 CFR part 431, subpart X, but are nonetheless considered ''small'', *i.e.,* SNEMs. EPCA provides that ''other motors'' may be classified as covered equipment by the Secretary of Energy if the Secretary determines that such classification is necessary to carry out the purpose of the Energy Conservation Program for Certain Industrial Equipment *i.e.,* necessary to improve the efficiency of electric motors and pumps and certain other industrial equipment in order to conserve the energy resources of the Nation. (42 U.S.C. 6311(1)(L) and (2)(B)(xiii); 42 U.S.C. 6312(b)). However, in this NOPR, DOE is proposing to cover motors considered ''small'' by the industry under its ''electric motors'' authority (42 U.S.C. 6311(1)(A)).

As discussed in the May 2012 Final Rule, DOE believes that EPCA, as amended through EISA 2007, provides sufficient statutory authority for the regulation of such motors. 77 FR 26608, 26612—26613. Before the enactment of EISA 2007, EPCA defined the term ''electric motor'' as any motor that is a general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction motor of the National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1–1987. (See 42 U.S.C. 6311(13)(A) (2006)) Section 313(a)(2) of EISA 2007 removed that definition and the prior limits that narrowly defined what types of motors would be considered as electric motors, and instead inserted a new ''Electric motors'' heading, and created two new subtypes of electric motors: General purpose electric motor (subtype I) and general purpose electric motor (subtype II). (42 U.S.C. 6311(13)(A)–(B)(2011)) In addition, section 313(b)(2) of EISA 2007 established energy conservation standards for four types of electric motors: General purpose electric motors (subtype I) (*i.e.,* subtype I motors) with a power rating of 1 to 200 horsepower; fire pump motors; general purpose electric motor (subtype II) (*i.e.,* subtype II motors) with a power rating of 1 to 200 horsepower; and NEMA Design B, general purpose electric motors with a power rating of more than 200 horsepower, but less than or equal to 500 horsepower. (42 U.S.C. 6313(b)(2)) The term ''electric motor'' (which frequently appears throughout EPCA, as amended by EISA 2007, and various subparts of 10 CFR part 431) was left undefined.

As described in the May 2012 Final Rule, DOE believed that a definition for ''electric motor'' was necessary, and therefore adopted the broad definition of ''electric motor'' currently found in 10 CFR 431.12. At this time, while the definition covers a large set of motors, only those for which energy conservation standards have been set are currently within the scope of the test procedures—*i.e.,* electric motors that meet the criteria specified at 10 CFR 431.25(g) and with the exemptions listed at 10 CFR 431.25(l). These categories of polyphase electric motors between 1 and 500 hp are NEMA Design A motors, NEMA Design B motors, NEMA Design C motors, IEC Design N motors, IEC Design H motors, and fire pump electric motors. In the May 2012 Final Rule, DOE noted that this approach would allow DOE to fill the definitional gap created by the EISA 2007 amendments while providing DOE with the flexibility to set energy conservation standards for other types of electric motors without having to continuously update the definition of ''electric motors'' each time DOE sets energy conservation standards for a new subset of electric motors.

In this NOPR, DOE proposes to establish test procedures for SNEMs. These motors have similarities to motors that are currently regulated as small electric motors at 10 CFR part 431 subpart X and electric motors at 10 CFR part 431 subpart B. However, DOE proposes to distinguish SNEMs by

specifying combinations of frame sizes, rated motor horsepower, enclosure construction, and additional performance criteria that are not currently included in the existing electric motors and small electric motors regulations at 10 CFR part 431 subpart B and subpart X (*See* Table III.4 and Table III–3)). DOE notes that SNEMs are highly prevalent in the market and are used in similar applications as small electric motors regulated under 10 CFR part 431, subpart X. Accordingly, should DOE establish energy conservation standards for SNEMs in the future, establishing test procedures for these motors would allow for standardized representations of efficiency of all motors used for similar functions. Further, DOE proposes that existing industry test standards can be applicable to these SNEMs (*see* section III.D.2). To the extent DOE were to establish test procedures for a SNEMs prior to the establishment of an energy conservation standard, SNEM manufacturers would not be required to use the test procedure for certification or labeling purposes, until such time as a standard is established. However, any voluntary representations by manufacturers, distributors, retailers, or private labelers about the energy consumption or cost of energy for these motors must be based on the use of that test procedure beginning 180 days following publication of a final rule. DOE's proposal would not require manufacturers who do not currently make voluntary representations to then begin making public representations of efficiency. (42 U.S.C. 6314(d)(1)) Manufacturers would be required to test such motors in accordance with the DOE test procedure at such time as compliance is required with a labeling or energy conservation standard requirement should such a requirement be established. (42 U.S.C. 6315(b); 42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

The following sections discuss each criteria DOE considered for describing the additional SNEMs that DOE proposes to include in the test procedures, as well as justifications. Additionally, exemptions for certain other motors are discussed in section III.A.9.

TABLE III–2—DESCRIPTION OF SINGLE PHASE INDUCTION MOTORS CURRENTLY SUBJECT TO ENERGY CONSERVATION STANDARDS AND TEST PROCEDURES

Motor enclosure construction	NEMA frame size	
	2-digit NEMA frame size	3-digit NEMA frame size or above
Open	NEMA general purpose capacitor-start induction run, capacitor-start capacitor run motors between 0.25 and 3 hp.	None.
Enclosed	None	None.

Note: This table provides a high-level description. Full description of motors currently subject to energy conservation standards and test procedures available at 10 CFR part 431 subpart B and subpart X.

TABLE III–3—DESCRIPTION OF POLYPHASE PHASE INDUCTION MOTORS CURRENTLY SUBJECT TO ENERGY CONSERVATION STANDARDS AND TEST PROCEDURES

Motor enclosure construction	NEMA frame size	
	2-digit NEMA frame size	3-digit NEMA frame size or above
Open	None	Between 1–500 hp.
Enclosed	NEMA 56-frame size only between 1—500 hp	Between 1–500 hp.

Note: This table provides a high-level description. Full description of motors currently subject to energy conservation standards and test procedures in available at 10 CFR part 431 subpart B and subpart X.

DOE addresses the regulation of electric motors that are component parts in section III.A.10. Furthermore, section III.D.2 provides description of applicable industry standards that provide for the testing of the electric motors that would be subject to the provisions proposed in this NOPR.

DOE proposes to include test procedure provisions for SNEMs, which are described by the criteria listed in Table III.4. These criteria would be specified as a new definition in section 1.2 of appendix B, titled ''Definitions.'' As noted, were DOE to include SNEMs within the scope of the test procedure, such electric motors would not be required to be tested according to the DOE test procedure until such time as DOE establishes energy conservation standards for SNEMs. If manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such electric motors, however, they would be required to test according to the DOE test procedure and sampling requirements.

TABLE III.4—SNEMS PROPOSED IN SCOPE

Criteria number	Description
1	Are not small electric motors, as defined at 10 CFR 431.442 and are not dedicated pool pump motors as defined at 10 CFR 431.483.
2	Are single-speed induction motors.
3	Are rated for continuous duty (MG 1) operation or for duty type S1 (IEC).
4	Capable of operating on polyphase or single-phase alternating current 60-hertz (Hz) sinusoidal line power (with or without an inverter).
5	Are rated for 600 volts or less.

TABLE III.4—SNEMs PROPOSED IN SCOPE—Continued

Criteria number	Description
6	Are built in the following frame sizes: 1. Any frame sizes if the motor operates on single-phase power; 2. Any frame size if the motor operates on polyphase power, and has a rated motor horspower less than 1 horsepower (0.75 kW) 3. A two-digit NEMA frame size (or IEC metric equivalent), if the motor operates on polyphase power, has a rated motor horspower equal to or greater than 1 horsepower (0.75 kW), and is not an enclosed 56 NEMA frame size (or IEC metric equivalent).
7	Produce a rated motor horsepower greater than or equal to 0.25 horsepower (0.18 kW).

DOE requests comments on the proposal to include SNEMs, as specified in Table III.4, within the scope of the test procedure. Specifically, DOE requests feedback on each individual criteria listed in Table III.4. To the extent that these criteria should be revised, DOE seeks supporting information and justification for those revisions.

a. Single Speed

Motors can have different speed capabilities, including single, multi, or (continuously) variable speeds. Variable and multi-speed motors can be tested with existing industry standards at a variety of operating points, but no single metric currently exists to quantify the performance of a variable or multi-speed motor. Variable or multi-speed capability provides the ability to save energy by more closely matching motor output to a varying load. In the July 2017 RFI, DOE stated it was considering whether to consider all speed capabilities in setting any potential new test procedures. 82 FR 35468, 35472. As it relates to those ''SNEMs'' that DOE is proposing to cover under its test procedure, DOE is considering aligning its approach with the existing regulations for small electric motors and electric motors and include only single-speed ''SNEMs'' that are induction motors, and would not include AC induction multi-speed electric motors in the scope of the test procedure. Synchronous electric motors with variable-speed capability (at 0.25 hp and above) and comments received on this topic are discussed in section III.A.8 of this document. AC induction inverter-only electric motors that are variable speed are discussed in section III.A.7 of this document.

b. Duty Rating

Motors can be described by their duty type, using either NEMA or IEC nomenclature. Duty type describes the operating profile the motor is designed to handle. For example, a continuous duty motor can operate for long periods of time at a steady load, whereas intermittent-duty motors are operated non-continuously for shorter periods of time (*i.e.,* intermittently, or cyclically), and thus accumulate significantly fewer annual operating hours. In the July 2017 RFI, DOE stated that it was considered analyzing only continuous duty small motors for inclusion in the scope of the test procedure. 82 FR 35468, 35472.

In response to the July 2017 RFI, the Joint Advocates supported a focus on continuous duty motors (Docket No. EERE–2017–BT–TP–0047, Joint Advocates, No. 27 at p. 2) Advanced Energy commented that intermittent duty motors could be considered for inclusion in the scope of the test procedure. (Docket No. EERE–2017–BT–TP–0047; Advanced Energy, No. 25 at p. 3)

For continuous duty motors, NEMA MG 1–2016 defines a continuous rating as ''the load which can be carried for an indefinitely long period of time.'' *See* Paragraph 1.40.1. of NEMA MG 1–2016. Similarly, IEC 60034–1 describes an S1 duty rating in section 5.2.1 as ''A rating at which the machine may be operated for an unlimited period, while complying with the requirements of this standard.'' DOE considers these continuous duty ratings to be equivalent to each other. As described in the July 2017 RFI, DOE limited its consideration to continuous duty motors because they represent more operating hours and potential energy savings in comparison to non-continuous duty motors. 82 FR 35468, 35472. Electric motors and small electric motors currently subject to the test procedures and energy conservation standards in 10 CFR part 431 subpart B and subpart X are rated for continuous duty. Consistent with the electric motors currently within the scope of the DOE test procedure, DOE proposes to add only those ''SNEMs'' rated for continuous duty, as these motors may be used in similar applications to their electric motor counterparts. These criteria would be reflected in a new definition in section 1.2 by specifying motors that are rated for continuous duty (MG 1) operation or for duty type S1 (IEC).

c. Current Waveform

A motor can be designed to operate with an alternating current (AC) or direct current (DC) waveform. In the July 2017 RFI, DOE stated it was considering whether to analyze motors that operate while connected directly to an external DC power supply. 82 FR 35468, 35473.

Motors that connect directly to an external DC power source are primarily used in less common, specialty applications that are not served by AC motors (*e.g.,* applications requiring precise motion control or reversibility).[21] DOE research indicates that these motors have a low market share.[22] Electric motors currently subject to test procedures and energy conservation standards at 10 CFR part 431 subpart B are supplied by AC sinusoidal line power. DOE proposes to limit the scope of applicability of this test procedure to SNEMs that operate on AC sinusoidal line power (with or without an inverter). DOE notes that these motors include direct-on-line, inverter-capable, and inverter-only electric motors. The specification of AC sinusoidal line power would be reflected in a new definition in section 1.2 of appendix B. Motors that are inverter-only are further discussed in section III.A.7 of this document.

d. Input Frequency

AC motors are designed to operate at a particular frequency. In the United States, AC power is delivered at 60 Hz. In the July 2017 RFI, DOE discussed analyzing motors designed to operate with a sinusoidal input frequency of 60

[21] DOE notes that DC motors that operate while connected directly to an external DC power supply are different from more common motors that operate using a DC waveform that is supplied by a power converter placed between the motor and an external AC power source (*e.g.* as in an electronically commutated motor). Comments related to electronically communicated motors are discussed in section III.A.8.

[22] DOE reviewed information on the market share of DC motors for motors above 1 horsepower from the following market report: ''Low Voltage Motors, World Market report 2019'' November 2019 IHS Markit. DOE notes that this report did not include information related to motors below 1 horsepower.

Hz, but that may also be designed to operate at different frequencies. For example, some motors are marketed as being capable of operating at either 50 or 60 Hz, and are therefore designed to work while connected to line power in different regions (*e.g.,* Europe and North America). 82 FR 35468, 35473.

In response, Advanced Energy commented that 50 Hz motors could be connected to 60 Hz power supplies and therefore the scope of test procedures applicable to ''small motors'' should consider 50 Hz motors as well. Advanced Energy noted that NEMA MG1 included efficiency tables for 50 Hz motors. (Docket No. EERE–2017–BT–TP–0047; Advanced Energy, No. 25 at p. 3).

EPCA authorizes DOE to establish test procedures and energy conservation standards for covered equipment distributed in commerce within the United States. (42 U.S.C. 6316(a); 42 U.S.C. 6302(a); *see also* 42 U.S.C. 6300; 42 U.S.C. 6301) Within the United States, electricity is supplied at 60 Hz. Therefore, DOE proposes to limit the scope of applicability of this test procedure to SNEMs capable of operating using 60 Hz input power, including motors marketed as being capable of operating at frequencies in addition to 60 Hz (*e.g.,* motors designed to operate at either 60 or 50 Hz). In the January 2021 Final Rule, DOE also established the definition of rated frequency as ''60 Hz'' for small electric motors in 10 CFR 431.442. 86 FR 4, 14. Further, DOE is proposing to define rated frequency for electric motors similarly, as discussed in section III.G.1 of this document. Finally, the specification of 60 Hz would be reflected as a new definition in section 1.2 of appendix B.

e. Frame Size

Motors can be built in different frame sizes, which most commonly characterizes the distance between the centerline of the shaft and the bottom of the mounting feet, but can also describe a motor's axial length. Typically, as rated motor horsepower increases with a general motor design, so does frame size. NEMA frame sizes are described in 2-, 3-, and 4-digit naming conventions. In the July 2017 RFI, DOE indicated that it was considering not using frame size to describe motors under consideration for standards, other than to avoid overlap with other existing electric motor regulations in 10 CFR part 431 subpart B. 82 FR 35468, 35473.

In this NOPR, DOE proposes to differentiate the additional SNEMs proposed for inclusion in the scope of the test procedures from electric motors currently subject to test procedures at 10 CFR part 431 subpart B and from small electric motors currently subject to test procedures at 10 CFR part 431 subpart X by specifying combinations of frame sizes, rated motor horsepower, and enclosure construction that are not currently included in the existing electric motors and small electric motors regulations.

Subpart B of 10 CFR part 431 subjects certain NEMA 56-frame polyphase electric motors of enclosed construction and certain 3-digit or 4-digit polyphase electric motors to the test procedures, and currently does not cover two groups of motors: (1) Those motors with a rated motor horsepower less than one and; (2) polyphase motors of a 2-digit frame size (other than certain NEMA 56-frame size enclosed motors) with a rated motor horsepower greater than or equal to one.

Subpart X of 10 CFR part 431 subjects certain 2-digit NEMA frame single-phase and polyphase motors with a rated motor horsepower greater than or equal to 0.25 hp and less than or equal to 3 hp to those test procedures, and does not cover any 3-digit frame size motors or certain 2-digit NEMA frame single-phase motors that do not meet the definition of small electric motors.

Accordingly, DOE is proposing to specify the following frame-size criteria to describe the electric motors proposed for inclusion in scope under 10 CFR part 431 subpart B as SNEMs: 2-Digit frame size for polyphase electric motors greater than or equal to one horsepower, which are not of an enclosed 56 frame size and which are not a small electric motor as defined at 10 CFR 431.442. For single-phase SNEMs and polyphase SNEMs less than one horsepower that are not small electric motors, DOE is not proposing any frame size requirements. (See Table III.5). These criteria would be reflected in a new definition in section 1.2 of appendix B.

TABLE III.5—PROPOSED FRAME SIZE REQUIREMENTS FOR SNEMS PROPOSED FOR INCLUSION IN SCOPE UNDER 10 CFR PART 431 SUBPART B

Phase	Horsepower	Frame size
Single-phase	≥0.25 hp	All.
Polyphase	≥0.25 and <1 hp	All.
Polyphase	≥1 hp	2-digit except 56 enclosed.

f. Horsepower

A motor horsepower indicates the output power that a motor can deliver at full-load. In the July 2017 RFI, DOE discussed the horsepower range for motors under consideration in this rulemaking. 82 FR 35468, 35470. See Table III.1. DOE used the existing scope for small electric motors and electric motors as a starting point, and reviewed market data to determine whether to revise the limits. In the July 2017 RFI, DOE identified 0.125 hp as the lowest rated motor horsepower, with multiple manufacturers offering a wide range of motors that meet the other scope of applicability criteria considered in Table III.1. *Id.* In the July 2017 RFI, DOE also identified an upper limit to rated motor horsepower corresponding to motors that meet the other scope of applicability criteria considered in Table III.1. (*i.e.,* single-phase motors inclusive of all frame sizes with up to 15 hp and polyphase 2-digit NEMA frame size motors, excluding those currently regulated at 10 CFR 431.25, up to 5 hp). *Id.*

In response to the July 2017 RFI, Advanced Energy commented that the 15 hp and 5 hp upper limits for single-phase and polyphase motors in two-digit frames were reasonable. Advanced Energy also commented that some of the sub-fractional horsepower motors may not have an opportunity for significant savings and commented that the cost of testing such motors exceeds their purchase price. Advanced Energy asserted that although the burden of testing can be avoided or minimized through the use of AEDMs, not all manufacturers use AEDMs. (Docket No. EERE–2017–BT–TP–0047; Advanced Energy, No. 25 at p. 1) The CA IOUs commented in support of DOE expanding the scope of the small electric motor test procedure to 0.125 hp through 15 hp from the current scope of 0.5 hp to 3 hp. The CA IOUs commented that having greater information about the small motor market has many benefits, such as

aiding in the development of new incentive programs. (Docket No. EERE–2017–BT–TP–0047; CA IOUs, No. 26 at p. 2) NEMA opposed any changes to the current horsepower range of regulated motors. NEMA commented that special and definite purpose motors (specifically between 0.125—3 hp) are predominantly used as components of other regulated products and that regulating these motors would increase consumer costs, add burden on manufacturers, and would not lead to energy savings. (Docket No. EERE–2017–BT–TP–0047; NEMA, No. 24 at pp. 1, 6)

NEEA and NWPCC commented that DOE should include in the electric motor test procedure all motors that directly compete against each other in the 1 to 15 hp range so that such motors can be fairly compared against other motor designs. NEEA and NWPCC commented that some of these motor types and designs are known for having low efficiencies but are commonly chosen by consumers and original equipment manufacturers because they are cheaper than other motors. NEEA and NWPCC commented that the lack of coverage by the electric motors test procedure and standard is giving competitive advantage to inefficient motor types and increasing operating costs for consumers. (NEEA and NWPCC, No. 6 at p. 3)

DOE proposes a lower limit of 0.25 hp for SNEMs proposed for inclusion in scope, which would be reflected in a new definition of ''SNEMs'' in section 1.2 of appendix B. The proposed lower horsepower limit corresponds to the scope of the small electric motor test procedure in subpart X and would ensure that the efficiency levels of competing motor topologies in the same horsepower range can be compared. DOE does not propose to specify an upper limit, as the criteria specified in the proposed definition of ''SNEMs'' inherently limits the range of horsepower sizes of equipment meeting this definition. Single-phase motors are inherently limited in horsepower due to the limitations of residential electrical power service.[23] The proposed frame size specification for polyphase motors (two-digit NEMA frame size or IEC metric equivalent) inherently provides a limitation on the physical size and rated horsepower of the motor, as described in the July 2017 RFI. 82 FR 35468, 35470. Based on a review of manufacturer catalog data, DOE found that single-phase motors, inclusive of all frame sizes, exist up to 15 hp. DOE also found that polyphase 2-digit NEMA frame size motors exist up to 5 hp. *Id.* The discussion regarding the potential regulation of ''SNEMs'' that are components of other regulated products is discussed in section III.A.10.

g. Enclosure Construction

In the July 2017 RFI, DOE discussed motor enclosure construction, which includes open and enclosed construction and certain subcategories such as open drip proof, totally enclosed non-ventilated, and totally enclosed air-over motors. 82 FR 35468, 35472. Enclosure construction characterizes both the level of ingress protection (*i.e.,* protection from dust or liquids) and the cooling method (such as active air cooling via an integral fan or passive cooling via natural convection). *Id.*

Similar to 10 CFR 431.25, DOE proposes to include SNEMs with open and enclosed constructions under electric motors; *i.e.,* without differentiating by enclosure type, except to exclude motors that are an enclosed 56 NEMA frame size (or IEC metric equivalent) to avoid overlapping with existing regulations at 10 CFR part 431 subpart B and subpart X. The exclusion of enclosed 56 NEMA frame size would be reflected in a new definition in section 1.2 of appendix B. In addition, liquid-cooled electric motors would be excluded from the scope of the test procedure, as described in section III.A.9. Furthermore, DOE proposes to include air-over electric motors as discussed in section III.A.3 of this document.

h. Topology

Section 340(13)(G) of EPCA, as amended by the Energy Independence and Security Act of 2007 (Pub. L. 110–140; EISA 2007) defines ''small electric motor'' as ''a NEMA general purpose alternating-current single-speed induction motor, built in a two-digit frame number series in accordance with NEMA Standards Publication MG 1–1987.'' (42 U.S.C. 6311(13)(G)) When DOE codified the EISA 2007 definition of ''small electric motor'' into the CFR, it added ''including IEC metric equivalent motors,'' clarifying and explicitly indicating that IEC equivalent motors meet the definition of small electric motor. 10 CFR 431.442 In a final rule published on March 9, 2010 (''March 2010 Final Rule''), DOE interpreted the term ''NEMA general purpose alternating current single-speed induction motor'' as referring to elements within paragraph MG 1–1.05 of NEMA MG 1–1987, which provides a list of characteristics for determining whether a particular motor is a general purpose alternating current motor (see Table III.6). 75 FR 10874, 10882–10886. On June 17, 2014, DOE issued a guidance document that clarifies DOE's interpretation of each of these characteristics.[24]

TABLE III.6—CHARACTERISTICS OF GENERAL PURPOSE MOTORS

General Purpose Motor Performance Requirements (paragraph MG 1–1.05 of NEMA MG 1–1987)
(1) Built with an open construction;
(2) Rated for continuous duty;
(3) Incorporates the service factor in MG 1–12.47 of MG 1–1987;
(4) Uses insulation that satisfies at least the minimum Class A insulation system temperature rise specifications detailed in MG 1–12.42 of MG 1–1987;
(5) Designed in standard ratings;
(6) Has standard operating characteristics;
(7) Has standard mechanical construction;
(8) Designed for use under usual service conditions; and
(9) Is not restricted to a particular application.

[23] Residential electric power service is typically provided at 100 to 200 amps total for the entire residence, with individual circuits typically sized at 15–30 amps, up to a maximum of around 60 amps for special use cases. A 60-amp circuit at 240V could theoretically accommodate a maximum motor size of around 15 hp.

[24] In response to questions from NEMA and various motor manufacturers, DOE issued a guidance document that identifies some key design elements that manufacturers should consider when determining whether a given individual motor meets the small electric motor definition and is subject to the energy conservation standards promulgated for small electric motors. See *www.regulations.gov/document?D=EERE-2017-BT-TP-0047-0082*.

In the March 2010 Final Rule, DOE identified six categories of AC single-speed induction motors: Split-phase, shaded-pole, capacitor-start (both capacitor-start induction-run (''CSIR'') and capacitor-start capacitor-run (''CSCR'')), permanent-split capacitor (''PSC''), and polyphase. 75 FR 10874, 10883. Table III.7 describes each of these motor types.

TABLE III.7—SINGLE-SPEED AC INDUCTION MOTOR TOPOLOGIES

Topology	Description
PSC	A capacitor motor* having the same value of capacitance for both starting and running conditions. (MG 1–2014, 1.20.3.3.2)
CSIR	A capacitor motor* in which the capacitor phase is in the circuit only during the starting period. (MG 1–2014, 1.20.3.3.1)
CSCR	A capacitor motor* using different values of effective capacitance for the starting and running conditions. (MG 1–2014, 1.20.3.3.3)
Shaded-Pole	A single-phase induction motor provided with an auxiliary short-circuited winding or windings displaced in magnetic position from the main winding. (MG 1–2014, 1.20.3.4)
Split-phase	A single-phase induction motor equipped with an auxiliary winding, displaced in magnetic position from, and connected in parallel with the main winding. (MG 1–2014, 1.20.3.1)
Polyphase induction, squirrel cage	A polyphase induction motor in which the secondary circuit (squirrel-cage winding) consists of a number of conducting bars having their extremities connected by metal rings or plates at each end. (MG 1–2014, 1.18.1.1)

*A capacitor motor is a single-phase induction motor with a main winding arranged for direct connection to a source of power and an auxiliary winding connected in series with a capacitor. (MG 1–2014 1.20.3.3)

Of these six motor types, DOE established that split-phase, shaded-pole, and PSC motors did not meet the definition of small electric motor (based on the performance requirements of general purpose motors as listed in Table III.6) and therefore were not addressed by the test procedure at 10 CFR 431.444. *Id.*

EPCA does not define ''electric motor,'' and DOE's authority to regulate this equipment, unlike that for small electric motors, is not restricted to general purpose motors as defined in NEMA MG–1 1987. (*See* 42 U.S.C. 6311(13)) DOE proposes to expand the applicability of the test procedure to include electric motors that are generally considered SNEMs but that do not meet the general purpose requirements of NEMA MG1–1987 specified in the definition of ''small electric motor.'' DOE is proposing that all six induction motor topologies described in Table III.7 would be included as SNEMs if they meet all other criteria (*e.g.,* duty, single-speed, etc.) as listed in Table III.4 (*i.e.,* DOE is not proposing to specifically specify these SNEM topologies in the ''Scope'' section of appendix B, but rather to specify coverage through other motor features and characteristics as listed in Table III.4). DOE notes that all motors in Table III.7 were presented in the July 2017 RFI as primary motor topologies for which DOE was considering standards and test procedures. 82 FR 35468, 35471.

In addition, by covering these six-topologies, the proposed test procedure would apply to general-purpose, definite-purpose, and special-purpose motors, as defined in NEMA MG 1–2016, paragraphs 1.11 and 1.15. (*See also* 42 U.S.C. 6311(13)(C)-(D) (defining the terms ''definite-purpose motor'' and ''special-purpose motor,'' respectively)) Definite- and special-purpose motors are designed for a particular application (*e.g.,* washdown duty motors) and incorporate features that are not included in general purpose motors (*e.g.,* contact seals). DOE notes that certain definite- and special-purpose motors would require additional testing instructions beyond what industry standards specify. Section III.L discusses these definite- and special-purpose motors and potential additional testing instructions.[25]

7. AC Induction Inverter-Only Electric Motors

The current electric motor test procedures apply to AC induction motors except for those AC induction motors that are ''inverter-only electric motors.'' [26] These motors are an exempted category of electric motors listed at 10 CFR 431.25(l)(5).[27] This section discusses inverter-only electric motors that are AC induction motors. Section III.A.8 discusses inverter-only electric motors that are not AC induction motors.

In the December 2013 Final Rule, DOE found that testing an inverter-only motor presented multiple difficulties. 78 FR 75962, 75988. Inverter-only motors can be operated at a continuum of speeds, with no established speed testing profile; and the motors may be optimized for different waveforms, which have no established testing standards. Further, without extensive study it would be difficult to generate meaningful test results for products that may be designed for a wide variety of operating inputs. Additionally, at the time, DOE established that the high frequency power signals may be difficult to measure accurately without specialized equipment that testing

[25] Both definite purpose electric motor and special purpose electric motors cannot be used in most general purpose applications. The main difference between definite purpose electric motor and special purpose electric motors is that definite purpose electric motor are designed to standard ratings with standard operating characteristics or standard mechanical construction (as specified in NEMA MG1–2016) while special purpose electric motor are designed with special operating characteristics or special mechanical construction. Section III.L discusses additional testing instructions for the following categories of electric motors: (1) Brake electric motors; (2) close-coupled pump electric motors and electric motors with single or double shaft extensions of non-standard dimensions or design; (3) electric motors with non-standard endshields or flanges; (4) electric motors with non-standard bases, feet or mounting configurations; (5) electric motors with a separately-powered blower; (6) immersible electric motors; (7) partial electric motors; and (8) vertical electric motors and electric motors with bearings incapable of horizontal operation.

[26] NEMA MG–1 2016, paragraph 30.2.1.5 defines the term ''control'' for motors receiving AC power, as ''devices that are also called inverters and converters. They are electronic devices that convert an input AC or DC power into a controlled output AC voltage or current''. Converters can also be found in motors that receive DC power and also include electronic devices that convert an input AC or DC power into a controlled output DC voltage or current. See section III.B.3 of this NOPR.

[27] DOE defines an ''inverter-only electric motor'' as an electric motor that is capable of rated operation solely with an inverter, and is not intended for operation when directly connected to polyphase, sinusoidal line power.'' 10 CFR 431.12 DOE notes that more generally, the requirement to operate with an inverter also means that that inverter-only motors are not intended for operation when directly connected to single-phase, sinusoidal line power or to DC power. See section III.B.3 of this NOPR.

laboratories may not possess. *Id.* Consequently, DOE provided an exemption for inverter-only electric motors from the energy conservation standards at 10 CFR 431.25 due to the absence of a reliable and repeatable method to test them for efficiency. 79 FR 30934, 30945.

Since the publication of the December 2013 Final Rule, the industry has developed several methods to test inverter-only motors, as discussed further in section III.D.3. Therefore, DOE proposes to include within the scope of the test procedure AC induction inverter-only electric motors that meet the criteria listed at 10 CFR 431.25(g) and in Table III.4 of this NOPR. As noted, were DOE to include induction inverter-only electric motors within the scope of the test procedure, such electric motors would not be required to be tested according to the DOE test procedure until such time as DOE establishes energy conservation standards for induction inverter-only electric motors. If manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such electric motors, however, they would be required to test according to the DOE test procedure and sampling requirements.

DOE requests comments on its proposal to add test procedure provisions for AC induction inverter-only electric motors. DOE seeks supporting information and justification for including or excluding AC induction inverter-only electric motors in the scope of the test procedure.

8. Synchronous Electric Motors

The current electric motors test procedures apply only to induction electric motors. 10 CFR 431.25(g)(1), appendix B, Note.

The ''induction motor'' criteria exclude synchronous electric motors from the scope. A ''synchronous electric motor'' is an electric motor in which the average speed of the normal operation is exactly proportional to the frequency of power supply to which it is connected, regardless of load. [28] In contrast, in an induction electric motor, the average speed of the normal operation is not proportional to the frequency of the power supply to which it is connected.[29] For example, a 4-pole synchronous electric motor will rotate at 1800 rpm when connected to 60 Hz power even when the load varies; whereas a 4-pole induction electric motor in the same setup will slow down as load increases.

Synchronous electric motors can operate either direct-on-line (connected directly to the power supply) or as inverter-fed (connected to an inverter). Some inverter-fed electric motors require being connected to an inverter to operate (*i.e.,* inverter-only electric motors) while others are capable of operating both direct-on-line or connected to an inverter (*i.e.,* inverter-capable electric motors).

In the July 2017 RFI, DOE presented a list of motor topologies for which it was considering test procedures. Specifically, DOE identified the following inverter-fed synchronous electric motor topologies that are not included in the current test procedures for electric motors or small electric motors: Line start permanent magnet (''LSPM''); [30] permanent magnet AC (''PMAC,'' also known as permanent magnet synchronous motor (''PMSM'') or brushless AC); switched reluctance (''SR''); synchronous reluctance motors (''SynRMs''); and electronically commutated motor (''ECMs'').[31] 82 FR 35468, 35471 Typically, these motor technologies are used as higher efficiency replacements for single-speed induction motors.

LSPM motors can be connected directly to 60 Hz line power and started with a squirrel cage rotor (similar to an induction electric motor) but can also be paired with an inverter to start the motor or have variable-speed capability enabled by integrated electronic controls. SynRMs, SR motors, and PMAC motors are designed for variable-speed operation, and must be controlled by an inverter to be able to start the motor.

ECMs, also known as a brushless DC electric motor, are synchronous motors that operate on DC power via an inverter connected to an AC power supply. ECMs typically consist of an integrated permanent magnet DC motor and an integrated variable frequency drive (''VFD''), which provides speed control capability.

In response to the July 2017 RFI, the Joint Advocates recommended that the test procedures should be (1) applied to a broad range of motor technologies and categories to enable consumers to make fair comparisons; (2) be based on existing test methods where possible; and (3) reflect the relative power consumption over a range of points. The Joint Advocates commented that DOE should prioritize establishing test procedures for primary topologies based on sales, specifically DC motors. (Docket No. EERE–2017–BT–TP–0047, Joint Advocates, No. 27 at pp. 2–3)

The CA IOUs commented that DOE should establish test procedures for the additional motor categories considered in the July 2017 RFI. (CA IOUs, No. 3 at p. 3–5) Specifically, regarding advanced motor technologies, the CA IOUs commented in support of including motors using frequency converters that can be tested in accordance with IEC 60034–2–3:2020 ''Rotating electrical machines—Part 2–3: Specific test methods for determining losses and efficiency of converter-fed AC motors'' (''IEC 60034–2–3:2020''); IEC 61800–9–2:2017 ''Adjustable speed electrical power drive systems—Part 9–2: Ecodesign for power drive systems, motor starters, power electronics and their driven applications—Energy efficiency indicators for power drive systems and motor starters'' (IEC 61800–9–2:2017); and other industry test standards applicable to DC motors such as IEC 60034–2–1:2014. The CA IOUs commented that DOE should establish test procedures for advanced motor technologies that are interchangeable with electric motors currently subject to DOE test procedures. The CA IOUs commented that this would reduce market confusion by providing comparable ratings for substitutable motors and motor systems. The CA IOUs stated that including advanced motor technologies in the scope of the test procedure would ensure that end users are provided with ratings from a uniform test method that can be used to compare and select between electric motors of competing technologies that would ultimately be used in the same end-use applications. Specifically, the

[28] NEMA MG 1–2016 paragraph 1.17.3.4 defines a ''synchronous machine'', as an ''alternating-current machine in which the average speed of the normal operation is exactly proportional to the frequency of the system to which it is connected.''

[29] NEMA MG 1–2016 paragraph 1.17.3.3 defines an ''induction machine'', as an ''an asynchronous machine that comprises a magnetic circuit interlinked with two electric circuits or sets of circuits, rotating with respect to each other and in which power is transferred from one circuit to another by electromagnetic induction.''

[30] Advanced Energy noted that LSPM motors are synchronous motors. Though these motors have a squirrel cage, they do not operate on the principle of induction as is attributed to regular induction motors. The cage is simply for starting the motor and these motors are essentially synchronous motors. (Docket No. EERE–2017–BT–TP–0047; Advanced Energy, No. 25 at p. 2) This technology is described further in Chapter 3 of the technical support document accompanying the May 2014 Final Rule: During the motor transient start up, the squirrel cage in the rotor contributes to the production of enough torque to start the rotation of the rotor, albeit at an asynchronous speed. When the speed of the rotor approaches synchronous speed, the constant magnetic field of the permanent magnet locks to the rotating stator field, thereby pulling the rotor into synchronous operation. (Docket No. EERE–2010–BT–STD–0027–0108)

[31] All 5 topologies are referred to as ''advanced motor technologies'' and represent motor technologies that have been more recently introduced on the market and have variable speed capabilities.

CA IOUs commented that DOE should expand the scope of existing test procedure to include SR, SynRM, PMAC, PMSMs, and motors with an integrated VFD. The CA IOUs provided additional information to demonstrate the technical feasibility and market availability of these advanced motor technologies. (CA IOUs, No. 3 at p. 3–5)

The Efficiency Advocates and NEEA and NWPCC similarly commented that DOE should establish test procedures for the additional motor categories considered in the July 2017 RFI. In addition, the Efficiency Advocates and NEEA and NWPCC similarly urged DOE to consider test procedure modifications to account for electric motors with advanced motor technologies. NEEA and NWPCC commented that including a broad a range of motor technologies, designs, and categories in the test procedure enables consumers to make fair comparisons. The Efficiency Advocates added that the scope of the test procedure should enable any new motor technology to be rated on a fair basis with existing motor technologies. (Efficiency Advocates, No. 5 at pp. 2–3; NEEA and NWPCC, No. 6 at pp. 2–4)

DOE has identified new industry standards since its December 2013 Final Rule that apply to synchronous electric motors (see section III.D.3). Accordingly, DOE proposes to include within the scope of the test procedure synchronous electric motors with the characteristics listed in Table III.8. These criteria would be specified in a new definition in section 1.2 of appendix B, titled ''Definitions.''

TABLE III.8—SYNCHRONOUS ELECTRIC MOTORS PROPOSED FOR INCLUSION IN SCOPE

Criteria number	Description
1	Are not dedicated purpose pool pump motors as defined at 10 CFR 431.483.
2	Are synchronous electric motors;.
3	Are rated for continuous duty (MG 1) operation or for duty type S1 (IEC);.
4	Capable of operating on polyphase or single-phase alternating current 60-hertz (Hz); sinusoidal line power (with or without an inverter);.
5	Are rated 600 volts or less;.
6	Have a 2-, 4-, 6-, 8-, 10-, or 12-pole configuration.
7	Produce at least 0.25 horsepower (hp) (0.18 kilowatt (kW)) but not greater than 750 hp (373 kW).

Section III.D.3 discusses industry standards that DOE proposes to incorporate by reference and use to test synchronous electric motors.

DOE requests comments on its proposal to add synchronous electric motors to the scope of the test procedure. Specifically, DOE request comments on whether the criteria listed in Table III.8 accurately reflect DOE's intent to propose to include LSPM motors; PMAC motors; SR motors; SynRMs; and ECMs in the scope of the proposed test procedure. To the extent that the criteria listed in Table III.8 should be revised, DOE seeks supporting information and justification for the suggested revision.

9. Exemptions

DOE proposes to include within the scope of the test procedure previously exempted air-over electric motors, submersible electric motors and inverter-only electric motors at 10 CFR 431.25(l), as discussed in sections III.A.3, III.A.4 and III.A.7, respectively. However, in this NOPR, DOE proposes to continue to exempt (1) component sets of an electric motor; and (2) liquid-cooled electric motors. 10 CFR 431.25(l)(2) and (3).

a. Component Sets

Electric motors within the scope of the DOE test procedure typically incorporate a number of components that may include: A rotor, stator, stator windings, stator frame, endshields, bearings, and a shaft. Any combination of these parts that does not form an operable electric motor is considered a component set of an electric motor. An operable motor is engineered for performing in accordance with nameplate ratings. Motor component sets may be sold to third parties with the intention of mounting motor components inside equipment that would provide the necessary elements to allow the component set to operate similarly to a standalone electric motor. For example, a motor component set consisting of a rotor, stator, and stator windings may be purchased and installed inside equipment that provides the structural support and interfacing components necessary to allow performance consistent with that of a complete, operable motor. Third parties may also purchase component sets with the intention of assembling complete, operable motors, in which case the third party would be responsible for certifying that the assembled motor meets any applicable standards.

In the December 2013 Final Rule, DOE determined that the additional parts required to construct an operable motor from a component set may be costly, complex, and are often only provided by a motor manufacturer. 78 FR 75962, 75987. Subsequently, DOE determined that a single testing laboratory would have insurmountable difficulty machining motor parts, assembling the parts into an operable machine, and testing the motor in a way that would be manageable, consistent, and repeatable by other testing laboratories. *Id.* At this time, DOE is unaware of an industry test procedure or instructions that could facilitate the consistent testing of component sets. Therefore, DOE proposes to maintain the existing exemption for component sets of an electric motor at 10 CFR 431.25(l)(2).

DOE requests comment on maintaining the existing exemption of component sets of an electric motor from the scope of the test procedure.

b. Liquid-Cooled Electric Motors

Liquid-cooled motors use liquid (or liquid-filled components) to facilitate heat dissipation but are not submerged in liquid during operation. In the December 2013 Final Rule, DOE described a liquid-cooled electric motor as a motor that circulates one or a combination of several liquids into and around the motor and frame to dissipate heat. 78 FR 75962, 75987. This circulation of liquid for cooling could impact the operating temperature of the motor and, by extension, its efficiency. Further, DOE did not identify any standardized methodology for testing the energy efficiency of a liquid-cooled motor. *Id.* Consequently, in the May 2014 Final Rule, DOE exempted liquid-cooled electric motors from the energy conservation standards at 10 CFR 431.25(l)(3) due to the absence of a reliable and repeatable method to test them for efficiency. 79 FR 30933, 30945. DOE defines a ''liquid-cooled electric motor'' as a motor that is cooled by liquid circulated using a designated

cooling apparatus such that the liquid or liquid-filled conductors come into direct contact with the parts of the motor. 10 CFR 431.12.

In response to the July 2017 RFI, Advanced Energy commented that it did not support regulating motors that are manufactured for highly specialized applications, such as liquid-cooled motors. (Advanced Energy, EERE–2017–BT–TP–0047, No. 25 at p. 6) DOE has preliminarily determined that the testing difficulties previously described for liquid-cooled motors, including lack of a repeatable and reliable test method, still exist. Therefore, DOE continues to propose to exempt liquid-cooled motors from the scope of applicability of this test procedure. However, to more clearly distinguish the exempted liquid-cooled electric motors from submersible electric motors (which DOE is proposing to include within scope, as discussed in section III.A.4), DOE proposes to update the definition for ''liquid-cooled electric motors,'' as described in section III.B.5.

DOE requests comment on maintaining the existing exemption of liquid-cooled electric motors from the scope of the test procedure.

10. Motor Used as a Component of a Covered Product or Equipment

EPCA provides that no standard prescribed for small electric motors (those regulated in 10 CFR part 431, subpart X) shall apply to any such motor that is a component of a covered product under EPCA or of covered equipment under EPCA. (42 U.S.C. 6317(b)(3)) EPCA does not establish any such prohibition for electric motors and suggests the opposite. See 42 U.S.C. 6313(b)(1) (providing that standards for electric motors be applied to electric motors manufactured ''alone or as a component of another piece of equipment'').

NEMA, McMillan Electric Company, Detech, and Lennox International indicated that they do not support regulating motors that are components of covered products or equipment, but instead support a finished-product approach to energy efficiency regulations.[32] (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at p. 1; McMillian Electric Company, No. 16 at p. 1; Detech, no. 18 at p. 1; Lennox, No. 22 at p. 1–2) In addition, AHAM and AHRI commented that they oppose DOE requiring testing of motors that only enter commerce as components of another product, including special and definite purpose motors. AHAM and AHRI commented that is too difficult to uniformly test such motors that are designed and destined for specific applications and that are vastly different from one-another. AHAM and AHRI asserted that developing such test procedures would be difficult, if not impossible, and that complying with them would be difficult and costly to manage. (Docket No. EERE–2017–BT–TP–0047, AHAM and AHRI, No. 21 at p. 5)

At this time, DOE is not proposing to exclude from its test procedure's scope those motors used as a component of a covered product or covered equipment. DOE notes that the current electric motors test procedure applies to definite purpose and special purpose electric motors, and DOE is not aware of any technical issues with testing such motors using the current DOE test procedure. Furthermore, DOE is proposing additional test instructions for the additional electric motors proposed in scope, including testing instructions for special and definite purpose motors. (See section III.L for further discussion).

DOE requests comment on whether any electric motors, when used as components of covered products or covered equipment, are unable to be tested under the DOE test procedure absent modification to the test procedure. If so, DOE requests information on what such modifications should be and why.

B. Definitions

DOE is proposing to modify 10 CFR 431.12 by either modifying or adding certain definitions applicable to electric motors.

1. Updating IEC Design N and H Motors Definitions and Including New Definitions for IEC Design N and H ''E'' and ''Y'' Designations

As discussed in section III.A.1, DOE proposes to clarify that IEC Design HE, HY, HEY, NE, NY, and NEY are already covered equipment. Accordingly, DOE proposes to add definitions for these designs in 10 CFR 431.12 based on the definitions of IEC Design H and N provided in 10 CFR 431.12, and the definitions for IEC Design HE, HY, HEY, NE, NY, and NEY provided in IEC 60034–12:2016. DOE proposes to include these ''E'' and/or ''Y'' variants in each instance where IEC Design N and H are currently referenced in 10 CFR 431.25. In addition, DOE proposes to amend the current definitions for IEC Design H and N (which currently reference and are based on IEC 60034–12 Edition 2.1 2007–09) to be consistent with the latest version of that industry standard—IEC 60034–12:2016.

In reviewing IEC 60034–12:2016, DOE identified the following updates as it relates to the definitions: (1) For IEC Design N and Design H motors, the lower end of the rated output power range was reduced from 0.4 kW (0.5 hp) to 0.12 kW (⅙ hp), and corresponding new limits for minimum values of torque and external moment of inertia were added to these power ratings; and (2) the limits for locked rotor apparent power for motors with protection type ''e'' were replaced by a reference to IEC 60079–7:2015 ''Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'' '' (''IEC 60079–7:2015''). IEC protection type ''e'' denotes motors to be used in hazardous environments and minimizes air-gap sparking; see section III.C.1 for further description. DOE notes that the update to the lower end of the rated output power range would not affect the applicability of the energy conservation standards, as discussed in section III.C.1.

DOE proposes updating the definitions for IEC Design H and N, consistent with the updates in IEC 60034–12:2016, as follows:

IEC Design H motor means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to sections 9.1, 9.2, and 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design N motor means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to sections 6.1, 6.2, and 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for torque characteristics, locked rotor apparent power, and starting requirements, respectively. If a motor has an increased safety designation of type 'e', the locked rotor apparent power shall be in accordance with the appropriate values specified in IEC 60079–7:2015. (incorporated by reference, see § 431.15)

[32] A finished-product approach would consider establishing energy conservation standards at the larger equipment level (*e.g.,* HVAC equipment) rather than at the component level (*e.g.,* the motor).

Furthermore, DOE proposes to add the following definitions to 10 CFR 431.12:

IEC Design HE means an electric motor that

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to section 9.1, Table 3, and section 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design HY means an electric motor that

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.7, section 9.2 and section 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design HEY means an electric motor that

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.7, Table 3 and section 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design NE means an electric motor that

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to section 6.1, Table 3 and section 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design NY means an electric motor that

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.4, section 6.2 and section 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design NEY means an electric motor that

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.4, Table 3 and section 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

DOE seeks comments on the proposed updates to the definitions for IEC Design H, and IEC Design N, and the proposed additional definitions for IEC Design HE, HY, HEY, NE, NY and NEY.

2. Updating Definitions to Reference NEMA MG1–2016 With 2018 Supplements

A number of definitions in 10 CFR 431.12 incorporate references to specific sections of NEMA MG 1–2009 to characterize the construction and operation of different categories of electric motors. DOE is proposing to revise these definitions to update the current NEMA MG 1 references to the most recent edition of that industry standard, NEMA MG 1–2016 with 2018 Supplements. These reference updates would align DOE's regulatory definitions with the current industry standard.

Among the definitions at 10 CFR 431.12 that reference NEMA MG 1–2009, the following definitions include references to sections of NEMA MG 1–2009 that have not changed between the 2009 and 2016 publications of the standard: ''electric motor with encapsulated windings,'' ''electric motor with moisture resistant windings,'' ''electric motor with sealed windings,'' ''general purpose electric motor (subtype I),'' and ''general purpose electric motor (subtype II).''

The following definitions reference provisions of NEMA MG 1–2009 that have changed between the 2009 and 2016 versions: ''definite purpose motor,'' ''definite purpose electric motor,'' ''general purpose electric motor,'' ''NEMA Design A Motor,'' ''NEMA Design B Motor,'' ''NEMA Design C motor,'' and ''nominal full-load efficiency.'' DOE has initially determined that the changes in NEMA MG 1–2016 with 2018 Supplements do not substantively change these definitions. DOE initially concludes that the updates to ''definite purpose motor'', ''definite purpose electric motor'', and ''general purpose electric motor'' would not affect the DOE test procedures or energy conservation standards for electric motors manufactured on or after June 1, 2016, because as of that date the energy conservation standards no longer differentiate between ''general purpose'' motors and ''definite purpose'' motors. 10 CFR 431.25(h) and (i).

The definitions for ''NEMA Design A motor,'' ''NEMA Design B motor,'' and ''NEMA Design C motor'' at 10 CFR 431.12 reference tables of locked-rotor current in sections 12.35.1 and 12.35.2 of NEMA MG 1–2009. NEMA MG 1–2016 with 2018 Supplements revise these tables by adding a column for ''Locked-Rotor kVA Code'' and a footnote regarding a tolerance that may be applied to the locked-rotor current values based on the associated Locked-Rotor kVA Code.[33] Section 10.37 of NEMA MG 1–2016 with 2018 Supplements provides the applicable range of kVA per horsepower for each locked-rotor kVA code that would be used to calculate the locked-rotor current tolerances required by the footnote. These definitions also reference other sections in NEMA MG 1–2009, each of which remains unchanged in NEMA MG 1–2016 with 2018 Supplements. The addition of the column for ''Locked-Rotor kVA Code'' is not expected to impact the applicability of test procedures or energy conservation standards for electric motors. DOE notes that the existing tolerance presented in section 10.37 of NEMA MG1–2009 remains unchanged in NEMA MG1–2016 with 2018 Supplements and its adoption by DOE would also not impact the scope of electric motors that are subject to energy

[33] The ''Locked-Rotor kVA Code'' is a letter that appears on the nameplate of an alternating-current motor to show its range of locked-rotor kilo-volt-ampere (kVA) per horsepower. The letter designations for locked rotor kVA per horsepower are given in Section 10.37 of NEMA MG 1–2016. For example, the letter ''N'' corresponds to a range of locked rotor kVA per horsepower between 11.2 and 12.5.

conservation standards and test procedures. See 85 FR 34111, 34114.

The definition for ''nominal full-load efficiency'' at 10 CFR 431.12 references Table 12–10 of NEMA MG 1–2009, which provides a list of nominal efficiencies and associated minimum motor efficiencies based on a 20 percent loss difference. Table 12–10 in NEMA MG 1–2009 lists nominal efficiency ratings ranging from 50.5 to 99.0, whereas Table 12–10 in NEMA MG 1–2016 with 2018 Supplements lists nominal efficiency ratings ranging from 34.5 to 99.0. The nominal efficiency ratings (and associated minimum efficiencies) in the range of 50.5 to 99.0 did not change between the two versions of the standard. The nominal full-load efficiency requirements specified by the energy conservation standards for electric motors at 10 CFR 431.25 are efficiency values ranging from 74.0 to 96.2; therefore, the addition of nominal efficiency ratings ranging from 34.5 to 50.5 in NEMA MG 1–2016 with 2018 Supplements does not impact the applicability of test procedures or energy conservation standards for electric motors. *Id.*

In response to the June 2020 RFI, NEMA commented in support of updating these definitions to NEMA MG1 2016 with 2018 Supplements and agreed that it would not cause an impact to testing burden or test results. (NEMA, No. 2 at p. 2) CA IOUs supported DOE's proposal to update the definitions. (CA IOUs, No. 3 at p. 1)

DOE tentatively concludes that updating the NEMA MG 1 references to NEMA MG 1–2016 with 2018 Supplements would not alter the measured efficiency of electric motors, and would not result in additional test burden. Therefore, DOE proposes to revise the definitions to update its NEMA MG 1 references to NEMA MG 1–2016 with 2018 Supplements.

DOE seeks comments on its assessment that updating the NEMA MG 1 references in the DOE definitions to NEMA MG 1–2016 with 2018 Supplements would not substantially change the definitions currently prescribed in 10 CFR 431.12. DOE also seeks comment on whether the proposed updates would alter the measured efficiency of electric motors.

3. Inverter, Inverter-Only, and Inverter-Capable

DOE defines an ''inverter-only electric motor'' as an electric motor that is capable of rated operation solely with an inverter, and is not intended for operation when directly connected to polyphase, sinusoidal line power.'' DOE also defines an ''inverter-capable electric motor'' as an ''electric motor designed to be directly connected to polyphase, sinusoidal line power, but that is also capable of continuous operation on an inverter drive over a limited speed range and associated load''. 10 CFR 431.12 Inverter-only and inverter-capable electric motors can be sold with or without an inverter.

In addition to not being designed for operation when directly connected to polyphase, sinusoidal power, inverter-only motors are also not designed for operation when directly connected to single-phase, sinusoidal line power or to DC power. To provide a more complete definition, DOE proposes to revise the definition of inverter-only electric motor as follows: ''as an electric motor that is capable of continuous operation solely with an inverter, and is not designed for operation when directly connected to AC sinusoidal or DC power supply.'' Similarly, DOE proposes to revise the definition of an inverter-capable electric motor as follows: ''an electric motor designed to be directly connected to AC sinusoidal or DC power, but that is also capable of continuous operation on an inverter drive over a limited speed range and associated load.''

As previously discussed, paragraph 30.2.1.5 of NEMA MG–1 2016 with 2018 Supplements defines the term ''control'' for motors receiving AC power, as ''devices that are also called inverters and converters. They are electronic devices that convert an input AC or DC power into a controlled output AC voltage or current''. Converters can also be found in motors that receive DC power and also include electronic devices that convert an input AC or DC power into a controlled output DC voltage or current. To support the definition of ''inverter-only motor,'' DOE proposes to define an inverter as ''an electronic device that converts an input AC or DC power into a controlled output AC or DC voltage or current. An inverter may also be called a converter.''

DOE seeks comments on the proposed definitions of ''inverter-only electric motor'' ''inverter-capable electric motor'' and ''inverter''. If these definitions should be revised, DOE requests supporting information and justification for these revisions.

4. Air-Over Electric Motors

As discussed in section III.A.3, DOE is proposing to include within the scope of the test procedure air-over electric motors. DOE defines the term ''air-over electric motor'' as: ''an electric motor rated to operate in and be cooled by the airstream of a fan or blower that is not supplied with the motor and whose primary purpose is providing airflow to an application other than the motor driving it.'' 10 CFR 431.12. In other words, air-over electric motors do not have a factory-attached fan and require a separate means of forcing air over the frame of the motor. The external cooling maintains internal motor winding temperatures within the permissible temperature rise for the motor's insulation class or to a maximum temperature value specified by the manufacturer.[34] Without an external means of cooling, an air-over electric motor would overheat during continuous operation. Air-over motors can be found in direct-drive axial fans, blowers, and several other applications; for example, single-phase air-over motors are widely used in residential and commercial HVAC systems, appliances, and equipment as well as in agricultural applications.

In the July 2017 RFI, DOE noted that the absence of a fan is not a differentiating feature specific to air-over electric motors and that a revised definition may be needed to distinguish such motors from similarly constructed electric motors that are subject to the DOE test procedure. 82 FR 35468, 35472–35473. For example, there is little difference between a totally enclosed fan-cooled electric motor (''TEFC'') and a totally enclosed air-over electric motor (''TEAO''). A user could remove the fan on a TEFC electric motor, and then place the motor in an airstream of the application to obtain an air-over electric motor configuration. Further, other motors categories such as TENV electric motors do not have internal fans or blowers and are similar in construction to TEAO electric motors.[35]

In the July 2017 RFI, DOE identified that what differentiates air-over motors from non-air-over motors is that they require external cooling by a free flow of air to prevent overheating during continuous operation.[36] *Id.* The risk of overheating can be verified by observing whether the motor's temperature continuously rises during a rated load temperature test instead of stabilizing at

[34] Sections 12.42 and 12.43 of NEMA MG1–2016 with 2018 Supplements specifies the maximum temperature rises corresponding to four insulation classes (A, B, F, and H). Each class represents the maximum allowable operating temperature rise at which the motor can operate without failure, or risk of reducing its lifetime.

[35] TENV electric motors are ''built in a frame-surface cooled, totally enclosed configuration that is designed and equipped to be cooled only by free convection'' 10 CFR 431.12.

[36] Without the application of free flowing air, the internal winding temperatures of an air-over electric motor would exceed the maximum permissible temperature (*i.e.,* the motor's insulation class' permissible temperature rise or a maximum temperature value specified by the manufacturer).

the permissible temperature rise of the motor's insulation class or to a maximum temperature value specified by the manufacturer. During a rated load temperature test, the motor is loaded at the rated full load using a dynamometer until it is thermally stable.[37] A rated load temperature test is a test during which the motor is loaded at rated full-load by means of a dynamometer until it is thermally stable. Its purpose is to determine the temperature rise of certain parts of the machine above the ambient temperature when running at rated load. The current industry standards referenced by the existing DOE electric motors test procedure each contain provisions for a rated load temperature test.[38]

DOE further provided in the July 2017 RFI that specifying that the external cooling is obtained by a free flow of air is needed to differentiate air-over motors from totally-enclosed pipe-ventilated (''TEPV'') motors. TEPV motors are a category of electric motor that requires external cooling to operate, and the external cooling is directed on the motor via a duct or a pipe rather than a free flow of air.[39] *Id.* Accordingly, in the July 2017 RFI, DOE stated it was considering defining an air-over motor based on its inability to thermally stabilize without the application of external cooling by a free flow of air during a rated load temperature test. *Id*

In response to the 2017 RFI, Lennox commented that the definition of air-over motors at 10 CFR 431.12 was appropriate. (Docket No. EERE–2017–BT–TP–0047, Lennox, No. 22 at p. 4) NEMA commented that air-over motors could not be identified by physical and technical features alone but did not provide alternative means to identify them. (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at p. 6)

Advanced Energy commented that it would be difficult to differentiate air-over motors from TENV motors in terms of physical and/or external features. Advanced Energy commented that air-over motors can be defined by their inability to achieve a stable temperature under standard test conditions. Advanced Energy stated that thermal equilibrium is defined in the referenced test standards, but that DOE could add a definition as part of the air-over motor definition. Advanced Energy commented that the term ''rated temperature test'' should be replaced with ''rated load temperature test.'' (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at pp. 4–5)

Advanced Energy asserted that that the term ''external cooling by a free flow of air'' used in the July 2017 RFI was ambiguous and that DOE should specify by a ''device or equipment not mechanically attached to the motor'' or ''forced cooling from a fan or blower not connected to the motor.'' Advanced Energy explained that some TEFC motors have external fans and therefore, such distinction is necessary. Advanced Energy recommended the following definition for air-over motors: A motor that does not reach thermal equilibrium (also known as ''thermal stability'') during a rated load temperature test according to test standards incorporated by reference, without the application of forced cooling by a free flow of air from an external device not mechanically connected to the motor. Advanced Energy commented that thermal equilibrium is already defined in the referenced industry test standards, but that DOE could add a definition as part of the air-over electric motor definition (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at pp. 4–5).

Based on the preceding discussion, to differentiate air-over electric motors from TEFC electric motors with external fans connected to the motor, DOE proposes to define the air-over electric motor definition as an electric motor that does not reach thermal equilibrium during a rated load temperature test without the application of forced cooling by a free flow of air from an external device not mechanically connected to the motor. In addition, DOE does not propose to define thermal equilibrium, as this term is defined in the industry test procedure incorporated by reference.[40] The referenced definition specifies that thermal equilibrium is characterized by a load temperature test according to section 2 of appendix B.

In summary, DOE proposes to define an air-over electric motor as: ''an electric motor that does not reach thermal equilibrium (*i.e.,* thermal stability) during a rated load temperature test according to section 2 of appendix B, without the application of forced cooling by a free flow of air from an external device not mechanically connected to the motor''.

DOE requests comments (*i.e.,* supporting information and technical justification) on the proposed definition for an air-over electric motor—including technical information and support on whether and why the definition should be modified.

5. Liquid-Cooled Electric Motors

DOE defines a ''liquid-cooled electric motor'' as a motor that is cooled by liquid circulated using a designated cooling apparatus such that the liquid or liquid-filled conductors come into direct contact with the parts of the motor. 10 CFR 431.12.

DOE proposes to include submersible electric motors within scope of the test procedure while continuing to exclude liquid-cooled electric motors. Accordingly, DOE reviewed the existing definitions to ensure that the definitions provide an appropriate distinction between liquid-cooled electric motors and submersible electric motors, because both type of motors use liquid for cooling purposes. DOE notes that the definition for submersible electric motors, as described in section III.A.4 of this document is based on the premise of the electric motor intended to operate only when submerged in a liquid. The current definition for ''liquid-cooled electric motor,'' however, does not specify whether the electric motor must be submerged in a liquid to operate.

The December 2013 Final Rule discussed the general differences between these categories of electric motors. Specifically, the December 2013 Final Rule described ''liquid-cooled motors'' as electric motors that use liquid (or liquid-filled components) to facilitate heat dissipation, but are not submerged in liquid during operation. 78 FR 75962, 75975. In order to appropriately distinguish ''liquid-cooled electric motors'' from ''submersible electric motors,'' DOE proposes to define ''liquid-cooled electric motors'' as follows: As a motor that is cooled by liquid circulated using a designated

[37] Thermal stability (or thermal equilibrium) is defined as the condition in which the motor temperature does not change by more than 1 °C over 30 minutes or 15 minutes depending on the motor category. See Section 5.9.45 of IEEE 112–2017, Section 3.1. of CSA C390–10; Section 10.3.1.3 of IEEE 114–2010; Section 3 of CSA C747–09 (R2019); and Section 6.1.3.2.1 of IEC 60034–2–1.

[38] See Section 7.1.3 of CSA 390–10; Section 6.4 of CSA C747–09 (R2019); 7.1.3.2.1 of IEC 60034–2–3:2014; Section 5.9 of IEEE 112–2017; and Section 10 of IEEE 114–2010.

[39] DOE did not find any pipe-ventilated motors in the proposed scope of applicability of this test procedure but is aware that some motors may exist in such configurations. TEPV motors are cooled by supply air which is piped into the motor and ducted out of the motor. They are typically used to overcome heat dissipation difficulties and when air surrounding the motor is not clean (*e.g.,* dust).

[40] A ''rated load temperature test'' is a test during which the motor is loaded at rated full-load by means of a dynamometer until it is thermally stable. See Section 7.1.3 of CSA 390–10; Section 6.4 of CSA C747–09 (R2019); 7.1.3.2.1 of IEC 60034–2–3:2014; Section 5.9 of IEEE 112–2017; and Section 10 of IEEE 114–2010. The term ''thermal equilibrium'' (*i.e.,* thermal stability) is defined as the condition where the motor temperature does not change by more than 1 °C over 30 min (See Section 5.9.45 of IEEE 112–2017, Section 3.1. of CSA C390–10; Section 10.3.1.3 of IEEE 114–2010; Section 3 of CSA C747–09 (R2019); and Section 6.1.3.2.1 of IEC 60034–2–1).

cooling apparatus such that the liquid or liquid-filled conductors come into direct contact with the parts of the motor, but is not submerged in a liquid during operation.

DOE requests comments (*i.e.,* supporting information and technical justification) on the proposed definition for a liquid-cooled electric motor—including technical information and support on whether and why the definition should be modified.

6. Basic Model and Equipment Class

DOE proposes to amend the definition of ''basic model'' in 10 CFR 431.12 to make it similar to the definitions used for other DOE-regulated products and equipment, and to eliminate an ambiguity found in the current definition. The definition currently specifies that basic models of electric motors are all units of a given type manufactured by the same manufacturer, which have the same rating, and have electrical characteristics that are essentially identical, and do not have any differing physical or functional characteristics that affect energy consumption or efficiency. (10 CFR 431.12) For the purposes of this definition, the term ''rating'' is specified to mean one of 113 combinations of horsepower, poles, and open or enclosed construction. (See *id.*) The reference to 113 combinations dates from the Department's implementation of the Energy Policy Act of 1992 (''EPACT 1992'') (Pub. L. 102–486), which set initial standards for motors based on that categorization. Since then, EISA 2007 and DOE's regulations have established standards for additional motor categories. See 10 CFR 431.25. To clarify that the concept of a ''basic model'' reflects the categorization in effect under the prevailing standard, as it stands today and as it may evolve in future rulemakings, DOE proposes to refer only to the combinations of horsepower (or standard kilowatt equivalent), number of poles, and open or enclosed construction for which 10 CFR 431.25 prescribes standards; and to drop the current reference to 113 such combinations.

As such, DOE proposes to replace the term ''rating'' with the term ''equipment class'' in the basic model definition. In addition, DOE proposes to define ''equipment class'' as one of the combinations of an electric motor's horsepower (or standard kilowatt equivalent), number of poles, and open or enclosed construction, with respect to a category of electric motor for which § 431.25 prescribes nominal full-load efficiency standards. This proposal would also limit confusion between the use of the term ''rating''

in this specific case and the use of the term as it applies to represented values of other individual characteristics of an electric motor, such as its rated horsepower, voltage, torque, or energy efficiency.

With the aforementioned change, DOE proposes that basic model means, with respect to an electric motor, all units of electric motors manufactured by a single manufacturer, that are within the same equipment class, have electrical characteristics that are essentially identical, and do not have any differing physical or functional characteristics that affect energy consumption or efficiency.

The proposed update to the basic model definition does not alter current representations or efficiencies.

C. Updates to Industry Standards Currently Incorporated by Reference

DOE has reviewed each of the industry standards that are currently incorporated by reference as test methods for determining the energy efficiency of electric motors, and identified updates for the following existing references: IEC 60034–12 Edition 2.1 2007–09 ''Rotating Electrical Machines, Part 12: Starting Performance of Single-Speed Three-Phase Cage Induction Motors'' (''IEC 60034–12:2007''); NFPA 20–2010 ''Standard for the Installation of Stationary Pumps for Fire Protection'' (''NFPA 20–2010''); and NEMA MG 1–2009. DOE also notes that CSA C390–10 has been reaffirmed. The revised and reaffirmed industry standards are listed in Table III.9.

TABLE III.9—UPDATED INDUSTRY STANDARDS CURRENTLY INCORPORATED BY REFERENCE

Existing reference	Updated version	Type of update
IEC 60034–12 Edition 2.1 200709	IEC 60034–12 Edition 3.0 2016	Revision.
NFPA 20–2010	NFPA 20–2019	Revision.
CSA C390–10	CSA C390–10 (R2019)	Reaffirmed.
NEMA MG 1–2009	NEMA MG 1–2016 with 2018 Supplements	Revision.

As discussed in section I.B, DOE incorporated by reference IEEE 112–2017 for both small electric motors and electric motors in the January 2021 Final Rule. 86 FR 4. Specifically, for electric motors, reference to IEEE 112–2017 Test Method B in the DOE test procedure replaces the prior reference to IEEE 112–2004 Test Method B. 86 FR 4, 10. DOE determined that reference to IEEE 112–2017 harmonizes the permitted test methods under subpart B of 10 CFR part 431 and aligns measurement and instrumentation requirements with recent industry practice. 86 FR 4, 10. DOE also incorporates by reference IEC 60034–2–1:2014 as an additional alternative test procedure for both small electric motors and electric motors. 86 FR 4, 10–13. Specifically for electric motors, DOE references IEC 60034–2–1:2014 Test Method 2–1–1B as an alternative to IEEE 112–2017 Test Method B and CSA C390–10. 86 FR 4, 12–13. DOE determined that reference to IEC 60034–2–1:2014 Test Method 2–1–1B further harmonizes DOE's test procedures with current industry practice and reduces manufacturer test burden while ensuring that the test procedure reflects the energy efficiency of the relevant motors during a representative average use cycle. 86 FR 4, 11–12. In response to the June 2020 RFI, the CA IOUs recommended that DOE update its test procedure to reference the latest version of key industry test procedures, citing the updates to IEEE 112–2004, CSA C390–10 and NEMA MG 1–2009. (CA IOUs, No. 3 at p. 12) NEMA suggested that DOE incorporate by reference the latest versions of IEEE 112–2017, CSA C390–2010 (R2019), and IEC 60034–2–1:2014. (NEMA, No. 2 at p. 5) DOE has updated its test procedures to reference IEEE 112–2017 and IEC 60034–2–1:2014, as previously discussed. The following sections provide a review of the proposed revisions related to industry test procedures.

1. IEC 60034–12

DOE references clauses 5.2, 5.4, 6, and 8, and Tables 1, 2, 3, 4, 5, 6, and 7 of IEC 60034–12:2007. 10 CFR 431.15(c)(4). The specified sections of IEC 60034–12 are referenced in the definitions for IEC Design H motor and IEC Design N motor in 10 CFR 431.12.

On November 23, 2016, IEC 60034–12:2007 was updated with the publication of IEC 60034–12:2016. As

discussed, of the IEC 60034–12:2007 sections that are currently incorporated in the DOE test procedure, DOE identified the following updates in IEC 60034–12:2016: (1) For IEC Design N and Design H motors, the lower end of the rated output power range was reduced from 0.4 kW (0.5 hp) to 0.12 kW (⅙ hp), and corresponding new limits for minimum values of torque and external moment of inertia were added at these power ratings; (2) the limits for locked rotor apparent power for motors with type of protection ''e'' were replaced by a reference to IEC 60079–7:2015 ''Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'' (''IEC 60079–7:2015''); and (3) an equation was added to clarify how to calculate the locked rotor current from the locked rotor apparent power.[41]

DOE notes that the horsepower range provided at 10 CFR 431.25(g)(8)[42] is controlling in regard to the scope of the energy conservation standards and therefore tentatively concludes that the update to horsepower range for IEC Design N and IEC Design H motors in IEC 60034–12:2016 would not impact the scope of the test procedure. In the December 2013 Final Rule, DOE discussed that the objective of defining IEC Design N and IEC Design H motors was only to define what characteristics and features comprise these type of motors, so that manufacturers designing to the IEC standards can determine whether their motor is subject to DOE's regulatory requirements. 78 FR 75962, 75970. At the time, DOE had concluded that although the specified range in terms of rated output power for IEC Design N and Design H in IEC 60034–12:2007 was broader than the DOE scope, there was no need to limit the definitions to the power ranges covered by DOE regulatory requirements. *Id.* DOE maintains the same conclusions for the update to horsepower range in IEC 60034–12:2016.

Regarding the reference to IEC 60079–7:2015, sections 5.2.7.3 and 5.2.8.2 of this industry standard describe the additional starting requirements of increased safety ''eb'' and ''ec'' motors. The ''eb'' and ''ec'' designations are the two levels of protection offered by the increased safety ''e'' designation, intended for use in explosive gas atmospheres, according to section 1 of IEC 60079–7:2015. Section 5.2.7.3 specifies the application of protective measures to prevent airgap sparking. Section 5.2.8.2 specifies the application of starting current requirements, and when a current-dependent safety device is required. Section 1 of IEC 60034–12:2007 stated that the standard applied to motors that ''are constructed to any degree of protection'', indicating that safety ''e'' motors are not excluded from IEC Design N or Design H motors. Similarly, Section 1 of IEC 60034–12:2016 states that the standard applies to motors that ''are constructed to any degree of protection and explosion protection.'' DOE tentatively concludes that the requirements specified in sections 5.2.7.3 and 5.2.8.2 of IEC 60079–7 would not impact the scope of the current DOE test procedure because motors with the ''increased safety ''e'' designation'' were previously eligible to be considered IEC Design N or H motors, and this remains unchanged with this update.

Regarding the addition of the new locked rotor current equation, DOE notes that the definitions for IEC Design H and IEC Design N in 10 CFR 431.12 do not specify conformance to any locked rotor current specification, but rather specify the starting torque, locked rotor apparent power and starting requirement. The new equation specifies how to calculate the locked rotor current from the locked rotor apparent power. IEC 60034–12:2016 does not provide any minimum or maximum values for locked rotor current. DOE tentatively concludes that the new locked rotor current equation does not change the scope of IEC Design H and Design N definitions, as defined in 10 CFR 431.12.

Based on DOE's review of the updates to IEC 60034–12:2016, DOE tentatively concludes updating the IEC 60034–12 reference in the CFR to the 2016 version would not alter the measured efficiency of electric motors, and would not be unduly burdensome to conduct. Therefore, DOE proposes to incorporate by reference the 2016 version of IEC 60034–12 and reference the most current test standards in use by industry. In addition, because IEC 60079–7:2015 is referenced within IEC 60034–12:2016 and is necessary for the test procedure, DOE also proposes incorporating by reference IEC 60079–7:2015.

DOE seeks comments on whether its assessment of the updates to IEC 60034–12:2016 is accurate and on its proposal to incorporate by reference the 2016 version of IEC 60034–12, including reference to IEC 60079–7:2015.

2. NFPA 20

DOE incorporates by reference section 9.5 of NFPA 20–2010 in the definition of ''fire pump electric motor.'' DOE defines fire pump electric motor as an electric motor, including any IEC-equivalent, that meets the requirements of section 9.5 of NFPA 20. 10 CFR 431.12.

On May 24, 2018, NFPA approved a 2019 edition of NFPA 20 (*i.e.,* NFPA 20–2019), which is the most recent version. Based on a review of NFPA 20–2019, DOE identified the following updates: (1) Addition of horsepower and locked rotor motor designations for three-phase NEMA Design B, 1–3 hp, 60 Hz, motors (Table 9.5.1.1(a)); (2) addition of horsepower and locked rotor current motor designations for single-phase NEMA Design N and L motors (Table 9.5.1.1(b)); (3) addition of horsepower and locked rotor current motor designations for three-phase NEMA Design B 50 Hz motors (Table 9.5.1.1(c)); (4) inclusion of a specification that single-phase motors are used only in across-the-line starting applications (section 9.5.1.1.1); (5) addition of a clause that IEC motors, where used, are to be listed for fire service (section 9.5.1.1.2); (6) further specifications for motors used with variable speed controllers (section 9.5.1.4); and (7) specification that the service factor used is to be marked on the motor but in no case is the factor to exceed 1.15 where the motor is used with a variable speed pressure limiting controller (section 9.5.2.2(2)).

The current energy conservation standard requirements for fire pump electric motors in Table 7 of Appendix B are for motors with horsepower ranging from 1 to 500 hp. NFPA 20–2010 accounted for NEMA Design B motors at rated horsepower between 5–500 hp. DOE notes that the addition of 1–3 hp motors in NFPA 20–2019 further aligns the NFPA 20 scope with the existing DOE fire pump electric motors scope.

As discussed in section III.A, DOE is proposing to expand scope of the DOE test procedure to include additional categories of motors, including SNEMs (*i.e.,* certain single-phase motors) and electric motors with synchronous technologies (*i.e.,* inverter-fed motor topologies). NFPA 20–2019 requirements regarding single-phase motors and motors used with variable speed controllers (as identified in Table 9.5.1.1(b); sections 9.5.1.1.1, 9.5.1.4 and 9.5.2.2(2) of NFPA 20–2019) could be applicable to the scope of the DOE test procedure proposed in this NOPR. In the May 2012 Final Rule, DOE referenced all of section 9.5 of NFPA 20–2010 in its definition of fire pump electric motor, including those sections that apply to motors that were not

[41] In addition, IEC 60034–12:2016 also includes new definitions for Design NE, NEY, HE and HEY and their corresponding starting requirements, as discussed further in section III.A.1.

[42] Produce at least one horsepower (0.746 kW) but not greater than 500 horsepower (373 kW).

subject to energy conservation standards. 77 FR 26608, 26618. Accordingly, DOE proposes to continue to reference all of section 9.5 of NFPA 20–2019 to align with the proposed expansion of scope.

As noted, the definition for fire pump electric motors in 10 CFR 431.12 includes any IEC-equivalent electric motors that meet the requirements of section 9.5 of NFPA 20. In the May 2012 Final Rule, DOE included IEC-equivalent electric motors within the definition because NFPA 20 did not explicitly recognize the use of IEC motors with fire pumps. 77 FR 26608, 26618. DOE notes that the addition of the IEC clause in NFPA 20–2019 aligns with the DOE definition for fire pump electric motors. In this NOPR, DOE proposes to maintain the specification within the fire pump electric motor definition that IEC-equivalent electric motors are included within the definition of fire pump electric motor.

Finally, the updated provisions regarding 50 Hz motors would not be applicable in the context of the test procedure as proposed, as DOE is proposing to limit the scope of the test procedure to electric motors with a rated frequency of 60 Hz (see section III.G.1 for further discussion on the definition for rated frequency).

Based on DOE's review of the updates to NFPA 20–2019, DOE proposes to incorporate by reference the 2019 version of NFPA 20 in order to reference the most current version of the industry standard. DOE has tentatively determined that referencing the most current version would not change the applicability of the definition of fire pump electric motor.

DOE seeks comments on whether its assessment of the updates to NFPA 20–2019 is accurate. In addition, DOE seeks comment on its proposal to reference section 9.5 of NFPA 20–2019, the most current test standard.

DOE seeks comment on whether the clause ''including any IEC-equivalent'' should be maintained in the fire pump electric motor definition, considering that section 9.5 of NFPA 20–2019 now includes this specification.

3. CSA C390

DOE incorporates by reference CSA C390–10 in 10 CFR 431.12; 431.19; and 431.20. 10 CFR 431.15(b)(1). CSA C390–10 was reaffirmed in 2019 (*i.e.,* no changes were adopted). Accordingly, DOE tentatively concludes that the proposed update to reference the reaffirmed version of CSA C390–10 would not impact the scope or substance of the DOE test procedure. Therefore, DOE proposes to incorporate by reference the 2019 reaffirmed version of CSA C390–10 (CSA C390–10 (R2019)) in order to reference the most current version of the industry standard.

4. NEMA MG1

DOE references certain sections of NEMA MG1–2009 in 10 CFR 431.12, 431.31, and appendix B. See 10 CFR 431.15(e)(1). DOE also references NEMA MG1–1967, Motors and Generators, (NEMA MG1–1967) in the definition of ''general purpose electric motor (subtype II).'' 10 CFR 431.12. This section of the NOPR provides a discussion of the updates to NEMA MG1 as applicable to appendix B only. See section III.D of the NOPR for discussion of the updates to NEMA MG1 as applicable to definitions in 10 CFR 431.12.

Efficiency and losses of electric motors are determined, in part, in accordance with NEMA MG1–2009, paragraph 12.58.1, ''Determination of Motor Efficiency and Losses.'' (Section 2 of Appendix B) Paragraph 12.58.1 of NEMA MG1–2009 specifies the use of IEEE 112–2004 and CSA C390–98 when measuring and determining the efficiency of an electric motor.[43]

Since publication of the January 2021 Final Rule, NEMA MG 1–2009 was updated to NEMA MG 1–2016 with 2018 Supplements.[44] NEMA MG 1–2016 with 2018 Supplements updates paragraph 12.58.1 to reference the most current versions IEEE 112 and CSA C390. NEMA MG1–2016 with 2018 Supplements does not specify a publication year when referencing industry test standards. Instead, it specifies that the latest revision or edition of the applicable publication should be referenced, which currently is IEEE 112–2017 and CSA C390–10 (R2019). The revised paragraph 12.58.1 also specifies IEC 60034–2–1 as an additional industry test standard for use when measuring and determining the efficiency of an electric motor. The latest revision of IEC 60034–2–1 is the 2014 version (*i.e.,* IEC 60034–2–1:2014).

DOE previously performed a side-by-side comparison of CSA C390–93 and CSA C390–98 and concluded that there were no substantive changes between these two versions that would affect the measurement and determination of efficiency of an electric motor. 73 FR 78220, 78229 (December 22, 2008). DOE also performed a comparison of CSA C390–93 and CSA C390–10 and similarly concluded that there were no substantive changes. 77 FR 26608, 26621 Therefore, DOE concludes that there are no substantive changes between CSA C390–98 and CSA C390–10 (R2019) that would affect the measurements and determination of the efficiency of an electric motor. Regarding the inclusion of the IEC 60034–2–1 in the revised paragraph 12.58.1 of NEMA MG1–2016 with 2018 Supplements, this modification aligns with the January 2021 Final Rule (see section III.B.2). Therefore, DOE proposes to incorporate by reference the 2016 version of NEMA MG1 to reference the most current test standards in use by industry. DOE has initially determined that this proposal would not affect the measurements and determination of the efficiency of an electric motor.

In addition, to ensure consistency in the versions of the referenced standards used when testing, DOE proposes to specify the publication year for each of the industry standards referenced by paragraph 12.58.1 of NEMA MG1–2016 with 2018 Supplements, as follows: IEEE 112–2017, CSA C390–10 (R2019), and IEC 60034–2–1:2014.

DOE seeks comments on whether its assessment of the updated paragraph 12.58.1 of NEMA MG1–2016 with 2018 Supplements is accurate. DOE also seeks comment on its proposal to incorporate IEEE 112–2017, CSA C390–10 (R2019), and IEC 60034–2–1:2014, and on its preliminary determination that updating these references to the latest version of each standard would not affect the measured efficiency of an electric motor currently subject to energy conservation standards at 10 CFR 431.25.

D. Industry Standards To Incorporate By Reference

This section discusses industry test standards that DOE proposes to incorporate by reference for testing the additional electric motors proposed for inclusion in the scope of the DOE test procedure.

As discussed in section I.A, EPCA provides for the establishment of a test procedure for covered equipment. (42 U.S.C. 6314(a)) The test procedure must be reasonably designed to produce results reflecting the energy efficiency, energy use, and estimated operating costs of the covered equipment during a representative average use cycle, and not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) Also as discussed,

[43] The version of CSA C390 (1998) was the most current at the time of publication of NEMA MG1–2009. This version is now obsolete and has been replaced by CSA C390–10 (R2019).

[44] NEMA MG1–2016 also includes 2018 updates published on March 22, 2019.These 2018 updates modified Part 7, paragraphs 12.35, 12.50, 12.59 and 12.60 of Part 12, Part 30, and Part 31 of NEMA MG1–2016 and did not include any edits to paragraph 12.58.1 of NEMA MG1–2016. See *https://www.nema.org/standards/view/motors-and-generators.*

EPCA provides that at least once every seven years DOE must conduct an evaluation of each class of covered equipment and determine whether amended test procedures would more accurately or fully comply with the requirements regarding representativeness and burden. (42 U.S.C. 6314(a)(1)(A)) In the following paragraphs, DOE evaluates certain industry test procedures for incorporation into the DOE test procedure for electric motors to provide for the testing of certain categories of electric motors not currently subject to the DOE test procedure.

In addition, EPCA includes specific test procedure-related requirements for electric motors subject to energy conservation standards under 42 U.S.C. 6313. The provisions in EPCA require that electric motors be tested in accordance with the test procedures specified in NEMA Standards Publication MG1–1987 and IEEE Standard 112 Test Method B for motor efficiency, as in effect on October 24, 1992 (See 42 U.S.C. 6314(a)(5)) As discussed in section III.C and III.C.4. both publications have been replaced with the more recent version IEEE 112–2017 and NEMA MG1–2016 with 2018 Supplements. The additional electric motors DOE proposes to add in the scope of the DOE test procedure are not included in the electric motors to which standards are currently applicable under section 6313. DOE notes that the industry test procedures proposed for air-over electric motors and for SNEMs are included in NEMA MG1–2016 with 2018 Supplements. *See* Section IV, Part 34: Air-Over Motor Efficiency Test Method and Section 12.30. Section 12.30 of NEMA MG1–2016 with 2018 Supplements specifies the use of IEEE 112 and IEEE 114 for all single-phase and polyphase motors.[45] As further discussed in section III.D.2, DOE is proposing to require testing of SNEMs other than inverter-only electric motors according to IEEE 112–2017 (or CSA C390–10 (R2019) or IEC 60034–2–1:2014, which are equivalent to IEEE 112–2017) and IEEE 114–2010 (or CSA C747–09 (R2019) or IEC 60034–2–1:2014, which are equivalent to IEEE 114–2010). This proposal would satisfy the test procedure requirements under 42 U.S.C. 6314(a)(5).

The methods listed in section 12.30 of NEMA MG–1 2016 with 2018 Supplements for testing AC motors are applicable only to AC induction motors that can be operated directly connected to the power supply (direct-on-line) and do not apply to electric motors that are inverter-only or to synchronous electric motors that are not AC induction motors. Therefore, for these additional electric motor types, DOE proposes to specify the use of different industry test procedures, as further discussed in section III.D.3.

1. Test Procedures for Air-Over Electric Motors

DOE proposes to include within the scope of the test procedure electric motors that are air-over electric motors (see section III.A.3) and establish test procedures for such motors. In support of the December 2013 Final Rule, DOE investigated possible methods to test air-over electric motors. 78 FR 75962, 75975. At the time, DOE determined that it did not have sufficient information to address the practical challenges associated with testing air-over electric motors, such as providing the tested unit with a standardized flow of cooling air at a specified constant velocity, defined ambient temperature, and barometric conditions. *Id.* Accordingly, DOE did not establish test methods for air-over electric motors. *Id.*

As described, the NEMA Air-over Motor Efficiency Test Method was published after publication of the December 2013 Final Rule, and was ANSI approved on June 1, 2018. The NEMA Air-over Motor Efficiency Test Method provides three alternative testing protocols for measuring the efficiency of single-phase and polyphase air-over electric motors and describes these three testing methods as equivalent. Each alternative test protocol specifies a rated load temperature test (*i.e.,* ''load test'') to be conducted before performing the efficiency test according to the applicable industry test standard (*i.e.,* IEEE 114, IEEE 112, CSA C390, CSA C747, or IEC 60034–2–1, depending on the motor phase and rated motor horsepower).[46] The specified load test is performed in place of the rated load temperature test portion of the industry test standard for non-air-over motors.

For electric motors generally, because of the effects of temperature on measured efficiency, the efficiency measurements are performed once the tested motor's windings are thermally stable.[47] This requires an initial rated load temperature test (''heat-run test'' or ''temperature test'') to be conducted in order for the motor winding to reach thermal stability.[48] For air-over electric motors, which require the use of an external fan for cooling, a modified temperature test as described in the NEMA Air-over Motor Efficiency Test Method (*e.g.,* the use of an external fan or other means of controlling the motor's winding temperature) is needed because air-over electric motors could otherwise overheat during the rated load temperature test, and the winding temperature would not achieve thermal stability.

The first alternative test method (see Section 34.3 of NEMA MG1–2016 with 2018 Supplements) specifies that the temperature test must be conducted by thermally stabilizing the motor at the rated full-load conditions using an external airflow according to the end user specifications in terms of air-velocity ratings in feet per minute. Once the motor winding temperature is stable (*i.e.,* the motor temperature does not change by more than 1 °C over 30 min), the efficiency test is conducted according to the applicable test method (*i.e.,* IEEE 114, IEEE 112, CSA C390, CSA C747, or IEC 600034–2–1, depending on the motor phase and horsepower) while maintaining the same airflow.

In the second alternative test method (see Section 34.4 of NEMA MG1–2016 with 2018 Supplements), the temperature test is also conducted with the use of an external blower. However, the amount of air flow is not specified. Instead, the amount of ventilation required during the temperature test must be such that the motor winding temperature reaches a target temperature, therefore removing the need to measure the airflow. Because the motor winding temperature is inversely correlated to efficiency, a target winding temperature range is specified to enable relative comparability of efficiency for air-over motors and to reflect the field operating conditions for air-over motor. The target temperature is established based on the motor's insulation class for polyphase motors (*i.e.,* between 75 °C and 130 °C, depending on the motor's insulation

[45] As previously mentioned, NEMA MG1–2016 with 2018 Supplements does not specify the publication year of the referenced test standards and instead specifies that the most recent version should be used.

[46] As previously mentioned, NEMA MG1–2016 with 2018 Supplements does not specify the publication year of the referenced test standards and instead specifies that the most recent version should be used.

[47] Temperature correlates inversely with efficiency; *i.e.,* a motor will demonstrate more efficient performance at a lower temperature compared to a higher temperature.

[48] A rated load temperature test is a test during which the motor is loaded at rated full load by means of a dynamometer until it is thermally stable. Thermal stability is defined as the condition where the motor temperature does not change by more than 1 °C over 30 min (See Section 5.9.45 of IEEE 112–2017, Section 3.1. of CSA C390–10; Section 10.3.1.3 of IEEE 114–2010; Section 3 of CSA C747–09 (R2019); and Section 6.1.3.2.1 of IEC 60034–2–1).

class),[49] and equal to 75 °C for single-phase motors. The second alternative method specifies iterative steps to adjust the airflow and achieve a stable motor winding temperature within 10 °C of the target temperature. Once the target temperature is reached at the rated load, a load test according to the applicable test method is conducted to measure the motor's efficiency (*i.e.,* IEEE 114, IEEE 112, CSA C390, CSA C747, or IEC 600034–2–1, depending on the motor phase and horsepower) while applying the same amount of airflow as in the temperature test. At the start of the load test, the average winding temperature must be within 10 °C of the target temperature. During the load test, there are no requirements to maintain the winding temperature within 10 °C of the target temperature; however, the same amount of airflow must be applied as in the temperature test.

In the third alternative test method (see Section 34.5 of NEMA MG1–2016 with 2018 Supplements), the temperature test is performed without the use of an external blower, and without loading the motor at its rated load. Instead, the motor is gradually loaded until the motor winding temperature reaches the required target temperature. As in the previous method, for polyphase motors, the target temperature is determined based on the motor's insulation class, while the target temperature of single-phase motors is set at 75 °C. The third alternative test method specifies iterative steps to achieve a stable motor winding temperature within 10 °C of the target temperature. Once the motor winding temperature is stable, the motor efficiency is measured according to the applicable test method (*i.e.,* IEEE 114, IEEE 112, CSA C390, CSA C747, or IEC 600034–2–1, depending on the motor phase and horsepower). During the load test, there are no requirements to maintain the winding temperature within 10 °C of the target temperature; and as the test is conducted without a blower, there are no specifications regarding airflow.

In the July 2017 RFI, DOE discussed its review of section 8.2.1 of IEEE 114–2010 (applicable to single-phase motors) and section 5 of CSA C747–09 (applicable to single-phase motors and polyphase motors below 1 hp), which include provisions for testing air-over motors. 82 FR 35468, 35475. Similar to the NEMA Air-over Motor Efficiency Test Method, both test standards require test measurements to be performed with sufficient ventilation to maintain a motor winding temperature within 70 °C–80 °C, therefore removing the need to measure airflow by specifying a temperature range for the motor's winding instead.

In the July 2017 RFI, DOE requested feedback on the various methods for testing air-over motors. *Id.* Specifically, DOE requested comment on whether a single target temperature should be used for polyphase motors in order to allow relative comparability of polyphase air-over motor efficiency across insulation classes. *Id.*

In response to the July 2017 RFI, the CA IOUs, NEEA, NWPCC, and Efficiency Advocates recommended that DOE consider the NEMA Air-over Motor Efficiency Test method as the basis for the DOE test procedure. (CA IOUs, No. 3 at p. 8–10; NEEA and NWPCC, No. 6 at p. 4; Efficiency Advocates, No. 5 at p. 3)

Advanced Energy commented that based on its testing experience, the use of external blower with a specified target temperature (as specified in CSA 747–09, IEEE 114–2010, and in Section 34.4 of NEMA MG1–2016 with 2018 Supplements) was a reasonable approach to test air-over motors. Advanced Energy further recommended that a single target temperature or temperature range be applied for both polyphase and single-phase air-over motors, as specified in CSA 747–09 and IEEE 114–2010. For single-phase motors, Advanced Energy noted that this was consistent with the target temperature of 75 °C in Section 34.4 of NEMA MG1–2016 with 2018 Supplements. For polyphase motors, Advanced Energy commented that temperature specifications in CSA 747–09 and IEEE 114–2010 deviate from the provisions in Sections 34.4 and 34.5 of NEMA MG1–2016 with 2018 Supplements, which specify different target temperatures for polyphase motors depending on the motor's insulation class. Advanced Energy stated that the fact that a particular motor was designed with a higher temperature insulation class (*e.g.,* insulation class C, 115 °C) than a second motor (*e.g.,* insulation class A, 75 °C) does not necessarily mean that the first motor would operate or is designed to operate at a higher temperature than the second motor. Advanced Energy asserted that instead, it means that the first motor is capable of running at the higher temperature associated with its insulation class (*e.g.,* 115 °C). Advanced Energy cited previous research work[50] showing that the temperature rise of motors across all speeds and insulation classes and across manufacturers varied without regard to the motor insulation class. Advanced Energy asserted that specifying different temperatures based on insulation class is unnecessary. (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at pp. 10–11) With regards to the provisions in Section 34.3 of NEMA MG1–2016 with 2018 Supplements, Advanced Energy commented that testing air-over motors per customer air velocity specification should only be used by a manufacturer to provide information to a specific customer. (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at p. 11)

DOE is not proposing to adopt the first alternative test method in Section 34.3 of NEMA MG1–2016 with 2018 Supplements. Not all customers use the same air velocity specifications, and customer requirements could vary for the same air-over motor. Testing with an external airflow according to the customer, as specified in the first alternative test method, could result in testing the same motor at different winding temperature during the test, which would impact the measurement of efficiency. Therefore, results from applying the first test method according to Section 34.3 of NEMA MG1–2016 with 2018 Supplements would not ensure relative comparability of efficiency for air-over electric motors.

DOE conducted a series of efficiency tests to compare the second and third alternate test methods (*i.e.,* Section 34.4 and 34.5 of NEMA MG1–2016 with 2018 Supplements). The NEMA Air-over Motor Efficiency Test method states that these two test procedures are equivalent and can be used interchangeably. DOE conducted testing to evaluate specifically whether these two methods provide equivalent results for air-over electric motors. DOE also investigated the repeatability of both test methods. DOE focused its review on the NEMA Air-over Motor Efficiency Test method, as it reflects the latest industry practice and because it provides methods applicable to all air-over motors proposed in scope.[51] DOE's test sample

[49] Insulation class is a letter designation (*i.e.,* A, B, F, and H), which has an associated temperature rise indicating the temperature range that the motor can withstand without failure (*i.e.,* 75, 95, 115, and 130 °C. respectively), and is commonly displayed in manufacturer literature and on motor nameplates.

[50] E.B. Agamloh ''A guide for the ranking and selection of induction motors,'' IEEE Pulp and Paper Conference, Atlanta, GA June 22–26, 2014.

[51] DOE also reviewed section 8.2.1 of IEEE 114–2010 (applicable to single-phase motors) and section 5 of CSA C747–09 (R2019) (applicable to single-phase motors and polyphase motors below 1 hp), which include provisions for testing air-over motors. Similar to the NEMA Air-over Motor Efficiency Test Method, both test standards require test measurements to be performed with sufficient ventilation to maintain a motor winding

included seven air-over motor models, which spanned a range of 0.25 to 20 hp and represented both single-phase and polyphase motors.

Table III.10 shows the difference in measured losses between the Section 34.4 and 34.5 of NEMA MG1–2016 with 2018 Supplements test methods (''Section 34.4 and 34.5''). Table III.11 shows the corresponding efficiency values resulting from the measured losses presented in Table III.10. DOE observed the percent difference in losses between Section 34.5 and 34.4 range from −0.4 (on the lower end) to +10.9 (on the higher end). For the units at the higher end of the percent difference (units 1, 4 and 6), DOE notes that these three units spanned a wide range of hp ratings, and included both single-phase and polyphase motor types, indicating no clear or consistent trend that could be used to define criteria by which the two methods would produce equivalent results. DOE tentatively concludes that these two test methods do not produce equivalent test results in all cases.

TABLE III.10—DIFFERENCE IN MEASURED LOSSES BETWEEN SECTION 34.4 AND 34.5 TEST METHODS

Unit No.	HP	Phase	Section 34.4 measured losses (W)	Section 34.5 measured losses (W)	Percent difference section 34.5 vs. 34.4
1	.25	1	412.8	385.7	+6.6
2	.5	1	250.6	253.3	−1.1
3	.75	3	180.7	180.0	+0.4
4	1	1	252.6	244.5	+3.2
5	10	3	984.1	988.0	−0.4
6	14	3	1,479.6	1,318.5	+10.9
7	20	3	1,283.5	1,293.0	−0.7

TABLE III.11—DIFFERENCE IN MEASURED EFFICIENCY BETWEEN SECTION 34.4 AND 34.5 TEST METHODS

Unit No.	HP	Phase	Section 34.4 tested efficiency (%)	Section 34.5 tested efficiency (%)
1	.25	1	31.1	32.6
2	.5	1	59.8	59.5
3	.75	3	75.6	75.7
4	1	1	74.7	75.3
5	10	3	88.3	88.3
6	14	3	87.6	88.8
7	20	3	92.1	92.0

Therefore, to determine which of the two test methods (Section 34.4 or 34.5) to propose for air-over electric motors, DOE tested a subset of the motors to evaluate the repeatability of each test methods. For this evaluation, DOE tested four models from its test sample that represented a range of motor output and phases. For each model, DOE performed a second replication of each test and compared the results to the first test (*i.e.,* the results presented in Table III.10 and Table III.11). Table III.12 shows the measured losses for both replications of the Sections 34.4 and 34.5 test methods. Table III.13 shows the corresponding efficiency values resulting from the measured losses presented in Table III.12.

The test results indicate that for three units (Units 1, 3, and 6), the Section 34.5 test method showed greater variation between subsequent tests compared to the Section 34.4 test method. However, for one unit, the Section 34.4 test method showed greater variation than the Section 34.5 test method. Based on these results, DOE tentatively concludes that Section 34.4 may provide more repeatability than Section 34.5 for air-over motors.

TABLE III.12—REPEATABILITY OF MEASURED LOSSES FOR SECTION 34.4 AND 34.5 TEST METHODS

Unit No.	Section 34.4—Measured Losses (W)			Section 34.5—Measured Losses (W)		
	Test 1	Test 2	% Difference	Test 1	Test 2	% Difference
1	412.8	410.3	−0.62	385.7	379.0	−1.75
3	180.7	184.3	+2.02	180.0	192.7	+7.04
4	252.6	238.4	−5.64	244.5	239.5	−1.75
6	1,479.6	1,519.5	+2.70	1318.5	1,399.4	+6.14

temperature within 70 °C–80 °C, therefore removing the need to measure airflow by specifying a temperature range for the motor's winding instead.

TABLE III.13—REPEATABILITY OF MEASURED EFFICIENCY FOR SECTION 34.4 AND 34.5 TEST METHODS

Unit No.	Section 34.4—Measured Efficiency (%)		Section 34.5—Measured Efficiency (%)	
	Test 1	Test 2	Test 1	Test 2
1	31.1	31.2	32.6	33.0
3	75.6	75.2	75.7	74.4
4	74.7	75.8	75.3	75.7
6	87.6	87.3	88.8	88.2

Based on these test results, and without further information to support considering these methods as equivalent, DOE is not proposing use of the methods in Sections 34.4 and 34.5 as equivalent alternatives for testing air-over electric motors. Instead, DOE proposes to apply the testing instructions as established in Section 34.4 to the air-over electric motors proposed for inclusion in scope of applicability of the proposed test procedure, with the modification of target temperature as discussed in the following paragraph. DOE notes that the use of an external fan to cool the motor during the load test is consistent with CSA C747–09 (R2019) Section 5.5 that states ''Air-over motors shall be supplied with sufficient ventilation during the test to maintain a winding temperature at full load below the rated temperature of the winding insulation.''

Section 34.4 specifies that polyphase air-over electric motors use a target temperature that depends on the motor's insulation class. This temperature target is then used as the temperature that the load test is conducted at. In contrast, for all single-phase motors, the target temperature is specified at 75 °C, regardless of insulation class. Measured efficiency is inversely correlated to temperature, so conducting testing at different temperatures may result in measured efficiency values that are not comparable across insulation classes. DOE conducted testing to understand how much the temperature target could affect measured efficiency for both Sections 34.4 and 34.5. The first test was conducted with the insulation-based target temperature as prescribed in Sections 34.4 and 34.5; and the second test was conducted with a 75 °C target temperature, regardless of insulation class.

Table III.14 shows the measured losses and the percent change in measured losses due to the different temperature targets. Table III.15 shows the corresponding efficiencies measured by these tests.

TABLE III.14—MEASURED LOSSES OF DIFFERENT TARGET TEMPERATURES FOR SECTION 34.4 AND SECTION 34.5

Unit No.	Insulation-based target temp. (°C)	Section 34.4			Section 34.5		
		Measured losses at insulation-based temp. (W)	Measured losses at 75 °C (W)	Percent difference in measured losses (%)	Measured losses at insulation-based temp. (W)	Measured losses at 75 °C (W)	Percent difference in measured losses (%)
3	95	184.3	184.2	−0.07	192.7	187.8	−2.56
6	115	1,519.5	1,389.1	−8.58	1399.4	1342.5	−4.07

TABLE III.15—MEASURED EFFICIENCY AT DIFFERENT TARGET TEMPERATURES FOR SECTION 34.4 AND SECTION 34.5

Unit No.	Insulation-based target temp. (°C)	Section 34.4		Section 34.5	
		Measured efficiency at 75 °C (%)	Measured efficiency at insulation-based temp. (%)	Measured efficiency at insulation-based temp. (%)	Measured efficiency at 75 °C (%)
3	95 °C	75.2	75.2	74.4	74.9
6	115 °C	87.3	88.3	88.2	88.6

In the Section 34.4 test, Unit 3 demonstrated results that could be considered equivalent at both temperatures, whereas Unit 6 showed a significant difference in measured losses between the two temperatures. These test results demonstrate that for some units, both Sections 34.4 and 34.5 test methods produce different measurements of efficiency at different test temperatures. As such, DOE tentatively concludes that defining a single test temperature, rather than using a target temperature that depends on the motor's insulation class, would produce measured efficiency values that are more comparable across insulation classes.

DOE is proposing to specify a single target temperature of 75 °C for all air-over electric motors (*i.e.,* polyphase and single-phase electric motors). The value of 75 °C was chosen for polyphase electric motors to be consistent with the temperature defined for single-phase electric motor, and because 75 °C corresponds to the target temperature defined for the lowest insulation class (*i.e.,* class A) of polyphase motors and can be safely achieved by all motor insulation classes without risk of damaging the motor.

DOE requests comment on its proposal to specify using Section 34.4, with modification, for measuring the efficiency of air-over electric motors.

DOE requests feedback on the proposal to specify a single target temperature 75 °C for polyphase motors.

DOE requests comment on its conclusion that Section 34.4 is less repeatable than Section 34.5.

DOE requests comment on its conclusion that measured efficiency correlates inversely with the temperature the motor is tested at.

DOE requests feedback and supporting data on the repeatability and level of accuracy of the methods included Section 34.4 and 34.5, and on whether these or other methods would lead to equivalent results when applied to the same motor.

DOE requests comment on whether some air-over electric motors could thermally stabilize at a temperature that is lower than the proposed target temperature of 75 °C. If yes, DOE requests comment on how these should be tested.

DOE requests comment on whether the proposed test procedure is applicable to all air-over electric motors in scope. If not, DOE is requesting information and feedback on which air-over electric motors cannot be tested in accordance with the proposed test procedure and on any revisions needed.

2. Test Procedures for SNEMs

As previously discussed, DOE proposes to include within the scope of DOE's test procedure for electric motors additional electric motors considered small by the industry (*i.e.,* SNEMs, see Section III.A.6). This section discusses proposed test procedures for additional SNEMs proposed in scope that are induction motors and that are not inverter-only electric motors, air-over motors, or submersible motors. Proposed test procedures for non-induction motor topologies (*i.e.,* synchronous electric motors) are discussed in section III.D.3 of this document. Proposed test procedures for SNEMs proposed to be included in scope that are inverter-only electric motors are discussed in section III.D.3 of this document. Proposed test procedures for SNEMs proposed to be included in scope that are air-over electric motors and submersible motors are discussed in section III.D.1 and section III.I respectively.

In the July 2017 RFI, DOE identified several industry test procedures applicable to small motors. 82 FR 35468, 35475–35476. The CA IOUs, NEEA and NWPCC commented that DOE should consider the test procedures identified by DOE in the July 2017 RFI. (CA IOUs, No. 3 at p. 6; NEEA and NWPCC, No. 6 at p. 5–6)

DOE is proposing to require testing of SNEMs (other than inverter-only, air-over, and submersible electric motors) according to the industry test methods identified in the July 2017 RFI. DOE has initially determined that polyphase motors at or above 1 hp can be tested with the same methods as would be applicable under this proposal to electric motors currently subject to the DOE test procedure (*i.e.,* IEEE 112–2017, CSA C390–10 (R2019), and IEC 60034–2–1:2014). See section 2 of appendix B. The referenced industry standards applicable to electric motors, IEEE 112–2017, CSA C390–10, and IEC 60034–2–1:2014, are also consistent with those referenced for small electric motors that are for polyphase motors greater than 1 hp. 10 CFR 431.444(b). For SNEMs that are polyphase motors with a horsepower less than 1 hp and for SNEMs that are single-phase motors, DOE has initially determined that, consistent with the DOE test method established for regulated small electric motors (which also include polyphase motors with rated motor horsepower less than 1 hp and single-phase motors), IEEE 114–2010, CSA C747–09 (R2019) and IEC 60034–2–1:2014 are appropriate test procedures. Additionally, DOE notes that Paragraph 12.58.1 of NEMA MG1–2016 with 2018 Supplements also lists IEEE 114 or CSA C747 as the selected industry standards for measuring and determining the efficiency of polyphase motors below with a horsepower less than 1 hp and single-phase motors.

DOE has initially determined that applying the proposed industry test procedures would result in representative results because the SNEMs proposed in scope are identical in design as currently regulated electric motors and small electric motors and can be used in the same applications. In addition, the proposed industry test methods reflect current industry practice, and DOE has tentatively determined that applying these test methods would not results in undue manufacturer burden.

DOE proposes to test these additional polyphase electric motors with a horsepower greater than or equal to 1 hp, that are not inverter-only electric motors, using the same methods as the ones proposed for currently regulated electric motors. For polyphase motors with a horsepower less than 1 hp and for single-phase motors, that are not inverter-only electric motors, consistent with the DOE test method established for regulated small electric motors, DOE proposes to incorporate by reference the same industry test methods as used when testing small electric motors of the same topologies and horsepower: IEEE 114–2010 and CSA C747–09 (R2019) (IEC 60034–2–1:2014 and IEEE 112–2017 are already incorporated by reference, see section III.C of this document). See Table III.16.

TABLE III.16—ADDITIONAL INDUSTRY TEST STANDARDS PROPOSED FOR INCORPORATION BY REFERENCE FOR SNEMS

Topology	Industry test standard incorporated by reference
Single-phase	IEEE 114–2010, CSA C747–09 (R2019), IEC 60034–2–1:2014.
Polyphase with rated horsepower less than 1 horsepower	IEEE 112–2017, CSA C747–09 (R2019), IEC 60034–2–1:2014.
Polyphase with rated horsepower equal to or greater than 1 horsepower.	IEEE 112–2017, CSA C390–10 (R2019), IEC 60034–2–1:2014.

DOE requests comment on the proposed test method for measuring the efficiency of additional SNEMs (not including inverter-only electric motors, air-over electric motors, or submersible electric motors).

3. Test Procedures for AC Induction Inverter-Only Electric Motors and Synchronous Electric Motors

This section discusses industry test methods applicable to AC inverter-only induction motors and to synchronous electric motors as described in Table III.8.

In the July 2017 RFI, DOE identified several industry test standards that may be applicable to synchronous electric motors. 82 FR 35468, 35476. These standards were IEC 60034–2–1:2014; CSA C747–09 (R2019); [52] IEEE 115–2009 ''IEEE Guide for Test Procedures for Synchronous Machines Part I—Acceptance and Performance Testing

[52] The July 2017 RFI referenced CSA C747–09 (R2014) which is equivalent to CSA C747–09 (R2019).

Part II—Test Procedures and Parameter Determination for Dynamic Analysis'' (''IEEE 115–2009''); and IEEE 1812–2014 ''IEEE Trial-Use Guide for Testing Permanent Magnet Machines'' (''IEEE 1812–2014''). *Id.* DOE requested comment on the applicability of these test procedures to synchronous motors, and specifically, on the applicability of IEEE 115–2009 to PMAC motors and SynRMs. *Id.*

Advanced Energy recommended using the input-output test method from CSA C747–09 to test synchronous electric motors. Advanced Energy commented that IEEE 115–2009 was applicable to larger size wound-field (*i.e.,* DC-excited) synchronous motors and not to permanent magnet motors, which are non-excited synchronous motors. Advanced Energy commented that IEEE 1812–2004 included provision for permanent magnet motors. (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at p. 12) Advanced Energy commented that for electric motors with integrated controls,[53] testing should be performed without any recourse to, or manipulation of, the embedded control circuitry (*i.e.,* inclusive of the motor and inverter). Advanced Energy stated that if DOE is considering an efficiency metric that captures the efficiency of the motor only, the test procedure for electric motors that are intended to operate with controls that are not integrated with the motor[54] should allow manufacturers to certify the efficiency of the motors with their designated inverters as recommended in the catalogs. Advanced Energy stated that although most off-the-shelf inverters are capable of operating these motors, the best performance may not be achieved if a one-size-fits-all inverter is used across all motors. Advanced Energy also stated that the impact of the choice of the inverter could be minimized. Advanced Energy commented that computing the motor efficiency separately from the inverter is fairly straightforward, for the case where these are supplied as two separate components. Advanced Energy stated that the direct input-output method could be used in this case, as would be expected with these categories of motors. Advanced Energy commented that if DOE is considering an efficiency metric inclusive of the inverter (*i.e.,* combined motor and inverter efficiency), then the issue of the drive that is applied becomes more important. (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at pp. 6–7)

NEMA recommended adding the CSA C838–2013 (R2018) ''Energy efficiency test methods for three-phase variable frequency drive systems'' (''CSA C838–2013'') industry test standard to the DOE test procedure for testing ''power drive systems'' (*i.e.,* the combination of a motor and inverter). (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at p. 2) NEMA also commented that electric motors with advanced motor technologies that are power drive systems should be tested per IEC 61800–9–2:2017 and commented in support of incorporating IEC 61800–9–2:2017 by reference. (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at pp. 1, 3, 8, 11) NEMA described IEC 61800–9–2:2017 as the only repeatable industry test standard for power drive systems. (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at pp. 13) Specifically, NEMA commented that while IEEE 115–2009 and IEEE 1812–2014 were acceptable design specification standards for synchronous electric motors, testing of PMAC motors and SynRMs should be performed based on IEC 61800–9–2:2017. NEMA further commented that the IEEE 1812–2014 standard was not finalized yet and was released for trial use. (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at p. 10) NEMA further commented that control and power conversion components are captured when conducting an energy efficiency test for power drive systems. (Docket No. EERE–2017–BT–TP–0047, NEMA, No. 24 at p. 7)

The CA IOUs recommended that DOE consider adopting appropriate test standards for motors using frequency converters, such as IEC 60034–2–3:2020, IEC 61800–9–2:2017, and other industry test standards applicable to AC and DC motors, such as IEC 60034–2–1:2014. (CA IOUs, No. 3 at pp. 2, 7–8)

Since the publication of the July 2017 RFI, DOE performed a review of the most recent standards available to test synchronous electric motors proposed for inclusion in scope of the DOE test procedure. Different industry test standards are applicable depending on whether the considered motor can operate directly connected to the power supply (*i.e.,* line-fed or direct-on-line such as LSPMs) or is operated connected to an inverter (*e.g.,* PMAC motor). DOE notes that the industry test standards for motors that operate connected to an inverter (*i.e.,* inverter-fed motors) are also applicable to inverter-only AC induction motors. Existing industry test standards for electric motors that operate with an inverter can be classified in two categories depending on the equipment tested: (1) Inverter-fed motors test standards, which consider the motor only (*i.e.,* the motor is tested while operating connected to an inverter, however the measured efficiency is the efficiency of the motor only and does not include the efficiency of the inverter); and (2) power drive systems (''PDS'' or ''PDSs'') test standards, which consider the motor and inverter combination (*i.e.,* motor is tested while operating connected to an inverter and the measured efficiency includes the motor and inverter efficiency). DOE notes that test procedures also exist for inverters only; specifically, ANSI ASHRAE 222–2018. However, DOE did not further investigate these standards, as the definition of electric motor does not cover an inverter as a single component.

DOE reviewed the industry test standards identified in the July 2017 RFI (*i.e.,* IEEE 115–2009, IEEE 1812–2014, CSA C747–09 (R2019), and IEC 60034–2–1:2014) as well as three additional industry test standards for electric motors that require an inverter to operate: IEC 60034–2–3:2020; IEC 61800–9–2:2017; and CSA C838–2013. DOE notes that some of these test standards are also applicable to AC induction inverter-only motors.

IEEE 115–2009 applies to wound-field (*i.e.,* DC-excited) synchronous motors and is not applicable to permanent magnet and reluctance synchronous motors, which are non-excited synchronous motors.[55] As commented by Advanced Energy, IEEE 115–2009 does not provide adequate instruction for all the synchronous electric motors discussed in section III.A.8, and therefore DOE did not further review IEEE 115–2009.

IEEE 1812–2014 applies to permanent magnet synchronous motors. However, as commented by NEMA, this standard is a trial-use standard and was effective only until December 2016. DOE did not further consider this standard for this test procedure.

CSA C747–09 (R2019) is equivalent to the 2009 version which is incorporated by reference as part of the small electric

[53] Integrated means that the drive and the motor are physically contained in a single unit.

[54] These would include inverter-capable electric motors with or without an inverter, and inverter-only electric motors with or without an inverter.

[55] Specifically, Section 4.1.1 of IEEE 115–2009 discusses the determination of field I^2R losses from field current and resistance, which is only applicable to wound-field synchronous motors. In wound-field synchronous motors, field poles are magnetized by direct current from an exciter, resulting in I^2R losses in the field windings. Additionally, section 1.3 of IEEE 1812 explains that it references IEEE 115–2009 for instructions that would be identical to wound-field synchronous motors, implying that IEEE 115–2009 is specifically for wound-field (*i.e.,* DC-excited) synchronous motors.

motors test procedure at 10 CFR 431.443 as a test method that may be used for testing single-phase small electric motors and polyphase small electric motors of less than or equal to 1 horsepower. Section 6 of CSA C747–09 (R2019) determines efficiency by measuring input power and output power, a method known as ''the direct measurement method'' or ''input-output'' method. CSA C747–09 (R2019) also specifies that this method is also applicable to certain inverter-fed motors and to certain synchronous electric motors proposed for inclusion in scope: section 1 specifies that the scope of CSA C747–09 (R2019) also applies to inverter-driven motors (also known as inverter-fed), ECMs, and to certain synchronous motors, namely reluctance (*i.e.,* SynRM and SR) and permanent magnet motors (PMAC, LSPM).[56] However, the scope of CSA C747–09 (R2019) is focused on motors of smaller size: section 1.2 states that the test standard is applicable to DC and polyphase AC motors with rated motor horsepower greater than or equal to 0.25 and less than 1 hp, and to single-phase motors with a rated motor horsepower greater than or equal to 0.25 hp. In addition, CSA C747–09 (R2019) does not provide test instructions regarding the selection of the inverter used for testing inverter-only motors that do not include an inverter (*i.e.,* electric motors that do not include an inverter and are unable to operate without an inverter), as are provided in IEC 60034–2–3:2020 (see description in the remainder of this section).

IEC 60034–2–1:2014 is incorporated by reference as part of the small electric motors test procedure at 10 CFR 431.443 and the electric motors test procedure at 10 CFR 431.15. IEC 60034–2–1:2014 includes methods for testing the efficiency of direct-on-line motors, including AC synchronous electric motors. The test methods [57] for AC synchronous electric motors are specified in Section 7, Tables 4 and 5 of IEC 60034–2–1:2014 and depend on the frame size and/or the rating of the motor under test. Methods also depend on whether the synchronous motors use electrical excitation or permanent magnets. For permanent magnet synchronous motors, the direct measurement input-output method is used. This is the same method specified in CSA C747–09 (R2019) for permanent magnet motors; however, IEC 60034–2–1 does not specify a limit on horsepower rating. For synchronous motors with electrical excitation, the test method depends on frame size and/or output power. For motors with a shaft height (distance from the center line of the shaft to the bottom of the feet) less than or equal to 180 mm (corresponding to NEMA frame sizes 284T and 286T), the input-output method is used, with additional test instructions to account for the exciter. For motors with a shaft height greater than 180 mm and with an output power less than or equal to 2 megawatts (equivalent to 2,682 hp), the loss segregation method is used, with additional test instructions to account for the exciter.[58] The third test method specified is for motors that are not in the proposed scope of applicability of this test procedure (*e.g.,* motors with an output power greater than 2 megawatts) and are therefore not relevant to this rulemaking.

IEC 60034–2–3:2020 specifies test methods for determining losses and efficiencies of inverter-fed motors. While the motor is operated with an inverter during the test, the measured efficiency is the efficiency of the motor only and does not include the efficiency of the inverter. Section 6.1 of IEC 60034–2–3:2020 describes four applicable methods for the determination of the efficiency of inverter-fed motors. In the first method, the motor can be tested with a specific inverter (*e.g.,* an inverter that is sold with the motor) or using an inverter as specified by the test procedure (*i.e.,* using a ''comparable converter'').[59] The motor is tested using the input-output method (*i.e.,* direct measurement of electrical input power to the motor and mechanical output power, in the form of torque and speed, from the motor) and calculates the efficiency as the ratio of these two values at different load points. In its introduction, IEC 60034–2–3:2020 states that the test method with the ''comparable converter'' is a standardized method intended to give comparable motor efficiency figures (excluding the inverter) at standardized test conditions, and that this method is not intended to determine the actual motor efficiency for operation with a specific inverter used in the final application. The second method relies on the indirect method (*i.e.,* summation of losses) [60] to determine the efficiency of the inverter-fed motor and is applicable only in combination with a specific inverter selected for the test. The other two methods include the description of an AEDM and of a calculation method for very large motors (above 2 megawatts). The AEDM provisions in section 6.1 of IEC 60034–2–3:2020 were not considered in this test procedure, as DOE establishes its own AEDM requirements; additionally, the calculation method for larger inverter-fed motors was not considered for this test procedure, as motors above 2 megawatts are not in the proposed scope of this test procedure. IEC 60034–2–3:2020 also specifies procedures to determine motor losses at any load point based on the determination of efficiency at seven standardized load points.[61] Although the measurements are made at seven points, the motor's performance is evaluated at a single point (90 percent rated speed and 100 percent rated torque) [62] for the purposes of comparing its performance with other motors and determining its ''IE efficiency class''.[63]

IEC 61800–9–2:2017 specifies test methods for determining losses of inverters (or complete drive module, ''CDM'') [64] and of motor and inverter combinations, (*i.e.,* PDSs).[65] The motor

[56] Section 4 of CSA C747–09 (R2019) includes additional instructions for motors that include an inverter and specifies that when a motor requires an inverter to operate on alternating current, the motor and inverter shall be tested together.

[57] In addition, IEC 60034–2–1:2014 includes other methods that may be used for customer-specific acceptance tests, field tests or routine tests which were not considered by DOE.

[58] In the loss segregation method, the input power of the motor is not directly measured. Instead, it is calculated as the sum of the motor output power and the losses of the motor. Under this approach, the losses of the motor are measured separately by category (*i.e.,* constant losses, stator losses, excitation losses, and load losses). The efficiency is calculated as the output power of the motor divided by the input power of the motor. See Section 7.1.3. of IEC 600034–2–1:2014.

[59] The comparable converter (inverter) represents a typical set-up. The purpose of the comparable inverter set-up is to establish comparable test conditions for motors that operate with inverters. The requirements of the comparable inverter are described in section 5.2.2. of IEC 60034–2–3:2020.

[60] Also known as ''segregation of losses'' method. In this method, the different components of the motor losses are determined separately and added to calculate the total motor losses and efficiency. The different loss components are iron loss (core losses); windage and friction losses; the stator and rotor copper losses; and additional load losses (stray losses).

[61] Seven speed/torque points at (90/100), (50/100), (25/100), (90/50), (50/50), (50/25), and (25/25) percent of motor rated speed/torque.

[62] Rated torque and rated speeds are the torque and speed values corresponding to the motor's rated load. See III.F.2.

[63] IEC TS 60034–30–2:2016 ''Rotating electrical machines—Part 30–2: Efficiency classes of variable speed AC motors (IE-code)'' establishes efficiency classes for converter-fed motors (IE classes from IE1 to IE5).

[64] IEC 61800–9–2:2017 defines a CDM, or drive, or drive controller as a '' drive module consisting of the electronic power converter connected between the electric supply and a motor as well as extension such as protection devices, transformers and auxiliaries.''

[65] IEC 60034–9–2:2017 also provides a mathematical model to determine the losses of a reference CDM, reference motor and reference PDS which are then used as the basis for comparing other CDMs, motors, and PDSs and establishing

Continued

is tested with its inverter (either integrated or non-integrated), and the measured losses includes the losses of the motor and of the inverter. Section 7.3 of IEC 61800–9–2:2017 describes two options for determining the losses of a PDS: the input-output method (direct measurement method) and the loss calculation method. In the loss calculation method, the losses of the PDS are established by adding the losses of the inverter, the motor, and the auxiliary equipment [66] included in the PDS (which are determined by calculation, input-output measurement, or by calorimetric measurement depending on the component considered). Section 7.2 of IEC 61800–9–2:2017 prescribes that the losses of the CDM can be determined using either calculations,[67] input-output measurement, or by calorimetric measurement.[68] IEC 61800–9–2:2017 does not provide standardized methods to determine the losses of the auxiliary equipment. Instead, Annex B (informative) provides a description of the possible sources of losses. IEC 61800–9–2:2017 also specifies procedures to determine PDS losses at any load point based on determination of losses at eight standardized load points.[69] Although the loss measurements are made at eight points, the PDS performance is evaluated at a single point (100 percent rated frequency and 100 percent rated torque) for the purposes of comparing its performance with other PDSs and determining its ''IE efficiency class''.[70]

CSA C838–13 (R2018) provides energy efficiency test methods for motors with three-phase variable frequency drive (*i.e.,* variable frequency drives that output polyphase power). CSA C838–13 (R2018) applies to certain inverters for AC squirrel cage induction motors and other inverters commonly used with PMAC motors and reluctance motors (SR motors and SynRM). The test method relies on the input-output method with options to determine the efficiency of the inverter, motor, or combination of both. The measurements are performed at twenty load points defined by a percentage of rated frequency and torque. [71]

After reviewing these industry testing standards and stakeholder comments, DOE proposes to require testing through reference to industry test standards as detailed in the remainder of this section. DOE proposes to require testing synchronous electric motors that are direct-on-line, or inverter-capable using the methods in section 7.1 of IEC 60034–2–1:2014 and requirements in section 5 of IEC 60034–2–1:2014. As noted previously, inverter-capable electric motors subject to current test procedures are currently required to be tested without the use of an inverter, and rely on the set-ups used when testing a general purpose electric motor. *See* 78 FR 75962, 75972. Similarly, DOE proposes to require inverter-capable synchronous electric motors to be tested without the use of an inverter. DOE notes that it identified LSPMs as the only synchronous electric motor that is inverter-capable. All other synchronous electric motors proposed for inclusion in scope require an inverter to operate (*i.e.,* inverter-only). DOE notes that the proposal to not include the inverter when testing inverter-capable motors is consistent with how the efficiency classification of inverter-capable motors is established in accordance with IEC 60034–30–1:2014.[72] DOE believes such a proposal provides representative measurements without imposing undue test burden on manufacturers.

DOE proposes to require testing inverter-only synchronous electric motors that include an inverter, and inverter-only AC induction motors that include an inverter, in accordance with section 7.7.2 of IEC 61800–9–2:2017, and using the test provisions specified in section 7.7.3.5 and testing conditions specified in section 7.10. DOE notes that this category includes electric motors with integrated inverters such as ECMs which cannot be physically separated from the inverter and cannot be tested without the inverter. Inverter-only electric motors sold with an inverter require the inverter to operate in the field. DOE has initially determined that the proposal to measure the combined motor and inverter efficiency provides representative measurements without imposing undue test burden on manufacturers, specifically in the case of a motor with an integrated inverter.

DOE proposes to test inverter-only synchronous electric motors that do not include an inverter, and AC induction inverter-only motors that do not include an inverter, in accordance with IEC 61800–9–2:2017 [73] and to specify that testing must be performed using an inverter as recommended in the manufacturer's catalogs or offered for sale with the electric motor. If more than one inverter is available in manufacturer's catalogs or offered for sale with the electric motor, DOE is considering requiring to test using the least efficient inverter. Requiring the measurement of the combined motor and inverter efficiency would provide representative measurements without imposing undue test burden on manufacturers, in that the proposed method would not require an inverter-only motor to be tested both with and without the inverter.

Table III.17 summarizes the additional industry test standards proposed for incorporation by reference for electric motors with advanced motor technologies and AC induction inverter-only motors.

efficiency classes (IES classes). PDS shall be classified as ''IES 0'' if its losses are more than 20% higher than the value specified for a reference PDS. See section 6.4 of IEC 61800–9–2:2017.

[66] For example: output filters and motor cables.

[67] The CDM loss calculation method relies on a mathematical model and does not require testing. (Section 7.5).

[68] The calorimetric determination method of the power losses is based on the calorimetric measurement of the dissipated power losses (*i.e.,* heat). Measurements must be made at thermal equilibrium, and the component to be measured must be thermally isolated to guarantee conduction of the dissipated power losses by the cooling medium (air or water).

[69] Eight frequency/torque producing current points for CDM defined as follows: (0/25), (0/50), (0/100), (50/25), (50/50), (50/100), (90/50), and (90/100); and eight speed/torque points for PDS defined as follows: (0/25), (0/50), (0/100), (50/25), (50/50), (50/100), (100/50), and (100/100) percent motor rated frequency and rated torque.

[70] IEC 61800–9–2:2017 establishes efficiency classes for PDSs (IES classes).

[71] Twenty frequency/torque points as follows: (100/100), (100/75), (100/50), (100/25), (100/10), (75/100), (75/75), (75/50), (75/25), (75/10), (50/100), (50/75), (50/50), (50/25), (50/10), (25/100), (25/75), (25/50), (25/25), and (25/10) percent motor rated frequency and rated torque.

[72] Although not noted in IEC 60034–30–1:2014, Section 4.1 of IEC TS 60034–30–2:2016 specifies that motors that are capable of both direct-on-line operation and can also be inverter-fed (such as LSPMs) must be rated in accordance with IEC 60034–30–1:2014, which specifies testing in accordance with IEC 60034–2–1:2014 (which excludes the inverter).

[73] Specifically, in accordance with section 7.7.2 of IEC 61800–9–2:2017, and using the test provisions specified in section 7.7.3.5 and testing conditions specified in section 7.10.

TABLE III.17—INDUSTRY TEST STANDARDS PROPOSED FOR INCORPORATION BY REFERENCE FOR SYNCHRONOUS ELECTRIC MOTORS AND AC INDUCTION INVERTER-ONLY MOTORS

Motor configuration	Equipment tested	Industry test standard incorporated by reference
Direct-on-line or inverter-capable	Motor	IEC 60034–2–1:2014.
Inverter-only	Motor + Inverter	IEC 61800–9–2:2017.

For inverter-only synchronous electric motors that do not include an inverter and AC induction inverter-only motors that do not include an inverter, DOE is also considering in the alternate whether such electric motors should be tested using the method in section 6.2 of IEC 60034–2–3:2020, with a ''comparable inverter'' in accordance with section 5 of IEC 60034–2–3:2020. However, with this approach, an inverter-only motor would be subject to different test procedures depending on whether it was sold with or without an inverter. Inverter-only electric motor sold with an inverter would be tested with the accompanying inverter in accordance with IEC 61800–9–2:2017 as a motor and inverter combination (*i.e.,* the measured efficiency would include the efficiency of the motor and inverter); whereas inverter-only electric motors sold without an inverter would be tested using a ''comparable inverter,'' and the efficiency of only the motor would be determined under IEC 60034–2–3:2020. As inverter only motors require an inverter to operate, measurement of the motor efficiency independent of the inverter would not be as representative of performance in the field as measurement of the combined motor and inverter efficiency. As indicated by Advanced Energy, inverter-only electric motors that do not include an inverter could be tested with a ''representative'' inverter, with the measured energy efficiency representing the efficiency of the electric motor combined with an inverter specified for use in testing. Such an approach would require adding provisions specifying which inverter characteristics to use for the test. As proposed inverter-only motors that do not include an inverter would be tested with an inverter as recommended in the manufacturer's catalogs or offered for sale with the electric motor. DOE notes that CSA C838–13 and CSA C747–09 (R2019) also provide methods that could be used to test inverter-fed motors that include an inverter and for direct-on-line synchronous electric motors. DOE is proposing to specify the IEC methods instead, which are used internationally. DOE also notes that, as mentioned previously, CSA C747–09 (R2019) does not cover DC and polyphase motors with a horsepower greater than 1hp.

DOE requests feedback on the proposed test methods for synchronous electric motors and AC induction inverter-only electric motors. Specifically, DOE requests feedback on the proposal to test direct-on-line synchronous motors and inverter-capable electric motors in accordance with IEC 60034–2–1:2014. In addition, DOE requests feedback on the proposal to test inverter-only electric motors in accordance with IEC 61800–9–2:2017 and specifying, for inverter-only motors that do not include an inverter, that testing must be conducted using an inverter as recommended in the manufacturer's catalogs or offered for sale with the electric motor.

DOE requests feedback how inverter-only electric motors sold with or without an inverter are typically tested (*i.e.,* inclusive of the inverter or not, and on whether the test measurements include the inverter). DOE requests feedback and supporting information on whether there would be any benefits to considering a test method that measures the combined efficiency of the motor and inverter for inverter-capable electric motors (with and without inverters).

For inverter-only electric motors without inverters, DOE requests comment on the proposal to conduct the test using an inverter as recommended in the manufacturer's catalogs or offered for sale with the electric motor to determine a combined motor and inverter efficiency. DOE also requests feedback on which inverter should be selected for testing in the case where more than one inverter is recommended in the manufacturer's catalogs or offered for sale with the electric motor. To the extent other approaches should be considered, DOE requests feedback and supporting information.

For inverter-only electric motors sold without inverters, DOE requests comment on whether these motors should be tested using the method in section 6.2 of IEC 60034–2–3:2020, with a ''comparable inverter'' in accordance with section 5 of IEC 60034–2–3:2020.

E. Metric

The represented value of nominal full-load efficiency is used to make representations of efficiency for electric motors currently subject to standards in subpart B of part 431 and are based on the full-load efficiency metric as measured in accordance with the provisions at 10 CFR 431.17.

The CA IOUs, the Efficiency Advocates, and NEEA and NWPCC commented that the electric motors test procedure should be modified to include efficiency or input power at multiple load points in order to be more representative of typical motor operation and capture the energy-saving benefits of speed control. (CA IOUs, No. 3 at p. 8; Efficiency Advocates, No. 5 at p. 4; NEEA and NWPCC, No. 6 at pp. 4–5)

Specifically, the Efficiency Advocates suggested using the average of the efficiency at 25 percent, 50 percent, 75 percent, and 100 percent of full load as the metric for electric motors. (Efficiency Advocates, No. 5 at p. 4) The CA IOUs referenced the European Commission Regulation (''EU'') 2019/1781 of October 1, 2019 specifying requirements for electric motors and variable speed drives [74] and stated that the EU standard relied on rated efficiency measured at the 50, 75 and 100 percent of full load. (CA IOUs, No. 3 at p. 8)

NEEA and NWPCC recommended a metric based on input power at a variety of load points and incorporating information on representative load profiles for motors (*i.e.,* load point and percentage of time spent at that load point). NEEA and NWPCC further stated that the IEC 60034–2–3:2020 ''Specific test methods for determining losses and efficiency of converter-fed AC induction motors'' test standard applies to converter-fed motors and accounts for 7 standardized test points. (NEEA and NWPCC, No. 6 at p. 4–5)

The CA IOUs commented that DOE should consider motors that are single speed and motors that are variable speed separately, similar to the approach taken by the IEC test standards (*i.e.,* IEC 60034–2–1:2014, IEC 60034–2–3:2020, IEC 61800–9–2:2017) and associated efficiency classification standards (IEC 60034–30–1:2014; IEC

[74] See *https://eur-lex.europa.eu/eli/reg/2019/1781/oj.*

TS 60034–30–2:2016 ; and IEC 61800–9–2:2017) The CA IOUs stated that this approach is similar to how the pump energy conservation standards sets separate requirements for constant load pumps and variable-load pumps at 10 CFR part 431, subpart Y. (CA IOUs, No. 3 at p. 7–8)

The Joint Advocates commented that the test procedures should account for efficiency at multiple load points and the benefits of variable speed control. (Docket No. EERE–2017–BT–TP–0047; Joint Advocates, No. 27 at p. 3)

As discussed, EPCA requires the test procedures for electric motors that are subject to standards be the test procedures specified in NEMA Standards Publication MG1–1987 and IEEE Standard 112 Test Method B for motor efficiency, or the successor standards, unless DOE determined by rule, published in the **Federal Register** and supported by clear and convincing evidence, that to do so would not meet the statutory requirements for test procedures to produce results that are representative of an average use cycle and not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(5)(A) and (B)).

Regarding the IEC test standards and efficiency classification, DOE notes that although the IEC test standards include testing at standardized part-load points, the IEC efficiency classification standards are based on the performance at full load (or close to full load, as noted in the remainder of this section). Specifically, for direct-on-line and inverter-capable motors, although the IEC 60034–2–1:2014 test standards for direct-on-line motors includes testing at part load (see discussion in section 6.1.3.2.3), IEC 60034–30–1:2014 establishes efficiency classes (*e.g.,* IE3) for direct-on-line motors based on the motor full load efficiency. For inverter-only motors (motor only), although the IEC 60034–2–3:2020 test standard includes seven standardized test points, the IEC efficiency classification is based on the performance at a unique point close to full load (*i.e.,* 90 percent rated speed and 100 percent rated torque).[75] See section 4.2 of IEC 60034–30–2:2016. For motor and inverter combination, although the IEC 61800–9–2:2017 test standard includes eight standardized test points, the IEC efficiency classification is based on the performance at a unique point at full load (100 percent rated speed and 100 percent rated torque). See section 6 of IEC 61800–9–2.

DOE reviewed the European Commission Regulation (EU) 2019/1781, which sets efficiency requirements expressed in terms of International Energy efficiency class (''IE'').[76] Section 2 of Annex I of EU 2019/1781 describes the energy efficiency and product information requirements for electric motors subject to this regulation. Although section 2 of Annex I (''Product Information Requirements for Motors'') specifies that the efficiency of the motor at the full, 75 percent and 50 percent rated load must be displayed, the efficiency requirements are defined based on the full load efficiency of the motor. Section 1 of Annex I (''Energy Efficiency Requirement for Motors'') specifies that the IE class of a motor is determined at rated output power (*i.e.,* at full load).

Motor efficiency varies depending on the motor's operating load, however for three-phase, single-speed, AC induction motors included in the scope of the proposed test procedure, this efficiency curve is relatively flat within the range of operation (typically between 50 and 75 percent).[77] Therefore, an electric motor with a tested full-load efficiency will typically perform better than another electric motor with a lower tested full-load efficiency within its typical range of operation in the field. Accordingly, the tested efficiency at full-load is representative of motor performance at the typical range of operation. In addition, although manufacturers are currently only required to certify the nominal full-load efficiency of the least efficient basic model, the DOE test procedure requires performing a load test at 6 load points,[78] and this information is typically provided in online catalogs. Given the relationship between efficiency at part load and full load, and the difficulty in identifying a representative motor load profile,[79] DOE does not propose to change the load point at which the efficiency metric is measured for electric motors that are currently regulated at 10 CFR 431.25. DOE intends to maintain use of the nominal full-load efficiency for electric motors currently subject to standards at 10 CFR 431.25.

For the expanded scope being proposed in this NOPR, different test procedure instructions are proposed depending on the motor's configuration: (1) Direct-on-line (motor only) or (2) inverter-fed. All test procedures rely on the efficiency metric to determine the motor's performance, which is the ratio of the input power (to the motor, or to the motor and inverter combination) divided by the output power (of the motor). In all cases, the efficiency is measured at different load points.

DOE proposes to use the full-load efficiency as the metric for measuring the performance of the additional electric motors proposed for inclusion within the scope of these test procedures, as described in the following discussion. DOE proposes to evaluate the efficiency of the motor with or without the inclusion of the inverter depending on the motor configuration. For each motor configuration, DOE proposes to evaluate the efficiency at full load as follows:

- For additional electric motors proposed for inclusion within the scope of these test procedures that do not require an inverter to operate (*i.e.,* are direct-on-line or inverter-capable), DOE proposes to determine the efficiency of the motor at full-load (*i.e.,* measure the full-load efficiency), consistent with how electric motors currently subject to standards at 10 CFR 431.25 are evaluated and consistent with the efficiency classification of these motors in IEC 60034–30–1:2014.
- For additional electric motors proposed for inclusion within the scope of these test procedures that are inverter-only, DOE proposes to evaluate the efficiency of the motor and inverter combination at 100 percent rated speed and rated torque (*i.e.,* measure the full load efficiency). DOE notes that for inverter-only electric motors that include an inverter, this approach is consistent with the specifications in IEC 61800–9–2:2017.

DOE proposes to use a single load point at full-load for the efficiency metric. Currently regulated electric motors and the additional electric motors proposed for inclusion in scope

[75] The IEC TS 60034–30–2:2016 notes that the requirement to test at 90 percent of rated speed (instead of 100 percent) ensures that the motor is operated at full magnetic flux (full voltage) regardless of the voltage drop in the internal electronic switches of the frequency converter.

[76] An IE class is a table of full load efficiency ratings provided at different motor rated power and poles. For example, the IE class ''IE3'' is considered largely equivalent to the current energy conservation standards in Table 5 at 10 CFR 431.25.

[77] See U.S. Department of Energy Motor Challenge Fact Sheet, ''Determining Electric Motor Load and Efficiency.'' Available at *https://www.energy.gov/sites/prod/files/2014/04/f15/10097517.pdf.* Last accessed September 14, 2020.

[78] The load test portion of the test procedure include measurements at four load points approximately equally spaced between not less than 25 percent and up to and including 100 percent load, and two load points suitably chosen above 100 percent load, but not exceeding 150 percent load. See section 5.7.1 of IEEE 112–2017, Section 7.1.4 of CSA C390–10, Section 6.1.3.2.3 of IEC 60034–2–1:2014.

[79] Electric motors serve a variety of applications (*e.g.,* pumps, fans, material handling, material processing, air compressors, refrigeration compressors) in different sectors (*e.g.,* residential, commercial, industrial), which makes identifying a single representative load profile challenging.

are not restricted to a single application and can be used in a variety of applications and sectors with different load profiles (*i.e.,* collection of load points weighted based on the duration of operation at a given load point). Given the large number of possible electric motor end-use applications, DOE does not find it practical to establish a unique load profile that would be representative of all applications. Instead, for all motors in the proposed for inclusion in scope (including electric motors currently subject to standards at 10 CFR 431.25), DOE proposes that the represented values of nominal full-load efficiency or of average full-load efficiency be used to make representations. As stated, for the electric motors proposed for inclusion in the scope of the test procedure, such motors would not be required to be tested according the proposed test procedure, if finalized, until such time as DOE were to establish corresponding energy conservation standards. If manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such electric motors, however, they would be required to test according to the DOE test procedure and sampling requirements. DOE may consider requiring manufacturers to disclose the part load performance efficiency of the additional motors proposed for inclusion within the scope of this test procedure as part of any future energy conservation standard related to these electric motors.

In addition, similar to currently regulated electric motors, for the additional electric motors proposed for inclusion within the scope of these test procedures, DOE proposes sampling requirements to calculate the average full-load efficiency of a basic model and provisions to determine a nominal full-load efficiency. (*See* section III.O)

The test procedure as proposed does not account for the impacts of variable speed controls. However, the proposal to determine efficiency at a single load point would allow consumers to compare motors of the same configuration against each other (see Table III.18 for the description of the motor configurations). In addition, the proposed test procedures also require the part-load efficiency to be measured, and consumers typically have access to part-load motor performance information to assess the benefits of applying controls in their specific application and load profile.

TABLE III.18—PROPOSED LOAD POINTS AND INDUSTRY TEST STANDARDS FOR ADDITIONAL ELECTRIC MOTORS PROPOSED IN SCOPE

Motor configuration	Equipment tested	Load point	Industry test standard incorporated by reference
Direct-on-line or inverter-capable	Motor	100 percent of rated load, 100 percent of rated torque.	IEEE 114–2010, CSA C747–09 (R2019), IEEE 112–2017, CSA C390–10 (R2019), IEC 60034–2–1:2014.*
Inverter-only	Motor + Inverter	100 percent of rated speed, 100 percent rated torque.	IEC 61800–9–2:2017.

* The choice of the industry test standards depends on the motor topology and horsepower. See section III.B.3 and III.D.3 of this NOPR.

DOE requests comments on its proposal to use full-load efficiency as the metric for measuring the performance of the additional electric motors proposed in scope. Specifically, DOE requests comment on the proposed load points associated with each electric motor category. If any different load points or metric should be considered, DOE requests information and data to support those load points and any alternate metric.

DOE requests comments whether it should consider an efficiency metric inclusive of the inverter efficiency for inverter-capable electric motors and inverter-only electric motors sold with or without inverters.

F. Rated Output Power and Breakdown Torque of Electric Motors

The current regulations for electric motors specify that the metric for energy conservation standards, nominal full-load efficiency, is defined as a representative value of efficiency selected from the ''nominal efficiency'' column of Table 12–10 of NEMA MG1–2009, that is not greater than the average full-load efficiency of a population of motors of the same design. *See* 10 CFR 431.12. The ''average full-load efficiency'' is defined as ''. . . the ratio (expressed as a percentage) of the motor's useful power output to its total power input when the motor is operated at its full rated load, rated voltage, and rated frequency.'' *Id.* The industry testing standards referenced in the DOE electric motor test procedure do not provide a method for determining the full rated load of the tested unit; rather they rely on the manufacturer-specified output power listed on a motor's nameplate (*i.e.,* the rated motor horsepower). The industry standards do not define rated output power; rather, the output power is a manufacturer declaration.

As explained in the June 2020 RFI, rated motor output power (which is synonymous to rated motor horsepower) is generally not an intrinsic, observable property, and motors are usually capable of operating both above and below the rated motor output power. 85 FR 34111, 34116. NEMA MG1–2016 with 2018 Supplements directs that the rated motor output power be established by identifying the horsepower that corresponds to the appropriate value of breakdown torque, established in section 12.37 and section 12.39 of NEMA MG1–2016 with 2018 Supplements, for general-purpose polyphase 2-digit frame (*e.g.,* 56-frame) size electric motors and Design A, B, and C polyphase 3- and 4-digit frame size electric motors, respectively (*e.g.,* 215-frame). In the June 2020 RFI, DOE stated that it was considering applying the definition in section 12.37 of NEMA MG1–2016 to all 2-digit frame size electric motors within DOE scope, such that DOE could define rated motor output power based on breakdown torque, as defined in NEMA MG 1–2016. 85 FR 34111, 34116.

In concept, the breakdown torque describes the maximum torque the motor can develop without slowing down and stalling. Breakdown torque corresponds to a local maximum torque (on a plot of torque versus speed) that is nearest to the rated torque and does not represent the maximum torque over the entire speed range. The breakdown torque for a specific horsepower rating is specified as a range, as a function of input frequency and synchronous speed of the motor in section 12.39 of NEMA MG1–2016 with 2018 Supplements for single-speed polyphase squirrel-cage NEMA Design A, B and C medium motors.[80] Section 12.37 of NEMA MG1–

[80] NEMA MG1–2016 with 2018 Supplements, section 1.4.1 states that a medium electric machine

Continued

2016 with 2018 Supplements specifies that the breakdown torque of a general-purpose polyphase squirrel-cage small motor,[81] with rated voltage and frequency applied, shall not be less than 140 percent of the breakdown torque of a single-phase general purpose motor of the same horsepower and speed rating.

DOE requested comment in the June 2020 RFI as to how industry currently determines rated motor output power and the feasibility of establishing a definition based on breakdown torque. DOE also requested comment on how to determine the rated motor output power for motors not expressly characterized by Table 10–5 of NEMA MG 1–2016. 85 FR 34111, 34116.

The Efficiency Advocates stated that DOE must define ''rated horsepower'' to ensure motors are tested and rated in a fair and consistent manner. They supported the use of breakdown torque on the basis that it aligns with the proposed small electric motor test procedure. (Efficiency Advocates, No. 5 at p. 4) NEMA commented that defining rated motor horsepower based on breakdown torque is unnecessary, stating that sections 12.37 and 12.39 in NEMA MG1–2016 provide sufficient guidance for determining rated motor horsepower, and that these methods are commonly used by industry. (NEMA, No. 2 at p. 4–5).

CA IOUs submitted comments prepared by Dr. Emmanuel Agamloh of Baylor University. (CA IOUs, No. 3 at p. 11) Dr. Agamloh stated that it is not necessary to establish the rated motor horsepower in order to determine motor efficiency. (*Id.*) Further, Dr. Agamloh stated that a breakdown torque measurement is less reliable than an efficiency measurement, and that measuring breakdown torque requires operating the motor at the upper end of equipment capacity and testing facilities and is therefore unrealistic for larger motors (>250 hp) within DOE's scope. *Id.* Dr. Agamloh cited a 2017 paper that he stated illustrates his concern that the current methods for determining breakdown torque may be inaccurate.[82] *Id.* The cited paper states that as motors get larger in size and approach the size limitations of testing equipment, manufacturers tend to test electric motors at lower voltages and use parabolic fitting to estimate the breakdown torque of motors. *Id.* Dr. Agamloh asserted that the process for determining a motor horsepower for a motor that has no declared rating is a series of lengthy and burdensome heat run tests to produce a stable temperature that does not exceed the rated temperature of the insulation. (CA IOUs, No. 3 at p. 11–12).

In the January 2021 Final Rule, DOE established definitions for ''rated output power'' and ''breakdown torque'' as they relate to small electric motors. 86 FR 4, 13–14; see 10 CFR 431.442. DOE discussed that defining rated output power and breakdown torque based on NEMA MG 1–2016 provides additional detail that allows for the accurate comparison of small electric motors. *Id.* In this NOPR, DOE is proposing a definition for ''breakdown torque,'' and proposing to further specify ''rated output power'' for air-over electric motors, electric motors subject to energy conservation standards at 431.25, electric motors above 500 horsepower, and SNEMs.

DOE's review of NEMA MG1–2016 with 2018 Supplements indicates some of the difficulties identified by CA IOUs in specifying rated output power for electric motors using the same definition of ''breakdown torque'' as it relates to small electric motors, as defined by the January 2021 Final Rule. 86 FR 4, 13–14. Namely, the rated output power of small electric motors is defined based on breakdown torque in NEMA MG1–2016 with 2018 Supplements, Table 10–5. Table 10–5 specifies a range of breakdown torques for each motor horsepower, such that given a motor synchronous speed and frequency, the breakdown torque will uniquely identify the rated output power.

This is different from the electric motors covered under 10 CFR 431.25. The motor requirements for a NEMA Design A, B or C motor at NEMA MG1–2016 with 2018 Supplements, section 12.39 specify the minimum breakdown torque as a percentage of full load torque. Therefore, the breakdown torque can describe the largest possible rated output power but cannot uniquely identify a rated output power.

Manufacturers typically determine the rated output power of an electric motor through assessment of a combination of motor performance characteristics (pull-up torque, breakdown torque, and locked-rotor current described in NEMA MG1–2016 with 2018 Supplements sections 12.40, 12.39, and 12.35, respectively), along with the temperature rise limits of the motor's rated insulation class. These limits determine the maximum rated output power, but do not inherently prevent a manufacturer from rating a motor with a lower output power than the maximum; *i.e.,* ''down-rating''. Based on discussion with a subject matter expert, DOE understands that rating a motor at a lower horsepower than the maximum would result in a motor with excess active and inactive material. The added cost of excess material in the oversized motor would result in a motor that is not cost-competitive with motors at the lower horsepower. DOE understands that the economics of motor manufacturing prevent manufacturers from down-rating the output power of motors; however, NEMA MG1–2016 with 2018 Supplements does not inherently eliminate that possibility. If a manufacturer intentionally ''down-rated'' a motor, a less stringent energy conservation standard could apply, since lower efficiency standards generally apply to lower horsepower ratings. *See* 10 CFR 431.25 Table 7. However, as discussed, manufacturers are disincentivized to down-rate motors because of the implications of cost-competitiveness.

In this NOPR, DOE proposes to specify in proposed section 2.1 of appendix B (applicable to electric motors subject to energy conservation standards at 431.25 and electric motors above 500 horsepower) that for the purposes of this section and electric motors at or below 500 horsepower, rated output power means ''the mechanical output power that corresponds to the electric motor's breakdown torque as specified in section 12.37 and 12.39 of NEMA MG 1–2016 with 2018 Supplements.''

DOE also proposes to specify in proposed sections 2.2 (applicable to air-over electric motors) and 2.4 of Appendix B (applicable to SNEMs) that for the purposes of those sections, rated output power means (1) for 2-digit frame sizes, the mechanical output power that corresponds to the electric motor's breakdown torque as specified in Table 10–5 of NEMA MG 1–2016 with 2018 Supplements for single-phase motors, or 140 percent of the breakdown torque values specified in Table 10–5 of NEMA MG 1–2016 with 2018 Supplements for polyphase motors; (2) For 3-digit frame sizes, the mechanical output power that corresponds to the electric motor's breakdown torque specified in section 12.37 and 12.39 of NEMA MG 1–2016 with 2018 Supplements.

DOE is proposing to define ''breakdown torque'' as ''the maximum torque that an induction motor will develop with rated voltage and frequency applied without an abrupt

is a machine built in a 3- or 4-digit frame size, and has a continuous rating up to and including 500 HP.

[81] NEMA MG1–2016 with 2018 Supplements, section 1.3 states that small machines are machines built in a 2-digit frame size.

[82] E.B. Agamloh, A. Cavagnino, S. Vaschetto ''Accurate determination of induction machine torque and current speed characteristics'', *IEEE Transactions on Industry Applications, vol 53, no. 4, July/Aug 2017.*

drop in speed. The breakdown torque is the local maximum of the torque-speed plot of the motor, closest to the synchronous speed of the motor.'' [83] The phrase ''abrupt drop in speed'' references the intrinsic behaviour of motors, in which a motor will slow down or stall if the load applied to the motor exceed the breakdown torque, and indicates that minor reductions in speed observed due to measurement sensitivities are not considered. DOE is not proposing to require manufacturers to test or report the value of breakdown torque used to establish a rated motor horsepower. Rather, DOE is proposing to define ''breakdown torque,'' through reference to the industry standard NEMA MG1–2016, in order to specify the ''rated output power'' in sections 2.1, 2.2, and 2.4 of 10 CFR 431 Appendix B.

DOE requests comment on its proposal to specify rated output power for induction motors based on frame size requirements in NEMA MG–2016 with 2018 Supplements. Specifically, DOE requests comment on whether the proposed specification of rated output power for sections 2.1, 2.2, and 2.4 of appendix B accurately describe how manufacturers are currently determining the rated output power for electric motors.

DOE seeks comment on how rated output power and breakdown torque are determined for the additional motors proposed to be added to scope (specifically synchronous electric motors); whether breakdown torque needs to be defined; and if so, how.

G. Rated Values Specified for Testing

1. Rated Frequency

Electricity is supplied at sinusoidal frequency of 60 Hz in the United States, whereas in other regions of the world (*e.g.,* Europe), electricity is provided at a frequency of 50 Hz. The frequency supplied to a motor inherently affects its performance. ''Rated frequency'' is a term commonly used by industry standards for testing electric motors (*e.g.,* section 6.1 in IEEE 112–2004, and section 6.1 in CSA C390–10 (R2019)), and refers to the frequency at which the motor is designed to operate. These motor's rated frequency is typically provided by manufacturers on the electric motor nameplate. Multiple rated frequencies are sometimes provided if a manufacturer intends to sell a particular model in all parts of the world. In the case where an electric motor is designated to operate at either 60 or 50 Hz, the current test procedure does not explicitly specify the value at which an electric motor is tested.

In the June 2020 RFI, DOE stated that because the test procedures and energy conservation standards established under EPCA apply to motors distributed in commerce within the United Stated, DOE was considering defining the term ''rated frequency'' as 60 Hz to expressly specify the test requirement. DOE requested comment on specifying the ''rated frequency'' as 60 Hz. 85 FR 34111, 34116.

The CA IOUs commented that defining rated voltage as 60 Hz was good but not necessary since there was no clear advantage to testing at a different frequency. (CA IOUs, No. 3 at p. 12) The Efficiency Advocates commented that such a definition would remove ambiguity and reflect the true operating frequency. (Efficiency Advocates, No. 5 at p.4–5) NEMA commented that the definition presented in the June 2020 RFI was adequate, and if adopted, would not impact current test procedure results. (NEMA, No. 2 at p. 5) NEMA also suggested that rated frequency should be required to appear on the nameplates for electric motors. *Id.*

DOE did not receive any comments opposing the definition. For the reasons discussed above and in the June 2020 RFI, DOE is proposing to amend 10 CFR 431.12 to add the term ''rated frequency,'' which would be defined as ''60 hertz.''

2. Rated Load

''Rated load'' [84] is a term used in industry standards to specify a loading point at which to test a motor (*e.g.,* sections 5.7 and 6.4.2.4 in IEEE 112–2017, and section 6.1 in CSA C390–10 (R2019)). Typically, a rated load represents a power output expected from the motor (*e.g.,* a horsepower value on the nameplate). The rated load has a corresponding rated speed and rated torque. In the June 2020 RFI, DOE stated that it was considering defining the term ''rated load'' as ''the rated motor horsepower of an electric motor''. 85 FR 34111, 34116–34117.

The Efficiency Advocates and NEEA supported this definition, stating that the definition is necessary to ensure the test procedures are applied consistently. (Efficiency Advocates, No. 5 at p. 5) (NEEA, No. 6 at p. 4) NEMA commented that the definition presented in the June 2020 RFI was adequate, and if adopted, would not impact current test procedure results. (NEMA, No. 2 at p. 5) NEMA also suggested that rated load should be required to appear on the nameplates for electric motors. *Id.* DOE did not receive any comments opposing the definition.

In the January 2021 Final Rule, DOE defined rated load as the ''the rated output power of a small electric motor.'' 86 FR 4, 13–14; see 10 CFR 431.442. DOE notes that rated output power is synonymous to the term rated horsepower. To keep consistent with the January 2021 Final Rule, DOE is proposing to establish the definition of ''rated load'' as ''the rated output power of an electric motor.'' DOE also proposes qualifying that the rated output power is equivalent to rated load, rated full-load, full rated load, or full-load in an industry standard used for testing electric motors.

3. Rated Voltage

The term ''rated voltage'' is used in industry standards to specify the voltage supplied to the motor under test (*e.g.,* section 6.1 in IEEE 112–2004, and section 6.1 in CSA C390–10 (R2019)). The industry standards referenced in appendix B direct motors to be tested at the rated voltage, without specifying how to test when multiple voltages are provided on the nameplate and marketing material. DOE has found that some motor nameplates are labeled with a voltage rating including a range of values, such as ''208–230/460 volts,'' or other qualifiers, such as ''230/460V, usable at 208V.'' Currently under the DOE test procedure, manufacturers select the input voltage for testing.

In the June 2020 RFI, DOE stated that it was considering specifying the input voltages required for testing motors rated for use at multiple voltages. 85 FR 34111, 34117. DOE identified several options, including specifying testing only at the lowest rated voltage, testing at only the highest rated voltage, testing at all rated voltages, or aligning with the small electric motor test procedure by allowing manufacturers to test and certify motors at any rated voltage, provided that the tested input voltage setting is listed on the certification report. *Id.*

NEMA commented that the input voltage settings are defined in IEEE 112 and should be applied as appropriate per that industry standard. (NEMA, No. 2 at p. 5) Advanced Energy hypothesized that testing a motor at 208V would have a slightly lower efficiency that testing a motor at 230V. Advanced Energy supported this hypothesis with test data from two motors that showed an average 0.45% decrease in efficiency when operating 208V as compared to 230V. (Advanced

[83] The synchronous speed of a motor is calculated as follows: $120 \times f \div p$ Where f is the frequency at which the motor is operating and p is the number of poles of the motor.

[84] Also referred to as ''rated full-load,'' ''full rated load,'' or ''full-load'' interchangeably.

Energy, No. 4 at p. 5–6) Regarding comparison of other voltages, while Advanced Energy did provide results that indicate a slight decrease in efficiency when operating at 208V as compared to 230V; there is no indication that the values currently selected by manufacturers are not representative of average use.

The Efficiency Advocates commented that electric motors should be tested at all nameplate voltages and should meet efficiency standards across all nameplate voltages. (Efficiency Advocates, No. 5 at p. 5) They expressed concern that allowing manufacturers to test at different voltages would allow manufacturers to test at a more favorable voltage even if that voltage was not a likely operating voltage. Further, efficiency ratings would not be comparable across manufacturers because one manufacturer might test at the least efficient voltage, while another might test at the most efficient voltage. *Id*

CA IOU's comments prepared by Dr. Emmanuel Agamloh stated that for dual rated motors such as ''230 V/460 V,'' there is generally no difference in efficiency; for motors specified as ''208–230 V/460 V,'' the motor should meet efficiency at the specified voltages; and for motors specified as ''230 V/460 V, usable at 208 V,'' the motors are not rated at 208 V and it would be unfair to test them as such. Accordingly, CA IOUs commented that specifying a test voltage is not necessary and would create undue burden; but, if one is specified, it should be the lowest rated voltage. (CA IOUs, No. 3 at p. 12) DOE understands that the lowest rated voltage for motors specified as ''230 V/460 V, usable at 208 V'' would be 230V, not 208V.

Advanced Energy commented that a test procedure for ECMs may need to specify an input voltage range for testing, as these motors sometimes provide an input voltage range instead of a single nominal voltage. Advanced Energy stated that in such a case, there may be sensitivity to applied voltage that may result in variations in efficiency across the range. In addition, Advanced Energy commented that these motors may be variable speed with different efficiency at various speeds. (Advanced Energy, No. 25 at p. 12) DOE did not receive data concerning the sensitivity of efficiency to applied voltage as it relates to ECMs.

DOE tested two electric motor models at the two rated voltages of 230V and 460V to determine how voltage affects efficiency. In both cases, the tests at the higher voltage rating (460V) resulted in fewer losses than at 230V. The difference in losses between the two voltage test cases were minimal, approximately 0.5 percent and 1.2 percent. These results are shown in Table III.19and Table III.20.

TABLE III.19—MEASURED LOSSES OF POLYPHASE MOTORS AT DIFFERENT INPUT VOLTAGES

HP	Pole count	Measured losses (W)		Percent difference
		230V input voltage	460V input voltage	
5	2	507.3	505.0	−0.5
5	4	411.7	406.8	−1.2

TABLE III.20—MEASURED EFFICIENCY OF POLYPHASE MOTORS AT DIFFERENT INPUT VOLTAGES

HP	Pole count	Measured Efficiency (%)	
		230V input voltage	460V input voltage
5	2	88.0	88.1
5	4	90.1	90.2

In addition, for polyphase electric motors, DOE notes that section 12.50 of NEMA MG1–2016 with 2018 Supplements states that ''When a small or medium polyphase motor is marked with a single (*e.g.,* 230 V), dual (*e.g.,* 230/460) or broad range (*e.g.,* 208–230/460) voltage in the Rated Voltage field, the motor shall meet all performance requirements of NEMA MG 1–2016 with 2018 Supplements at the rated voltage(s). When a voltage is shown in a field other than the Rated Voltage field (*e.g.,* 'Usable at 208 Volts' or 'Usable at 200 Volts', per 14.35.2) this is for reference only and the motor is not required to meet all performance requirements of this standard (*e.g.,* torques and nameplate nominal efficiency) at this reference voltage.'' Therefore, current practice is that a manufacturer can select the voltage for testing; however, the electric motor must meet all performance requirements of NEMA MG1–2016 with 2018 Supplements at all rated voltages.

Therefore, after considering the comments and testing regarding how efficiency varies with input voltage, and the specifications provided in NEMA MG 1–2016 with 2018 Supplements, DOE proposes to allow testing electric motors at any nameplate voltage. This includes electric motors currently in scope, and expanded scope being considered in this NOPR. However, to address issues regarding comparability, consistent with the requirements in NEMA MG1–2016 with 2018 Supplements, DOE further clarifies that this proposed definition for ''rated voltage'' would also require that a motor would have to meet all performance requirements at any voltage listed on its nameplate. Therefore, a manufacturer would not be permitted to make representations regarding other voltages at which an electric motor could operate but at which the electric motor did not meet the performance standards. Accordingly, DOE proposes to define ''rated voltage'' as ''any of the nameplate input voltages of an electric motor or inverter, including the voltage selected by the motor's manufacturer to be used for testing the motor's efficiency.''

DOE clarifies that this definition would apply to all motors within the proposed scope of this test procedure. Alternatively, DOE could consider separate definitions or test instructions for ''rated voltage'' for motors currently within the scope of the test procedure and newly covered motors under the proposed expanded scope, if needed. DOE requests comment on this topic.

The proposed definition diverges from the rated voltage definition finalized in the January 2021 Final Rule for small electric motors. See 10 CFR 431.442. DOE notes that the definition is consistent with what NEMA and CA IOUs commented is the current practice in industry (*i.e.,* electric motors are tested at one of the voltages at which manufacturer representations are made). DOE seeks comments on its proposed definitions for ''rated frequency'' and ''rated load.''

DOE seeks comment on the proposed definition for ''rated voltage'' for electric motors currently in scope and expanded scope motors.

DOE seeks comment on its proposal to allow 'Usable at' voltages on the nameplate to be selected for testing, and how these 'Usable at' voltages differ from a ''rated voltage'' as currently labeled on certain electric motor nameplates.

DOE seeks comment on if ''rated voltage'' should be defined differently for currently in scope motors and newly included motors in the proposed expanded scope.

H. Temperature Rise Measurement Location

In the June 2020 RFI, DOE requested comment on whether the test instructions in IEEE 112–2004 Test Method B and IEEE 112–2017 Test Method B provided sufficient detail regarding placement of temperature measurement devices for establishing thermal equilibrium in the heat-run test. 85 FR 34111, 34115. Specifically, DOE requested comment regarding potential locations for measurement to establish thermal equilibrium. *Id.*

In response, NEMA and the CA IOUs commented that the current provisions in IEEE 112–2004 Test Method B and IEEE 112–2017 Test Method B were adequate and did not require further clarification. The CA IOUs comments prepared by Dr. Agamloh stated that the absolute value of the temperature captured was not important to establish thermal equilibrium. The CA IOUs' comments stated that instead, capturing the variations in temperature (regardless of where the temperature measurement devices are placed) is the critical information needed to establish thermal equilibrium. The CA IOUs stated that the placement of the temperature device to indicate the thermal condition of the machine is not critical and that additional instructions were not needed in the DOE test procedure. (NEMA, No. 2 at p. 4; CA IOUs, No. 3 at p. 13)

Advanced Energy provided a description of the typical locations for measurement to establish thermal equilibrium, and stated that some represent a higher test burden than others. (Advanced Energy, No. 4 at p. 4–5) Advanced Energy did not make any recommendations on whether additional instructions were needed in the DOE test procedure.

DOE agrees that the critical information to establish thermal equilibrium does not depend on the placement of temperature measurement devices, but rather on the variations in temperature, regardless of where the temperature measurement devices are placed. Therefore, DOE does not propose any modifications to the current instructions regarding the placement of temperature measurement devices for establishing thermal equilibrium in the heat-run test.

I. Submersible Electric Motors Testing

DOE proposes to include within the scope of the test procedure electric motors that are submersible electric motors and establish test procedures for such motors. In response to the June 2020 RFI, the Efficiency Advocates stated that the marketing of NEMA Premium Efficiency motors for submersible applications suggests that these motors could be tested with current test procedures. (Efficiency Advocates, No. 5 at p. 3) Further, CA IOUs commented that a similar procedure as the industry air-over test procedure could be used to test submersible motors because for both motors, cooling is provided by the material surrounding the motor (*e.g.,* air or water). (CA IOUs, No. 3 at p. 9)

Accordingly, DOE conducted investigative testing on four submersible electric motors to evaluate the feasibility of adapting Section 34.4 and Section 34.5 of NEMA MG1–2016 with its 2018 Supplements (the NEMA Air-over test method) to measure the efficiency of a submersible electric motor. DOE tested two single-phase submersible motors and two polyphase submersible motors ranging from 0.5 hp to 5 hp. For more details on Section 34.4 and Section 34.5, see section III.D.1. of this document.

As part of the investigative testing for submersible electric motors, DOE did not consider any liquid medium for cooling the motor because of the added test burden associated with testing using a liquid medium. Both air-over and submersible electric motors rely on an external cooling medium to not overheat during operation, and they differ in what that cooling medium is. For a typical self-cooled electric motor with an internal fan, the initial temperature test has the motor run at full load until its temperature rise above ambient does not change by 1 °C over a thirty-minute period according to Section 5.9.4.5 of IEEE 112–2017. In contrast, temperature stabilization is not required for Section 34.4 and Section 34.5 of NEMA MG1–2016 with its 2018 Supplements; instead, the motor is required to remain within a ±10 °C range of a 75 °C target temperature during the load test. For polyphase motors, this temperature target increases based on the insulation class of the motor. Since temperature stabilization is not required, a cooling medium of air (which is less conducive to heat transfer than most liquids) can be used to test submersible motors even if the motor is not intended to operate continuously in air.

Accordingly, to adapt Sections 34.4 and 34.5 to test submersible electric motors, DOE considered updates to the following test specifications: (1) Thermocouple placement, and (2) target temperature. Regarding thermocouple placement, according to Sections 34.4 and 34.5, the thermocouple should be placed on either the stator windings or if the windings are inaccessible, the stator iron. Since submersible motors are hermetically sealed and often have an oil inside the case to cool the windings, placing the thermocouple in either of these locations is possible without significant modification to the motor. Without any instruction from the industry standard on thermocouple placement in this case, DOE proposes to add instructions to the test procedure to place thermocouples on the case of the motor during testing.

Regarding target temperature, Sections 34.4 and 34.5 do not require the motor to be thermally stable during the load test, but instead, require the motor to be within a 20 °C range of the target temperature (if the thermocouple is on the stator iron, this tolerance is –10 °C to –40 °C). For all single-phase motors, this target temperature is 75 °C, and for polyphase motors this target temperature varies with insulation class of the motor. For the same reasons discussed in section III.D.1, DOE proposes the target temperature to be 75 °C for all motors, regardless of insulation class.

DOE found that tests according to Section 34.5 would heat the motor beyond the allowable temperature range multiple times during the load test, forcing the motor to be shutoff to cool down before measuring remaining load points. These repeated shutdowns are not desirable as they increase variability and reduce the amount of time the test lab has to take accurate measurements. Section 34.4 did not have this issue of rapid overheating because of the blower forcing air over the motor during the tests. As such, DOE tentatively

concludes that Section 34.5 is not a feasible test procedure to measure the efficiency of submersible electric motors.

After ruling out Section 34.5 as a potential test procedure, DOE conducted testing to evaluate the repeatability of Section 34.4 as a submersible test procedure. For this testing, DOE tested two motors and observed a maximum change in measured losses of 1.2% between repeated tests. Table III.21, Section 34.4, Measured Losses shows the results of this testing.

TABLE III.2—SECTION 34.4 MEASURED LOSSES

HP	Phase	Section 34.4—Measured Losses (W)		
		Test 1	Test 2	Difference
1	1	630.9	631.9	−0.16
5	3	1039.4	1051.6	−1.16

DOE notes that as motor rated horsepower increased, the blower had to increase in power to keep the motor from heating beyond the permissible temperature range too quickly. Based on the testing results, DOE initially determines that Section 34.4 is a repeatable test method and proposes to use Section 34.4, with modifications discussed above, as the test procedure for submersible motors.

DOE seeks comment on the proposed test procedure for submersible electric motors based on Section 34.4 of NEMA MG1–2016 with its 2018 Supplements.

DOE also seeks comment on the proposed modifications to Section 34.4 of NEMA MG1–2016 with its 2018 Supplements, and if further modifications are warranted for use with submersible electric motors.

DOE seeks comment and supporting data on if the submersible test procedure should only apply to a certain range of horsepower rating, or if it should apply to all submersible electric motors, regardless of rated horsepower.

J. Vertical Electric Motors Testing

Current testing requirements for vertical electric motors, located in section 3.8 of appendix B require testing in the vertical or horizontal configuration depending on several factors. Those factors include IEEE 112 Method B instructions, test facility capabilities, and construction of the motor. Section 3.8 of appendix B. In its June 2020 RFI, DOE did not seek comment specifically regarding testing of vertical motors.

In response to the June 2020 RFI, NEMA commented regarding testing of vertical motors. NEMA's comment applied specifically to provisions of the current vertical motor test instructions that apply only to vertical motors with hollow shafts, which state ''Finally, if the unit under test contains a hollow shaft, a solid shaft shall be inserted, bolted to the non-drive end of the motor and welded on the drive end. Enough clearance shall be maintained such that attachment to a dynamometer is possible.'' Section 3.8 of appendix B. (NEMA, No. 6 at p. 3) NEMA argued that the requirements of the cited provisions should be revised because they both (1) do not improve test procedure accuracy or consistency and (2) may increase testing burden. (NEMA, No. 6 at p. 3) NEMA commented that, although current requirements direct welding of a solid shaft to the motor's drive end, it is common practice within industry to use a disconnectable coupling or adapter to connect hollow motor shafts to dynamometers. NEMA commented that using an adaptor or coupling causes no loss of testing accuracy, but carries the advantage of easy reversibility; whereas welding may permanently alter the motor. *Id*

In addition, NEMA stated that the CFR's reference to the drive end of the motor was confusing because depending on motor design, the dynamometer-connected end may vary. Accordingly, NEMA offered potential replacement language as follows: ''If necessary, a coupling or other adaptor can be utilized for connection of the unit under test to the dynamometer.'' (NEMA, No. 6 at p. 3)

NEMA's proposed language effectively would provide additional flexibility in the permitted methods of connecting a motor under test to a dynamometer. Provided the coupling is sufficiently rigid, it would be unlikely to significantly alter dynamometer measurements. As such, it would be unlikely that use of a coupling would reduce test procedure repeatability. Permitted use of a coupling could reduce burden, as removal of such a connector may be less laborious than reversing a welding process.

As a result, DOE is proposing to adopt NEMA's suggestion with two modifications: (1) The addition of a lower bound on coupling's torsional rigidity, and (2) consolidation of ''coupling or other adaptor'' to simply ''coupling''. DOE is not proposing to require measurement of torsional rigidity, but rather to require that it exceed that of the motor shaft so that the coupling is unlikely to significantly deform or oscillate in response to applied torque. Deformations or oscillations in the mechanical connection between the motor and the dynamometer, if significant, could introduce measurement error. Also, DOE expects than any adaptor used could be described as a ''coupling'' and, thus, for clarity proposes to use only the latter term. Accordingly, DOE's proposed language is as follows:

''If necessary, the unit under test may be connected to the dynamometer using a coupling of torsional rigidity greater than or equal to that of the motor shaft.''

DOE requests comment on the proposed changes to the testing requirement for certain vertical electric motors.

DOE requests comment on whether it should be specified in the test method that the coupling torsional rigidity exceed the rigidity of the motor shaft it is connected to.

K. Contact Seals Requirement

Current testing requirements for immersible electric motors, located in Section 3.6 of Appendix B, specify testing with all contact seals removed but with no other modifications to the motor. No such provision currently exists for other varieties of electric motors. For other motors, unless otherwise provided for, motors are to be tested unmodified. In the June 2020 RFI, DOE did not seek comment specifically regarding testing of motors with contact seals.

In response to the June 2020 RFI, Advanced Energy stated that DOE had previously permitted removal of dust seals prior to testing, but not permitted removal of oil seals. (Advanced Energy, No. 4 at p. 7) Advanced Energy commented that oil seals can greatly

affect efficiency and typically require motor disassembly to remove. Advanced Energy requested clarification regarding which seals may be removed prior to testing. *Id*

The current regulations at section 3.6 of appendix B do not distinguish between seals designed to prevent ingress of dust, oil, or any other contaminant. Seal removal is determined solely based on whether the seal in question is a contact seal. If a motor under test both (1) has contact seals and (2) is an immersible electric motor, then the contact seal is removed during testing. If a motor under test has contact seals but is not an immersible electric motor, the seals remain installed during testing.

Advanced Energy's comment suggests that some confusion exists within the electric motor industry regarding which seals may be removed and under what conditions. To provide more explicit instruction, DOE proposes to add the following additional specification to section 3.9 of appendix B:

''Electric motor shaft seals of any variety shall remain installed during testing unless the motor under test is an immersible electric motor, in which case the seals shall be removed for testing only if they are contact seals.''

DOE requests comment on the proposed language clarifying testing of electric motors with shaft seals.

L. Additional Testing Instructions for Additional Electric Motors Proposed for Inclusion in the Scope of the Test Procedure

For the NOPR, DOE conducted research and reviewed feedback from testing laboratories and subject matter experts as well as information from the December 2013 Final Rule to determine whether instruction in addition to the proposed referenced industry test procedures would be needed for testing the additional electric motors proposed for inclusion within the scope of these test procedures. In the July 2017 RFI, DOE indicated that it was considering reviewing the test instructions in section 3 of appendix B to subpart B of part 431. 82 FR 35468, 35475.

Advanced Energy commented that testing instructions similar to those found in appendix B to subpart B of part 431 may be needed in some cases for the expanded scope that was considered in the July 2017 RFI. (Docket No. EERE–2017–BT–TP–0047, Advanced Energy, No. 25 at p. 10)

Sections 3.1 through 3.8 of appendix B provide additional testing instructions for electric motors that are (1) brake electric motors; (2) close-coupled pump electric motors and electric motors with single or double shaft extensions of non-standard dimensions or design; (3) electric motors with non-standard endshields or flanges; (4) electric motors with non-standard bases, feet or mounting configurations; (5) electric motors with a separately-powered blower; (6) immersible electric motors; (7) partial electric motors; and (8) vertical electric motors and electric motors with bearings incapable of horizontal operation. DOE reviewed the testing instructions and found that these would also be applicable to the additional motors proposed for inclusion in scope, to the extent that the additional motors are also covered by one of these eight certain types of electric motors listed in sections 3.1–3.8 of appendix B.

For partial electric motors and vertical motors, the existing testing instructions reference the specification of a ''standard bearing'' described as ''a 6000 series, either open or grease-lubricated double-shielded, single row, deep groove, radial ball bearings.'' (*See* section 3 of appendix B to subpart B of part 431) DOE proposes to retain similar testing instructions. However, because the categories of bearings contained in motors within the proposed scope of applicability of this test procedure could have smaller shafts compared to those discussed in the December 2013 Final Rule, DOE proposes to define standard bearings as follows: a 600 or 6000 series, either open or grease-lubricated double-shielded, single-row, deep groove, radial ball bearing. 600 series bearings have smaller bore diameters than 6000 series bearings and can accommodate the motors with smaller shafts considered in this rulemaking. 600 series bearings also may have different load and speed ratings, but DOE understands that they are suitable to use as standard bearings as specified in these testing instructions.

DOE requests comments on the proposed application of the additional testing instructions in sections 3.1 through 3.8 of appendix B to the additional electric motors proposed for inclusion in scope of the test procedure. To the extent that revisions to the additional instructions other than those discussed are needed, DOE requests supporting information and justification for these revisions.

M. Transition to 10 CFR Part 429

DOE proposes to amend and move the portions of the existing electric motor regulations that pertain to certification testing and to the determination of represented values from 10 CFR part 431 to 10 CFR part 429. In addition, DOE proposes to amend other sections of 10 CFR part 431, subpart B, to ensure the regulatory structure comprising 10 CFR part 431, subpart B, and 10 CFR part 429 remains coherent. DOE also proposes to make changes to the general provisions in 10 CFR part 429 to reflect the proposed addition of electric motor provisions related to certification testing and to the determination of represented values.

In this rule, DOE proposes to largely retain the procedures for recognition and withdrawal of recognition of accreditation bodies and certification programs as it exists at 10 CFR 431.21 with one proposed change to the current provisions at 10 CFR 431.21(g) to clarify the timeline and process of withdrawal of recognition by DOE. DOE proposes that if the certification program is failing to meet the criteria of paragraph (b) of § 429.73 or 429.74, DOE will issue a Notice of Withdrawal (''Notice'') stating which criteria the entity has failed to meet. The Notice will request that the entity take appropriate corrective action(s) specified in the Notice. The entity must take corrective action within 180 days from the date of the Notice of Withdrawal or dispute DOE's allegations within 30 days from the issuance of the Notice. If after 180 days DOE finds that satisfactory corrective action has not been made, DOE will withdraw its recognition from the entity. DOE proposes to add these requirements to the procedures for recognition and withdrawal of recognition because it believes this timeframe is an important clarification.

TABLE III.22—ELECTRIC MOTORS CERTIFICATION, COMPLIANCE, AND ENFORCEMENT CFR TRANSITIONS

Subpart B—electric motors [85]	Proposed location
10 CFR 431.14 Sources for information and guidance	Moved to 10 CFR 429.3.
10 CFR 431.17 Determination of efficiency	Moved to 10 CFR 429.64 and 10 CFR 429.70 as relevant, edits to general provisions in 10 CFR part 429 as needed.
10 CFR 431.18 Testing laboratories	Retained and added additional provisions at 10 CFR 429.64.

TABLE III.22—ELECTRIC MOTORS CERTIFICATION, COMPLIANCE, AND ENFORCEMENT CFR TRANSITIONS—Continued

Subpart B—electric motors [85]	Proposed location
10 CFR 431.19 Department of Energy recognition of accreditation bodies.	Moved to 10 CFR 429.74.
10 CFR 431.20 Department of Energy recognition of nationally recognized certification programs.	Moved to 10 CFR 429.73.
10 CFR 431.21 Procedures for recognition and withdrawal of recognition of accreditation bodies and certification programs.	Moved to 10 CFR 429.75.

N. Certification of Electric Motors

In addition to physical testing of electric motors, DOE allows manufacturers to certify basic models using an alternative efficiency determination method (AEDM). AEDMs must be derived from a mathematical model that represents the mechanical and electrical characteristics of that basic model, and is based on analytic evaluation of performance data and has been substantiated according to DOE's requirements. *See* 10 CFR 431.17. NEMA commented that the use of AEDMs is gaining support and that DOE should continue to allow their use. (NEMA, No. 2 at p. 2) NEMA stated that AEDMs reduce the test burden on manufacturers. (NEMA, No. 2 at p. 6) DOE does not propose any significant changes to the AEDM provisions in the test procedure (*See* section III.O.4) and continues to provide for its use as a method for reducing the testing burden on manufacturers. As noted in section III.O, DOE is proposing to continue to allow the use of an AEDM for electric motors currently included in the scope of the DOE test procedure. DOE also proposes to allow use of an AEDM for the additional motors proposed for inclusion under the scope of the test procedure. *See* section III.O.

For electric motors currently subject to standards at § 431.25, DOE also provides the option for manufacturers to use a nationally recognized certification program to certify the nominal full load efficiency of a basic model and issue a certificate of conformity for the motor. 10 CFR 431.17(a)(5). NEMA requested that the IEC System of Conformity Assessment Schemes for Electrotechnical Equipment and Components Global Motor Energy Efficiency program be recognized as a nationally certified program. (NEMA, No. 2 at p. 2) DOE notes that for any entity seeking recognition, the procedures for recognition of certification programs are currently provided at 10 CFR 431.21.

Manufacturers must certify electric motors as compliant with the applicable standard through the use of an ''independent testing or certification program nationally recognized in the United States.'' (42 U.S.C. 6316(c)) DOE proposes changes to the provisions related to certification testing to ensure consistency with the statutory language found in 42 U.S.C. 6316(c). These proposals are described in section III.N.1 and section III.N.2.

1. Independent Testing

DOE codified at 10 CFR 431.17(a)(5) the statutory requirement prescribing that manufacturers must certify electric motors as compliant with the applicable standard through the use of an ''independent testing or certification program nationally recognized in the United States.'' (42 U.S.C. 6316(c)) In its October 1999 final rule establishing certification, labeling and test procedures for electric motors, DOE explained that testing conducted in a laboratory accredited by a body such as National Institute of Standards and Technology (NIST)/National Voluntary Laboratory Accreditation Program (NVLAP) would satisfy the ''independent testing'' requirement under the statute. 64 FR 54124.[86] The accreditation requirements applicable to testing laboratories for electric motors are at 10 CFR 431.18, and the specific provisions for DOE recognition of accreditation bodies are at 10 CFR 431.19. An organization can petition DOE to be classified as a nationally recognized certification program. The petition process, criteria for evaluation, and withdrawal are described at 10 CFR 431.20–21.

In the existing regulations, DOE addresses the requirement to use an independent testing program nationally recognized in the United States by requiring that testing laboratories be accredited by NIST/NVLAP, a laboratory accreditation program having a mutual recognition program with NIST/NVLAP, or an organization classified by DOE as an accreditation body. 10 CFR 431.18. The term ''accredited laboratory'' is used to designate a testing laboratory to which accreditation has been granted. (10 CFR 431.12).

When a certification program is not used, DOE proposes that for certification of a new basic model pursuant to 10 CFR 431.36(e), required prior to 180 days following the publication of this final rule, testing must continue to be conducted in an accredited laboratory that meets the requirements of § 431.18. However, for certification of a new basic model pursuant to 10 CFR 431.36(e), required on or after 180 days following the publication of this final rule, DOE proposes that testing must be conducted by a nationally recognized testing program as further described in the remainder of this section. DOE proposes to replace the use of the term ''accredited laboratory'' (currently defined at 10 CFR 431.12) by the term ''nationally recognized testing program'' to better reflect the requirements to use a testing program nationally recognized in the United States. (42 U.S.C. 6316(c))

In addition, DOE proposes to add a definition of ''independent'' at 10 CFR 429.2 as a more appropriate interpretation of the statutory language found in 42 U.S.C. 6316(c) than the agency's prior application of this provision. The October 1999 Final rule assumed that a laboratory could be meaningfully independent, in a way that would satisfy the statutory criterion, while being owned by a manufacturer, so long as the laboratory was NIST/NVLAP certified. In light of experience since that time, DOE is concerned that this premise is not justified. NIST/NVLAP accreditation ensures the proficiency of test

[85] As it appeared at 10 CFR part 431, subpart B, in the 10 CFR parts 200 to 499 edition revised as of January 1, 2020.

[86] Laboratories accredited by NIST/NVLAP are governed by the NVLAP ''Procedures and General Requirements'' NIST Handbook 150–10 (February 2007) and Lab Bulletin LB–42–009. (See 10 CFR 431.18(b).) NIST Handbook 150–10 (via incorporation by reference of ''Procedures and General Requirements'' NIST Handbook 150 (February 2006)) describes the level of independence that a laboratory must have in relation to the organization for which it is conducting testing. The requirements include organizational arrangements that are necessary for in-house laboratories and additional levels of independence that must be demonstrated for third-party laboratories.

laboratories in the accurate determination of the efficiency of motors, however, DOE does not consider laboratory accreditation a sufficient assurance of ''independence''. Testing at a manufacturer's own laboratory allows the opportunity for a manufacturer to gain a competitive advantage by administering the testing in such a manner that could yield better results. It also further exacerbates the differential treatment between those businesses that are financially able to own their own test facilities and small businesses that may not have the capital to afford such large investments.. Therefore, DOE proposes a definition for ''independent'' that would pertain to the nationally recognized testing program, the certification program evaluation criteria, and the accreditation body evaluation. The term, ''independent,'' would refer to an entity that is not controlled by, or under common control with, electric motor manufacturers, importers, private labelers, or vendors. ''Independent'' would also mean that the testing laboratory has no affiliation or financial ties or contractual agreements (other than contractual agreements for testing pursuant to DOE test procedures), apparently or otherwise, with such entities that would: (1) Hinder the ability of the laboratory to evaluate fully or report the measured or calculated energy efficiency of any electric motor, or (2) create any potential or actual conflict of interest that would undermine the validity of said evaluation. This definition was largely based on the descriptions of independence currently in 10 CFR 431.19(b)(2), 431.19(c)(2), 431.20(b)(2) and 431.20(c)(2) and replace these descriptions.

DOE notes that the proposed definition of ''independence'' excludes any contractual agreements that would create a conflict of interest. Therefore, an independent laboratory providing certification testing services to a manufacturer would not be allowed to perform design and engineering consulting services to the same client for that same product.

In addition, DOE notes that its proposal would still allow for the option of testing in a manufacturer's own laboratory if the manufacturer uses a third-party certification program, as described in section III.N.2. DOE believes this combination of the three options explained in section III.N.2 to certify electric motors provides manufacturers with the most flexibility while satisfying the statute. DOE recognizes that the concerns expressed in the rulemaking that culminated in the October 1999 final rule may still apply. See, *e.g.,* 61 FR 60455–60456 (November 27, 1996). At that time, DOE noted that there were few test facilities that could meet this level of independence and noted the concerns of commenters that test facilities could not handle the necessary volume of testing given the potential for ''thousands'' of basic models. Nonetheless, DOE believes that the proposed change should have little practical impact on manufacturers' current practices due to the volume of motors rated using AEDMs and/or through participation in certification programs. DOE understands that most models are rated based on modeling and thus will be subject to the AEDM provisions, which are largely unchanged by this proposal. In addition, as noted previously, DOE proposes that the requirement to test in an independent testing program would only apply when certifying a new basic model on or after 180 days following the publication of this final rule. As such, previously certified basic models would not need to be re-tested.

DOE requests comments in the proposed definition of independent as it pertains to nationally recognized testing programs, certification programs, and accreditation bodies.

2. Certification Process for Electric Motors

As mentioned previously, DOE codified at 10 CFR 431.17(a)(5) the statutory requirement prescribing that manufacturers must certify electric motors as compliant with the applicable standard through the use of an ''independent testing or certification program nationally recognized in the United States.'' (42 U.S.C. 6316(c)) Consistent with the requirements of 42 U.S.C. 6316(c), DOE proposes to continue to offer the option of using independent testing (via an independent nationally recognized testing program as discussed in section III.N.1) or a nationally recognized certification program and to further specify which parties can test electric motors and certify compliance with the applicable energy conservation standards to DOE. DOE proposes that these provisions be required on and after the compliance date for any amended standards for electric motors published after January 1, 2021, as this is the date of the most recent print edition of the Code of Federal Regulations.

DOE proposes three options in this regard: (1) A manufacturer can have the electric motor tested using a nationally recognized testing program that is (as described in the proposed § 429.64(d)) and then certify on its own behalf or have a third party submit the manufacturer's certification report; (2) a manufacturer can test the electric motor at a testing laboratory other than a nationally recognized testing program (as described in the proposed § 429.64(d)) and then have a nationally recognized certification program (as described in the proposed § 429.73) certify the efficiency of the electric motor; or (3) a manufacturer can use an alternative efficiency determination method (''AEDM,'' as described in the proposed § 429.70) and then have a third-party nationally recognized certification program certify the efficiency of the electric motor. Under the proposed regulatory structure, a manufacturer cannot both test in its own laboratories and directly submit the certification of compliance to DOE for its own electric motors. See § 429.64(d) as proposed.

As explained previously, DOE does not consider a laboratory accreditation to be an assurance of ''independence''. Therefore, DOE believes that when testing in a facility that is not performed using an independent nationally recognized testing program, the results of the test must be certified by a third party nationally recognized certification program under § 429.73 of this proposal.

Further, DOE does not consider that the requirements of an AEDM would satisfy the statutory requirement of ''independence''. Therefore, DOE believes that when using an AEDM, the results of the AEDM must be certified by a third party certification program that is nationally recognized in the United States under the proposed § 429.73.

DOE requests comments on the three proposed options through which manufacturers must certify electric motors as compliant.

O. Determination of Represented Value

For electric motors subject to standards, DOE has established sampling requirements applicable to the determination of the nominal full-load efficiency. 10 CFR 431.17. The purpose of these sampling plans is to provide uniform statistical methods for determining compliance with any prescribed energy conservation standards and for making representations of energy consumption and energy efficiency on labels and in other locations such as marketing materials. The current regulations require that each basic model must either be tested or rated using an AEDM. 10 CFR 431.17(a). Section 431.17 specifies the requirements for use of an AEDM, including requirements for substantiation (*i.e.,* the initial validation) and verification of an AEDM. 10 CFR 431.17(a)(2)–(4).

AHAM and AHRI commented that any test procedures DOE develops should not be mandatory (including for representations) until or unless energy conservation standards are required. AHAM and AHRI opposed developing test procedures for products that DOE has not yet determined, through notice and comment rulemaking, that it will regulate. (Docket No. EERE–201 -BT–TP–0047, AHAM and AHRI, No. 21 at p. 3) Additional motors proposed for inclusion under the scope of the test procedure would not be required to be tested according to the test procedure as proposed, if made final, until such time as DOE were to establish energy conservation standards for such electric motor. If the proposed scope of applicability and test procedure were finalized, a manufacturer would only be required to use the DOE test procedure if that manufacturer voluntarily makes representations regarding the energy consumption or cost of energy of an electric motor. (42 U.S.C. 6314(d)(1))

The current sampling requirements for electric motors were established through the October 1999 final rule. 64 FR 54129 (October 1999). The current regulations require that each basic model must either be tested or rated using an AEDM. 10 CFR 431.17(a) For basic models that are not rated with an AEDM, the current regulations allow a manufacturer to choose between either testing in a non-accredited laboratory and having a nationally recognized certification program certify a basic model's nominal full-load efficiency or conducting testing in an accredited laboratory.[87] 10 CFR 431.17(a)(5)

As discussed in the remainder of the section, DOE proposes several edits to the current regulatory language to revise the existing requirements that manufacturers will be required to follow when determining the represented value of nominal full-load efficiency of a basic model. The revised provisions regarding the determination of the represented value of nominal full-load efficiency, enforcement provisions, and the validation and verification of an AEDM, consistent with DOE's overall approach for consolidating the locations of its certification and compliance provisions, would be placed in 10 CFR 429.64, and 429.70. In addition, DOE proposes that these revised provisions regarding the determination of the represented value of nominal full-load efficiency, enforcement provisions, and the validation and verification of an AEDM would apply to the additional electric motors proposed for inclusion in the scope of the test procedure, when a manufacturer of such motors would be required to use the DOE test procedure. These proposals are discussed in more detail in sections III.O.1 through III.O.4.

1. Nominal Full-Load Efficiency

DOE defines nominal full-load efficiency as a representative value of efficiency selected from the ''nominal efficiency'' column of Table 12–10, NEMA MG1–2009, that is not greater than the average full-load efficiency of a population of motors of the same design. (10 CFR 431.12) DOE is not proposing changes to this definition other than updating the reference to the latest version of NEMA MG1 as discussed in section III.C.4. Starting on and after the compliance date for any new or amended standards for electric motors published after January 1, 2021, DOE proposes to specify how manufacturers must apply this definition by adding revised language to the sampling provisions. Specifically, the nominal full-load efficiency of a basic model must be less than or equal to the average full-load efficiency of that basic model determined through testing. DOE discusses how to determine the average full-load efficiency of a basic model in the following sections. See 429.64(e) as proposed.

In addition, DOE proposes to clarify that the nominal full-load efficiency of a basic model must be less than or equal to the simulated full-load efficiency of that basic model determined through the application of an AEDM.

DOE seeks comments on its proposal to specify how to determine the nominal full load efficiency of a basic model of electric motors when the average full-load efficiency of that basic model is known.

Manufacturers currently rely on the nominal full-load efficiency to represent the performance of electric motor basic models. Starting on and after the compliance date for any new or amended standards for electric motors published after January 1, 2021, DOE proposes to allow manufacturers to alternatively use the average full-load efficiency of a basic model of electric motor as the represented efficiency (instead of the nominal full-load efficiency) provided that the manufacturer uses the average full-load efficiency consistently on all marketing materials, and as the value on the nameplate. Note that the energy conservation standard would remain based on the nominal full-load efficiency; DOE's proposal is only to permit representations in terms of average full-load efficiency as described in more detail in the following section. See 429.64(e) as proposed.

DOE requests comment on its proposal to allow using average full-load efficiency values as alternative represented values for electric motors.

2. Testing: Use of a Nationally Recognized Testing Program

Manufacturers who test basic models in an accredited laboratory must follow the criteria for selecting units for testing, including a minimum sample size of 5 units in most cases, as specified at 10 CFR 431.17(b)(2).[88]

The sample of units must be large enough to account for reasonable manufacturing variability among individual units of the basic model or variability in the test methodology such that the test results for the overall sample will be reasonably representative of the average full-load efficiency of the whole population of production units of that basic model. DOE notes that the current regulations do not limit the sample size and manufacturers can increase their sample size to narrow the margin of error. Prior to the compliance date for any new or amended standards for electric motors published after January 1, 2021, DOE proposes that manufacturers continue to follow the current provisions in 10 CFR 431.17 related to the determination of the represented value. However, DOE proposes to move these provisions in the newly proposed §§ 429.64(b) and 429.64(c).

On or after the compliance date for any new or amended standards for electric motors published after January 1, 2021, DOE proposes to require that manufacturers determine the represented values of a basic model in accordance with the provisions in the newly proposed § 429.64(e) and discussed in the remainder of this section.

DOE proposes to specify that the average full-load efficiency of a basic model is the arithmetic mean of tested efficiencies. That is, the average full-load efficiency of a basic model is determined using the definition of ''average full-load efficiency'' *i.e.,* the arithmetic mean of the full-load efficiencies of a population of electric motors of duplicate design. 10 CFR 431.12.

The terms ''population'' and ''sample'' are standard statistical concepts. A population of objects consists of all the objects that are

[87] As noted above, DOE proposes to replace the use of the term ''accredited laboratory'' with ''nationally recognized testing program''. See III.N.1.

[88] DOE proposes to replace the use of the term ''accredited laboratory'' with ''nationally recognized testing program''. See III.N.1.

relevant in a particular study.[89] A sample refers to a subset of the population containing the characteristics of the larger population. Samples are used in statistical analyses when population sizes are too large for the analysis to include all objects in the population, so that one can make inferences from the sample to the population. ''A population of electric motors of duplicate design'' consists of all the electric motors produced for a basic model. Testing all the units of a basic model to determine the arithmetic mean of the full-load efficiency of the total population is not practical. DOE only requires manufacturers to test a representative sample of the population in order to make inferences about the basic model's population. DOE proposes to add regulatory text to implement the definition such that, when conducting testing at a nationally recognized testing program, the average full-load efficiency of a basic model is calculated as the arithmetic mean of the full-load efficiencies of a sample of electric motors selected in accordance with the sampling requirements at 10 CFR 431.17(b)(2). In addition, DOE proposes to remove the equations at 10 CFR 431.17(b)(2)(i)–(ii).

Further, to improve clarity, DOE proposes to replace the current requirement that ''the sample size shall be not fewer than five units, except that when fewer than five units of a basic model would be produced over a reasonable period of time (approximately 180 days)'' by the following: ''the minimum sample size is five units. If fewer units than the minimum sample size are produced, each unit produced must be tested and the test results must demonstrate that the basic model performs at or better than the applicable standard(s). If one or more units of the basic model are manufactured subsequently, compliance with the default sampling and representations provisions is required''.

Finally, to ensure a high level of quality control and consistency of performance within the basic model, DOE proposes to add a requirement to verify that no motor tested has losses exceeding 15 percent of those permitted by the applicable energy conservation standard, similar to the prescribed margin applied when conducting verifications as proposed in § 429.134.

DOE requests comment on its proposal to require that, on or after the compliance date for any new or amended standards for electric motors published after January 1, 2021, manufacturers must calculate the average full-load efficiency of a basic model as the arithmetic mean of the full-load efficiencies of a sample of electric motors and on the proposal to add a requirement that no electric motor tested in the sample has losses exceeding 15 percent of those permitted by the applicable energy conservation standard.

3. Testing: Use of a Nationally Recognized Certification Program

For manufacturers using a nationally recognized certification program as described in § 431.17(a)(5), the selection and sampling requirements are typically specified in the certification program's operational documents, however these are not always described in detail. DOE proposes to impose additional requirements to ensure that the certification program follow the provisions proposed in § 429.64, as well as the AEDM validation procedures, and periodic AEDM verification procedures proposed in § 429.70(i). DOE believes these proposals would ensure consistency between basic model ratings obtained with and without the use of a certification program and would have no impact on how nationally certification programs operate.

In addition, after any updates to DOE's electric motors regulations, DOE proposes that, within one year of publication of the final rule, all certification programs must either submit a letter to DOE certifying that no change to their program is needed, or submit a letter describing the measures implemented to ensure the criteria in the proposed § 429.73(b) are met. If a certification program submits a letter describing updates to their program, DOE proposes that the current certification program would still be recognized until DOE evaluates any newly implemented measures and decides otherwise.

DOE requests comment on the proposal to add a requirement to specify that nationally recognized certification programs for electric motors must follow provisions as proposed in §§ 429.64 and 429.70(i).

DOE requests comment on its proposal to require that within one year of publication of a test procedures or certification, compliance and enforcement final rule pertaining to electric motors, all certification programs must either submit a letter to DOE certifying that no change to their program is needed or submit a letter describing the measures implemented to ensure the criteria in the proposed § 429.73(b) are still met. If a certification program submits a letter describing updates, DOE requests comment on its proposal to maintain the program's recognition until DOE reviews the measures implemented.

4. Use of an AEDM

Section 431.17 also specifies the requirements for use of an AEDM (10 CFR 431.17(a)(2)), including requirements for substantiation (*i.e.,* the initial validation) (10 CFR 431.17(a)(3), 10 CFR 431.17(b)(3)) and subsequent verification of an AEDM (10 CFR 431.17(a)(4)). Those requirements ensure the accuracy and reliability of the AEDM both prior to use and then through ongoing verification checks on the estimated efficiency.

DOE proposes to replace the term ''substantiation'' with the term ''validation'' to better align the relevant terminology with the AEDM provisions in 10 CFR 429.70. DOE also proposes to modify one of the requirements for AEDM validation. Currently, the provisions in 10 CFR 431.17(a)(3)(ii) require that the simulated full-load losses for each basic model selected for AEDM validation testing, must be within plus or minus ten percent of the average full-load losses determined from the testing of that basic model.[90] DOE proposes to change that language to a one-sided 10 percent tolerance to allow flexibility for manufacturers to choose to rely on a more conservative AEDM (*i.e.,* the simulated full-load losses for each basic model selected for AEDM validation testing, calculated by applying the AEDM, must be greater or equal to 90 percent of the average full-load losses determined from the testing of that basic model). This proposal would not require manufacturers to update their AEDMs and basic model ratings.

In addition, as previously discussed in III.O.1, DOE proposes to specify how to obtain the nominal full-load efficiency of a basic model using the simulated full-load efficiency of that basic model determined through the application of an AEDM: The nominal full-load efficiency of a basic model must be less than or equal to the simulated full-load efficiency of that basic model determined through the application of an AEDM.

Paragraph (b) of 10 CFR 431.17 provides further clarity regarding testing

[89] Wilcox, Rand R. *Basic Statistics: Understanding Conventional Methods and Modern Insights.* New York: Oxford UP, 2009: 4. Print.

[90] The output of the AEDM is the average full-load efficiency of the basic model. The represented value of nominal full-load efficiency is obtained by applying the provisions discussed in section I.A.1. The average full load losses predicted by the AEDM can be calculated as hp × (1/Eff-1) where hp is the motor horsepower and Eff is the average full-load efficiency predicted by the AEDM.

if a certification program is not used. Basic models used to validate an AEDM must be selected for testing in accordance with paragraph (b)(1), and units of each such basic model must be tested in accordance with paragraph (b)(2). 10 CFR 431.17(b)(3) Paragraph (b)(1) explains the criteria for selecting a minimum of 5 basic models for certification testing (in an accredited laboratory) in order to validate an AEDM. Paragraph (b)(2) provides the criteria for selecting units for testing including a minimum sample size of 5 units in most cases.[91] For manufacturers using AEDMs, paragraph (b)(2) applies to those basic models selected for validating the AEDM. Paragraph (b)(3) also explains that the motors tested to validate an AEDM must either be in a certification program or must have been tested in an accredited laboratory. 10 CFR 431.17(b)(2)–(3)

DOE proposes to revise the current regulatory language to specify that, when manufacturers use an accredited laboratory or a nationally recognized testing program for testing the basic models used to validate the AEDM, the selection criteria and sampling requirements as described in paragraph (b)(2) apply, including the requirement to select a minimum of 5 basic models that must be compliant with the energy conservation standards at 10 CFR 431.25 (if any exist) . In addition, when using an accredited laboratory or nationally recognized testing program for testing, DOE proposes that the average full-load efficiency of each basic model selected to validate the AEDM must be determined based on the provisions discussed in section III.O.1. Further, in order to reduce testing burden, DOE proposes to replace the requirement in paragraph (b)(1) that two of the basic models must be among the five basic models with the highest unit volumes of production by the manufacturer in the prior year by in the prior 5 years. The extension from 1 to 5 year would reduce testing burden in the case of a year to year variation in the basic models with the highest unit volumes of production and would not impact basic model ratings.

Currently, the periodic verification of an AEDM can be achieved in one of three ways: through participation in a certification program; by additional, periodic testing in an accredited lab; or by verification by a professional engineer. When using periodic testing in an accredited lab, a sample of units must be tested in accordance with the DOE test procedure and § 431.17(b)(2). 10 CFR 431.17(a)(4)(A)

The regulatory text does not specify how often the periodic testing must be conducted. DOE proposes to add that manufacturers must perform a sufficient number of periodic verification tests to ensure the AEDM maintains its accuracy and reliability. Paragraph (b)(2) provides the criteria for selecting units for testing (in a nationally recognized testing program) when conducting periodic AEDM verification, including a minimum sample size of 5 units in most cases. DOE proposes to revise the 5 unit minimum requirement on the sample size and to replace it by requiring that manufacturers test at least one unit of each basic model. DOE believes that at least one unit is a sufficient criteria on the sample size when conducting an AEDM verification and would reduce testing burden. Paragraphs (b)(2) also includes the equations to use when conducting periodic AEDM verification. 10 CFR 431.17(b)(2)(i)–(ii) The equations in paragraph (b)(2) are used after the represented value of the basic model has already been determined (*e.g.,* by AEDM) [92] ''in a test of compliance with a represented average or nominal efficiency''. The equations are applied to verify that the average full-load efficiency of the sample and the minimum full-load efficiency of the sample of the basic model, are within a prescribed margin of the represented value as provided by applying the AEDM (*i.e.,* a test of compliance with a represented average or nominal efficiency). In addition, the equations in paragraph (b)(2) also imply that the represented value of the basic model has already been determined (*e.g.,* by AEDM). As previously noted, DOE proposes to revise the current regulatory test to remove the equations currently located in § 431.17(b)(2)(i)–(ii). Instead, for manufacturers conducting periodic AEDM verification using testing, DOE proposes that manufacturers rely on the same criteria used for the AEDM validation at 10 CFR 429.70(i)(2)(iv) and compare the average of the measured full-load losses of the basic model [93] to the simulated full-load losses of the basic model as predicted by the AEDM.

If using a certification program to conduct the AEDM verification, the provisions at 10 CFR 431.17(a)(4)(i)(B) specify that a manufacturer must periodically select basic models to which it has applied the AEDM and have a nationally recognized certification program certify its nominal full-load efficiency. The provision does not specify what criteria to use when comparing the output of the AEDM of the tested and certified values of nominal full-load efficiency. DOE is considering three options to further specify how the manufacturer must conduct the AEDM verification when using a certification program. DOE is considering proposing: (1) That manufacturers rely on the same 10 percent tolerance used for the AEDM validation at 10 CFR 429.70(i)(2)(iv) and compare the losses corresponding to the tested and certified nominal full-load efficiency of the basic model to the nominal full-load efficiency of the basic model as predicted by the AEDM; [94] (2) that manufacturers rely on a higher tolerance (*e.g.,* a 15 percent tolerance rather than 10 percent) than used for the AEDM validation at 10 CFR 429.70(i)(2)(iv) and compare the losses corresponding to the tested and certified nominal full-load efficiency of the basic model to the nominal full-load efficiency of the basic model as predicted by the AEDM; or (3) to continue to not specify any requirements but require that certification programs provide a detailed description of the method used to verify the AEDM.

DOE further proposes to remove the options to rely on a professional engineer to conduct AEDM verification because this is not an option that is used by manufacturers.

Finally, DOE proposes that the AEDM provisions as proposed would also apply to the additional electric motors proposed for inclusion in the scope of the test procedure, when a manufacturer of such motors would be required to use the DOE test procedure.

DOE requests comments on the proposed requirements for validation and subsequent verification of an AEDM.

[91] As discussed previously and in the remainder of this section, the provisions for selecting units within a basic model and minimum sample size described in paragraph (b)(2) apply to three different situations: when (1) testing at an accredited laboratory; (2) using an AEDM and selecting units for substantiating the AEDM; and (3) using a AEDM and selecting units for periodic verification testing.

[92] The AEDM output is the simulated full-load efficiency. The represented value of nominal full-load efficiency as predicted by the AEDM is obtained by applying the provisions discussed in section I.A.1.

[93] The sample could include a single unit, in which case the average measured full-load losses of the basic model are the measured full-load losses of the unit.

[94] The AEDM output is the average full-load efficiency. The represented value of nominal full-load efficiency as predicted by the AEDM is obtained by applying the provisions discussed in section I.A.1.

P. Certification, Sampling Plans, and AEDM Provisions for Dedicated-Purpose Pool Pump Motors

As discussed, on July 29, 2021, DOE published a final rule to establish test procedures for dedicated purpose pool pump motors, a type of electric motor. 86 FR 40765 (''July 2021 Final Rule''). Specifically, the test procedure requires manufacturers to use CSA C747–09 (R2014), ''Energy Efficiency Test Methods for Small Motors'' for testing the full-load efficiency of DPPP motors and did not establish any certification, sampling plans, or AEDM requirements. *Id.* The new test procedure is currently located in subpart Z. DOE did not establish certification, sampling, or AEDM provisions in the July 2021 Final Rule.

In this NOPR, DOE is proposing to include certification, sampling plan, and AEDM provisions for DPPP motors subject to the requirements in subpart Z of 10 CFR part 431. Manufacturers would be required to test such motors at such time as compliance is required with a labeling or energy conservation standard requirement should such a requirement be established. (42 U.S.C. 6315(b); 42 U.S.C. 6316(a); 42 U.S.C. 6295(s)) To the extent DOE were to establish certification, sampling plan, and AEDM provisions for DPPP motors, any voluntary representations by manufacturers, distributors, retailers, or private labelers about the energy consumption or cost of energy for these motors must be based on the use of that test procedure beginning 180 days following publication of a final rule. DOE's proposal would not require manufacturers who do not currently make voluntary representations to then begin making public representations of efficiency. (42 U.S.C. 6314(d)(1))

The proposed certification, sampling plan, and AEDM provisions would apply to representations of energy efficiency made by manufacturers, including representations for certification of compliance. Because DPPP motors are a subset of electric motors, DOE proposes to apply the same certification, sampling provisions and AEDM provisions for consistency. Accordingly, DOE proposes to allow the use of ''nominal full-load efficiency'' as an alternative represented value for DPPP motors. DOE proposes to add these provisions in a new section 10 CFR 429.66 and 429.70(j), and to specifically reference DPPP motors in 10 CFR 429.73 and 429.74 as proposed.

Q. Reporting

Manufacturers, including importers, must use product-specific certification templates to certify compliance to DOE. For electric motors, the certification template reflects the general certification requirements specified at 10 CFR 429.12 and the product-specific requirements specified at 10 CFR 431.35.[95] One of the reporting requirements for the compliance certification is the nominal full load efficiency, determined pursuant to 10 CFR 431.16 and 431.17, of the least efficient basic model within that rating. 10 CFR 431.35(a)(2)(i).

R. Test Procedure Costs and Harmonization

1. Test Procedure Costs and Impact

In this NOPR, DOE proposes to revise the current scope of the test procedures to add additional electric motors and subsequent updates needed for supporting definitions and metric requirements as a result of this expanded scope; incorporate by reference the most recent versions of the referenced industry standards; incorporate by reference additional industry standards used to test additional electric motors proposed in scope; clarify the scope and test instructions by adding definitions for specific terms; revise the current vertical motor testing instructions to reduce manufacturer test burden; clarify that the current test procedure permits removal of contact seals for immersible electric motors only; revise the provisions pertaining to certification testing and determination of represented values; and add provisions pertaining to certification testing and determination of represented values for DPPP motors.

Regarding the proposals to amend the provisions pertaining to certification testing and determination of represented values: (1) The proposed updates that are effective 180 days after the publication of the final rule, include moving and largely retaining the provisions related to AEDMs (see section III.O.4), as well as moving and largely retaining the procedures for recognition and withdrawal of recognition of accreditation bodies and certification programs (see section III.O.2 and III.O.3) from 10 CFR part 431 to 10 CFR part 429 and therefore, DOE does not anticipate any added test burden; (2) other proposed updates requiring that testing be conducted in an independent nationally recognized testing program (see section III.N.1) would only be required for certification of a new basic model pursuant to 10 CFR 431.36(e), required on or after 180 days following the publication of this final rule; previously certified basic models would not need to be re-tested and DOE anticipates that there would be no added costs associated with this proposed update as it would apply to certification of new basic models only, which does not add any new test burden to manufacturers compared to the current requirements; (3) finally, for the other proposed provisions (*i.e.,* requiring to certify using three options as discussed in section III.N.2, revising the provisions pertaining to the determination of the represented value as discussed in section III.O.1 and III.O.2) whose proposed compliance date would be on or after the effective date of the final rule adopting new or amended energy conservation standards for electric motors, DOE will be discussing the associated costs in the energy conservation standards rulemaking instead.

Of the remaining proposed amendments, DOE has tentatively determined that the following proposals would impact testing costs: (1) The proposal to expand scope to include other motor categories and the proposal to include certification, sampling plan, and AEDM provisions for DPPP motors; and (2) the proposal to update vertical motor testing. These proposals are discussed in the following paragraph.

a. Voluntary Representations

DOE proposes to add certain categories of electric motors to the scope of the test procedure. Specifically (1) air-over electric motors; (2) submersible electric motors; (3) certain electric motors greater than 500 hp; (4) electric motors considered small; (5) inverter-only electric motors; and (5) certain synchronous motor technologies. In addition, DOE proposes to incorporate by reference additional test methods. Finally, DOE proposes to add provisions pertaining to certification testing and determination of represented values for DPPP motors.

As stated, were DOE to include additional electric motors within the scope of the DOE test procedure, such motors would not be required to test to the DOE test procedure until such time as energy efficiency standards were established. If manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such electric motors, they would be required to test according to the DOE test procedure. (42 U.S.C. 6314(d)(1)) DOE has initially determined that the proposed inclusion of additional motors within the scope of the test procedure and the proposal pertaining to certification testing and determination

[95] *https://www.regulations.doe.gov/ccms/templates.*

of represented values for DPPP motors, if finalized, would result in added costs to motor manufacturers if manufacturers choose to make efficiency representations.

Based on a market review, DOE notes that approximately 50 percent of the basic models that would be covered under the proposed test procedure currently make voluntary representations. Consistent with the conclusions from the January 2021 Final Rule that only a fraction of basic models are physically tested (the remainder have efficiency determined through an alternative efficiency determination method (''AEDM'')), DOE estimates that 10 percent of these motors would be physically tested. 86 FR 4, 17. This proposal, if finalized, would require at least five units be tested per basic model. 10 CFR 431.17(b)(2) However, considering DOE is harmonizing with current industry standards, DOE assumes that manufacturers have already tested at least one unit for all the expanded scope electric motor basic models. Therefore, DOE estimates that manufacturers could have to conduct up to four additional tests per expanded scope electric motor basic models.

DOE identified that the testing requirements can be summarized broadly with the following three groups: (1) Motors tested according to CSA C747–09 (R2019), (2) motors tested according to IEC 61800–9–2:2017, and (3) motors tested according to Section 34.4 of the NEMA Air-over Motor Efficiency Test Method. Consistent with the conclusions from the January 2021 Final Rule that only a fraction of electric motor basic models that are physically tested are tested at a third-party test facility (the remainder are physically tested at in-house testing facilities), DOE estimated that 90 percent of the physical tests for these electric motors would be conducted at in-house test facilities, and the remaining 10 percent of the physical tests would be conducted at third-party test facilities. DOE assumed that the per-unit test costs differs between conducting testing at in-house test facilities versus testing at third-party test facilities. Table III.23 lists the estimated in-house and third-party single unit test cost incurred by the manufacturer for each industry standard.

TABLE III.23—ELECTRIC MOTOR PER UNIT TEST COST ESTIMATES

Industry standard	Tested at in-house facility	Tested at third-party facility
	Per unit test cost	Per unit test cost
CSA C747–09 (R2019)	$571	$2,000
IEC 61800–9–2:2017	728	3,000
Section 34.4 of NEMA Air-over Motor Efficiency Test Method	612	2,000

To estimate in-house testing cost, DOE assumed testing a single electric motor unit to CSA C747–09 (R2019) requires approximately nine hours of a mechanical engineer technician time and three hours from a mechanical engineer. DOE assumed testing a single electric motor-drive combination unit to IEC 61800–9–2:2017 requires approximately twelve hours of a mechanical engineer technician time and three and a half hours of time from a mechanical engineer. DOE assumed testing a single electric motor unit to Section 34.4 of NEMA Air-over Motor Efficiency Test Method requires ten hours of mechanical engineer technician time and three hours of time from a mechanical engineer. Based on data from the Bureau of Labor Statistics' (''BLS's'') Occupational Employment and Wage Statistics, the mean hourly wage for a mechanical engineer technician is $29.27 and the mean hourly wage for a mechanical engineer is $45.94.[96] Additionally, DOE used data from BLS's Employer Costs for Employee Compensation to estimate the percent that wages comprise the total compensation for an employee. DOE estimates that wages make up 70.3 percent of the total compensation for an employee.[97] Therefore, DOE estimated that the total hourly compensation (including all fringe benefits) of an employee is $41.64 for a mechanical engineering technician and $65.35 for a mechanical engineer.[98]

Using these labor rates and time estimates, DOE estimates that it would cost electric motor manufacturers approximately $571 to conduct a single test for motors tested according to CSA C747–09 (R2019); approximately $728 to conduct a single test for motors tested according to IEC 61800–9–2:2017; and approximately $612 to conduct a single test for motors tested according to Section 34.4 of the NEMA Air-over Motor Efficiency Test Method, if these test were conducted by the electric motor manufacturers in-house.

To estimate third-party lab costs, DOE received quotes from test labs on the price of conducting each industry standard. DOE then averaged these prices to arrive at an estimate of what the manufacturers would have to spend to test their product using a third-party test lab. Using these quotes, DOE estimates that it would cost electric motor manufacturers approximately $2,000 to conduct a single test for motors tested according to CSA C747–09 (R2019); approximately $3,000 to conduct a single test for motors tested according to IEC 61800–9–2:2017; and approximately $2,000 to conduct a single test for motors tested according to Section 34.4 of the NEMA Air-over Motor Efficiency Test Method, if these tests were conducted by a third-party test facility.

DOE requests comment on its estimate that 50 percent of the current market of the proposed expanded scope electric motors and DPPP motors make voluntary representations.

DOE requests comment on the in-house and third-party single unit test costs.

b. Updating Vertical Motor Testing Requirements

DOE proposes to update the testing requirements for vertical motors with hollow shafts to not require welding of

[96] DOE used the May 2020 Occupation Profiles of ''17–3027 Mechanical Engineering Technologists and Technicians'' to estimate the hourly wage rate of a mechanical technician (See *www.bls.gov/oes/current/oes173027.htm*) and ''17–2141 Mechanical Engineers'' to estimate the hourly wage rate of a mechanical engineer (See *www.bls.gov/oes/current/oes172141.htm*).

[97] DOE used the December 2020 ''Employer Costs for Employee Compensation'' to estimate that for ''Private Industry'' ''Wages and Salaries'' are 70.3 percent of total employee compensation (See *www.bls.gov/news.release/archives/ecec_03182021.pdf*).

[98] Mechanical Engineering Technician: $29.27/0.703 = $41.64. Mechanical Engineer: $45.94/0.703 = $65.35.

a solid shaft to the drive end, and instead permit connection of electric motors to a dynamometer without restriction on the motor end and using a coupling of torsional rigidity greater than or equal to that of the motor shaft.

DOE has initially determined that the proposed amendment would not require changes to the designs of electric motors, and that the proposed amendments would not impact the utility of such electric motors or impact the availability of available electric motor options. DOE has also initially determined that the proposed amendments would not impact the representations of electric motor energy efficiency/energy use based on the initial determination that manufacturers would be able to rely on data generated under the current test procedure should the proposed amendments be finalized. As such, retesting of electric motors would not be required solely as a result of DOE's adoption of this proposed amendment to the test procedure.

Although the proposed amendments are initially determined not to add cost, under specific circumstances they may reduce testing cost. NEMA commented that the existing requirement to weld may prevent a motor from being used in its intended application (NEMA, No. 6 at p. 3). In such instances, testing cost could include the cost of scrapping an otherwise useable motor. This scrap cost may be avoided if welding is not required by Appendix B, in which case the test cost savings could equal the value of the motor.

To estimate these cost savings DOE determined approximately how many tests of these motors are conducted per year. To do this, DOE reviewed product catalogs from 2006 and compared these to catalogs from 2018 to determine how many new vertical hollow shaft models have been produced in that time. DOE annualized this count to estimate how many new vertical hollow shaft motors are listed per year and would need to be certified as compliant with 10 CFR 431.25. Using the 2018 catalog, DOE found the average price of a vertical hollow shaft motor and assumed a markup of 100 percent to estimate the manufacturer's production cost. Next, DOE requires at least five units to be tested per basic model. 10 CFR 431.17(b)(2) Finally, DOE estimated that 10 percent of these new vertical hollow shaft motors are certified via physical testing, based on the observation that most manufacturers use an AEDM to certify an electric motor as required under 10 CFR 431.36. Using this methodology, DOE estimates that annual cost savings to industry due to the proposed amendments may approach $9,410 per year.

DOE requests comment on its estimation of reduction in testing cost due to the proposed requirements for testing of vertical electric motors.

2. Harmonization With Industry Standards

DOE's established practice is to adopt relevant industry standards as DOE test procedures unless such methodology would be unduly burdensome to conduct or would not produce test results that reflect the energy efficiency, energy use, water use (as specified in EPCA) or estimated operating costs of that product during a representative average use cycle. 10 CFR 431.4; Section 8(c) of appendix A of 10 CFR part 430 subpart C. In cases where the industry standard does not meet EPCA statutory criteria for test procedures, DOE will make modifications through the rulemaking process to these standards as the DOE test procedure. With regard to electric motors subject to standards, EPCA requires the test procedures to be the test procedures specified in NEMA Standards Publication MG1–1987 and IEEE Standard 112 Test Method B for motor efficiency, or the successor standards, unless DOE determined by rule, published in the **Federal Register** and supported by clear and convincing evidence, that to do so would not meet the statutory requirements for test procedures to produce results that are representative of an average use cycle and not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(5)(A) and (B)). DOE established the current test procedures for electric motors at appendix B based on the provisions of NEMA MG1–2009, CSA C390–10, IEC 60034–2–1:2014, IEEE 112–2017, which are incorporated by reference and all of which contain methods for measuring the energy efficiency and losses of electric motors. These referenced standards specify test methods for polyphase induction electric motors above 1 horsepower which can operate directly connected to a power supply. DOE reviewed each of the industry standards and proposes to update its incorporation by reference to IEC 60034–12:2016, CSA C390–10 (R2019), and NEMA MG 1–2016 with 2018 Supplements to align with the latest revised and reaffirmed versions of these standards.

In addition, certain additional motors proposed for incorporation in scope of the test procedure cannot be tested using the industry standards incorporated by reference for currently regulated electric motors because they require modifications to the test procedure to account for: Requiring to be connected to an inverter to be able to operate (*i.e.,* inverter-only motors); and differences in electrical design (*i.e.,* single-phase induction electric motors included as SNEMs, and synchronous electric motors). For these additional motors proposed for inclusion in scope, DOE proposes to incorporate by reference the following additional industry standards: IEEE 114–2010, CSA C747–09 (R2019), IEC 60034–2–1:2014, and IEC 61800–9–2:2017. IEEE 114–2010, CSA C747–09 (R2019), and IEC 60034–2–1:2014 specify methods for measuring the efficiency and losses of single-phase induction electric motors. IEC 61800–9–2:2017 specifies methods for measuring the efficiency and losses of induction and synchronous inverter-only electric motors.

The test procedures proposed for air-over electric motors and for SNEMs are included in NEMA MG1–2016 with 2018 Supplements. *See* Section IV, Part 34: Air-Over Motor Efficiency Test Method and Section 12.30. Section 12.30 specifies the use of IEEE 112 and IEEE 114 for all single-phase and polyphase motors.[99] As further discussed in section III.D.2, DOE is proposing to require testing of SNEMs other than inverter-only electric motors according to IEEE 112–2017, (or CSA C390–10 (R2019) or IEC 60034–2–1:2014, which are equivalent to IEEE 112–2017; see discussion in section III.D.2) and IEEE 114–2010 (or CSA C747–09 (R2019) or IEC 60034–2–1:2014, which are equivalent to IEEE 114–2010; see discussion in III.D.2). This proposal would satisfy the test procedure requirements under 42 U.S.C. 6314(a)(5).

The methods listed in section 12.30 of NEMA MG–1 2016 with 2018 Supplements for testing AC motors are applicable only to AC induction motors that can be operated directly connected to the power supply (direct-on-line) and do not apply to electric motors that are inverter-only or to synchronous electric motors that are not AC induction motors. Therefore, for these additional electric motors, DOE proposes to specify the use of different industry test procedures, as previously noted.

DOE requests comments on the benefits and burdens of the proposed updates and additions to industry standards referenced in the test procedure for electric motors.

DOE notes that with regard to the industry standards currently

[99] As previously mentioned, NEMA MG1–2016 with 2018 Supplements does not specify the publication year of the referenced test standards and instead specifies that the most recent version should be used.

incorporated into the DOE test procedure, DOE is only proposing to update the versions referenced to the latest version of the industry standards.

S. Compliance Date

EPCA prescribes that, if DOE amends a test procedure, all representations of energy efficiency and energy use of an electric motor subject to the test procedure, including those made on marketing materials and product labels, must be made in accordance with that amended test procedure, beginning 180 days after publication of such a test procedure final rule in the **Federal Register**. (42 U.S.C. 6314(d)(1)) To the extent DOE were to establish test procedures for electric motors not currently subject to an energy conservation standard, manufacturers would only need to use the testing set-up instructions, testing procedures, and rating procedures if a manufacturer elected to make voluntary representations of energy-efficiency or energy costs of his or her basic models beginning 180 days following publication of a final rule. DOE's proposal would not require manufacturers who do not currently make voluntary representations to then begin making public representations of efficiency. (42 U.S.C. 6314(d)(1)) Manufacturers would be required to test such motors at such time as compliance is required with a labeling or energy conservation standard requirement should such a requirement be established. (42 U.S.C. 6315(b); 42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

If DOE were to publish an amended test procedure EPCA provides an allowance for individual manufacturers to petition DOE for an extension of the 180-day period if the manufacturer may experience undue hardship in meeting the deadline. (42 U.S.C. 6314(d)(2) To receive such an extension, petitions must be filed with DOE no later than 60 days before the end of the 180-day period and must detail how the manufacturer will experience undue hardship. (*Id.*)

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (''OMB'') has determined that this test procedure rulemaking does not constitute a ''significant regulatory action'' under section 3(f) of Executive Order (''E.O.'') 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive order by the Office of Information and Regulatory Affairs (''OIRA'') in OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (''IRFA'') for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website: *http://energy.gov/gc/office-general-counsel.*

1. Description of Reasons Why Action Is Being Considered

DOE is proposing to amend the existing DOE test procedures for electric motors. EPCA, pursuant to amendments made by the Energy Policy Act of 1992, Public Law 102–486 (Oct. 24, 1992), specifies that the test procedures for electric motors subject to standards are those specified in National Electrical Manufacturers Association (''NEMA'') Standards Publication MG1–1987 and Institute of Electrical and Electronics Engineers (''IEEE'') Standard 112 Test Method B, as in effect on October 24, 1992. (42 U.S.C. 6314(a)(5)(A)). If these test procedures are amended, DOE must amend its test procedures to conform to such amended test procedure requirements, unless DOE determines by rule, published in the **Federal Register** and supported by clear and convincing evidence, that to do so would not meet the statutory requirements related to the test procedure representativeness and burden. (42 U.S.C. 6314(a)(5)(B))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered equipment, including electric motors, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle. (42 U.S.C. 6314(a)(1)) In addition, if the Secretary determines that a test procedure amendment is warranted, the Secretary must publish proposed test procedures in the **Federal Register**, and afford interested persons an opportunity (of not less than 45 days' duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b)) If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures.

DOE is publishing this NOPR in satisfaction of the requirements specified in EPCA.

2. Objective of, and Legal Basis for, Rule

As noted above, DOE is publishing this NOPR in satisfaction of the requirements specified in EPCA that DOE amend the test procedure for electric motors whenever the relevant industry standards are amended, but at minimum every 7 years, to ensure that the DOE test procedure produces test results which reflect energy efficiency, energy use, and estimated operating costs of a type of industrial equipment (or class thereof) during a representative average use cycle. 42 U.S.C. 6314(a).

3. Description and Estimate of Small Entities Regulated

For manufacturers of electric motors, the Small Business Administration (''SBA'') has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. See 13 CFR part 121. The size standards are listed by North American Industry Classification System (''NAICS'') code and industry description available at: *www.sba.gov/document/support--table-size-standards.* Electric motor manufacturing is classified under NAICS code 335312, ''motor and generator manufacturing.'' The SBA sets a threshold of 1,250 employees or less for an entity to be considered as a small business for this category.

In this NOPR, DOE proposes to revise the current scope of the test procedures to add additional electric motors and subsequent updates needed for supporting definitions and metric requirements as a result of this expanded scope; incorporate by reference the most recent versions of the referenced industry standards; incorporate by reference additional industry standards used to test additional electric motors proposed in scope; clarify the scope and test instructions by adding definitions for

specific terms; revise the current vertical motor testing instructions to reduce manufacturer test burden; clarify that the current test procedure permits removal of contact seals for immersible electric motors only; revise the provisions pertaining to certification testing and determination of represented values; and add provisions pertaining to certification testing and determination of represented values for DPPP motors.

As previously stated in section III.R.1, DOE estimates that some electric motor manufacturers would experience a cost savings from the proposed test procedure amendment, if finalized, regarding the proposal to update the testing requirements for vertical motors with hollow shafts. Additionally, this test procedure proposes to expand the scope of electric motors and proposes certification, sampling plan, and AEDM provisions for DPPP motors.

While manufacturers making these expanded scope electric motors and DPPP motors would not be required to test according to the DOE test procedure until energy efficiency standards were established, manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such electric motors, they would be required to test according to the DOE test procedure, if finalized. DOE identified up to 12 potential small businesses manufacturing these expanded scope electric motors or DPPP motors.

DOE estimates that all other proposed test procedure amendments would not results in any electric motor manufacturer, large or small, to incur any additional costs due to the proposed test procedure amendments in this NOPR, if finalized.

4. Description and Estimate of Compliance Requirements

DOE estimated the per unit testing cost for these expanded scope electric motors and DPPP motors in section III.R.1. These estimated per unit testing costs are presented in Table IV.1.

TABLE IV.1—ELECTRIC MOTOR PER UNIT TEST COST ESTIMATES

Industry standard	Tested at in-house facility	Tested at third-party facility
	Per unit test cost	Per unit test cost
CSA C747–09 (R2019)	$571	$2,000
IEC 61800–9–2:2017	728	3,000
Section 34.4 of NEMA Air-over Motor Efficiency Test Method	612	2,000

As previously discussed, these expanded scope electric motors and DPPP motors would not be required to test according to the DOE test procedure until energy efficiency standards were established. However, if manufacturers voluntarily make representations regarding the energy consumption or cost of energy of such electric motors, they would be required to test according to the DOE test procedure, if finalized. DOE is unable to estimate the number of electric motor models that small business manufacturers would decide to make voluntary representations about the efficiency of their electric motors. Therefore, DOE is unable to estimate the total cost each small business would incur to test their electric motors in accordance with the proposed DOE test procedure.

Due to the uncertainty of the potential costs to small businesses, DOE is not able to conclude that the impacts of the test procedure amendments proposed in this NOPR would not have a ''significant economic impact on a substantial number of small entities.''

DOE requests comment on the number of small businesses DOE identified and the number of potential electric motor models that small business manufacturers would make voluntary representations regarding the energy consumption or cost of energy of such electric motors. DOE also requests comment on any other potential costs small businesses may incur due to the proposed amended test procedures, if finalized.

5. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with the rule being considered today.

6. Significant Alternatives to the Rule

As previously stated in this section, DOE is required to review existing DOE test procedures for all covered equipment every 7 years. Additionally, DOE shall amend test procedures with respect to any covered equipment, if the Secretary determines that amended test procedures would more accurately produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered equipment during a representative average use cycle or period of use. (42 U.S.C. 6314(a)(1)) DOE has initially determined that the proposed test procedure would more accurately produce test results to measure the energy efficiency of electric motors.

DOE has tentatively determined that there are no better alternatives than the proposed amended test procedures in terms of meeting the agency's objectives to more accurately measure energy efficiency and reducing burden on manufacturers. Therefore, DOE is proposing in this NOPR to amend the existing DOE test procedure for electric motors.

Additional compliance flexibilities may be available through other means. EPCA provides that a manufacturer whose annual gross revenue from all of its operations does not exceed $8 million may apply for an exemption from all or part of an energy conservation standard for a period not longer than 24 months after the effective date of a final rule establishing the standard. (42 U.S.C. 6295(t)) Additionally, section 504 of the Department of Energy Organization Act, 42 U.S.C. 7194, provides authority for the Secretary to adjust a rule issued under EPCA in order to prevent ''special hardship, inequity, or unfair distribution of burdens'' that may be imposed on that manufacturer as a result of such rule. Manufacturers should refer to 10 CFR part 430, subpart E, and part 1003 for additional details.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of electric motors must certify to DOE that their products comply with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their products according to the DOE test procedures, including any amendments adopted for

those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including electric motors. (*See generally* 10 CFR part 429.) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (''PRA''). DOE's current reporting requirements have been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, certifying compliance, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

1. Description of the Requirements

In this NOPR, DOE is proposing to require that within one year of publication of any final rule updating or amending DOE's electric motors regulations, all nationally recognized certification programs must reassess the evaluation criteria necessary for a certification program to be classified by DOE as nationally recognized and either submit a letter to DOE certifying that no change to their program is needed, or submit a letter describing the measures implemented to ensure the evaluation criteria in the proposed paragraph 10 CFR 429.73(b) are met. DOE is proposing to revise the collection of information approval under OMB Control Number 1910–1400 to account for the paperwork burden associated with submitting this letter, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

2. Method of Collection

DOE is proposing nationally recognized certification programs must submit a letter within one year after any final rule is published updating or amending DOE's electric motor regulations.

3. Data

There are three nationally recognized certification programs for electric motors. DOE estimated that drafting and submitting a letter to DOE certifying that no change to their program is needed or drafting and submitting a letter describing the measures implemented to ensure the criteria in the proposed paragraph 429.73(b) are met would require approximately 10 hours for each nationally recognized certification program. Therefore, DOE estimated that the three nationally recognized certification programs would spend approximately 30 hours to draft and submit these letters to DOE. DOE's February 2021 ''Supporting Statement for Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recording keeping for Consumer Products and Commercial Equipment Subject to Energy or Water Conservation Standards'' estimated a fully loaded (burdened) average wage rate of $67 per hour for manufacturer reporting and recordkeeping.[100] (86 FR 9916) DOE used this wage rate to estimate the burden on the certification programs. Therefore, DOE estimates that the total burden to the industry is approximately $2,010.[101] DOE requests comment on the number of respondents and burden requirements for collecting information for submission of a letter by nationally-recognized certification programs.

OMB Control Number: 1910–1400.

Form Number: DOE F 220.7.

Type of Review: Regular submission.

Affected Public: Nationally recognized certification programs.

Estimated Number of Respondents: 3.

Estimated Time per Response: 10 hours.

Estimated Total Annual Burden Hours: 30 hours.

Estimated Total Annual Cost to the Manufacturers: $2,010 in recordkeeping/reporting costs.

4. Conclusion

DOE has tentatively determined that the cost of these proposed amendments would not impose a material burden on nationally recognized certification programs. It is the responsibility of nationally recognized certification programs to have a complete understanding of applicable regulations for electric motors given their role as a certification body, and accordingly, DOE has tentatively concluded that the anticipated cost of $670 per program to submit a letter upon finalization of any updated or amended electric motors regulations is a reasonable burden for such a program. Public comment is sought on the number of respondents and burden requirements for collecting information for nationally recognized certification programs within a year after electric motor regulations are updated or amended. Send comments on these or any other aspects of the collection of information to the email address listed in the **ADDRESSES** section and to the OMB Desk Officer by email to *Sofie.E.Miller@omp.eop.gov.*

D. Review Under the National Environmental Policy Act of 1969

In this proposed rule, DOE proposes test procedure amendments that it expects will be used to develop and implement future energy conservation standards for electric motors. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting test procedures for measuring energy efficiency of consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, appendix A to subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it 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. EPCA governs and prescribes Federal preemption of State

[100] *www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202102-1910-002.*

[101] 3 certification programs × 10 hours × $67 = $2,010.

regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that executive agencies make every reasonable effort to ensure that the regulation (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at *https://www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.* DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The proposed regulatory action to amend the test procedure for measuring the energy efficiency of electric motors is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; ''FEAA'') Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use

of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (''FTC'') concerning the impact of the commercial or industry standards on competition.

The proposed modifications to the test procedure for electric motors would reference testing methods contained in certain sections of the following commercial standards, which DOE is proposing to incorporate by reference: CSA C390–10 (R2019), IEC 60034–12:2016, IEC 60079–7:2015, IEC 61800–9–2:2017, NEMA MG 1–2016 with 2018 Supplements and NFPA 20–2019. DOE has evaluated these standards and is unable to conclude whether it fully complies with the requirements of section 32(b) of the FEAA (*i.e.,* whether it was developed in a manner that fully provides for public participation, comment, and review.) DOE will consult with both the Attorney General and the Chairman of the FTC concerning the impact of these test procedures on competition, prior to prescribing a final rule.

M. Description of Materials Incorporated by Reference

In this NOPR, DOE proposes to incorporate by reference the test standards published by CSA, IEC, IEEE, NEMA and NFPA.

CSA C390–10 (R2019) specifies test methods, marking requirements, and energy efficiency levels for three-phase induction motors.

CSA C747–09 (R2019) specifies test methods for single-phase electric motors and polyphase electric motors below 1 hp.

IEC 60034–1:2010 provides standardized performance and ratings, including test methods for electric motors.

IEC 60034–2–1:2014 specifies test methods for single phase and polyphase induction motors and synchronous motors.

IEC 60034–12:2016 specifies the parameters for eight designs (IEC Design N, Design NE, Design NY, Design NEY, IEC Design H, Design HE, Design HY, Design HEY) of starting performance of single-speed three-phase 50 Hz or 60 Hz cage induction motors.

IEC 60050–411 provides definitions related to electric motors.

IEC 60051–1:2016 specifies definitions and general requirements for electrical measuring instruments.

IEC 60072–1 specifies fixing dimensions, shaft extension dimensions and output powers, as well as permissible torques for continuous duty electric motors.

IEC 60079–7:2015 is referenced within IEC 60034–12:2016 and specifies the requirements for the design, construction, testing and marking of electrical equipment and Ex Components with type of protection increased safety ''e'' intended for use in explosive gas atmospheres.

IEC 61800–9–2:2017 specifies test methods for inverter-fed electric motors that include an inverter.

IEEE 112–2017 specifies test methods for polyphase electric motors.

IEEE 114–2010 specifies test methods for single-phase electric motors.

NEMA MG1–2016 with 2018 Supplements provides test methods to determine motor efficiency and losses, including for air-over electric motors, and establishes several industry definitions.

NFPA 20–2019 provides specifications for fire-pump motors.

Copies of these standards can be obtained from the organizations directly at the following addresses:

- Canadian Standards Association, Sales Department, 5060 Spectrum Way, Suite 100, Mississauga, Ontario, L4W 5N6, Canada, 1–800–463–6727, or by visiting *http://www.shopcsa.ca/onlinestore/welcome.asp.*
- International Electrotechnical Commission, 3 rue de Varembé, 1st floor, P.O. Box 131, CH–1211 Geneva 20–Switzerland, +41 22 919 02 11, or by visiting *https://webstore.iec.ch/home.*
- Institute of Electrical and Electronics Engineers, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855–1331, (732) 981–0060, or by visiting *http://www.ieee.org.*
- NEMA, 1300 North 17th Street, Suite 900, Arlington, Virginia 22209, +1 (703) 841 3200, or by visiting *https://www.nema.org.*
- National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169, +1 800 344 3555, or by visiting *https://www.nfpa.org.*

V. Public Participation

A. Participation in the Webinar

The time and date of the public meeting held via webinar are listed in the **DATES** section at the beginning of this document. If no participants register for the webinar, it will be cancelled. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=6&action=viewlive.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the webinar. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **ADDRESSES** section at the beginning of this NOPR. The request and advance copy of statements must be received at least one week before the public meeting and must be emailed. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

C. Conduct of the Webinar

DOE will designate a DOE official to preside at the webinar and may also use a professional facilitator to aid discussion. The webinar will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the webinar. After the public meeting and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

A transcript of the webinar will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this NOPR. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE

Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments

Include contact information each time you submit comments, data, documents, and other information to DOE. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE seeks comments on its proposed clarification of IEC Design NE, NY, NEY, HE, HY and HEY motors as variants of IEC Design N and IEC Design H motors, as applicable.

(2) DOE requests comments on its proposal to add air-over electric motors to the scope of the test procedure. To the extent available, DOE requests that comments be accompanied by supporting information and data.

(3) DOE requests comments on its proposal to add submersible electric motors to the scope of the test procedure.

(4) DOE requests comments on its proposal to add electric motors greater than 500 hp (and up to 750 hp) that meet the criteria provided in 10 CFR 431.25(g) (except (8)) and are not listed at 10 CFR 431.25(l)(2)–(4) to the scope of the test procedure. DOE requests comment and supporting information on whether an upper limit of 750 hp is appropriate for the proposed expanded scope of motors greater than 500 hp—and if not, why not.

(5) DOE requests comments on the proposal to include SNEMs, as specified in Table III.4, within the scope of the test procedure. Specifically, DOE requests feedback on each individual criteria listed in Table III.4. To the extent that these criteria should be revised, DOE seeks supporting information and justification for those revisions.

(6) DOE requests comments on its proposal to add test procedure provisions for AC induction inverter-only electric motors. DOE seeks supporting information and justification for including or excluding AC induction inverter-only electric motors in the scope of the test procedure.

(7) DOE requests comments on its proposal to add synchronous electric motors to the scope of the test procedure. Specifically, DOE request comments on whether the criteria listed in Table III.8 accurately reflect DOE's intent to propose to include LSPM motors; PMAC motors; SR motors; SynRMs; and ECMs in the scope of the proposed test procedure. To the extent that the criteria listed in Table III.8 should be revised, DOE seeks supporting information and justification for the suggested revision.

(8) DOE requests comment on maintaining the existing exemption of component sets of an electric motor from the scope of the test procedure.

(9) DOE requests comment on maintaining the existing exemption of liquid-cooled electric motors from the scope of the test procedure.

(10) DOE requests comment on whether any electric motors, when used as components of covered products or covered equipment, are unable to be tested under the DOE test procedure absent modification to the test procedure. If so, DOE requests information on what such modifications should be and why.

(11) DOE seeks comments on the proposed updates to the definitions for IEC Design H, and IEC Design N, and the proposed additional definitions for IEC Design HE, HY, HEY, NE, NY and NEY.

(12) DOE seeks comments on its assessment that updating the NEMA MG 1 references in the DOE definitions to

NEMA MG 1–2016 with 2018 Supplements would not substantially change the definitions currently prescribed in 10 CFR 431.12. DOE also seeks comment on whether the proposed updates would alter the measured efficiency of electric motors.

(13) DOE seeks comments on the proposed definitions of ''inverter-only electric motor'' ''inverter-capable electric motor'' and ''inverter''. If these definitions should be revised, DOE requests supporting information and justification for these revisions.

(14) DOE requests comments (*i.e.,* supporting information and technical justification) on the proposed definition for an air-over electric motor—including technical information and support on whether and why the definition should be modified.

(15) DOE requests comments (*i.e.,* supporting information and technical justification) on the proposed definition for a liquid-cooled electric motor—including technical information and support on whether and why the definition should be modified.

(16) DOE seeks comments on whether its assessment of the updates to IEC 60034–12:2016 is accurate and on its proposal to incorporate by reference the 2016 version of IEC 60034–12, including reference to IEC 60079–7:2015.

(17) DOE seeks comments on whether its assessment of the updates to NFPA 20–2019 is accurate. In addition, DOE seeks comment on its proposal to reference section 9.5 of NFPA 20–2019, the most current test standard.

(18) DOE seeks comment on whether the clause ''including any IEC-equivalent'' should be maintained in the fire pump electric motor definition, considering that section 9.5 of NFPA 20–2019 now includes this specification.

(19) DOE seeks comments on whether its assessment of the updated paragraph 12.58.1 of NEMA MG1–2016 with 2018 Supplements is accurate. DOE also seeks comment on its proposal to incorporate IEEE 112–2017, CSA C390–10 (R2019), and IEC 60034–2–1:2014, and on its preliminary determination that updating these references to the latest version of each standard would not affect the measured efficiency of an electric motor currently subject to energy conservation standards at 10 CFR 431.25.

(20) DOE requests comment on its proposal to specify using Section 34.4, with modification, for measuring the efficiency of air-over electric motors. DOE requests feedback on the proposal to specify a single target temperature 75 °C for polyphase motors.

(21) DOE requests comment on its conclusion that Section 34.4 is less repeatable than Section 34.5.

(22) DOE requests comment on its conclusion that measured efficiency correlates inversely with the temperature the motor is tested at.

(23) DOE requests feedback and supporting data on the repeatability and level of accuracy of the methods included Section 34.4 and 34.5, and on whether these or other methods would lead to equivalent results when applied to the same motor.

(24) DOE requests comment on whether some air-over electric motors could thermally stabilize at a temperature that is lower than the proposed target temperature of 75 °C. If yes, DOE requests comment on how these should be tested.

(25) DOE requests comment on whether the proposed test procedure is applicable to all air-over electric motors in scope. If not, DOE is requesting information and feedback on which air-over electric motors cannot be tested in accordance with the proposed test procedure and on any revisions needed.

(26) DOE requests comment on the proposed test method for measuring the efficiency of additional SNEMs (not including inverter-only electric motors, air-over electric motors, or submersible electric motors).

(27) DOE requests feedback on the proposed test methods for synchronous electric motors and AC induction inverter-only electric motors. Specifically, DOE requests feedback on the proposal to test direct-on-line synchronous motors and inverter-capable electric motors in accordance with IEC 60034–2–1:2014. In addition, DOE requests feedback on the proposal to test inverter-only electric motors in accordance with IEC 61800–9–2:2017 and specifying, for inverter-only motors that do not include an inverter, that testing must be conducted using an inverter as recommended in the manufacturer's catalogs or offered for sale with the electric motor.

(28) DOE requests feedback how inverter-only electric motors sold with or without an inverter are typically tested (*i.e.,* inclusive of the inverter or not, and on whether the test measurements include the inverter). DOE requests feedback and supporting information on whether there would be any benefits to considering a test method that measures the combined efficiency of the motor and inverter for inverter-capable electric motors (with and without inverters).

(29) For inverter-only electric motors without inverters, DOE requests comment on the proposal to conduct the test using an inverter as recommended in the manufacturer's catalogs or offered for sale with the electric motor to determine a combined motor and inverter efficiency. DOE also requests feedback on which inverter should be selected for testing in the case where more than one inverter is recommended in the manufacturer's catalogs or offered for sale with the electric motor. To the extent other approaches should be considered, DOE requests feedback and supporting information.

(30) For inverter-only electric motors sold without inverters, DOE requests comment on whether these motors should be tested using the method in section 6.2 of IEC 60034–2–3:2020, with a ''comparable inverter'' in accordance with section 5 of IEC 60034–2–3:2020.

(31) DOE requests comments on its proposal to use full-load efficiency as the metric for measuring the performance of the additional electric motors proposed in scope. Specifically, DOE requests comment on the proposed load points associated with each electric motor category. If any different load points or metric should be considered, DOE requests information and data to support those load points and any alternate metric.

(32) DOE requests comments whether it should consider an efficiency metric inclusive of the inverter efficiency for inverter-capable electric motors and inverter-only electric motors sold with or without inverters.

(33) DOE requests comment on its proposal to specify rated output power for induction motors based on frame size requirements in NEMA MG–2016 with 2018 Supplements. Specifically, DOE requests comment on whether the proposed specification of rated output power for sections 2.1, 2.2, and 2.4 of Appendix B accurately describe how manufacturers are currently determining the rated output power for electric motors.

(34) DOE seeks comment on how rated output power and breakdown torque are determined for the additional motors proposed to be added to scope (specifically synchronous electric motors); whether breakdown torque needs to be defined; and if so, how.

(35) DOE seeks comment on the proposed definition for ''rated voltage'' for electric motors currently in scope and expanded scope motors.

(36) DOE seeks comment on its proposal to allow 'Usable at' voltages on the nameplate to be selected for testing, and how these 'Usable at' voltages differ from a ''rated voltage'' as currently labeled on certain electric motor nameplates.

(37) DOE seeks comment on if ''rated voltage'' should be defined differently for currently in scope motors and newly included motors in the proposed expanded scope.

(38) DOE seeks comment on the proposed test procedure for submersible electric motors based on Section 34.4 of NEMA MG1–2016 with its 2018 Supplements.

(39) DOE also seeks comment on the proposed modifications to Section 34.4 of NEMA MG1–2016 with its 2018 Supplements, and if further modifications are warranted for use with submersible electric motors.

(40) DOE seeks comment and supporting data on if the submersible test procedure should only apply to a certain range of horsepower rating, or if it should apply to all submersible electric motors, regardless of rated horsepower.

(41) DOE requests comment on the proposed changes to the testing requirement for certain vertical electric motors.

(42) DOE requests comment on whether it should be specified in the test method that the coupling torsional rigidity exceed the rigidity of the motor shaft it is connected to.

(43) DOE requests comment on the proposed language clarifying testing of electric motors with shaft seals.

(44) DOE requests comments on the proposed application of the additional testing instructions in Sections 3.1 through 3.8 of appendix B to the additional electric motors proposed for inclusion in scope of the test procedure. To the extent that revisions to the additional instructions other than those discussed are needed, DOE requests supporting information and justification for these revisions.

(45) DOE requests comments in the proposed definition of independent as it pertains to nationally recognized testing programs, certification programs, and accreditation bodies.

(46) DOE requests comments on the three proposed options through which manufacturers must certify electric motors as compliant.

(47) DOE seeks comments on its proposal to specify how to determine the nominal full load efficiency of a basic model of electric motors when the average full-load efficiency of that basic model is known.

(48) DOE requests comment on its proposal to allow using average full-load efficiency values as alternative represented values for electric motors.

(49) DOE requests comment on its proposal to require that, on or after the compliance date for any new or amended standards for electric motors published after January 1, 2021, manufacturers must calculate the average full-load efficiency of a basic model as the arithmetic mean of the full-load efficiencies of a sample of electric motors and on the proposal to add a requirement that no electric motor tested in the sample has losses exceeding 15 percent of those permitted by the applicable energy conservation standard.

(50) DOE requests comment on the proposal to add a requirement to specify that nationally recognized certification programs for electric motors must follow provisions as proposed in §§ 429.64 and 429.70(i).

(51) DOE requests comment on its proposal to require that within one year of publication of a test procedures or certification, compliance and enforcement final rule pertaining to electric motors, all certification programs must either submit a letter to DOE certifying that no change to their program is needed or submit a letter describing the measures implemented to ensure the criteria in the proposed § 429.73(b) are still met. If a certification program submits a letter describing updates, DOE requests comment on its proposal to maintain the program's recognition until DOE reviews the measures implemented.

(52) DOE requests comments on the proposed requirements for validation and subsequent verification of an AEDM.

(53) DOE requests comment on its estimate that 50 percent of the current market of the proposed expanded scope electric motors and DPPP motors make voluntary representations.

(54) DOE requests comment on the in-house and third-party single unit test costs.

(55) DOE requests comment on its estimation of reduction in testing cost due to the proposed requirements for testing of vertical electric motors.

(56) DOE requests comments on the benefits and burdens of the proposed updates and additions to industry standards referenced in the test procedure for electric motors.

(57) DOE requests comment on the number of small businesses DOE identified and the number of potential electric motor models that small business manufacturers would make voluntary representations regarding the energy consumption or cost of energy of such electric motors. DOE also requests comment on any other potential costs small businesses may incur due to the proposed amended test procedures, if finalized.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Incorporation by reference, Reporting and recordkeeping requirements.

10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Incorporation by reference, Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on November 17, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, 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 November 19, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE is proposing to amend parts 429 and 431 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 2. Revise § 429.1 to read as follows:

§ 429.1 Purpose and scope.

This part sets forth the procedures for certification, determination and enforcement of compliance of covered products and covered equipment with the applicable energy conservation standards set forth in parts 430 and 431 of this subchapter.

■ 3. Amend § 429.2 by:

■ a. Revising paragraph (a); and

■ b. Adding in alphabetical order, the definition for ''independent''.

The revision and addition read as follows:

§ 429.2 Definitions.

(a) The definitions found in 10 CFR parts 430 and 431 apply for purposes of this part.

* * * * *

Independent means, in the context of a nationally recognized testing program, certification program, or accreditation program for electric motors, an entity that is not controlled by, or under common control with, electric motor manufacturers, importers, private labelers, or vendors, and that has no affiliation, financial ties, or contractual agreements, apparently or otherwise, with such entities that would:

(1) Hinder the ability of the program to evaluate fully or report the measured or calculated energy efficiency of any electric motor, or

(2) Create any potential or actual conflict of interest that would undermine the validity of said evaluation. For purposes of this definition, financial ties or contractual agreements between an electric motor manufacturer, importer, private labeler or vendor and a nationally recognized testing program, certification program, or accreditation program exclusively for testing, certification, or accreditation services does not negate an otherwise independent relationship.

* * * * *

■ 4. Add § 429.3 to read as follows:

§ 429.3 Sources for information and guidance.

(a) *General.* The standards listed in this paragraph are referred to in §§ 429.73 and 429.74 and are not incorporated by reference. These sources are provided here for information and guidance only.

(b) *ISO/IEC.* International Organization for Standardization (ISO), 1, ch. de la Voie-Creuse, CP 56, CH–1211 Geneva 20, Switzerland/ International Electrotechnical Commission, 3, rue de Varembé, P.O. Box 131, CH–1211 Geneva 20, Switzerland.

(1) International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), (''ISO/IEC'') Guide 25, ''General requirements for the competence of calibration and testing laboratories'', December 1, 1990.

(2) International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), (''ISO/IEC'') Guide 27, ''Guidelines for corrective action to be taken by a certification body in the event of misuse of its mark of conformity'', March 1, 1983.

(3) International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), (''ISO/IEC'') Guide 28, ''Conformity assessment—Guidance on a third-party certification system for products,'' October 1, 2004.

(4) International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), (''ISO/IEC '') Guide 58, ''Calibration and testing laboratory accreditation systems—General requirements for operation and recognition,'' February 11, 1993.

(5) International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), (''ISO/IEC '') Guide 65, ''General requirements for bodies operating product certification systems,'' June 27, 1996.

(c) *NVLAP.* National Voluntary Laboratory Accreditation Program, National Institute of Standards and Technology, 100 Bureau Drive, M/S 2140, Gaithersburg, MD 20899–2140, 301–975–4016, or go to *www.nist.gov/nvlap/*. Also see *http://www.nist.gov/nvlap/nvlap-handbooks.cfm.*

(1) National Institute of Standards and Technology (NIST) Handbook 150, ''NVLAP Procedures and General Requirements,'' 2006 edition, February 2006.

(2) National Institute of Standards and Technology (NIST) Handbook 150–10, ''Efficiency of Electric Motors,'' 2007 edition, February 2007.

■ 5. Revise § 429.11 to read as follows:

§ 429.11 General sampling requirements for selecting units to be tested.

(a) When testing of covered products or covered equipment is required to comply with section 323(c) of the Act, or to comply with rules prescribed under sections 324, 325, 342, 344, 345 or 346 of the Act, a sample comprised of production units (or units representative of production units) of the basic model being tested must be selected at random and tested and must meet the criteria found in §§ 429.14 through 429.66. Any represented values of measures of energy efficiency, water efficiency, energy consumption, or water consumption for all individual models represented by a given basic model must be the same; and

(b) The minimum number of units tested must be no less than two, unless otherwise specified. A different minimum number of units may be specified for certain products in §§ 429.14 through 429.66. If fewer than the number of units required for testing is manufactured, each unit must be tested.

■ 6. Add § 429.64 to read as follows:

§ 429.64 Electric motors.

(a) *Applicability.* When a party determines the energy efficiency of an electric motor in order to comply with an obligation imposed on it by or pursuant to Part C of Title III of EPCA, 42 U.S.C. 6311–6316, this section applies. This section does not apply to enforcement testing conducted pursuant to § 431.192 of this chapter. This section applies to electric motors that are subject to requirements in subpart B of part 431 of this chapter and does not apply to dedicated-purpose pool pump motors subject to requirements in subpart Z of part 431.

(1) Prior to the date described in paragraph (a)(2) of this section, manufacturers of electric motors subject to energy conservation standards in subpart B of part 431 must make representations of energy efficiency, including representations for certification of compliance, in accordance with paragraphs (b) and (c) of this section.

(2) On and after the compliance date for any new or amended standards for electric motors published after January 1, 2021, manufacturers of electric motors subject to energy conservation standards in subpart B of part 431 of this chapter must make representations of energy efficiency, including representations for certification of compliance, in accordance with paragraphs (d) through (f) this section.

(b)(1) *General requirements.* The represented value of nominal full-load efficiency of each basic model of electric motor must be determined either by testing in accordance with § 431.16 of this chapter, or by application of an alternative efficiency determination method (AEDM) that meets the requirements of paragraph (b)(2) of this section.

(2) *Alternative efficiency determination method.* In lieu of testing, the represented value of nominal full-load efficiency for a basic model of electric motor must be determined through the application of an AEDM pursuant to the requirements of

§ 429.70(i) of this part and the provisions of paragraphs (b) and (c) of this section, where:

(i) The average full-load efficiency of any basic model used to validate an AEDM must be calculated under paragraph (c) of this section.

(ii) The represented value is the nominal full-load efficiency of a basic model of electric motor and is to be used in marketing materials and all public representations, as the certified value of efficiency, and on the nameplate. (See § 431.31(a) of this chapter.) Determine the nominal full-load efficiency by selecting a value from the ''Nominal Full-Load Efficiency'' Table in appendix B to subpart B of this part that is no greater than the simulated full-load efficiency predicted by the AEDM for the basic model.

(3) *Use of a certification program or accredited laboratory.* (i) A manufacturer may have a certification program, that DOE has classified as nationally recognized under § 429.73, certify the nominal full-load efficiency of a basic model of electric motor, and issue a certificate of conformity for the motor.

(ii) For each basic model for which a certification program is not used as described in paragraph (b)(3)(i) of this section, any testing of the motor pursuant to paragraphs (b)(1) or (2) of this section to determine its energy efficiency must be carried out:

(A) For certification of a new basic model pursuant to § 431.36(e) of this chapter required prior to [DATE 180 DAYS FOLLOWING PUBLICATION OF FINAL RULE], in accordance with paragraph (c) of this section in an accredited laboratory that meets the requirements of § 431.18 of this chapter;

(B) For certification of a new basic model pursuant to § 431.36(e) of this chapter required on or after [DATE 180 DAYS FOLLOWING PUBLICATION OF FINAL RULE], in a nationally recognized testing program that meets the requirements of paragraph (f) of this section.

(c) *Additional testing requirements applicable when a certification program is not used*—(1) *Selection of units for testing.* For each basic model selected for testing, a sample of units shall be selected at random and tested. Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provision.

(2) *Sampling requirements.* The sample shall be comprised of production units of the basic model, or units that are representative of such production units. The sample size shall be not fewer than five units, except that when fewer than five units of a basic model would be produced over a reasonable period of time (approximately 180 days), then each unit shall be tested. In a test of compliance with a represented average or nominal efficiency:

(i) The average full-load efficiency of the sample $\bar{x}$, which is defined by:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

where x_i is the measured full-load efficiency of unit *i* and n is the number of units tested, shall satisfy the condition:

$$\bar{x} = \frac{100}{1 + 1.05(\frac{100}{RE} - 1)}$$

where RE is the represented nominal full-load efficiency, and

(ii) The lowest full-load efficiency in the sample x_{min} , which is defined by:

x_{min} = min (x_i =)

shall satisfy the condition:

$$x_{min} \geq \frac{100}{1 + 1.15(\frac{100}{RE} - 1)}$$

(d) *Compliance certification.* A manufacturer may not certify the compliance of an electric motor pursuant to § 429.12 unless:

(1) Testing of the electric motor basic model was conducted using a nationally recognized testing program that meets the requirements of paragraph (f) of this section;

(2) Testing was conducted using a laboratory other than a nationally recognized testing program that meets the requirements of paragraph (f) of this section, or the nominal full-load efficiency of the electric motor basic model was determined through the application of an AEDM pursuant to the requirements of § 429.70(i), and a third-party certification organization that is nationally recognized in the United States under § 429.73 has certified the nominal full-load efficiency of the electric motor basic model through issuance of a certificate of conformity for the basic model.

(e) *Determination of represented value.* A manufacturer must determine the represented value of nominal full-load efficiency (inclusive of the inverter for inverter-only electric motors) for each basic model of electric motor either by testing in conjunction with the applicable sampling provisions or by applying an AEDM as set forth in this section and in § 429.70(i).

(1) *Testing*—(i) *Units to be tested.* If the represented value for a given basic model is determined through testing, the requirements of § 429.11 apply except that, for electric motors, the minimum sample size is five units. If fewer units than the minimum sample size are produced, each unit produced must be tested and the test results must demonstrate that the basic model performs at or better than the applicable standard(s). If one or more units of the basic model are manufactured subsequently, compliance with the default sampling and representations provisions is required.

(ii) *Average Full-load Efficiency:* Determine the average full-load efficiency for the basic model $\bar{x}$, for the units in the sample as follows:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

Where x_i is the measured full-load efficiency of unit i and n is the number of units tested.

(iii) *Represented value.* The represented value is the nominal full-load efficiency of a basic model of electric motor and is to be used in marketing materials and all public representations, as the certified value of efficiency, and on the nameplate. (*See* § 431.31(a) of this chapter.) Determine the nominal full-load efficiency by selecting an efficiency from the ''Nominal Full-load Efficiency'' Table in Appendix B that is no greater than the average full-load efficiency of the basic model as calculated in § 429.64(e)(1)(ii). Alternatively, a manufacturer may make representations of the represented value of the average full-load efficiency of a basic model of electric motor provided that the manufacturer uses the average full-load efficiency consistently on all marketing materials, public representations and as the value on the nameplate (*See* § 431.31(a) of this chapter). The represented value must be clearly identified as either Avg Eff. (if using average full-load efficiency) or as specified in § 431.31(a)(2) of this chapter (if using nominal full-load efficiency).

(iv) *Minimum full-load efficiency:* To ensure a high level of quality control and consistency of performance within the basic model, the lowest full-load efficiency in the sample x_{min}, must satisfy the condition:

$$x_{min} \geq \frac{100}{1 + 1.15(\frac{100}{Std} - 1)}$$

where *Std* is the value of the applicable energy conservation standard.

If the lowest measured full-load efficiency of a motor in the tested sample does not satisfy the condition in this section, then the basic model cannot be certified as compliant with the applicable standard.

(2) *Alternative efficiency determination methods.* In lieu of testing, the represented value of nominal full-load efficiency for a basic model of electric motor must be determined through the application of an AEDM pursuant to the requirements of § 429.70(i) and the provisions of this section, where:

(i) The average full-load efficiency of any basic model used to validate an AEDM must be calculated under paragraph (e)(1)(ii) of this section; and

(ii) The represented value is the nominal full-load efficiency of a basic model of electric motor and is to be used in marketing materials and all public representations, as the certified value of efficiency, and on the nameplate. (See § 431.31(a) of this chapter) Determine the nominal full-load efficiency by selecting a value from the ''Nominal Full-Load Efficiency'' Table in appendix B to subpart B of this part, that is no greater than the simulated full-load efficiency predicted by the AEDM for the basic model.

(f) *Nationally recognized testing program.* (1) Testing pursuant to paragraphs (b)(3)(ii)(B) and (d)(1) of this section must be conducted in an independent (as defined at 10 CFR 431.12) nationally recognized testing program for which the accreditation body was:

(i) The National Institute of Standards and Technology/National Voluntary Laboratory Accreditation Program (NIST/NVLAP); or

(ii) A laboratory accreditation body having a mutual recognition arrangement with NIST/NVLAP; or

(iii) An organization classified by the Department, pursuant to § 429.74, as an accreditation body.

(2) NIST/NVLAP is under the auspices of the National Institute of Standards and Technology (NIST)/ National Voluntary Laboratory Accreditation Program (NVLAP), which is part of the U.S. Department of Commerce. NIST/NVLAP accreditation is granted on the basis of conformance with criteria published in 15 CFR part 285. The National Voluntary Laboratory Accreditation Program, ''Procedures and General Requirements,'' NIST Handbook 150–10, February 2007, and Lab Bulletin LB–42–2009, Efficiency of Electric Motors Program, (referenced for guidance only, see § 429.3) present the technical requirements of NVLAP for the Efficiency of Electric Motors field of accreditation. This handbook supplements NIST Handbook 150, National Voluntary Laboratory Accreditation Program ''Procedures and General Requirements,'' which contains 15 CFR part 285 plus all general NIST/ NVLAP procedures, criteria, and policies. Information regarding NIST/ NVLAP and its Efficiency of Electric Motors Program (EEM) can be obtained from NIST/NVLAP, 100 Bureau Drive, Mail Stop 2140, Gaithersburg, MD 20899–2140, (301) 975–4016 (telephone), or (301) 926–2884 (fax).

■ 7. Add § 429.65 to read as follows:

§ 429.65 Dedicated-purpose pool pump motors.

(a) *Applicability.* This section applies to dedicated purpose motors that are subject to requirements in subpart Z of part 431 of this chapter. Starting on the compliance date for any standards for dedicated-purpose pool pump motors published after January 1, 2021, manufacturers of dedicated-purpose pool pump motors subject to such standards must make representations of energy efficiency, including representations for certification of compliance, in accordance with this section.

(b) *Compliance certification.* A manufacturer may not certify the compliance of a dedicated-purpose pool pump motor pursuant to 10 CFR 429.12 unless:

(1) Testing of the dedicated-purpose pool pump motor basic model was conducted using a nationally recognized testing program that meets the requirements of paragraph (d) of this section;

(2) Testing was conducted using a laboratory other than a nationally recognized testing program that meets the requirements of paragraph (d) of this section, or the full-load efficiency of the dedicated-purpose pool pump motor basic model was determined through the application of an AEDM pursuant to the requirements of § 429.70(j), and a third-party certification organization that is nationally recognized in the United States under § 429.73 has certified the full-load efficiency of the dedicated-purpose pool pump motor basic model through issuance of a certificate of conformity for the basic model.

(c) *Determination of represented value.* A manufacturer must determine the represented value of full-load efficiency (inclusive of the drive, if the dedicated-purpose pool pump motor basic model is placed into commerce with a drive, or is unable to operate without the presence of a drive) for each basic model of dedicated-purpose pool pump motor either by testing in conjunction with the applicable sampling provisions or by applying an AEDM as set forth in this section and in § 429.70(j).

(1) *Testing*—(i) *Units to be tested.* If the represented value for a given basic model is determined through testing, the requirements of § 429.11 apply except that, for dedicated-purpose pool pump motors, the minimum sample size is five units. If fewer units than the minimum sample size are produced, each unit produced must be tested and the test results must demonstrate that the basic model performs at or better than the applicable standard(s). If one or more units of the basic model are manufactured subsequently, compliance with the default sampling and representations provisions is required.

(ii) *Full-load efficiency.* Any value of full-load efficiency must be lower than or equal to the average of the sample X_{min}, calculated as follows:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

Where x_i is the measured full-load efficiency of unit i and n is the number of units tested in the sample.

(iii) *Represented value.* The represented value is the full-load efficiency of a basic model of dedicated-purpose pool pump motor and is to be used in marketing materials and all public representations, as the certified value of efficiency, and on the nameplate. (See § 431.486 of this chapter). Alternatively, a manufacturer may make representations using the nominal full-load efficiency of a basic model of dedicated-purpose pool pump motor provided that the manufacturer uses the nominal full-load efficiency consistently on all marketing materials, and as the value on the nameplate. Determine the nominal full-load efficiency by selecting an efficiency from the ''Nominal Full-load Efficiency'' Table in appendix B to subpart B of this part, that is no greater than the full-load efficiency of the basic model as calculated in § 429.65(c)(1)(ii).

(iv) *Minimum full-load efficiency:* To ensure quality control and consistency of performance within the basic model, the lowest full-load efficiency in the sample , must satisfy the condition:

$$x_{min} \geq \frac{100}{1 + 1.15(\frac{100}{Std} - 1)}$$

where *Std* is the value of any applicable energy conservation standard.

If the lowest measured full-load efficiency of a motor in the tested sample does not satisfy the condition in this section, then the basic model cannot be certified as compliant with the applicable standard.

(v) *Dedicated-purpose pool pump motor total horsepower.* The represented value of the total horsepower of a basic model of dedicated-purpose pool pump motor must be the mean of the dedicated-purpose pool pump motor total horsepower for each tested unit in the sample.

(2) *Alternative efficiency determination methods.* In lieu of testing, the represented value of full-load efficiency for a basic model of dedicated-purpose pool pump motor must be determined through the application of an AEDM pursuant to the requirements of § 429.70(j) and the provisions of this section, where:

(i) The full-load efficiency of any basic model used to validate an AEDM must be calculated under paragraph (c)(1)(ii) of this section; and

(ii) The represented value is the full-load efficiency of a basic model of dedicated-purpose pool pump motor and is to be used in marketing materials and all public representations, as the certified value of efficiency, and on the nameplate. (*See* § 431.485 of this chapter). Alternatively, a manufacturer may make representations using the nominal full-load efficiency of a basic model of dedicated-purpose pool pump motor provided that the manufacturer uses the nominal full-load efficiency consistently on all marketing materials, and as the value on the nameplate. Determine the nominal full-load efficiency by selecting an efficiency from the ''Nominal Full-load Efficiency'' Table in appendix B to subpart B of this part, that is no greater than the full-load efficiency of the basic model as calculated in § 429.65(c)(1)(ii).

(d) *Nationally recognized testing program.* (1) Testing pursuant to paragraph (b) of this section must be conducted in an independent (as defined at 10 CFR 431.12 of this chapter) nationally recognized testing program for which the accreditation body was:

(i) The National Institute of Standards and Technology/National Voluntary Laboratory Accreditation Program (NIST/NVLAP); or

(ii) A laboratory accreditation body having a mutual recognition arrangement with NIST/NVLAP; or

(iii) An organization classified by the Department, pursuant to § 429.74, as an accreditation body.

(2) NIST/NVLAP is under the auspices of the National Institute of Standards and Technology (NIST)/National Voluntary Laboratory Accreditation Program (NVLAP), which is part of the U.S. Department of Commerce. NIST/NVLAP accreditation is granted on the basis of conformance with criteria published in 15 CFR part 285. The National Voluntary Laboratory Accreditation Program, ''Procedures and General Requirements,'' NIST Handbook 150–10, February 2007, and Lab Bulletin LB–42–2009, Efficiency of Electric Motors Program, (referenced for guidance only, see § 429.3) present the technical requirements of NVLAP for the Efficiency of Electric Motors field of accreditation. This handbook supplements NIST Handbook 150, National Voluntary Laboratory Accreditation Program ''Procedures and General Requirements,'' which contains 15 CFR part 285 plus all general NIST/NVLAP procedures, criteria, and policies. Information regarding NIST/NVLAP and its Efficiency of Electric Motors Program (EEM) can be obtained from NIST/NVLAP, 100 Bureau Drive, Mail Stop 2140, Gaithersburg, MD 20899–2140, (301) 975–4016 (telephone), or (301) 926–2884 (fax).

■ 8. Amend § 429.70 by:

■ a. Revising paragraph (a); and

■ b. Adding paragraphs (i) and (j).

The revision and additions read as follows:

§ 429.70 Alternative methods for determining energy efficiency and energy use.

(a) *General.* A manufacturer of covered products or covered equipment explicitly authorized to use an AEDM in §§ 429.14 through 429.65 may not distribute any basic model of such product or equipment in commerce unless the manufacturer has determined the energy consumption or energy efficiency of the basic model, either from testing the basic model in conjunction with DOE's certification sampling plans and statistics or from applying an alternative method for determining energy efficiency or energy use (*i.e.,* AEDM) to the basic model, in accordance with the requirements of this section. In instances where a manufacturer has tested a basic model to validate the AEDM, the represented value of energy consumption or efficiency of that basic model must be determined and certified according to results from actual testing in conjunction with 10 CFR part 429, subpart B certification sampling plans and statistics. In addition, a manufacturer may not knowingly use an AEDM to overrate the efficiency of a basic model.

* * * * *

(i) *Alternative efficiency determination method (AEDM) for electric motors subject to requirements in subpart B of part 431 of this chapter*—(1) *Criteria an AEDM must satisfy.* A manufacturer is not permitted to apply an AEDM to a basic model of electric motor to determine its efficiency pursuant to this section unless:

(i) The AEDM is derived from a mathematical model that estimates the energy efficiency characteristics and losses of the basic model as measured by the applicable DOE test procedure and accurately represents the mechanical and electrical characteristics of that basic model, and

(ii) The AEDM is based on engineering or statistical analysis, computer simulation or modeling, or other analytic evaluation of actual performance data.

(iii) The manufacturer has validated the AEDM in accordance with paragraph (i)(2) of this section with basic models that meet the current Federal energy conservation standards (if any).

(2) *Validation of an AEDM.* Before using an AEDM, the manufacturer must validate the AEDM's accuracy and reliability by comparing the simulated full-load losses to tested average full-load losses as follows.

(i) *Select basic models.* A manufacturer must select at least five basic models compliant with the energy conservation standards at § 431.25 of this chapter (if any), in accordance with the following criteria:

(A) Two of the basic models must be among the five basic models with the highest unit volumes of production by the manufacturer in the prior 5 years.

(B) No two basic models may have the same horsepower rating;

(C) No two basic models may have the same frame number series; and

(D) Each basic model must have the lowest average full-load efficiency among the basic models within the same equipment class.

(E) In any instance where it is impossible for a manufacturer to select basic models for testing in accordance with all of these criteria, prioritize the criteria in the order in which they are listed. Within the limits imposed by the criteria, select basic models randomly.

(F) A basic model with a sample size of fewer than five units may not be selected to validate an AEDM.

(ii) *Apply the AEDM to the selected basic models.* Using the AEDM, calculate the simulated full-load losses for each of the selected basic models as follows: Hp × (1/simulated full-load efficiency − 1), where hp is the horsepower of the basic model.

(iii) *Test at least five units of each of the selected basic models in accordance with § 431.16 of this chapter.* Use the measured full-load losses for each of the tested units to determine the average of the measured full-load losses for each of the selected basic models.

(iv) *Compare.* The simulated full-load losses for each basic model (paragraph (i)(2)(ii) of this section) must be greater than or equal to 90 percent of the average of the measured full-load losses (paragraph (i)(2)(iii) of this section) (*i.e.,* 0.90× average of the measured full-load losses ≤ simulated full-load losses).

(3) *Verification of an AEDM.* (i) Each manufacturer must periodically select basic models representative of those to which it has applied an AEDM. The manufacturer must select a sufficient number of basic models to ensure the AEDM maintains its accuracy and reliability. For each basic model selected for verification:

(A) Subject at least one unit to testing in accordance with § 431.16 of this chapter by a nationally recognized testing program that meets the requirements of § 429.74. The simulated full-load losses for each unit must be greater than or equal to 90 percent of the measured full-load losses (*i.e.,* 0.90× average of the measured full-load losses ≤ simulated full-load losses); or

(B) Have a certification body recognized under § 429.73 certify the results of the AEDM accurately represent the basic model's average full-load efficiency.

(ii) Each manufacturer that has used an AEDM under this section must have available for inspection by the Department of Energy records showing:

(A) The method or methods used to develop the AEDM;

(B) The mathematical model, the engineering or statistical analysis, computer simulation or modeling, and other analytic evaluation of performance data on which the AEDM is based;

(C) Complete test data, product information, and related information that the manufacturer has generated or acquired pursuant to paragraphs (i)(2) and (3) of this section; and

(D) The calculations used to determine the simulated full-load efficiency of each basic model to which the AEDM was applied.

(iii) If requested by the Department, the manufacturer must:

(A) Conduct simulations to predict the performance of particular basic models of electric motors specified by the Department;

(B) Provide analyses of previous simulations conducted by the manufacturer; and/or

(C) Conduct testing of basic models selected by the Department.

(j) *Alternative efficiency determination method (AEDM) for dedicated-purpose pool pump motors subject to requirements in subpart Z of part 431 of this chapter.*

(1) *Criteria an AEDM must satisfy.* A manufacturer is not permitted to apply an AEDM to a basic model of dedicated-purpose pool pump motors, to determine its efficiency pursuant to this section unless:

(i) The AEDM is derived from a mathematical model that estimates the energy efficiency characteristics and losses of the basic model as measured by the applicable DOE test procedure and accurately represents the mechanical and electrical characteristics of that basic model, and

(ii) The AEDM is based on engineering or statistical analysis, computer simulation or modeling, or other analytic evaluation of actual performance data.

(iii) The manufacturer has validated the AEDM in accordance with paragraph (i)(2) of this section with basic models that meet the current Federal energy conservation standards (if any).

(2) *Validation of an AEDM.* Before using an AEDM, the manufacturer must validate the AEDM's accuracy and reliability by comparing the simulated full-load losses to tested full-load losses as follows.

(i) *Select basic models.* A manufacturer must select at least five basic models compliant with any energy conservation standards at § 431.485 of this chapter (if any), in accordance with the following criteria:

(A) Two of the basic models must be among the five basic models with the highest unit volumes of production by the manufacturer in the prior 5 years.

(B) No two basic models may have the same total horsepower rating;

(C) No two basic models may have the same speed configuration; and

(D) Each basic model must have the lowest full-load efficiency among the basic models within the same equipment class.

(E) In any instance where it is impossible for a manufacturer to select basic models for testing in accordance with all of these criteria, prioritize the criteria in the order in which they are listed. Within the limits imposed by the criteria, select basic models randomly.

(F) A basic model with a sample size of fewer than five units may not be selected to validate an AEDM.

(ii) *Apply the AEDM* to the selected basic models. Using the AEDM, calculate the simulated full-load losses for each of the selected basic models as follows: THP × (1/simulated full-load efficiency − 1), where THP is the total horsepower of the basic model.

(iii) Test at least five units of each of the selected basic models in accordance with § 431.483 of this chapter. Use the measured full-load losses for each of the tested units to determine the average of the measured full-load losses for each of the selected basic models.

(iv) *Compare.* The simulated full-load losses for each basic model (paragraph (i)(2)(ii) of this section) must be greater than or equal to 90 percent of the average of the measured full-load losses (paragraph (i)(2)(iii) of this section) (*i.e.,* 0.90× average of the measured full-load losses ≤ simulated full-load losses).

(3) *Verification of an AEDM.* (i) Each manufacturer must periodically select basic models representative of those to which it has applied an AEDM. The manufacturer must select a sufficient number of basic models to ensure the AEDM maintains its accuracy and reliability. For each basic model selected for verification:

(A) Subject at least one unit to testing in accordance with § 431.483 of this chapter by a nationally recognized testing program that meets the requirements of § 429.74. The simulated full-load losses for each unit must be greater than or equal to 90 percent of the measured full-load losses (*i.e.,* 0.90× average of the measured full-load losses ≤ simulated full-load losses); or

(B) Have a certification body recognized under § 429.73 certify the results of the AEDM accurately represent the basic model's full-load efficiency.

(ii) Each manufacturer that has used an AEDM under this section must have available for inspection by the Department of Energy records showing:

(A) The method or methods used to develop the AEDM;

(B) The mathematical model, the engineering or statistical analysis, computer simulation or modeling, and other analytic evaluation of performance data on which the AEDM is based;

(C) Complete test data, product information, and related information that the manufacturer has generated or acquired pursuant to paragraphs (i)(2) and (3) of this section; and

(D) The calculations used to determine the simulated full-load efficiency of each basic model to which the AEDM was applied.

(iii) If requested by the Department, the manufacturer must:

(A) Conduct simulations to predict the performance of particular basic models of dedicated-purpose pool pump motors specified by the Department;

(B) Provide analyses of previous simulations conducted by the manufacturer; and/or

(C) Conduct testing of basic models selected by the Department.

■ 9. Add § 429.73 to subpart B to read as follows:

§ 429.73 Department of Energy recognition of nationally recognized certification programs for electric motors, including dedicated purpose pool pump motors.

(a) *Petition.* For a certification program to be classified by the Department of Energy as being nationally recognized in the United States for the purposes of section 345(c) of EPCA (''nationally recognized''), the organization operating the program must submit a petition to the Department requesting such classification, in accordance with paragraph (c) of this section and § 429.75. The petition must demonstrate that the program meets the criteria in paragraph (b) of this section.

(b) *Evaluation criteria.* For a certification program to be classified by the Department as nationally recognized, it must meet the following criteria:

(1) It must have satisfactory standards and procedures for conducting and administering a certification system, including periodic follow up activities to assure that basic models of electric motors continue to conform to the efficiency levels for which they were certified, and for granting a certificate of conformity.

(2) For certification of electric motors including dedicated-purpose pool pump motors, it must be independent (as defined at § 429.2) of electric motor, including dedicated-purpose pool pump motor, manufacturers, importers, distributors, private labelers or vendors for which it is providing certification.

(3) It must be qualified to operate a certification system in a highly competent manner.

(4) Electric motors subject to requirements in subpart B of part 431 of this chapter. The certification program has expertise in the content and application of the test procedures at § 431.16 of this chapter and must apply the provisions at §§ 429.64 and 429.70(i).

(5) Dedicated-purpose pool pump motors subject to requirements in subpart Z of part 431 of this chapter. The certification program has expertise in the content and application of the test procedures at § 431.484 of this chapter and must apply the provisions at §§ 429.65 and 429.70(j).

(c) *Petition format.* Each petition requesting classification as a nationally recognized certification program must contain a narrative statement as to why the program meets the criteria listed in paragraph (b) of this section, must be signed on behalf of the organization operating the program by an authorized representative, and must be accompanied by documentation that supports the narrative statement. The following provides additional guidance as to the specific criteria:

(1) *Standards and procedures.* A copy of the standards and procedures for operating a certification system and for granting a certificate of conformity should accompany the petition.

(2) *Independent status.* The petitioning organization must describe how it is independent (as defined at § 429.2) from electric motor, including dedicated-purpose pool pump motor manufacturers, importers, distributors, private labelers, vendors, and trade associations.

(3) *Qualifications to operate a certification system.* Experience in operating a certification system should be described and substantiated by supporting documents within the petition. Of particular relevance would be documentary evidence that establishes experience in the application of guidelines contained in the ISO/IEC Guide 65, ''General requirements for bodies operating product certification systems'' (referenced for guidance only, see § 429.3), ISO/IEC Guide 27, ''Guidelines for corrective action to be taken by a certification body in the event of either misapplication of its mark of conformity to a product, or products which bear the mark of the certification body being found to subject persons or property to risk'' (referenced for guidance only, see § 429.3), and ISO/IEC Guide 28, ''General rules for a model third-party certification system for products'' (referenced for guidance only, see § 429.3), as well as experience in overseeing compliance with the guidelines contained in the ISO/IEC Guide 25, ''General requirements for the competence of calibration and testing laboratories'' (referenced for guidance only, see § 429.3).

(4) *Expertise in test procedures*—(i) *General.* This part of the petition should include items such as, but not limited to, a description of prior projects and qualifications of staff members. Of particular relevance would be documentary evidence that establishes experience in applying guidelines contained in the ISO/IEC Guide 25, ''General Requirements for the Competence of Calibration and Testing Laboratories'' (referenced for guidance only, see § 429.3), and with energy efficiency testing of the equipment to be certified.

(ii) *Electric motors subject to requirements in Subpart B of part 431 of this chapter.* The petition should set forth the program's experience with the test procedures detailed in § 431.16 of this chapter and the provisions in §§ 429.64 and 429.70(i).

(iii) *Dedicated-purpose pool pump motors subject to requirements in Subpart Z of part 431 of this chapter.* The petition should set forth the program's experience with the test procedures detailed in § 431.484 of this chapter and the provisions in §§ 429.65 and 429.70(j).

(d) *Disposition.* The Department will evaluate the petition in accordance with § 429.75, and will determine whether the applicant meets the criteria in paragraph (b) of this section for classification as a nationally recognized certification program.

(e) *Periodic evaluation.* Within one year after publication of any final rule regarding electric motors, a nationally recognized certification program must evaluate whether they meet the criteria in paragraph (b) of this section and must either submit a letter to DOE certifying that no change to its program is needed to continue to meet the criteria in paragraph (b) of this section or submit letter describing the measures implemented to ensure the criteria in paragraph (b) of this section are met. A certification program will continue to be classified by the Department of Energy as being nationally recognized in the United States until DOE concludes otherwise.

■ 10. Add § 429.74 to subpart B to read as follows:

§ 429.74 Department of Energy recognition of accreditation bodies for electric motors, including dedicated-purpose pool pump motors.

(a) *Petition.* To be classified by the Department of Energy as an accreditation body, an organization must submit a petition to the Department requesting such classification, in accordance with paragraph (c) of this section and § 429.75. The petition must demonstrate that the organization meets the criteria in paragraph (b) of this section.

(b) *Evaluation criteria.* To be classified as an accreditation body by the Department, the organization must meet the following criteria:

(1) It must have satisfactory standards and procedures for conducting and administering an accreditation system and for granting accreditation. This must include provisions for periodic audits to verify that the laboratories receiving its accreditation continue to conform to the criteria by which they were initially accredited, and for withdrawal of accreditation where such conformance does not occur, including failure to provide accurate test results.

(2) It must be independent (as defined at § 429.2) of electric motor manufacturers, importers, distributors, private labelers or vendors for which it is providing accreditation.

(3) It must be qualified to perform the accrediting function in a highly competent manner.

(4)(i) Electric Motors subject to requirements in subpart B of part 431 of this chapter. It must be an expert in the content and application of the test procedures and methodologies at § 431.16 of this chapter and § 429.64.

(ii) Dedicated-purpose pool pump motors subject to requirements in subpart Z of part 431 of this chapter. It must be an expert in the content and application of the test procedures and methodologies at § 431.484 of this chapter and § 429.65.

(c) *Petition format.* Each petition requesting classification as an accreditation body must contain a narrative statement as to why the program meets the criteria set forth in paragraph (b) of this section, must be signed on behalf of the organization operating the program by an authorized representative, and must be accompanied by documentation that supports the narrative statement. The following provides additional guidance:

(1) *Standards and procedures.* A copy of the organization's standards and procedures for operating an accreditation system and for granting accreditation should accompany the petition.

(2) *Independent status.* The petitioning organization must describe how it is independent (as defined at § 429.2) from electric motor manufacturers, importers, distributors, private labelers, vendors, and trade associations.

(3) *Qualifications to operate a testing program.* Experience in accrediting should be discussed and substantiated by supporting documents. Of particular relevance would be documentary evidence that establishes experience in the application of guidelines contained in the ISO/IEC Guide 58, ''Calibration and testing laboratory accreditation systems—General requirements for operation and recognition'' (referenced for guidance only, see § 429.3), as well as experience in overseeing compliance with the guidelines contained in the ISO/IEC Guide 25, ''General Requirements for the Competence of Calibration and Testing Laboratories'' (referenced for guidance only, see § 429.3).

(4) *Expertise in test procedures.* The petition should set forth the organization's experience with the test procedures and methodologies test procedures and methodologies at § 431.16 of this chapter and § 429.64. This part of the petition should include items such as, but not limited to, a description of prior projects and qualifications of staff members. Of particular relevance would be documentary evidence that establishes experience in applying the guidelines contained in the ISO/IEC Guide 25, ''General Requirements for the Competence of Calibration and Testing Laboratories,'' (referenced for guidance only, see § 429.3) to energy efficiency testing for electric motors.

(d*) Disposition.* The Department will evaluate the petition in accordance with § 429.75, and will determine whether the applicant meets the criteria in paragraph (b) of this section for classification as an accrediting body.

■ 11. Add § 429.75 to read as follows:

§ 429.75 Procedures for recognition and withdrawal of recognition of accreditation bodies or certification programs.

(a) *Filing of petition.* Any petition submitted to the Department pursuant to § 429.73(a) or 429.74(a), shall be entitled ''Petition for Recognition'' (''Petition'') and must be submitted to the Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Appliance and Equipment Standards Program, EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585–0121, or via email (preferred submittal method) to *AS_Motor_Petitions@ee.doe.gov.* In accordance with the provisions set forth in 10 CFR 1004.11, any request for confidential treatment of any information contained in such a Petition or in supporting documentation must be accompanied by a copy of the Petition or supporting documentation from which the information claimed to be confidential has been deleted.

(b) *Public notice and solicitation of comments.* DOE shall publish in the **Federal Register** the Petition from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11 and shall solicit comments, data and information on whether the Petition should be granted. The Department shall also make available for inspection and copying the Petition's supporting documentation from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11. Any person submitting written comments to DOE with respect to a Petition shall also send a copy of such comments to the petitioner.

(c) *Responsive statement by the petitioner.* A petitioner may, within 10 working days of receipt of a copy of any comments submitted in accordance with paragraph (b) of this section, respond to such comments in a written statement submitted to the Assistant Secretary for Energy Efficiency and Renewable Energy. A petitioner may address more than one set of comments in a single responsive statement.

(d) *Public announcement of interim determination and solicitation of comments.* The Assistant Secretary for Energy Efficiency and Renewable Energy shall issue an interim determination on the Petition as soon as is practicable following receipt and review of the Petition and other applicable documents, including, but not limited to, comments and responses to comments. The petitioner shall be notified in writing of the interim determination. DOE shall also publish in the **Federal Register** the interim determination and shall solicit comments, data, and information with respect to that interim determination. Written comments and responsive statements may be submitted as provided in paragraphs (b) and (c) of this section.

(e) *Public announcement of final determination.* The Assistant Secretary for Energy Efficiency and Renewable Energy shall as soon as practicable, following receipt and review of comments and responsive statements on the interim determination, publish in the **Federal Register** a notice of final determination on the Petition.

(f) *Additional information.* The Department may, at any time during the recognition process, request additional relevant information or conduct an investigation concerning the Petition. The Department's determination on a Petition may be based solely on the Petition and supporting documents, or may also be based on such additional information as the Department deems appropriate.

(g) *Withdrawal of recognition*—(1) *Withdrawal by the Department.* If DOE believes that an accreditation body or certification program that has been

recognized under § 429.73 or 429.74, respectively, is failing to meet the criteria of paragraph (b) of the section under which it is recognized, or if the certification program fails to meet the provisions at § 429.73(e), the Department will issue a Notice of Withdrawal (''Notice'') to inform such entity and request that it take appropriate corrective action(s) specified in the Notice. The Department will give the entity an opportunity to respond. In no case shall the time allowed for corrective action exceed 180 days from the date of the notice (inclusive of the 30 days allowed for disputing the bases for DOE's notification of withdrawal). If the entity wishes to dispute any bases identified in the Notice, the entity must respond to DOE within 30 days of receipt of the Notice. If after receiving such response, or no response, the Department believes satisfactory correction has not been made, the Department will withdraw its recognition from that entity.

(2) *Voluntary withdrawal.* An accreditation body or certification program may withdraw itself from recognition by the Department by advising the Department in writing of such withdrawal. It must also advise those that use it (for an accreditation body, the testing laboratories, and for a certification organization, the manufacturers) of such withdrawal.

(3) *Notice of withdrawal of recognition.* The Department will publish in the **Federal Register** a notice of any withdrawal of recognition that occurs pursuant to this paragraph.

■ 12. Add appendix B to subpart B of part 429 to read as follows:

Appendix B to Subpart B of Part 429—Nominal Full-Load Efficiency Table for Electric Motors

99.0	96.5	88.5	68	36.5
98.9	96.2	87.5	66	34.5
98.8	95.8	86.5	64	.....
98.7	95.4	85.5	62	.....
98.6	95	84	59.5	.....
98.5	94.5	82.5	57.5	.....
98.4	94.1	81.5	55	.....
98.2	93.6	80	52.5	.....
98	93	78.5	50.5	.....
97.8	92.4	77	48	.....
97.6	91.7	75.5	46	.....
97.4	91	74	43.5	.....
97.1	90.2	72	41	.....
96.8	89.5	70	38.5	.....

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 13. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 14. Section 431.12 is amended by:

■ a. Revising the definitions of: ''Air-over electric motor'', ''Basic model'', ''Definite purpose motor'', ''Definite purpose electric motor'', ''Electric motor with encapsulated windings'', ''Electric motor with moisture resistant windings'', ''Electric motor with sealed windings'', ''General purpose electric motor'', ''General purpose electric motor (subtype I)'', ''General purpose electric motor (subtype II)'', ''IEC Design H motor'', ''IEC Design N motor'', ''Inverter-capable electric motor'', ''Inverter-only electric motor'', ''Liquid-cooled electric motor'', ''NEMA Design A motor'', ''NEMA Design B motor'', ''NEMA Design C motor'', and ''Nominal full-load efficiency'';

■ b. Adding in alphabetical order definitions for: ''Breakdown torque'', ''Equipment class'', ''IEC Design HE'', ''IEC Design HEY'', ''IEC Design HY'', ''IEC Design NE'', ''IEC Design NEY'', ''IEC Design NY'', ''Inverter'', ''Rated frequency'', ''Rated load'', and ''Rated voltage''.

The revisions and additions read as follows:

§ 431.12 Definitions.

* * * * *

Air-over electric motor means an electric motor that does not reach thermal equilibrium (or thermal stability) during a rated load temperature test according to section 2 of appendix B, without the application of forced cooling by a free flow of air from an external device not mechanically connected to the motor.

* * * * *

Basic model means all units of electric motors manufactured by a single manufacturer, that are within the same equipment class, have electrical characteristics that are essentially identical, and do not have any differing physical or functional characteristics that affect energy consumption or efficiency.

* * * * *

Breakdown torque means the maximum torque that an electric motor will develop with rated voltage and frequency applied without an abrupt drop in speed. The breakdown torque is the local maximum of the torque-speed plot of the motor, closest to the synchronous speed of the motor.

* * * * *

Definite purpose motor means any electric motor that cannot be used in most general purpose applications and is designed either:

(1) To standard ratings with standard operating characteristics or standard mechanical construction for use under service conditions other than usual, such as those specified in NEMA MG1–2016 with 2018 Supplements, paragraph 14.3, ''Unusual Service Conditions,'' (incorporated by reference, see § 431.15); or

(2) For use on a particular type of application.

Definite purpose electric motor means any electric motor that cannot be used in most general purpose applications and is designed either:

(1) To standard ratings with standard operating characteristics or standard mechanical construction for use under service conditions other than usual, such as those specified in NEMA MG1–2016 with 2018 Supplements, paragraph 14.3, ''Unusual Service Conditions,'' (incorporated by reference, see § 431.15); or

(2) For use on a particular type of application.

* * * * *

Electric motor with encapsulated windings means an electric motor capable of passing the conformance test for water resistance described in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.62 (incorporated by reference, see § 431.15).

Electric motor with moisture resistant windings means an electric motor that is capable of passing the conformance test for moisture resistance generally described in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.63 (incorporated by reference, see § 431.15).

Electric motor with sealed windings means an electric motor capable of passing the conformance test for water resistance described in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.62 (incorporated by reference, see § 431.15).

* * * * *

Equipment class means one of the combinations of an electric motor's horsepower (or standard kilowatt equivalent), number of poles, and open or enclosed construction, with respect to a category of electric motor for which § 431.25 prescribes nominal full-load efficiency standards.

* * * * *

General purpose electric motor means any electric motor that is designed in standard ratings with either:

(1) Standard operating characteristics and mechanical construction for use under usual service conditions, such as those specified in NEMA MG1–2016 with 2018 Supplements, paragraph 14.2, ''Usual Service Conditions,'' (incorporated by reference, see § 431.15) and without restriction to a particular application or type of application; or

(2) Standard operating characteristics or standard mechanical construction for use under unusual service conditions, such as those specified in NEMA MG1–2016 with 2018 Supplements, paragraph 14.3, ''Unusual Service Conditions,'' (incorporated by reference, see § 431.15) or for a particular type of application, and which can be used in most general purpose applications.

General purpose electric motor (subtype I) means a general purpose electric motor that:

(1) Is a single-speed, induction motor;

(2) Is rated for continuous duty (MG1) operation or for duty type S1 (IEC);

(3) Contains a squirrel-cage (MG1) or cage (IEC) rotor;

(4) Has foot-mounting that may include foot-mounting with flanges or detachable feet;

(5) Is built in accordance with NEMA T-frame dimensions or their IEC metric equivalents, including a frame size that is between two consecutive NEMA frame sizes or their IEC metric equivalents;

(6) Has performance in accordance with NEMA Design A (MG1) or B (MG1) characteristics or equivalent designs such as IEC Design N (IEC);

(7) Operates on polyphase alternating current 60-hertz sinusoidal power, and:

(i) Is rated at 230 or 460 volts (or both) including motors rated at multiple voltages that include 230 or 460 volts (or both), or

(ii) Can be operated on 230 or 460 volts (or both); and

(8) Includes, but is not limited to, explosion-proof construction.

Note to definition of General purpose electric motor (subtype I): References to ''MG1'' above refer to NEMA Standards Publication MG1–2016 with 2018 Supplements (incorporated by reference in § 431.15). References to ''IEC'' above refer to IEC 60034–1, 60034–12:2016, 60050–411, and 60072–1 (incorporated by reference in § 431.15), as applicable.

General purpose electric motor (subtype II) means any general purpose electric motor that incorporates design elements of a general purpose electric motor (subtype I) but, unlike a general purpose electric motor (subtype I), is configured in one or more of the following ways:

(1) Is built in accordance with NEMA U-frame dimensions as described in NEMA MG1–1967 (incorporated by reference, see § 431.15) or in accordance with the IEC metric equivalents, including a frame size that is between two consecutive NEMA frame sizes or their IEC metric equivalents;

(2) Has performance in accordance with NEMA Design C characteristics as described in MG1 or an equivalent IEC design(s) such as IEC Design H;

(3) Is a close-coupled pump motor;

(4) Is a footless motor;

(5) Is a vertical solid shaft normal thrust motor (as tested in a horizontal configuration) built and designed in a manner consistent with MG1;

(6) Is an eight-pole motor (900 rpm); or

(7) Is a polyphase motor with a voltage rating of not more than 600 volts, is not rated at 230 or 460 volts (or both), and cannot be operated on 230 or 460 volts (or both).

Note to definition of General purpose electric motor (subtype II): With the exception of the NEMA Motor Standards MG1–1967 (incorporated by reference in § 431.15), references to ''MG1'' above refer to NEMA MG1–2016 with 2018 Supplements (incorporated by reference in § 431.15). References to ''IEC'' above refer to IEC 60034–1, 60034–12, 60050–411, and 60072–1 (incorporated by reference in § 431.15), as applicable.

* * * * *

IEC Design H motor means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to sections 9.1, 9.2, and 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design HE means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to section 9.1, Table 3, and section 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design HEY means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.7, Table 3 and section 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design HY means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting

(4) Has 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.7, section 9.2 and section 9.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design N motor means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting;

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to sections 6.1, 6.2, and 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15)

specifications for torque characteristics, locked rotor apparent power, and starting requirements, respectively. If a motor has an increased safety designation of type 'e', the locked rotor apparent power shall be in accordance with the appropriate values specified in IEC 60079–7:2015 (incorporated by reference, see § 431.15).

IEC Design NE means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to section 6.1, Table 3 and section 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design NEY means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.4, Table 3 and section 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

IEC Design NY means an electric motor that:

(1) Is an induction motor designed for use with three-phase power;

(2) Contains a cage rotor;

(3) Is capable of direct-on-line starting

(4) Has 2, 4, 6, or 8 poles;

(5) Is rated from 0.12 kW to 1,600 kW at a frequency of 60 Hz; and

(6) Conforms to section 5.4, section 6.2 and section 6.3 of the IEC 60034–12:2016 (incorporated by reference, see § 431.15) specifications for starting torque, locked rotor apparent power, and starting requirements, respectively.

* * * * *

Inverter means an electronic device that converts an input AC or DC power into a controlled output AC or DC voltage or current. An inverter may also be called a converter.

Inverter-capable electric motor means an electric motor designed to be directly connected to AC sinusoidal or DC power, but that is also capable of continuous operation on an inverter drive over a limited speed range and associated load.

Inverter-only electric motor means an electric motor that is capable of continuous operation solely with an inverter, and is not designed for operation when directly connected to AC sinusoidal or DC power supply.

* * * * *

Liquid-cooled electric motor means a motor that is cooled by liquid circulated using a designated cooling apparatus such that the liquid or liquid-filled conductors come into direct contact with the parts of the motor, but is not submerged in a liquid during operation.

* * * * *

NEMA Design A motor means a squirrel-cage motor that:

(1) Is designed to withstand full-voltage starting and developing locked-rotor torque as shown in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.38.1 (incorporated by reference, see § 431.15);

(2) Has pull-up torque not less than the values shown in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.40.1;

(3) Has breakdown torque not less than the values shown in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.39.1;

(4) Has a locked-rotor current higher than the values shown in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.35.1 for 60 hertz and NEMA MG 1–2016 with 2018 Supplements, paragraph 12.35.2 for 50 hertz; and

(5) Has a slip at rated load of less than 5 percent for motors with fewer than 10 poles.

NEMA Design B motor means a squirrel-cage motor that is:

(1) Designed to withstand full-voltage starting;

(2) Develops locked-rotor, breakdown, and pull-up torques adequate for general application as specified in sections 12.38, 12.39 and 12.40 of NEMA MG 1–2016 with 2018 Supplements (incorporated by reference, see § 431.15);

(3) Draws locked-rotor current not to exceed the values shown in section 12.35.1 for 60 hertz and 12.35.2 for 50 hertz of NEMA MG 1–2016 with 2018 Supplements; and

(4) Has a slip at rated load of less than 5 percent for motors with fewer than 10 poles.

NEMA Design C motor means a squirrel-cage motor that:

(1) Is Designed to withstand full-voltage starting and developing locked-rotor torque for high-torque applications up to the values shown in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.38.2 (incorporated by reference, see § 431.15);

(2) Has pull-up torque not less than the values shown in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.40.2;

(3) Has breakdown torque not less than the values shown in NEMA MG 1–2016 with 2018 Supplements, paragraph 12.39.2;

(4) Has a locked-rotor current not to exceed the values shown in NEMA MG 1–2016 with 2018 Supplements, paragraphs 12.35.1 for 60 hertz and 12.35.2 for 50 hertz; and

(5) Has a slip at rated load of less than 5 percent.

Nominal full-load efficiency means, with respect to an electric motor, a representative value of efficiency selected from the ''nominal efficiency'' column of Table 12–10, NEMA MG 1–2016 with 2018 Supplements, (incorporated by reference, see § 431.15), that is not greater than the average full-load efficiency of a population of motors of the same design.

* * * * *

Rated frequency means 60 Hz.

*Rated load (*or *full load, full rated load,* or *rated full load)* means the rated output power of an electric motor.

Rated voltage means the input voltage of a motor or inverter used when making representations of the performance characteristics of a given electric motor and selected by the motor's manufacturer to be used for testing the motor's efficiency.

* * * * *

■ 15. Section 431.15 is amended by:

■ a. In paragraph (a), removing the text ''*fedreg.legal@nara.gov*'' and adding, in its place, the text ''*fr.inspection@nara.gov*'';

■ b. Revising paragraph (b)(1) and adding paragraph (b)(2);

■ c. Revising paragraphs (c)(3) and (4) and adding paragraphs (c)(8) and (9);

■ d. Revising paragraph (d)(1) and adding paragraph (d)(2);

e. Revising paragraph (e)(1); and

■ f. Revising paragraph (f)(1);

The revisions and additions read as follows:

§ 431.15 Materials incorporated by reference.

* * * * *

(b) * * *

(1) CSA C390–10 (R2019), (''CSA C390–10''), ''Test methods, marking requirements, and energy efficiency levels for three-phase induction motors'', March 2010, IBR approved for appendix B to this subpart.

(2) CSA C747–09 (R2019), (''CSA C747–09''), ''Energy efficiency test methods for small motors'', October 2009, IBR approved for appendix B to this subpart.

(c) * * *

(3) IEC 60034–2–1:2014, Rotating electrical machines—Part 2–1: Standard methods for determining losses and efficiency from tests (excluding machines for traction vehicles), Edition 2.0 2014–06, IBR approved for § 431.12 and appendix B to this subpart.

(4) IEC 60034–12:2016, Rotating Electrical Machines, Part 12: Starting Performance of Single-Speed Three-Phase Cage Induction Motors, Edition 3.0 2016–11, IBR approved for § 431.12.

* * * * *

(8) IEC 60079–7:2015, Explosive atmospheres—Part 7: Equipment protection by increased safety ''e'', Edition 5.0 2015–06, IBR approved for § 431.12.

(9) IEC 61800–9–2:2017, ''Adjustable speed electrical power drive systems—Part 9–2: Ecodesign for power drive systems, motor starters, power electronics and their driven applications—Energy efficiency indicators for power drive systems and motor starters'', Edition 1.0, March 2017, IBR approved for appendix B to this subpart.

(d) * * *

(1) IEEE 112–2017, IEEE Standard Test Procedure for Polyphase Induction Motors and Generators, approved December 6, 2017, IBR approved for § 431.12 and appendix B to this subpart.

(2) IEEE 114–2010, ''Test Procedure for Single-Phase Induction Motors'' approved September 30, 2010, IBR approved for appendix B to this subpart.

(e) * * *

(1) NEMA Standards Publication MG 1–2016, (''NEMA MG 1–2016 with 2018 Supplements'') American National Standard for Motors and Generators, ANSI approved June 1, 2018. IBR approved for § 431.12 and appendix B to this subpart.

* * * * *

(f) * * *

(1) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2019 Edition, ANSI-approved May 24, 2018. IBR approved for § 431.12.

* * * * *

§§ 431.14 and 431.17 [Removed and Reserved]

■ 16. Remove and reserve §§ 431.14 and 431.17.

§§ 431.19—431.21 [Removed]

■ 17. Remove §§ 431.19 through 431.21.

■ 18. Section 431.25 is amended by:

■ a. Revising the introductory text for paragraphs (a), (c), and (d);

■ b. Revising paragraph (g)(9);

■ c. Revising the introductory text for paragraph (h) and Table 5 heading; and

■ d. Revising the introductory text for paragraph (i) and Table 6 heading.

The revisions read as follows:

§ 431.25 Energy conservation standards and effective dates.

(a) Except as provided for fire pump electric motors in paragraph (b) of this section, each general purpose electric motor (subtype I) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, including a NEMA Design B or an equivalent IEC Design N, NE, NEY, or NY motor that is a general purpose electric motor (subtype I), manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, but before June 1, 2016, shall have a nominal full-load efficiency that is not less than the following:

* * * * *

(c) Except as provided for fire pump electric motors in paragraph (b) of this section, each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, including a NEMA Design B or an equivalent IEC Design N, NE, NEY, or NY motor that is a general purpose electric motor (subtype II), manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, but before June 1, 2016, shall have a nominal full-load efficiency that is not less than the following:

* * * * *

(d) Each NEMA Design B or an equivalent IEC Design N, NE, NEY, or NY motor that is a general purpose electric motor (subtype I) or general purpose electric motor (subtype II), excluding fire pump electric motors, with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, but before June 1, 2016 shall have a nominal full-load efficiency that is not less than the following:

* * * * *

(g) * * *

(9) Meet all of the performance requirements of one of the following motor types: A NEMA Design A, B, or C motor or an IEC Design N, NE, NEY, NY or H, HE, HEY, HY motor.

* * * * *

(h) Starting on June 1, 2016, each NEMA Design A motor, NEMA Design B motor, and IEC Design N, NE, NEY, or NY motor that is an electric motor meeting the criteria in paragraph (g) of this section and with a power rating from 1 horsepower through 500 horsepower, but excluding fire pump electric motors, manufactured (alone or as a component of another piece of equipment) shall have a nominal full-load efficiency of not less than the following:

Table 5—Nominal Full-Load Efficiencies of NEMA Design A, NEMA Design B and IEC Design N, NE, NEY or NY Motors (Excluding Fire Pump Electric Motors) at 60 Hz

* * * * *

(i) Starting on June 1, 2016, each NEMA Design C motor and IEC Design H, HE, HEY, or HY motor that is an electric motor meeting the criteria in paragraph (g) of this section and with a power rating from 1 horsepower through 200 horsepower manufactured (alone or as a component of another piece of equipment) shall have a nominal full-load efficiency that is not less than the following:

Table 6—Nominal Full-Load Efficiencies of NEMA Design C and IEC Design H, HE, HEY or HY Motors at 60 Hz

* * * * *

■ 19. Amend § 431.31 by revising paragraph (a)(1)(i) to read as follows:

§ 431.31 Labeling requirements.

(a) * * *

(1) * * *

(i) The motor's nominal full-load efficiency (as of the date of manufacture), derived from the motor's average full-load efficiency as determined pursuant to this subpart or the motor's average full-load efficiency; and

* * * * *

■ 20. Appendix B to subpart B of part 431 is revised to read as follows:

Appendix B to Subpart B of Part 431—Uniform Test Method for Measuring the Efficiency of Electric Motors

Note: For manufacturers conducting tests of motors for which energy conservation standards are provided at 10 CFR 431.25, manufacturers must conduct such test in accordance with this appendix.

For any other electric motor type that is not currently covered by the energy conservation standards at 10 CFR 431.25, manufacturers of this equipment will need to test in accordance with this appendix 180 days after the effective date of the final rule adopting energy conservation standards for such motor.

0. Incorporation by Reference

In § 431.15, DOE incorporated by reference the entire standard for CSA C390–10, CSA C747–09, IEC 60034–2–1:2014, IEC 60034–1:2010, IEC 60051–1:2016, IEC 61800–9–2:2017, IEEE 112–2017, IEE 114–2010, and NEMA MG 1–

2016 with 2018 Supplements; however, only enumerated provisions of those documents are applicable as follows:

0.1. CSA C390–10

0.1.1. Section 1.3 ''Scope,'' as specified in section 2.1.1 and 2.4.3.2 of this appendix;
0.1.2. Section 3.1 ''Definitions,'' as specified in section 2.1.1 and 2.4.3.2 of this appendix;
0.1.3. Section 5 ''General test requirements—Measurements,'' as specified in section 2(1) of this appendix;
0.1.4. Section 7 ''Test method,'' as specified in section 2.1.1 and 2.4.3.2 of this appendix;
0.1.5. Table 1 ''Resistance measurement time delay,'' as specified in section 2.1.1 and 2.4.3.2 of this appendix;
0.1.6. Annex B ''Linear regression analysis,'' as specified in section 2.1.1 and 2.4.3.2 of this appendix; and
0.1.7. Annex C ''Procedure for correction of dynamometer torque readings'' as specified in section 2.1.1 and 2.4.3.2 of this appendix.

0.2. CSA C747–09

0.2.1 Section 1.6 ''Scope'' as specified in section 2.4.1.2 and 2.4.2.2 of this appendix;
0.2.2. Section 3 ''Definitions'' as specified in section 2.4.1.2 and 2.4.2.2 of this appendix;
0.2.3. Section 5 ''General test requirements'' as specified in section 2.4.1.2 and 2.4.2.2 of this appendix; and
0.2.4. Section 6 ''Test method'' as specified in section 2.4.1.2 and 2.4.2.2 of this appendix.

0.3. IEC 60034–2–1:2014

0.3.1. Method 2–1–1A as specified in section 2.4.1.3 and 2.4.2.3 of this appendix;
0.3.2. Method 2–1–1B as specified in section 2.1.2 and 2.4.3.3 of this appendix;
0.3.3. Section 3 ''Terms and definitions'' as specified in sections 2.1.2, 2.4.1.3, 2.4.2.3, 2.4.3.3, and 2.5.1 of this appendix;
0.3.4. Section 4 ''Symbols and abbreviations'' as specified in sections 2.1.2, 2.4.1.3, 2.4.2.3, 2.4.3.3 and 2.5.1 of this appendix;
0.3.5. Section 5 ''Basic requirements'' as specified in sections 2.1.2, 2.4.1.3, 2.4.2.3, 2.4.3.3, and 2.5.1 of this appendix;
0.3.6. Section 6.1.2 ''Method 2–1–1A—Direct measurement of input and output'' (except Section 6.1.2.2, ''Test Procedure'') as specified in section 2.4.1.3 and 2.4.2.3 of this appendix;
0.3.7. Section 6.1.3 ''Method 2–1–1B—Summations of losses, additional load losses according to the method of residual losses'' as specified in section 2.1.2 and 2.4.3.3 of this appendix; and
0.3.8. Section 7.1. ''Preferred Testing Methods'' as specified in section 2.5.1 of this appendix;
0.3.9. Annex D, ''Test report template for 2–1–1B'' as specified in section 2.1.2 and 2.4.3.3 of this appendix.

0.4. IEC 61800–9–2:2017

0.4.1. Section 3 ''Terms, definitions, symbols, and abbreviated terms'' as specified in section 2.5.3 of this appendix;
0.4.2. Section 7.7.2, ''Input-output measurement of PDS losses'' as specified in section 2.5.3 of this appendix;
0.4.3. Section 7.7.3.1, ''General'' as specified in section 2.5.3 of this appendix;
0.4.4. Section 7.7.3.2. ''Power analyser and transducers'' as specified in section 2.5.3 of this appendix;
0.4.5. Section 7.7.3.3, ''Mechanical Output of the motor'' as specified in section 2.5.3 of this appendix;
0.4.6. Section 7.7.3.5, ''PDS loss determination according to input-output method'' as specified in section 2.5.3 of this appendix;
0.4.7. Section 7.10 ''Testing Conditions for PDS testing'' as specified in section 2.5.3 of this appendix.

0.5. IEC 60034–1:2010

0.5.1. Section 7.2 as specified in section 2.1.2, 2.4.1.3, 2.4.2.3, and 2.4.3.3 of this appendix;
0.5.2. Section 8.6.2.3.3 as specified in section 2.1.2, 2.4.1.3, 2.4.2.3, and 2.4.3.3 of this appendix; and
0.5.3. Table 5 as specified in section 2.1.2, 2.4.1.3, 2.4.2.3, and 2.4.3.3 of this appendix.

0.6. IEC 60051–1:2016

0.6.1. Section 5.2 as specified in sections 2.1.2, 2.4.1.3, 2.4.2.3, and 2.4.3.3 of this appendix; and
0.6.2. [Reserved].

0.7. IEEE 112–2017

0.7.1. Test Method A as specified in section 2.4.2.1 of this appendix;
0.7.2. Test Method B as specified in section 2.1.3, 2.4.3.1, and section 3.8 of this appendix;
0.7.3. Section 3, ''General'' as specified in section 2.1.3, 2.4.2.1, and 2.4.3.1 of this appendix;
0.7.4. Section 4, ''Measurements'' as specified in section 2.1.3, 2.4.2.1, and 2.4.3.1 of this appendix;
0.7.5. Section 5, ''Machine losses and tests for losses'' as specified in section 2.1.3, 2.4.2.1, and 2.4.3.1 of this appendix;
0.7.6. Section 6.1, ''General'' as specified in section 2.1.3 2.4.2.1, and 2.4.3.1 of this appendix;
0.7.7. Section 6.3, ''Efficiency test method A—Input-output'' as specified in section 2.4.2.1 of this appendix;
0.7.8. Section 6.4, ''Efficiency test method B—Input-output'' as specified in section 2.1.3 and 2.4.3.1 of this appendix;
0.7.9. Section 9.2, ''Form A—Method A'' as specified in section 2.4.2.1 of this appendix;
0.7.10. Section 9.3, ''Form A2—Method A calculations'' as specified in section 2.4.2.1 of this appendix;
0.7.11. Section 9.4, ''Form B—Method B'' as specified in section 2.1.3, and 2.4.3.1 of this appendix; and
0.7.12. Section 9.5, ''Form B2—Method B calculations'' as specified in section 2.1.3 and 2.4.3.1 of this appendix.

0.8. IEEE 114–2010

0.8.1 Section 3.2, ''Test with load'' as specified in section 2.4.1.1 of this appendix;
0.8.2. Section 4, ''Testing Facilities as specified in section 2.4.1.1 of this appendix;
0.8.3. Section 5, ''Measurements'' as specified in section 2.4.1.1 of this appendix;
0.8.4. Section 6, ''General'' as specified in section 2.4.1.1 of this appendix;
0.8.5. Section 7, ''Type of loss'' as specified in section 2.4.1.1 of this appendix;
0.8.6. Section 8, ''Efficiency and Power Factor'' as specified in section 2.4.1.1 of this appendix;
0.8.7. Section 10 ''Temperature Tests'' as specified in section 2.4.1.1 of this appendix;
0.8.8. Annex A, Section A.3 ''Determination of Motor Efficiency'' as specified in section 2.4.1.1 of this appendix; and
0.8.9. Annex A, Section A.4 ''Explanatory notes for form 3, test data'' as specified in section 2.4.1.1 of this appendix.

0.9. NEMA MG 1–2016 With 2018 Supplements

0.9.1. Paragraph 12.58.1, ''Determination of Motor Efficiency and Losses'' as specified in the introductory paragraph to section 2.1 of this appendix, and
0.9.2. Paragraph 34.1, ''Applicable Motor Efficiency Test Methods'' as specified in section 2.2 of this appendix;
0.9.3. Paragraph 34.2.2 ''AO Temperature Test Procedure 2—Target Temperature with Air Flow'' as specified in section 2.2 of this appendix;

0.9.4. Paragraph 34.4, ''AO Temperature Test Procedure 2—Target Temperature with Air Flow'' as specified in section 2.2 of this appendix.

In cases where there is a conflict, the language of this appendix takes precedence over those documents. Any subsequent amendment to a referenced document by the standard-setting organization will not affect the test procedure in this appendix, unless and until the test procedure is amended by DOE. Material is incorporated as it exists on the date of the approval, and a notice of any change in the material will be published in the **Federal Register**.

1. Scope and Definitions

1.1 *Scope.* The test procedure applies to the following categories of electric motors:

Electric motors that meet the criteria listed at § 431.25(g) and are not listed at § 431.25(l)(2)–(3).; Electric motors above 500 horsepower; Small non-small-electric-motor electric motor; and Electric motors that are synchronous motors.

1.2 *Definitions.* Definitions contained in §§ 431.2 and 431.12 are applicable to this appendix, in addition to the following terms:

Electric motor above 500 horsepower is defined as an electric motor having a rated horsepower above 500 and up to 750 hp that meets the criteria listed at § 431.25(g), with the exception of criteria § 431.25(g)(8), and are not listed at § 431.25(l)(2)–(3).

Small non-small-electric-motor electric motor (''SNEMs'') means an electric motor that:

(a) Is not a small electric motor, as defined § 431.442 and is not dedicated pool pump motors as defined at § 431.483;

(b) Is rated for continuous duty (MG 1) operation or for duty type S1 (IEC);

(c) Is capable of Operating on polyphase or single-phase alternating current 60-hertz (Hz) sinusoidal line power (with or without an inverter);

(d) Is rated for 600 volts or less;

(e) Is a single-speed induction motor;

(f) Produces a rated motor horsepower greater than or equal to 0.25 horsepower (0.18 kW); and

(g) Is built in the following frame sizes: Any frame sizes if the motor operates on single-phase power; any frame size if the motor operates on polyphase power, and has a rated motor horsepower less than 1 horsepower (0.75 kW); or a two-digit NEMA frame size (or IEC metric equivalent), if the motor operates on polyphase power, has a rated motor horsepower equal to or greater than 1 horsepower (0.75 kW), and is not an enclosed 56 NEMA frame size (or IEC metric equivalent).

Electric Motors that are Synchronous Motors:

(a) Is not dedicated pool pump motors as defined at § 431.483;

(b) Is a synchronous electric motors;

(c) Is capable of operating on polyphase or single-phase alternating current 60-hertz (Hz); sinusoidal line power (with or without an inverter);

(d) Is rated 600 volts or less;

(e) Has a 2-, 4-, 6-, 8-, 10-, or 12-pole configuration;

(f) Produces at least 0.25 hp (0.18 kW) but not greater than 750 hp (559 kW).

2. Test Procedures

2.1. Test Procedures for Electric Motors that meet the criteria listed at § 431.25(g) and are not listed at § 431.25(l)(2)–(3), and electric motors above 500 horsepower.

For the purposes of this section and electric motors at or below 500 horsepower, rated output power means the mechanical output power that corresponds to the electric motor's breakdown torque, as specified in Section 12.37 and 12.39 of NEMA MG 1–2016 with 2018 Supplements. Air-over electric motors must be tested in accordance with Section 2.2. Submersible electric motors must be tested in accordance with Section 2.3. Inverter-only electric motors must be tested in accordance with 2.5.

Efficiency and losses must be determined in accordance with NEMA MG 1–2016, paragraph 12.58.1, ''Determination of Motor Efficiency and Losses,'' or one of the following testing methods:

2.1.1. CSA C390–10, Section 1.3 ''Scope'', Section 3.1 ''Definitions'', Section 5 ''General test requirements—Measurements'', Section 7 ''Test method'', Table 1 ''Resistance measurement time delay'', Annex B ''Linear regression analysis'' and Annex C ''Procedure for correction of dynamometer torque readings.''

2.1.2. IEC 60034–2–1:2014, Method 2–1–1B, Section 3 ''Terms and definitions'', Section 4 ''Symbols and abbreviations'', Section 5 ''Basic requirements'', Section 6.1.3 ''Method 2–1–1B—Summation of losses, additional load losses according to the method of residual losses'', and Annex D, ''Test report template for 2–1–1B''. The supply voltage shall be in accordance with Section 7.2 of IEC 60034–1:2010. The measured resistance at the end of the thermal test shall be determined in a similar way to the extrapolation procedure described in Section 8.6.2.3.3 of IEC 60034–1:2010, using the shortest possible time instead of the time interval specified in Table 5 therein, and extrapolating to zero. The measuring instruments for electrical quantities shall have the equivalent of an accuracy class of 0,2 in case of a direct test and 0,5 in case of an indirect test in accordance with Section 5.2 of IEC 60051–1:2016, or

2.1.3. IEEE 112–2017, Test Method B, Input-Output With Loss Segregation, Section 3 ''General'', Section 4 ''Measurements'', Section 5 ''Machine losses and tests for losses'', Section 6.1 ''General'', Section 6.4 ''Efficiency test method B—Input-output with loss segregation'', Section 9.4 ''Form B—Method B'', and Section 9.5 ''Form B2—Method B calculations.''

2.2. Test Procedures for Air-Over Electric Motors

For the purposes of this section, rated output power means, for 2-digit frame sizes, the mechanical output power that corresponds to the electric motor's breakdown torque as specified in Table 10–5 of NEMA MG 1–2016 with 2018 Supplements for single-phase motors, or 140 percent of the breakdown torque values specified in Table 10–5 of NEMA MG 1–2016 with 2018 Supplements for polyphase motors. For 3-digit frame sizes, rated output power means the mechanical output power that corresponds to the electric motor's breakdown torque specified in Section 12.37 and 12.39 of NEMA MG 1–2016 with 2018 Supplements. Except noted otherwise in section 2.2.1 and 2.2.2 of this appendix, efficiency and losses of air-over electric motors must be determined in accordance with NEMA MG 1–2016 with 2018 Supplements, paragraph 34.1, ''Applicable Motor Efficiency Test Methods'', paragraph 34.2.2 ''AO Temperature Test Procedure 2—Target Temperature with Air Flow'', paragraph 34.4, ''AO Temperature Test Procedure 2—Target Temperature with Air Flow''.

2.2.1 The provisions in paragraph 34.4.1.a.1 NEMA MG 1–2016 with 2018 Supplements related to the determination of the target temperature for polyphase motors must be replaced by a single target temperature of 75 °C for all insulation classes.

2.2.2 The industry standards listed in paragraph 34.1, ''Applicable Motor Efficiency Test Methods'' must correspond to the versions incorporated by reference at § 431.15: IEEE 112–2017, IEEE 114–2010, CSA C390–10, CSA C747–09, and IEC 60034–2–1:2014. In addition, when testing in accordance with IEC 60034–2–1:2014, the additional testing instructions in section 2.1.2 of this appendix apply.

2.3. Test Procedures for Submersible Electric Motors

Except noted otherwise in sections 2.3.1, 2.3.2, and 2.3.3 of this appendix, efficiency and losses of submersible electric motors must be determined in accordance with NEMA MG 1–2016 with 2018 Supplements, paragraph 34.1, ''Applicable Motor Efficiency Test Methods'', paragraph 34.2.2 ''AO Temperature Test Procedure 2—Target Temperature with Air Flow'', paragraph 34.4, ''AO Temperature Test Procedure 2—Target Temperature with Air Flow''.

2.3.1 The provisions in paragraph 34.4.1.a.1 NEMA MG 1–2016 with 2018 Supplements related to the determination of the target temperature for polyphase motors must be replaced by a single target temperature of 75 °C for all insulation classes.

2.3.2 The provisions in paragraph 34.4.2 NEMA MG 1–2016 with 2018 Supplements related to temperature detector placement must add ''If both the windings and the stator iron are inaccessible, then install temperature detector(s) on the case of the motor.''

2.3.3 The industry standards listed in paragraph 34.1, ''Applicable Motor Efficiency Test Methods'' must correspond to the versions incorporated by reference at § 431.15: IEEE 112–2017, IEEE 114–2010, CSA C390–10, CSA C747–09, and IEC 60034–2–1:2014. In addition, when testing in accordance with IEC 60034–2–1:2014, the additional testing instructions in section 2.1.2 of this appendix apply.

2.4. Test Procedures for SNEMs

For the purposes of this section, rated output power means, for 2-digit frame sizes, the mechanical output power that corresponds to the electric motor's breakdown torque as specified in NEMA MG 1–2016 Table 10–5 for single-phase motors or 140 percent of the breakdown torque values specified in NEMA MG 1–2016 Table 10–5 for polyphase motors. For 3-digit frame sizes, rated output power means the mechanical output power that corresponds to the electric motor's breakdown torque specified in Section 12.37 and 12.39 of NEMA MG 1–2016. Air-over electric motors must be tested in accordance with section 2.2. Submersible electric motors must be tested in accordance with section 2.3. Inverter-only electric motors must be tested in accordance with section 2.5.

2.4.1 The efficiencies and losses of single-phase SNEMs that are not air-over electric motors, submersible electric motors, or inverter-only electric motors, are determined using one of the following methods:

2.4.1.1. IEEE 114–2010, Section 3.2, ''Test with load'', Section 4, ''Testing Facilities, Section 5, ''Measurements'', Section 6, ''General'', Section 7, ''Type of loss'', Section 8, ''Efficiency and Power Factor''; Section 10 ''Temperature Tests'', Annex A, Section A.3 ''Determination of Motor Efficiency'', Annex A, Section A.4 ''Explanatory notes for form 3, test data'';

2.4.1.2. CSA C747–09, Section 1.6 ''Scope'', Section 3 ''Definitions'', Section 5, ''General test requirements'', and Section 6 ''Test method'';

2.4.1.3. IEC 60034–2–1:2014 Method 2–1–1A, Section 3 ''Terms and definitions'', Section 4 ''Symbols and abbreviations'', Section 5 ''Basic requirements'', and Section 6.1.2 ''Method 2–1–1A—Direct measurement of input and output'' (except Section 6.1.2.2, ''Test Procedure''). The supply voltage shall be in accordance with Section 7.2 of IEC 60034–1:2010. The measured resistance at the end of the thermal test shall be determined in a similar way to the extrapolation procedure described in Section 8.6.2.3.3 of IEC 60034–1:2010, using the shortest possible time instead of the time interval specified in Table 5 therein, and extrapolating to zero. The measuring instruments for electrical quantities shall have the equivalent of an accuracy class of 0,2 in case of a direct test and 0,5 in case of an indirect test in accordance with Section 5.2 of IEC 60051–1:2016.

2.4.1.3.1. *Additional IEC 60034–2–1:2014 Method 2–1–1A Torque Measurement Instructions.* If using IEC 60034–2–1:2014 Method 2–1–1A to measure motor performance, follow the instructions in paragraph (b)(2)(iii)(B) of this section, instead of Section 6.1.2.2 of IEC 60034–2–1:2014;

2.4.1.3.2. Couple the machine under test to a load machine. Measure torque using an in-line, shaft-coupled, rotating torque transducer or stationary, stator reaction torque transducer. Operate the machine under test at the rated load until thermal equilibrium is achieved (rate of change 1 K or less per half hour). Record U, I, Pel, n, T, θc.

2.4.2 The efficiencies and losses of polyphase electric motors considered with rated horsepower less than 1 that are not air-over electric motors, submersible electric motors, or inverter-only electric motors are determined using one of the following methods:

2.4.2.1. IEEE 112–2017 Test Method A, Section 3, ''General'', Section 4, ''Measurements'', Section 5, ''Machine losses and tests for losses'', Section 6.1, ''General'', Section 6.3, ''Efficiency test method A—Input-output'', Section 9.2, ''Form A—Method A'', and Section 9.3, ''Form A2—Method A calculations'';

2.4.2.2. CSA C747–09, Section 1.6 ''Scope'', Section 3 ''Definitions'', Section 5, ''General test requirements'', and Section 6 ''Test method'';

2.4.2.3. IEC 60034–2–1:2014 Method 2–1–1A, Section 3 ''Terms and definitions'', Section 4 ''Symbols and abbreviations'', Section 5 ''Basic requirements'', and Section 6.1.2 ''Method 2–1–1A—Direct measurement of input and output'' (except Section 6.1.2.2, ''Test Procedure''). The supply voltage shall be in accordance with section 7.2 of IEC 60034–1:2010. The measured resistance at the end of the thermal test shall be determined in a similar way to the extrapolation procedure described in section 8.6.2.3.3 of IEC 60034–1:2010 using the shortest possible time instead of the time interval specified in Table 5 therein, and extrapolating to zero. The measuring instruments for electrical quantities shall have the equivalent of an accuracy class of 0,2 in case of a direct test and 0,5 in case of an indirect test in accordance with section 5.2 of IEC 60051–1:2016.

2.4.2.3.1. *Additional IEC 60034–2–1:2014 Method 2–1–1A Torque Measurement Instructions.* If using IEC 60034–2–1:2014 Method 2–1–1A to measure motor performance, follow the instructions in paragraph (b)(3)(iii)(B) of this section, instead of section 6.1.2.2 of IEC 60034–2–1:2014;

2.4.2.3.2. Couple the machine under test to load machine. Measure torque using an in-line shaft-coupled, rotating torque transducer or stationary, stator reaction torque transducer. Operate the machine under test at the rated load until thermal equilibrium is achieved (rate of change 1 K or less per half hour). Record U, I, Pel, n, T, θc.

2.4.3. The efficiencies and losses of polyphase SNEMs with rated horsepower equal to or greater than 1 that are not air-over electric motors, submersible electric motors, or inverter-only electric motors are determined using one of the following methods:

2.4.3.1. IEEE 112–2017 Test Method B, Section 3, ''General''; Section 4, ''Measurements''; Section 5, ''Machine losses and tests for losses'', Section 6.1, ''General'', Section 6.4, ''Efficiency test method B—Input-output with loss segregation'', Section 9.4, ''Form B—Method B'', and Section 9.5, ''Form B2—Method B calculations''; or

2.4.3.2. CSA C390–10, Section 1.3, ''Scope'', Section 3.1, ''Definitions'', Section 5, ''General test requirements—Measurements'', Section 7, ''Test method'', Table 1, ''Resistance measurement time delay, Annex B, ''Linear regression analysis'', and Annex

C, ''Procedure for correction of dynamometer torque readings''; or

2.4.3.3. IEC 60034–2–1:2014 Method 2–1–1B Section 3 ''Terms and definitions'', Section 4 ''Symbols and abbreviations'', Section 5 ''Basic requirements'', Section 6.1.3 ''Method 2–1–1B—Summation of losses, additional load losses according to the method of residual losses.'', and Annex D, ''Test report template for 2–1–1B. The supply voltage shall be in accordance with section 7.2 of IEC 60034–1:2010. The measured resistance at the end of the thermal test shall be determined in a similar way to the extrapolation procedure described in section 8.6.2.3.3 of IEC 60034–1:2010 using the shortest possible time instead of the time interval specified in Table 5 therein, and extrapolating to zero. The measuring instruments for electrical quantities shall have the equivalent of an accuracy class of 0,2 in case of a direct test and 0,5 in case of an indirect test in accordance with section 5.2 of IEC 60051–1:2016.

2.5. Test Procedures for Electric Motors That Are Synchronous Motors and Inverter-Only Electric Motors

These methods apply to electric motors that are synchronous motors as specified in section 1.2. of this appendix. These methods also apply to electric motors as specified in section 1.1 of this appendix that are inverter-only electric motor and do not include an inverter.

2.5.1. The efficiencies and losses of electric motors that are synchronous motors that do not require an inverter to operate, are determined in accordance with section IEC 60034–2–1:2014, Section 3 ''Terms and definitions'', Section 4 ''Symbols and abbreviations'', Section 5 ''Basic requirements'', and Section 7.1. ''Preferred Testing Methods''.

2.5.2. The efficiencies and losses of electric motors (inclusive of the inverter) that are that are inverter-only and do not include an inverter, are determined in accordance with IEC 61800–9–2:2017, Section 3 ''Terms, definitions, symbols, and abbreviated terms'', Section 7.7.2, ''Input-output measurement of PDS losses'', Section 7.7.3.1, ''General'', Section 7.7.3.2. ''Power analyser and transducers'', Section 7.7.3.3, ''Mechanical Output of the motor'', Section 7.7.3.5, ''PDS loss determination according to input-output method'', and Section 7.10 ''Testing Conditions for PDS testing''. Test must be conducted using an inverter as specified in the manufacturer catalogs or offered for sale with the electric motor.

2.5.3. The efficiencies and losses of electric motors (inclusive of the inverter) that are inverter-only and include an inverter are determined in accordance with IEC 61800–9–2:2017, Section 3 ''Terms, definitions, symbols, and abbreviated terms'', Section 7.7.2, ''Input-output measurement of PDS losses'', Section 7.7.3.1, ''General'', Section 7.7.3.2. ''Power analyser and transducers'', Section 7.7.3.3, ''Mechanical Output of the motor'', Section 7.7.3.5, ''PDS loss determination according to input-output method'', and Section 7.10 ''Testing Conditions for PDS testing''.

3. Procedures for the Testing of Certain Electric Motor Categories

Prior to testing according to section 2 of this appendix, each basic model of the electric motor categories listed below must be set up in accordance with the instructions of this section to ensure consistent test results. These steps are designed to enable a motor to be attached to a dynamometer and run continuously for testing purposes. For the purposes of this appendix, a ''standard bearing'' is a 600 or 6000 series, either open or grease-lubricated double-shielded, single-row, deep groove, radial ball bearing.

3.1 Brake Electric Motors

Brake electric motors shall be tested with the brake component powered separately from the motor such that it does not activate during testing. Additionally, for any 10-minute period during the test and while the brake is being powered such that it remains disengaged from the motor shaft, record the power consumed (*i.e.,* watts). Only power used to drive the motor is to be included in the efficiency calculation; power supplied to prevent the brake from engaging is not included in this calculation. In lieu of powering the brake separately, the brake may be disengaged mechanically, if such a mechanism exists and if the use of this mechanism does not yield a different efficiency value than separately powering the brake electrically.

3.2 Close-Coupled Pump Electric Motors and Electric Motors With Single or Double Shaft Extensions of Non-Standard Dimensions or Design

To attach the unit under test to a dynamometer, close-coupled pump electric motors and electric motors with single or double shaft extensions of non-standard dimensions or design must be tested using a special coupling adapter.

3.3 Electric Motors With Non-Standard Endshields or Flanges

If it is not possible to connect the electric motor to a dynamometer with the non-standard endshield or flange in place, the testing laboratory shall replace the non-standard endshield or flange with an endshield or flange meeting NEMA or IEC specifications. The replacement component should be obtained from the manufacturer or, if the manufacturer chooses, machined by the testing laboratory after consulting with the manufacturer regarding the critical characteristics of the endshield.

3.4 Electric Motors With Non-Standard Bases, Feet or Mounting Configurations

An electric motor with a non-standard base, feet, or mounting configuration may be mounted on the test equipment using adaptive fixtures for testing as long as the mounting or use of adaptive mounting fixtures does not have an adverse impact on the performance of the electric motor, particularly on the cooling of the motor.

3.5 Electric Motors With a Separately-Powered Blower

For electric motors furnished with a separately-powered blower, the losses from the blower's motor should not be included in any efficiency calculation. This can be done either by powering the blower's motor by a source separate from the source powering the electric motor under test or by connecting leads such that they only measure the power of the motor under test.

3.6 Immersible Electric Motors

Immersible electric motors shall be tested with all contact seals removed but be otherwise unmodified.

3.7 Partial Electric Motors

Partial electric motors shall be disconnected from their mated piece of equipment. After disconnection from the equipment, standard bearings and/or endshields shall be added to the motor, such that it is capable of operation. If an endshield is necessary, an endshield meeting NEMA or IEC specifications should be obtained from the manufacturer or, if the manufacturer chooses, machined by the testing laboratory after consulting with the manufacturer regarding the critical characteristics of the endshield.

3.8 Vertical Electric Motors and Electric Motors With Bearings Incapable of Horizontal Operation

Vertical electric motors and electric motors with thrust bearings shall be tested in a horizontal or vertical configuration in accordance with the

applicable test procedure under section 2 through section 2.5.3 of this appendix, depending on the testing facility's capabilities and construction of the motor, except if the motor is a vertical solid shaft normal thrust general purpose electric motor (subtype II), in which case it shall be tested in a horizontal configuration in accordance with the applicable test procedure under section 2 through section 2.5.3 of this appendix. Preference shall be given to testing a motor in its native orientation. If the unit under test cannot be reoriented horizontally due to its bearing construction, the electric motor's bearing(s) shall be removed and replaced with standard bearings. If the unit under test contains oil-lubricated bearings, its bearings shall be removed and replaced with standard bearings. If necessary, the unit under test may be connected to the dynamometer using a coupling of torsional rigidity greater than or equal to that of the motor shaft.

3.9 Electric Motors With Shaft Seals

Electric motor shaft seals of any variety shall remain installed during testing unless the motor under test is an immersible electric motor, in which case the seals shall be removed for testing only if they are contact seals (see section 3.6 of this appendix).

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FEDERAL REGISTER

Vol. 86 Friday,

No. 240 December 17, 2021

Part III

The President

Proclamation 10323—Bill of Rights Day, 2021

Federal Register
Vol. 86, No. 240
Friday, December 17, 2021

Presidential Documents

Title 3—

The President

Proclamation 10323 of December 14, 2021

Bill of Rights Day, 2021

By the President of the United States of America

A Proclamation

More than two centuries ago, our Founders drafted the Constitution in order to create an American Government that could act with urgency on national issues without compromising individual rights and freedoms. They had the genius not only to craft such a Government but to foresee their own fallibility as well. In their foresight, they made the charter at the heart of our Nation a *living* document—including within it a process by which it could be amended to evolve and keep pace with the wisdom of passing time.

Opportunities to improve our Constitution have been contemplated since its inception. On December 15, 1791, three-fourths of the existing State legislatures ratified the first 10 Amendments of the Constitution—the Bill of Rights. These Amendments protect some of the most indispensable rights and liberties that define us as Americans. Though we have often struggled to live up to the promises they contain, 230 years after the ratification of the Bill of Rights, respect for human rights and fundamental freedoms remains at the center of our democracy.

The Bill of Rights is important not only in the freedoms it protects but in its demonstration of America's enduring commitment to self-improvement and striving to continuously form a ''more perfect union.'' Since 1791, 17 additional Amendments have been ratified for a total of 27 Amendments to the Constitution. From the 13th Amendment, which abolished slavery; to the 14th Amendment, which guaranteed birthright citizenship, promised ''equal protection under the laws,'' and safeguarded fundamental rights and fair process; to the several Amendments devoted to prohibiting electoral discrimination based on race, sex, age, and the inability to afford a tax; to the most recent amendment ratified in 1992 to keep members of Congress more responsive to their voters—our history of amending the Constitution illustrates that improving our democracy is the shared and constant duty of all Americans. Democracy's greatest strength is the ability it provides its citizens to improve their system of governance, which is why democracy is uniquely suited to face the challenges of a changing world.

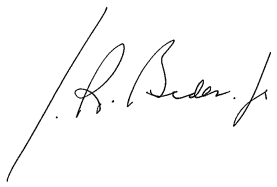
Just as our Founders overcame their differences to form the democracy we know today, our country continues to confront its problems head-on and work together to fix them, even in the face of disagreements. Respectful disagreement is healthy and American—indeed, it is protected by the Bill of Rights itself—but there is no place in a democracy for threats or violence.

Earlier this month, the United States hosted the first ever Summit for Democracy, where Governmental and non-governmental leaders from around the world came together to set forth an affirmative agenda for democratic renewal and to tackle the greatest threats faced by democracies today through collective action. By working with our democratic partners, we can meet the challenges of today and tomorrow.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 15, 2021,

as Bill of Rights Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

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



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FEDERAL REGISTER

Vol. 86 Friday,
No. 240 December 17, 2021

Part IV

The President

Notice of December 16, 2021—Continuation of the National Emergency With Respect to Serious Human Rights Abuse and Corruption

Federal Register
Vol. 86, No. 240
Friday, December 17, 2021

Presidential Documents

Title 3—

The President

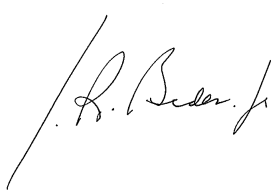
Notice of December 16, 2021

Continuation of the National Emergency With Respect to Serious Human Rights Abuse and Corruption

On December 20, 2017, by Executive Order 13818, the President declared a national emergency with respect to serious human rights abuse and corruption around the world and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), took related steps to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The prevalence and severity of human rights abuse and corruption that have their source, in whole or in substantial part, outside the United States, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared on December 20, 2017, must continue in effect beyond December 20, 2021. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13818 with respect to serious human rights abuse and corruption.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
December 16, 2021.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available at *https://www.govinfo.gov*. Some laws may not yet be available.

H.R. 5142/P.L. 117–72
To award posthumously a Congressional Gold Medal, in commemoration to the servicemembers who perished in Afghanistan on August 26, 2021, during the evacuation of citizens of the United States and Afghan allies at Hamid Karzai International Airport, and for other purposes. (Dec. 16, 2021; 135 Stat. 1511)

S.J. Res. 33/P.L. 117–73
Joint resolution relating to increasing the debt limit. (Dec. 16, 2021; 135 Stat. 1514)

Last List December 15, 2021

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